

**Sub: Diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha.**

1. The State Government of Odisha vide their letter No. 10F (Cons) 110/2016/6193/F&E dated 16.03.2018 submitted the above subject proposal for seeking prior approval under Section 2 of FCA,1980..
2. The facts as contained in the State Government's letter dated 16.03.2018 are given below:

**FACT SHEET**

1.	Name of the Proposal	Diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha
2.	Location (i) State (ii) District	Odisha Keonjhar
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved.  (ii) Legal status/Sy.No.	Keonjhar Forest Division 68.00 ha  Non-forest land recorded as forest as on 25.10.1980 - 49.339 ha and non-forest land having forest growth considered as "treated forest" – 18.660 ha
4.	Vulnerability to erosion	Soil erosion is likely to increase following felling of trees in the undulating topography
5.	(i) Vegetation  (ii) Density  (iii) No. of trees enumerated/to be actually felled	Sal, Pia-Sal, Gambhari, Kruma, Bandhan, Asan, Dhaura, Jamu, Kendu, Mango, Achu, Amla, Bahada, Bara etc. (Pg-513/c).  The applied area for diversion is situated adjacent to <b>Baitarani Reserve Forest</b> . Eco Value Class has been treated as " <b>Eco Value Class-I</b> " based on proximate location – Baitarani Reserved Forest and the canopy density has been considered at per with <u>Baitarani RF</u> and kept at 0.5.  <b>1,872 nos of trees</b> of different floral species above 30 cm girth comprising of 415 nos of sound trees, 1457 nos of unsound trees and 4764 nos of poles below 30 cm girth. (Pg-8/c)

6.	Whether area is significant from wildlife point of view	No rare or endangered flora & fauna is noticed in this area but however, movement of mega fauna like elephant is often noticed in the fringe area. <b>The area comes under the elephant habitat zone-2 of ORSAC, Bhubaneswar.</b>
7.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	The applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. <b>However, movement of wild elephants in the adjoining forest blocks can't be ruled out.</b>
8.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare or endangered species is available in the applied area for diversion but <b>elephant movement is often noticed in adjoining forest blocks.</b>
9.	Approximate distance of the proposed site for diversion from boundary of forest.	7.0 km
10.	Whether any protected archaeological/heritage site/defence establishment or any other important monuments is located in the area.	No
11.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No violation is observed in the forest land, involved in the instant diversion proposal and proposed for diversion under FC Act, 1980, in respect of Unchabali Iron Ore mines of M/s OMC Ltd. <b>It is mentioned that the total broken up land, involved in the mining lease is 1.923 ha. The said land was mined out treating the land as non-forest land.</b>
12.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, <b>(Pg-550-558/c)</b> User Agency has accorded Environment clearance vide Ministry's letter no. J-11015/779/2007-IA.II (M) dated 16.01.2009. In the said letter it is mentioned that total land is 68.000 ha and out this 0.1 ha is agriculture land and 67.43 ha is wasteland and 0.47 is surface water bodies. <b><u>It was indicated that no forest land is involved.</u></b>
14.	<b>Compensatory Afforestation</b>	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	Non-forest Govt. land to the tune of 65.591 ha. in lieu of proposed diversion of 68.00 ha. has been identified and allotted in village Kerapai under Thuamulrampur Tahasil vide letter No. 1176/Rev dated 05.08.2016 of Collector, Kalahandi for CA. CA scheme, prepared in respect of the aforementioned Non-forest land over 65.591 ha by the DFO, Kalahandi South Division is placed at <b>Pg-530-547/c.</b>
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Submitted

