



Government of India/ भारत सरकार
Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
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No. 5-ORA354/2018-BHU

Date: 16.11.2018

To

The Assistant Inspector General of Forests (FC)
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan, Agni Block,
Jor Bagh Road, Alliganj, New Delhi – 110 003.

Sub:

Site inspection report in respect of diversion of 345.189 ha. of forest land including 6.919 ha. in safety zone within the total mining lease area over 366.311 ha of Khandbandh Iron ore Mines of M/s OMC Ltd. in Keonjhar district, Odisha-reg.

Ref.:

Ministry's letter No.8-46/218-FC dated 12th July, 2018

महोदय,

उपरोक्त विषय के सन्दर्भ में, मुझे आपको यह सूचित करने का निर्देश हुआ है की, वन संरक्षक (के), क्षेत्रीय कार्यालय द्वारा 30th and 31st अक्टूबर, 2018 के दौरान उपरोक्त परियोजना का निरीक्षण की गई है। निरीक्षण रिपोर्ट आप के अबलोकन एबम आवश्यक कारबाई हेतु सलग्न है।

संलग्नक: उपरोक्तानुसार

भवदीय,

आर.के. सामल
(आर के सामल)
वन संरक्षक (के)

Site inspection report in respect of diversion of 345.189 ha. of forest land including 6.919 ha. in safety zone within the total mining lease area over 366.311 ha of Khandbandh Iron ore Mines of M/s OMC Ltd. in Keonjhar district, Odisha.

The site inspection of the above diversion proposal was conducted by me during 30th and 31st October, 2018. During site inspection Shri Santosh Joshi, DFO, Keonjhar, Shri Ghanashyam Barik, RO, Champua Range and Shri Peom Nayak, Forester of Joda Section from forest Department side were present. On behalf of the user agency Shri D K. Pattanaik, DGM (Geology) of OMC Ltd., Shri LN Ghana, Regional Manager, Barbil and Shri Nishikant Samal, Mines Manager, Khandbandh were present. While inspecting the CA at Sikulpada the Range Officer, BJP Range of Keonjhar Division Shri Muktikant Parida was present along with the DFO.

1. Legal status of the forest land proposed for diversion

Legal status	Area in Ha.
Revenue forest land	97.2170
DLC forest land	209.9730
Non-forest land (recorded as forest as on 25.10.1980)	37.9990
Total	345.189

2. Item-wise break-up details of the forest land proposed for diversion:

Purpose of utilization	Revenue forest in Ha.	Forest as per DLC in Ha.	Non-forest land recorded as forest as on 25.10.1980 (Sabik forest) in Ha.	Total in Ha.
Mining	93.598	183.504	29.8888	306.9908
Sub-grade dump	1.397	2.5030	0.865	4.765
Dumping of OB	0.00	0.2590	0.00	0.259
Mineral storage	0.00	1.4950	2.5030	3.998
Infrastructure (workshop, administrative building, site services, garage, etc.)	0.00	2.299	2.977	5.276
Mines road	0.00	0.00	0.6432	0.6432
Magazine & its safety zone (228 m radius)	0.00	16.3380	0.00	16.3380 *
Safety zone area (7.5 m along ML boundary)	2.2220	3.4720	1.076	6.7700
Safety zone area (10 m on either side of the road)	0.00	0.1030	0.0460	0.1490
Total	97.217	209.973	37.999	345.189

(7.318 ha. of forest land will be utilized for mining & 2.144 ha of forest land will be

utilized for storage of sub-grade dump, out of 16.338 ha earmarked for magazine & its safety zone during the course of time till the conceptual stage.)

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

Yes. As reported above. As the project is an old one, it has existence of administrative building as well as residential accommodation for the staff within the leasehold area.

4. Total cost of the project at present rates:

Rs. 330.19 crore

5. Wildlife:

Whether forest area proposed for diversion is important from wildlife point of view or not:

As reported by DFO, Keonjhar movement of wild elephants is often witnessed in applied forest land and adjoining forest land. The applied site falls under Elephant Habitat Zone-2 as mentioned by ORSAC, Bhubaneswar.

6. Vegetation:

The forest land applied for diversion is situated in contiguous with Baitarani RF and has been depicted as "dense jungle mainly Sal" on concerned Toposheet. As such the condition of vegetation has been treated at par with adjoining Baitarani RF i.e. under group 3C/C2e(iii) Moist Peninsular Valley Sal. The prevailing vegetation consists of Sal and its associates. The canopy density is about 0.5 and Eco value class -I.

