

Sushanta Kumar Mohanty, OAS(SAG)
Chief General Manager (Land)



No. IDCO/HO/P&A-LA-E- 7262/2017
To

10921

Date:

29.5.18

✓
Mr. S.P.Singh (Head-Odisha Project),
M/s JSW Utkal Steel Ltd.,
3, Forest Park, Bhubaneswar - 751009

Sub:- Allotment of land in favour of M/s JSW Utkal Steel Ltd. for its 12 MTPA Integrated Steel Plant at Gadakujang, Nuagaon, Dhinkia Mouza, Dist- Jagatsinghpur.

**Ref:- 1. Letter No.325 dt. 02.02.2018 of General Manager, IPICOL.
2. Your letter No. JSW/U/O/2018/74 dated 09.03.2018,**

Sir,

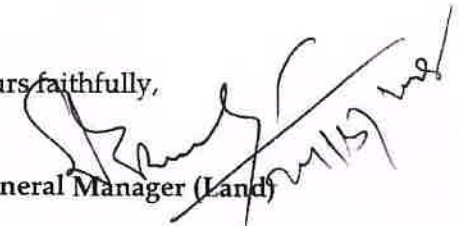
Inviting a reference to the subject cited above, I am directed to intimate that High Level Clearance Authority (HLCA) in it's 17th Meeting held on 01.06.2017 has approved the proposal of M/s. JSW Utkal Steel Limited for setting up of a 10 MTPA Steel Plant with 900 MW Captive Power Plant at Gadkujang, Nuagaon, Dhinkia mouzas in Jagatsinghpur District by M/s JSW Utkal Steel Limited with an investment of Rs.50,000.00 crores.

Accordingly, IPICOL has recommended for allotment of 2980 acres of land in favour of M/s JSW Utkal Steel Ltd., for establishment of 12 MTPA Integrated Steel Plant at Gadakujang, Nuagaon & Dhinkia Mouza. The land patch so recommended contains forest land measuring Ac.2390.37 for which, Government of India, MoEF had earlier issued diversion order (Stage-II) in favour of M/s. POSCO India Limited for establishment of Integrated Steel Plant & Captive Plant. Now the same diversion order needs to be transferred in favour of M/s.JSW Utkal Steel Limited for allotment of the diverted forest land.

It is therefore, requested to prepare Forest Diversion proposal and submit with IDCO for transfer of the earlier Forest Diversion Proposal from POSCO India Ltd. to M/s JSW Utkal Steel Limited for establishment of Industries.

This is for information and necessary action.

Yours faithfully,


Chief General Manager (Land)

Memo No _____/Dated.

Copy forwarded to the General Manager IPICOL/ Consultant (Env.), IDCO for information and necessary action.


Chief General Manager (Land)

F. No. 8-63/2007-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

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CGO
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 19th September, 2008.

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

Stage I Approval Order.

Sub: Diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa.

Sir,

I am directed to refer to the State Government's letter No. 10F(Cons)-54/20076-10240/F&E dated 26.06.2007 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. 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 Orissa and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees in-principle for the diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa, subject to the fulfilment of the following conditions:-

- (i) The User Agency shall identify and acquire 1156.681 ha of revenue forest land and 127.4 ha of non-forest land for Compensatory Afforestation, which shall be mutated in favour of the State Forest Department.
 - (ii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
 - (iii) The CA scheme will have maintenance component for five years instead of proposed three years.
 - (iv) The User Agency shall transfer the cost of Compensatory Afforestation to the State Forest Department.
 - (v) The revenue forest land and non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 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. The Nodal Officer (Forest Conservation) shall report compliance in this regard.
2. Massive social forestry programme be initiated in Jagatsinghpur district and Erasama Block in Particular, at the cost of the project.
 3. Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the Afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
 4. The State Government shall charge the Net Present Value (NPV) for the

1253.225 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC (Pt. II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 in this regard.