	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Submitted (Pg-530-547/c)
	(iv) Total financial outlay for CA	Rs. 2,00,37,300.00 (Pg-547/c)
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	In the given certificate (pg-46/c), DFO, Keonjhar mentioned that the suitability certificate for plantation under block model @ 1600 seeding per ha over 65.591 ha has been provided by DFO, Kalahandi, South Division. <b>But the said certificate of DFO, Kalahandi does not seem available with given certificate.</b>
15.	Catchment Area Treatment	NA
16.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	No N/A N/A
17.	Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	Yes 134 670
18.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	In the proceeding of District Level Forest Right Committee signed by Collector, Keonjhar on 12.02.2017 (Pg-597-611/c), it is mentioned that District Nodal Officer directed to submit the original documents of OMC Ltd. for several mines including Unchabali Iron Mine to District Collector, Keonjhar for issuance FRA certificate. Further, the FRA certificate for an area of 68.091 ha of forest land signed by District Collector, Keonjhar on 22.02.2017 has been given and the same may kindly be seen at Pg-595/c.
19.	Site Inspection Report by DFO	Pg-61-63/c
20.	Cost Benefit Ratio	1:137.15 (Pg-512/c)
21.	Total Cost of the Project	Rs 230 (Rupees in Lakh)
22.	<b>Total period for which the forest is proposed to be diverted (In years)</b>	<b>11 years</b>
23.	Recommendation i. DFO	In his specific recommendation, the DFO, Keonjhar mentioned that the Unchabali (Mahaparbat) Iron ore Mines of M/s OMC Ltd., granted over 68.00 ha non-forest land, involved 49.339 ha Non-forest land recorded as Forest as on 25.10.1980 and 18.660 ha non-forest land having forest growth considered as "treated forest". The requirement of forest land, as proposed by the user agency in column 2 of Part-I, is un-avoidable and barest minimum for the project. The NPV of the forest land, proposed for diversion under FC Act, 1980 will be realised from the user agency on

	<p>ii. RCCF</p> <p>iii. PCCF/Nodal Officer</p> <p>iv State Government</p>	<p>receipt of Stage-I approval. No violation is observed in the forest land, involved in the instant diversion proposal and proposed for diversion under FC aCt, 1980, in respect of Unchabali Iron Ore Mines of M/s OMC Ltd. <b>It is mentioned that the total broken up land, involved in the mining lease, is 1.923 ha. The said land was mined out treating the land as non-forest land.</b> The instant proposal is submitted for approval under 2 (ii) for non-forest use, as per the requirement of the lessee, in compliance with the guideline issued vide F. No. 8-78/1996-FC (pt.) dt. 10.03.2015 read with F. No. 8-78/1996-FC (pt.) dt. 09.03.2016 of MoEF&amp;CC, GoI in respect of non-forest land recorded as forest as on 25.10.1980. The said proposal is therefore submitted for necessary approval under section 2 (ii) of FCA, 1980 <b>taking the aforesaid facts into consideration. (Pg-60/c)</b></p> <p>The proposal may be considered for approval under Section 2(ii) of FCA, 1980 (Amended), on its own merit. <b>(Pg-64/c)</b></p> <p>Recommended <b>(Pg-69/c)</b></p> <p>Recommended <b>(Pg-70/c)</b></p>
<p><b>24.</b></p>	<p>District Profile</p> <p>(i) Total Geographical area of the district/division</p> <p>(ii) Total Forest area/ Divisional Forest area</p> <p>(iii) Total area diverted since 1980</p> <p>(iv) Total CA stipulated since 1980 (Forest land)</p> <p>a. Forest land including penal CA</p> <p>b. Non Forest Land</p> <p>(v) Progress of Compensatory Afforestation</p> <p>a. Forest land</p> <p>b. Non Forest land</p>	<p>830300.00 ha</p> <p>336615.6293 ha</p> <p>10170.9705 ha (in 72 nos. of cases)</p> <p>C. A. 1669.6180 ha</p> <p>P. C. A. 4994.8675 ha</p> <p>C. A. 7247.7931 ha</p> <p>C.A. 1152.58 ha</p> <p>P.C.A 2996.34 ha</p> <p>C.A. 5983.9016 ha</p>

3. **The above stated agenda item was considered by the FAC in its meeting held on 26.04.2018** and observed that :
4. The project is located in the Keonjhar Forest Division, Keonjhar District, Odisha
5. It is reported by the State Government that the legal status of the forest land is Non-forest land recorded as forest as on 25.10.1980 - 49.339 ha and non-forest land having forest growth is considered as “treated forest” – 18.660 ha

