

F. No. 8-119/1996-FC (Pt.)
Government of India
Ministry of Environment Forests & Climate Change
(FC Division)

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110003

Dated: 28th September, 2018

To,

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

Sub.: Diversion of 24.446 ha of forest land in respect of Balda Block Iron ore Mines of M/s Serajuddin & Co under Keonjhar Forest Division in Odisha regarding extension validity of permission granted vide letter F.No.8-119/96-FC (pt) dated 12.03.2012 and diversion of 34.39 ha of sabik kisam forest land as on 25th October 1980 (treated as non-forest land in hal record) in addition to 24.446 ha of forest land already diverted out of total forest land of 302.402 ha (including sabik kisam forest land of 44.269 ha) within the ML area of 335.594 ha in Balda iron ore Mines of M/s Serajuddin & Co. in village Balda, Bada kalimati under Barbil Tahasil and village Nayagarh under Jhumpura Tahasil in Keonjhar district, Odisha.

Sir,

The issue regarding extension of validity of permission granted by this Ministry's letter of even number dated 12.03.2012 for diversion of 24.446 ha of forest land to Balda Block Iron Ore Mines of M/s Serajuddin & Co. under Keonjhar Forest Division in Odisha was considered by the Forest Advisory Committee (FAC) in its meeting held on 26.07.2018. The detailed minutes of the FAC meeting held on 26.07.2018 is placed on the website of this Ministry: www.forestsclearance.nic.in.

2. The Committee *inter alia* recommended that:

"The State Government had not submitted the compliance of the stipulations imposed by FAC while considering the diversion of Sabik kisam forest land of 34.39 ha with in same mining lease area of 335.549 ha dated 20.12.2016. It was reported by Special Secretary (Forests) Odisha that user agency had complied to all of the stipulated conditions but due to delay in obtaining complete compliance of FRA 2006, it had become difficult to submit complete compliance of FAC observation as conveyed to State by letter dated 20.12.2016. FAC took a note of this and informed that the complete compliance of FRA was pre requisite for obtaining Stage-I upto year 2016 but with amendment in FCA rules in 2016, compliance of FRA is required to be submitted prior to Stage-II approval. In the present case State Government shall submit the compliance of FAC observations, as conveyed on 20.12.2016, other than that of FRA.

FAC recommended that the user agency may be allowed to work over broken up DLC land up to the end of extended lease period i.e. 31.3.2020 as per amended provision of MMDR Act, 2015 and MoEF&CC guideline 11-51/2015-FC dt. 01.04.2015, 01.05.2015 subject to the condition that the compliance of FAC recommendations (Other than FRA) is submitted by the State Government".

3. The competent authority has accepted the recommendation made by the FAC in its meeting held on 26.07.2018.

In view of above, the State Government is requested to submit the compliance on the conditions mentioned in Ministry's letter no. 8-39/2016-FC dated 20.12.2016 excepting compliance on FRA-2006 for further action, as detailed below:

- i. The user agency shall pay additional NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
- ii. User agency shall raise penal CA equivalent to the land utilized in violation of provision of Forest (Conservation) Act 1980.
- iii. For compensatory afforestation (CA) equivalent non forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme.
- iv. State Government shall submit latest status of court cases related to violations pending in different Courts.
- v. The user agency shall comply other standard and general conditions applicable to instant project.

Yours faithfully,


(Sandeep Sharma) 26.9.18

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer FCA, Government of Odisha, Bhubaneswar.
3. The Add. PCCF (Central) Regional Office, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of MoEF&CC, New Delhi.
6. Guard file.


(Sandeep Sharma) 26.9.18

Assistant Inspector General of Forests (FC)