5. 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 NPV, if so determined as per the final decision of Hon'ble Supreme Court of India.
6. All the funds received from the User Agency under the project shall be transferred to in Account No. 344901010070128 of Union Bank of India, Sunder Nagar, New Delhi-110003.
7. The resettlement and rehabilitation for project affected families will be as per the R&R Policy 2006 of the Government of Orissa and as per orders of Hon'ble Supreme Court in W.P.(civil) No. 202 of 1995. The affected families to be suitably compensated.
8. Sufficient funds as per scheme to be prepared by Forest Department be provided for the conservation of marine fauna will be provided by the User Agency.
9. The fishing community of Noliasahi will be given financial aid and access to sea by the User Agency.
10. After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980.
11. The recommendations of the committee constituted by Hon'ble Supreme to examine mitigative measures to be taken to protect this area from cyclone and other natural calamities shall be implemented as and when available at the user agency's cost.
12. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.
13. Any other condition that the CCF (Central), Regional Office, Bhubaneswar / the State Forest Department may impose, from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.
14. All other conditions under different rules, regulations and regulations including environmental clearance shall be complied with before transfer of forest land.
15. The present forest clearance will be subject to the final outcome of the Writ Petition No. 202 of 1995 from the Hon'ble Supreme Court.

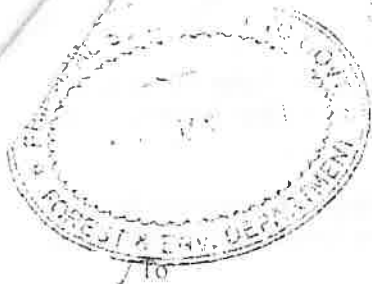
Yours faithfully,

Sd/
(B.K. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. The PCCF, Government of Orissa, Bhubaneswar.
2. The Nodal Officer, O/o PCCF, Bhubaneswar.
3. The Chief Conservator of Forests (Central), Regional Office, Bhubaneswar.
4. The User Agency.
5. The Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



F. No. 8-63/2007-F.C
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510.
Dated: 29th December, 2009.

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

Sub: Diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa.

Sir,

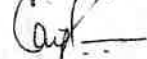
I am directed to refer to State Government's letter No. 10F (Cons)-54/20076-10240/F&E dated 26.06.2007 on the above-mentioned subject wherein prior approval of the Central Government for diversion of diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa, 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 19th September, 2008 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 vide letter No. 10F(Cons)-54/2007-20393/F&E dated 03.12.2009, approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa, subject to fulfillment of the following conditions:-

1. Legal status of forest land shall remain unchanged.
2. Wherever possible and technically feasible, the User Agency i.e. M/s. POSCO-India Pvt. Ltd., shall undertake afforestation measures in the blanks within the proposal area (if the density is less than 0.4, area shall be afforested) as well as along the roads in consultation with the State Forest Department at the project cost.
3. The forest land shall not be used for any purpose other than that specified in the proposal.
4. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environmental Protection Act, 1986 and all other Acts, Rules / Regulations applicable to such project.
5. No labor camps are set up inside the forest area.

6. M/s. POSCO-India Pvt. Ltd. will make arrangement for free supply of coal / alternate fuel to laborers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
7. Demarcation of lease area will be done on the ground at project cost using four feet high wall / reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar at every 20 meters.
8. M/s. POSCO-India Pvt. Ltd. shall take up Afforestation inside the forest area in 100 m. radius from the permitted lease area in consultation with the Forest Department.
9. No damage to the flora and fauna of the area shall be caused.
10. The recommendations of the Committee constituted by Hon'ble Supreme Court to examine mitigative measures to be taken to protect this area from cyclone and other natural calamities shall be implemented as and when available at the user agency's cost.
11. The period of approval under the provisions of the Forest (Conservation) Act, 1980 shall be 30 years subject to possession of valid lease by M/s. POSCO-India Pvt. Ltd..
12. The fishing community of Nolia Sahi will be given financial aid and access to the sea by M/s. POSCO-India Pvt. Ltd..
13. The resettlement and Rehabilitation for the project affected families will be as per the R&R Policy, 2006 of the Govt. of Orissa and as per the orders of Hon'ble Supreme Court in WP(Civil) No. 202 of 1995. The affected families to be suitably compensated.
14. The rights of the tribal people will be settled as per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers Forest (Recognition of Forest Rights) Act, 2006 before implementation of the project.
15. Any other condition that the Chief Conservator of Forests (Central), Regional Office, Bhubaneshwar may impose from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.