6. It is reported that Soil erosion is likely to increase following felling of trees in the undulating topography. It is reported that the applied area for diversion is situated adjacent to Baitarani Reserve Forest. Eco Value Class has been treated as "Eco Value Class-I" based on proximate location – Baitarani Reserved Forest and the canopy density has been considered at par with Baitarani RF and kept at 0.5.
7. There are **1,872 nos of trees** of different floral species above 30 cm girth comprising of 415 numbers of sound trees, 1457 numbers of unsound trees and 4764 numbers of poles below 30 cm girth enumerated in the proposed area.
8. It is reported that the applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. However, movement of wild elephants in the adjoining forest blocks can't be ruled out.
9. It is reported that no rare or endangered flora & fauna is noticed in this area but however, movement of mega fauna like elephant is often noticed in the fringe area. The area comes under the elephant habitat zone-2 of ORSAC, Bhubaneswar.
10. It is reported that no violation is observed in the forest land, involved in the instant diversion proposal and proposed for diversion under FC Act, 1980, in respect of Unchabali Iron Ore mines of M/s OMC Ltd. It is mentioned that the total broken up land, involved in the mining lease is 1.923 ha. The said land was mined out treating the land as non-forest land.
11. It is reported that the requirement of land is unavoidable and barest minimum for the Mining purpose.
12. Environment Clearance has already been obtained by the user agency vide Ministry's letter no. J-11015/779/2007-IA. II (M) dated 16.01.2009. In the said letter it is mentioned that total land is 68.000 ha and out this 0.1 ha is agriculture land and 67.43 ha is wasteland and 0.47 is surface water bodies. It was indicated in the EC that no forest land is involved.
13. The Compensatory Afforestation has been proposed over non-forest Govt. land to the tune of 65.591 ha. in lieu of proposed diversion of 68.00 ha. in village Kerapai under Thuamulrampur Tahasil with total financial outlay of Rs. 2,00,37,300.00 .
14. It is observed that Land Suitability Certificate has not given for CA Land.
15. The complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 along-with resolution of Gram Sabha has not submitted by the State Government.
16. The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DFO, RCCF, PCCF and the State Government.
17. The ML is located in village Unchabali and Balda of Barbil Tahasil of Keonjhar district of Odisha. This iron ore mining lease was granted in favour of M/s Odisha Mining Corporation (M/s OMC Ltd.), a State Govt. Undertaking, vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing No. III (A) SM.5/99-6327 dt. 11.06.2003.
18. The lease deed was executed on dated 09.06.2008 for a period of 20 years with validity up to 09.06.2028.
19. The ML area located within jurisdiction of Champua Forest Range of Keonjhar Forest Division in Keonjhar district, finds place within the Latitude of 21°52' 42.54"N to 21 °53'23.54"N and longitude of 85° 25' 5.66"E to 85° 25'36.49"E on Survey of India Toposheet No. F 45 N 5.
20. The area exhibits an undulating topography with varying elevations from 525.00 m to 608.50m above Mean Sea Level (AMSL).
21. Although the total mining lease hold area over 68.0 ha was non forest land having kissam Parbat-II entirely, yet pursuant to the issue of guidelines bearing F. No. 8-78/1996-FC (pt.) dt. 10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF&CC, Govt. of India, status of the land involved in the mining lease as on 25.10.1980 was provided by the Tahasildar, Barbil.
22. As reported by PCCF, Odisha, the ML area has 49.340 ha of non-forest land in village Unchabali recorded as 'Forest land' as on 25.10.1980 and 18.660 ha of non-forest land in village Balda which stands un-surveyed as on 25.10.1980.
23. The un-surveyed non-forest land in village Balda, having enough forest growth, has been considered as " forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in WP(C) 202/1995.

24. Thus the mining lease granted/executed over 68.00 ha, involves 49.34 ha of non-forest land recorded as 'Forest' as on 25<sup>th</sup> October 1980 and 18.660 ha of non-forest land having enough forest growth considered as "forest".
25. It is reported that above leasehold area was also earlier held by OMC Ltd. within their ML area over 686.73ha. for iron ore in village Balda, Unchabali etc which had been executed on 6.8.1963 for a period of 20 years. Later OMC Ltd. had surrendered the said area which has been accepted by Government w.e.f. 1.9.1982. Thereafter the area was thrown open for re-grant of the area. It has also that during this period, OMC had only undertaken prospecting operation
26. It is reported by the DDM, Joda that excavation done previously by M/s Essel Mining & Industries Ltd had crossed the Southern boundary of existing Unchabali Mining lease of OMC Ltd at CC1 lease line. This broken up area in the ML area over 68 ha. is to an extent of 1.923 ha .
27. The project does not involve displacement of human habitation.