(a) Total number of trees to be felled.

As reported by DFO, Keonjhar there are 8,639 number of sound, 12,843 number of unsound trees of above 30 cm girth in the virgin forest land over 216.094 ha. There are more unsound trees. 2,241 number of sound and 9,530 number of unsound trees of above 30 cm girth in the broken up forest land over 129.095 ha. Hence, in all 33,253 number of trees above 30 cm girth have been enumerated over 345.189 ha of forest land involved in the mining lease.

Effect of removal of trees on the general ecosystem in the area:

Felling of such large number of trees if taken at a single point of time can damage to the environment of the area. Therefore, as far as possible the trees should be cut as and when required in phased manner.

(b) Important species:

The vegetation consists of Sal and its associates. The principal associates of Sal includes *Terminalia alata*, *Laagerstroemia parviflora*, *Anogeissus latifolia*, *Terminalia belerica*,

Syzygium cumini, *Mangifera indica*, *Schleichera oleosa*, *Adina cordifolia*, *Pterocarpus marsupium*, *Bombax ceiba*, *Bridelia retusa*, *Madhuca indica*.

The middle story is represented by *Syzygium cumini*, *Ougeinia ougenensis*, *Careya arborea*, *Treama orientalis*, *Emblica officinalis*, *Cassia fistula*, etc. The shrubs and undergrowth are characterized by *Indigofera pulchella*, *Ardisia solanacea*, *Flemingia chhapar*, *Helicteres ixora*, *Clerodendron viscosum*, etc. The prevailing climbers include *Bauhinia vahlii*, *Combretum decandrum*, *Beutia parviflora*. The grasses over the forest floor include *Chrysopogon aciculatus*, *Imperata cylindrical*, *Dicanthium caricosum*, *Cynodon dactylon*, etc.

Number of trees of girth below 60 cm.

20,968

Number of trees of girth above 60 cm.

12,285

7. Background note on the proposal:

The mining lease of Khandbandh iron ore mine was granted over 366.311 ha vide letter No.III (A)II-9/63-11708 dated 22.11.1963 of Govt. of Odisha, Mining & Geology Department in favour of Orissa Mining Corporation for a period of 30 years. The said mining lease was executed on 30.11.1963 having validity from 30.11.1963 to 29.11.1993 over an area of 366.311 ha. The first RML application was filed on 09.11.1992 which is one year prior to expiry of the original mining lease period over 366.311 ha for a period of 20 years. The applied ML area of 366.311 ha was then comprised of 98.221 ha of Revenue Forest, 207.309 ha of DLC forest, 60.781 ha of non forest land. The 2nd RML application was also filed in time on 06.11.2012 i.e. one year prior to expiry of applied 1st RML period of 29.11.2013 over the same extent area of 366.311 ha. for another 20 years i.e. from 30.11.2013 to 29.11.2033. No forest diversion was obtained during the first and the second RML period till date. The subsequent letter of the Special Secretary, Forest & Env't. Department, Odisha, vide letter No.10F (Cons)108/2018/15854/F&E-Bhubaneswar dated 20.07.2018 has enclosed the extension of validity period of this mining lease of OMC Ltd under Rule 3(2) (3) of the Mineral (Mining by Govt. Company) Rules, 2015 by Govt. of Odisha, Steel & Mines Department till 29.11.2033 (a copy of the letter is enclosed). The user agency has continued mining from 1994 to 2010 without any forest clearance.

Khandbandh iron ore mining lease area of M/s OMC Ltd. lies between longitude E 85° 23' 12" to 85° 24' 45.86016" and latitude N 21° 55' 40.27579" to 21° 57' 29.90066" in survey of India toposheet No.F 45 N 5. Khandbandha iron ore mining lease over 366.311 ha has been verified with revenue records and is now comprised of 345.189 ha. (97.217 ha of Revenue Forest, 209.973 ha. of DLC forest land and 37.999 ha of Sabik Kissam forest land) and 21.122 ha of non-forest land which also includes 18.205 ha. of private land. In the instant proposal the lessee has filed for diversion of entire extent of forest land over 345.189 ha that also includes safety zone area over 6.919 ha of forest land

under Section-2 of FC Act, 1980.