Yours faithfully,



(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. The PCCF, Government of Orissa, Bhubaneshwar.
2. The Nodal Officer (FCA), O/o PCCF, Bhubaneshwar.
3. The Chief Conservator of Forests (Central), Regional Office, Bhubaneshwar.
4. The User Agency.
5. The Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

(C.D. Singh)

Sr. Assistant Inspector General of Forest

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Speed Post

F. No. 8-63/2007-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
Complex, Lodhi Road,
New Delhi - 110510.
Dated: 4th May, 2011



To

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

Sp1-lem (BPS)

Sub: Diversion of 1253.225 ha of forest land for establishment of an Integrated Steel Plant and Captive Port by M/s. POSCO-India Pvt. Ltd. in Jagatsinghpur district of Orissa.

Sir,

I am directed to refer to State Government's letter No. 10F (Cons)-54/2007-10240/F&E dated 26.06.2007 on the above-mentioned subject wherein prior approval of the Central Government for diversion of 1253.225 ha of forest land for establishment of an Integrated Steel Plant and Captive Port by M/s. POSCO-India Pvt. Ltd. in Jagatsinghpur district of Orissa, was sought, in accordance with Section-2 of the Forest (Conservation) Act, 1980, and say as below:

- (i) After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the said Act, this Ministry vide its letter of even number dated 19th September, 2008 accorded in-principle/stage-I approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land, subject to fulfillment of conditions stipulated therein.
- (ii) On the basis of the compliance report furnished by the State Government vide letter No. 10F(Cons)-54/2007-20393/F&E dated 03.12.2009, this Ministry vide its letter of even number dated 29.12.2009 accorded final/stage-II approval under Section-2 of the Forest (Conservation) Act, 1980, for diversion of the said forest land subject to the fulfillment of conditions stipulated therein.
- (iii) This Ministry vide its letter of even number dated 08.01.2010 however, clarified that the forest clearance issued vide its letter of even number dated 29.12.2009 is conditional on settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. No forest land shall be handed over to the User Agency before settlement of rights under the above mentioned Act.
- (iv) Later on, on receipt of complaints on violation of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rehabilitations and Resettlement provisions in respect of the said forest land, this Ministry vide its letter of even number dated 28.07.2010 constituted a four member committee to (i) investigate and ascertain the status of the implementation of the Scheduled Tribes and Other

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Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rehabilitations and Resettlement provisions; (ii) look into Environmental, Coastal Regulation Zone (ERZ) & other clearances granted; and (iii) review compliance with legislative and other obligations imposed by the Ministry of Environment & Forests in respect of the said project.

- (v) Meanwhile, this Ministry vide its letter of even number dated 05.08.2010 requested the State Government of Orissa to stop the work (including handing over of the forest and non-forest land), if any, being undertaken for establishment of the said project.
- (vi) After examination of the report of the said four member committee and the recommendations of the FAC thereon, the competent authority in the Central Government decided that before a final decision can be taken on diversion of forest land, since that state government has the primary responsibility for ensuring and guaranteeing compliance with the Forest Rights Act, 2006, he would like the State Government of Orissa to give a categorical assurance that at least one of the three conditions to be fulfilled by a person before his claims as other Traditional Forest Dweller (OTFD) under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are recognized, are not fulfilled in the case of those claiming to be depending on or cultivating land in the POSCO project area.
- (vii) This Ministry vide its letter of even number dated 10.02.2011 requested the State Government of Orissa to submit the said categorical assurance.
- (viii) The State Government of Orissa vide their letter No. 10F (Cons)/-561/2011 (pt.) 6356/ F & E dated 08.04.2011 communicated said assurance to this Ministry. On April 14th, 2011 however, because of two supposed Palli Sabha Resolutions received from the POSCO Partirodha Sangram Samiti, the matter was referred back to the State Government of Orissa.
- (ix) The State Government of Orissa vide their letter No. 10F (Cons.)-561/2011 (pt) -7651/ F & E dated 29.04.2011 furnished their comments/views on the said Palli Sabha resolutions received from the POSCO Partirodha Sangram Samiti.
- (x) After careful examination of the State Government of Orissa's said letter dated 29.04.2011 and its enclosures, the Competent Authority in the Central Government accorded approval to grant final/stage-II approval for diversion of 1253.225 ha. of forest land for establishment of an Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd., Jagatsinghpur district of Orissa, subject to the condition that in addition to the conditions already imposed, the POSCO would bear the cost of regeneration of an equivalent amount of open, degraded forest land in a district to be determined and indicated by the state government. (copy of speaking order of competent authority dated 02.05.2011 enclosed).