**Table – 1**

**Extent of broken-up non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease**

S. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Total broken up non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining Quarry-1	-	1.120	1.201
2.	Mining Quarry-2	0.078	-	0.078
3.	Mining Trench-1	0.334	-	0.334
4.	Mining Trench-2	0.116	-	0.116
5.	Mining Trench-3	0.060	-	0.060
6.	Dump-1	0.094	-	0.094
	Dump-2	0.040	-	0.040
	<b>Total</b>	<b>0.722</b>	<b>1.201</b>	<b>1.923</b>

**Table-2**

**Extent of virgin non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease**

S. No.	Pattern of Utilization	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land considered as deemed forest (in ha)	Total virgin non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining	36.533	6.821	43.354
2.	Dumping of over burden	2.132	0.034	2.166
3.	Infrastructure for site services and weigh bridge	3.578	1.512	5.09
4.	Minerals rejects	1.105	2.145	3.25
5.	Road	0	0.110	0.11
6.	Nala	0.479	0.596	1.075

	<b>Sub-total</b>	<b>43.827</b>	<b>11.218</b>	<b>55.045</b>
<b>7.</b>	Safety Zone	4.791	6.241	11.032
	<b>Total</b>	<b>48.618</b>	<b>17.459</b>	<b>66.077</b>

**Table-3**

**Abstract of Existing and Proposed Land use of non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease**

S. no.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Virgin non-forest land considered as deemed forest in ha	Total non-forest land considered as treated forest in ha	Grand total (in ha)
1	Mining	0.493	36.533	37.131 (Add 0.105 ha OB dump from row-2 and column-3)	1.002	6.821	7.823	44.954
2	Dumping of over burden	0.105	2.132	2.132 (Deduct 0.105 ha OB dump from row-2 and column-3)	0	0.034	0.034	2.166
3	Infrastructure for site services and weigh bridge	0	3.578	3.578	0.115	1.512	1.627	5.205
4	Minerals rejects	0	1.105	1.105	0	2.145	2.145	3.250
5	Road	0	0	0	0	0.110	0.11	0.110
6	Nala	0	0.479	0.479	0	0.596	0.596	1.075
	Sub-total	0.598	43.827	44.425	1.117	11.218	12.335	56.760
7	Safety Zone	0.124	4.791	4.915	0.084	6.241	6.325	11.240
	<b>Total</b>	<b>0.722</b>	<b>48.618</b>	<b>49.340</b>	<b>1.201</b>	<b>17.459</b>	<b>18.660</b>	<b>68.00</b>

**Table-4**

**Land use plan applied for diversion under FC Act, 1980 vis-à-vis provision of approved mining plan**

S. No.	Items	Land use Pattern applied under FC Act, 1980 in ha	Land use plan as per approved mining plan in ha
1.	Mining	44.954	42.827
2.	Dumping of over burden	2.166	2.165
3.	Infrastructure	5.205	5.204

4.	Minerals rejects	3.250	3.250
5.	Road	<b>0.110</b>	<b>2.239</b>
6.	Nala	1.075	1.075
	Total	56.760	56.76
7.	Safety Zone	11.240	11.24
	<b>Grand Total</b>	<b>68.00</b>	<b>68.00</b>

### Safety zone

The mining lease granted over 68.00 ha involves an area of 11.24ha. as safety zone. The details of land (forest) located in the safety zone of the mining lease is furnished hereunder-

S. no .	Pattern of Utilization	Broken up non-forest land recorded as foest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Virgin non-forest land considered as deemed forest in ha	Total non-forest land considered as treated forest in	Grand total (in ha)
1	7.5 mtrs width all along the mining lease boundary	0.124	1.174	1.298	0.084	1.118	1.202	2.500
2	50 mtrs width along both sides of Express Highway	0	0.061	0.061	0	0.950	0.950	1.011
3	50 mtrs width on both side of the perennial Nala	0	3.556	3.556	0	4.173	4.173	7.729
<b>Total</b>		<b>0.124</b>	<b>4.791</b>	<b>4.915</b>	<b>0.084</b>	<b>6.241</b>	<b>6.325</b>	<b>11.240</b>

### The Principal Chief Conservator of Forests, Odisha has recommended the proposal.

Further, the State Government is requested that may be approved under Section-2 of Forest (Conservation) Act, 1980 in favour of the User Agency subject to the following stipulation:

- a) The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division.
- b) The User Agency shall pay the proportionate cost for implementation of Regional Wildlife Management Plan as per revised cost norm. Besides, the Site Specific Wildlife Conservation Plan for the project as well as its impact area shall be prepared by the user agency and approved by CWLW, Odisha for its execution at

- project cost.
- c) 11.24 ha of forest land is to be maintained as safety zone and in no circumstances, it shall be used for mining and other allied activities.
  - d) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey datas and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
  - e) Since environmental clearance has been obtained by the user agency for 0.7MTPA and Mining scheme is for production of 1MTPA, revised environmental clearance if required, shall be obtained by the user agency.
  - f) Since the DFO has reported that soil erosion is likely to increase following felling of trees in undulating topography, the user agency shall take appropriate steps to control erosion in the applied area.

