

F. No. 8-30/2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.
Dated: 25 September, 2017

To,

Principal Secretary (Forest),
Government of Odisha,
Bhubaneswar.

Sub.: Diversion of 43.091 hectares of forest land (including Safety Zone area of 2.080 ha.) in village Kundaposi of BarbilT ahasil in Keonjhar District for mining of Iron Ore in mining lease area over 45.131 hectares by M/s. OCL Iron and Steel Ltd.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons)-135/2013/6878/F & E dated 11.04.2014 submitting the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. The said proposal was placed before Forest Advisory Committee (FAC) in its meeting held on 17.08.2017. The detailed minutes of the FAC meetings held on 17.08.2017 are placed on the website of this Ministry: www.forestclearance.nic.in.

The FAC in its meeting held on 17.08.2017 observed that State Govt. has informed that the Mining Lease for the instant proposal has not been executed by the State Government. Under the provisions of Section 10-A (2) (c) of MMDR Act 2015 the LOI lapsed on 11.01.2017 due to non-execution of mining lease in favour of the LOI holders. The letter of intent issued to the project is covered under the provisions of 10A 2(c) of MMDR Act. Representative of the user agency informed that the case number WP(C) no 743 of 2017, related to validity of letter of intent is pending in Hon'ble high court of Odisha Cuttack. The Forest (Conservation) Act guidelines 2.1 (vi) was perused. It clearly says that "*State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sort of administrative and legal complications*". Accordingly, the Committee recommended not to grant permission to the state Government under section 2(ii) of FC Act till the final orders of the Hon'ble High Court on applicability of provisions of section 10-A (2) (c) of MMDR Act.2015 are passed.

In view of above, I am directed to convey the approval of competent authority for not to grant prior approval for diversion of 43.091 hectares of forest land (including Safety Zone area of 2.080 ha.) in village Kundaposi of BarbilT ahasil in Keonjhar District for mining of Iron Ore in mining lease area over 45.131 hectares by M/s. OCL Iron and Steel Ltd. under Section 2(ii) of FC Act till the final orders of the Hon'ble High Court.

Yours faithfully,


(Sandeep Sharma) 25.9.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central), Regional Office, Bhubaneswar
4. Monitoring Cell, FC Divisions, MoEF&CC
5. Guard File


(Sandeep Sharma) 25.9.17

Assistant Inspector General of Forests (FC)