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Accordingly, I am directed to say that the Central Government hereby accords final/stage-II approval, in accordance with Section-2 of the Forest (Conservation) Act, 1980 for diversion of 1253.225 ha of forest land for establishment of an Integrated Steel Plant and Captive Port by

04/05/2011

M/s. POSCO-India Pvt. Ltd. in Jagatsinghpur district of Orissa, subject to the fulfillment of the conditions stipulated by this Ministry vide its letter of even number dated 29.12.2009 and the additional condition that the user agency would bear the cost of regeneration of an equivalent amount of open, degraded forest land in a district to be determined and indicated by the State Government of Orissa.

The conditions stipulated in this Ministry's said letter of even number dated 29.12.2009 are reproduced as below:

- (i) Legal status of forest land shall remain unchanged.
- (ii) Wherever possible and technically feasible, the User Agency i.e. M/s. POSCO-India Pvt. Ltd., shall undertake afforestation measures in the blanks within the proposal area (if the density is less than 0.4 area shall be afforested) as well as along the roads in consultation with the State Forest Department at the project cost.
- (iii) The forest land shall not be used for any purpose other than that specified in the proposal.
- (iv) The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environmental Protection Act, 1986 and all other Acts, Rules/ Regulations applicable to such project.
- (v) No labour camp are set up inside the forest area.
- (vi) M/s POSCO-India Pvt. Ltd. will make arrangement for free supply of coal/alternate fuel to laborers and stop working on the project site so as to avoid any pressure on the adjacent forest areas.
- (vii) Demarcation of lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar at every 20 meters.
- (viii) M/s POSCO-India Pvt. Ltd. shall take up Afforestation inside the forest area in 100 radius from the permitted lease area in consultation with the Forest Department.
- (ix) No damage to the flora and fauna of the area shall be caused.
- (x) The recommendations of the Committee constituted by the Hon'ble Supreme Court to examine imitative measures to be taken to protect this area from cyclone and other natural calamities shall be implemented as and when available at the user agency's cost.
- (xi) The period of approval under the provisions of the Forest (Conservation) Act, 1980 shall be 30 years subject to subject to possession of valid lease by M/s POSCO-India Pvt. Ltd.
- (xii) The fishing community of Nolia Sahi will be given financial aid and access to the sea by M/s. POSCO-India Pvt. Ltd.
- (xiii) The Resettlement and Rehabilitation for the project affected families will be as per R&R Policy, 2006 of the Government of Orissa and as per the orders of the Hon'ble Supreme Court in W.P. (Civil) No. 202 of 1995. The affected families to be suitably compensated.
- (xiv) The rights of the tribal people will be settled as per the provisions of the scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, before implementation of the project.

24/5/2011

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- (xv) Any other condition that the Chief Conservator of Forests (Central), Regional Office, Bhubaneswar may impose from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.

Yours faithfully,

Encl.: As above

04/01/2017

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

Copy to:

1. The PCCF, Government of Orissa, Bhubaneswar.
2. The Nodal Officer, O/o PCCF, Bhubaneswar.
3. The Chief Conservator of Forests (Central), Regional Office, Bhubaneswar.
4. The User Agency.
5. The Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

Sd/-

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