**28. RECOMMENDATION OF FAC on 26.04.2018:** FAC after thorough deliberation and discussion with APCCF, Regional Office, Bhubneshwar and user agency recommended that “*State Government shall clarify the reason for execution of lease over forest land in 2008 without prior approval of MoEF&CC, Government of India. State Government shall initiate action as per the provisions of MoEF&CC letter no 11-42/2017-FC dated 29.01.2018. The action taken report shall be submitted to MoEF&CC prior to consideration of the proposal*”.

**29.** Accordingly, the State Government was requested vide this Ministry’s letter dated 24.05.2018 (**Pg. 814/c**) for submission of clarification as sought by FAC .

**30.** Now, the State Govt. vide their letter no. 10 F (Cons) 151/2018/18673-F/E, dated 28.08.2018 (**Pg. 815-883/c**) has submitted their response indicating the following:

- (i) In this context, the Steel & Mines Department, Odisha was requested to furnish their comments. Based on the comments of Steel & Mines Department furnished vide their letter No. 6634/F&E dt.23.08.2018, it is stated that **instant iron ore mining lease in village Unchabali and Balda in Keonjhar District was granted in favour of M/s Odisha Mining Corporation vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing' No. 111 (A) SM.5/99-6327 dated 11.06.2003(Pg. 819-820/c: Annexure-II)** following approval by Central Government under Section 5(1) of the IVEM(R&D) Act, 1957 with relaxation of Section 6(1)(b) and 6(1)(c) of the said Act for 20 years vide their order dt. 3.6.1999(**pg. 818/c: Annexure-I**). Accordingly, the lease deed was executed on dated 9.06.2008 for a period of 20 years with validity up to 9.6.2028 (Pg. 821-879/c: Annexure-III). As reported earlier while forwarding the diversion proposal, the ML area of 68 ha. includes 49.340 ha of non-forest land in village Unchabali found to be recorded as 'Forest land' as on 25.10.1980 (as per guidelines bearing F No. 8-78/1996-FC (pt.) dt.10.03.2015 of MoEF&CC) and 18.660 ha of non-forest land in village Balda which stands un-surveyed as on 25.10.1980 having enough forest growth, has been considered as " forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in. WP(C) 202/1995. In view of issue of guidelines bearing F No. 8-78/1996-FC (pt.) dt.10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF& CC, Govt. of India, OMC Ltd. had to verify the land schedule of the ML area in Hal record corresponding to its status as 25.10.1980 (sabik record) and 49.340 ha. of non-forest land in Hal record in village Unchabali of this ML was found to be of FOREST Kisam as on 25.10.1980. Further the remaining area of ML i.e. 18.660 ha. of this ML in village Balda was reported to be un-surveyed which was found to be having enough forest growth as per site inspection of the DFO, Keonjhar to be treated as FOREST as per order dt. 12.12.1996 of the Apex Court in WP© No. 202/1995. In view of above developments, the OMC Ltd. had to file proposal for diversion of 68 ha. of forest land in this lease under section 2(ii) of Forest Conservation Act, 1980 for carrying out mining operation in this lease.
- (ii) Thus it needs to be taken note that while execution of lease deed on 9.6.2008, the ML area was not having any forest Kisam land as per hal record. The lease deed was executed considering the land schedule of Mining lease in Hal record which was entirely non-forest land. Hence, no violation of Forest Conservation Act, 1980 has been resorted to at the time of execution of lease deed on 9.6.2008. Since no violation has been committed in this lease so far, no action is required to be initiated against any official's/user agency.

(iii) Meantime, the State Government in Steel & Mines Department vide their Order No. 4998/SM dt. 27.6.2018 have been pleased to order that in terms of Rule 3(1.) of the Mineral (Mining by Government Company) Rules, 2015, the period of original lease is deemed to be granted for 50 years i.e. from 9.6.2008 to 8.6.2058 subject to the lessee executing the supplementary lease deed for such extended lease period (Copy of order enclosed as **Pg. 880-882/c Annexure-IV**).

In view of above, the facts related to the proposal may be placed before next FAC scheduled to be held on 20<sup>th</sup> September, 2018 for their examination and appropriate recommendation.

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