8. Compensatory afforestation:

1. Total mining lease area	366.311 ha
2. Forest area involved in the ML	345.189 ha
3. Forest area already diverted	Nil
4. Forest area covered under safety zone	6.77 ha
5. Forest area to be kept un-diverted	Nil
6. Forest area applied for diversion	345.189 ha
7. Broken up forest land prior to 1980	129.095 ha.
8. Land required for CA (2-4-7)	209.324 ha

Non forest land to the extent of 209.324 ha. has been identified/allotted in Keonjhar and Kalahandi districts for the purpose of raising compensatory afforestation.

159.680 ha of non forest Government land has been identified for compensatory afforestation in village Sikulpada (62.058 ha), Phuljhar (46.397ha) and Raidiha (51.2250 ha) under Bansapal Tahasil of Keonjhar district.

38.644 ha of non forest Government land has been identified for compensatory afforestation in village Kerapai under Thuamul Rampur Tahasil of Kalahandi district. 11.00 ha. of non forest Government has been identified for compensatory afforestation in village Balangi under Thuamul Rampur Tahasil of Kalahandi district.

In order to accommodate the differential number of plants under this project as per Govt. of India guidelines dated 08.11.2017, 206 ha of degraded forest land has been identified for compensatory afforestation in Baitarani RF (near Mukundapur village 156 ha. and Mirgisingha 50.00 ha) under Champua Range of Keonjhar Forest Division of Keonjhar district.

The CA area at Sikulpada in Keonjhar district was visited by the undersigned along with DFO, Keonjhar and officials of OMC. The 62.058 ha. of area will accommodate 800 plants/hectare in the blank areas. However, it is very near to habitation and is being used by people for various purposes including raising vegetables. However, watch and ward would be required for survival of planted seedlings.

Other CA areas were seen on DSS and appears to be free from encroachment and seems suitable for plantations as proposed.

(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:

Yes. Suability certificate given by Revenue and Forest authority.

- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:**

Yes.

- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**

Not reported.

- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

The land identified for compensatory afforestation are Ten patches. The patches are compact.

- (e) **Map with details:**

Enclosed in the diversion proposal.

- (f) **Total financial outlay:**

Rs. 2,70,35,700/- for 159.680 ha Govt. Non-forest land in Keonjhar Forest Division.
Rs.1,32,87,800/- for 38.644 ha Govt. Non-forest land in Kalahandi (S) Forest Division.
Rs.38,94,400/- for 11.00 ha Govt. Non-forest land in Kalahandi (S) Forest Division.
Rs.2,04,75,900/- for 206.00 ha for planting balance seeding in degraded forest land to achieve the tree to tree equality in Keonjhar Forest Division.
Total Rs.6,46,93,800/-.

9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

As per DFO, Keonjhar there was illegal production of iron ore during the period from 1994-95 to 2009-10 on Revenue Forest, on DLC Forest since 1998-99 to 2009-10 and on Sabik Kissam Forest land since the establishment of existence of such irregularities in revenue records.

Therefore, DFO Keonjhar has requested the Collector, Keonjhar to take legal action as deemed proper as per prevailing Act & Rule vide his letter No.8434 dated 11.12.2014 in respect of Revenue and DLC land. In this regard action taken report from the Collector Keonjhar is awaited. Which may be pursued positively.

It has also been reported that a case is pending in the court of JMFC, Barbil for having committed violation of working in the mine without Environmental Clearance. In pursuance of the order of Hon'ble Supreme Court dated 02.08.2017 in the matter of WP (C) 114/2014 (Common Cause) the lessee has paid the compensation of Rs.27,39,18,597/- demanded in respect of Khandbandh iron ore mine for violation of

Environment (Protection) Act, 1986 within the due time i.e. 31st December, 2017.

10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not :**

No. As on date the user agency is not going to displace the inhabitants of Khandbandh village and agriculture land, though they are within the lease. As per the user agency if at all they go for the displacement of the people from this village then they will take appropriate rehabilitation measures as per existing norms.

11. **Reclamation plan:**

Enclosed in the proposal.

Details and financial allocation:

12. **Details on catchment and command area under the project:**

Not applicable.

Catchment area treatment plan to prevent siltation of reservoir:

Not applicable.

13. **Cost benefit ratio:**

1:10.36

14. **Recommendations of the Principal Chief Conservator of Forests/State Government:**

Yes. Recommended.

15. **Recommendations of Addl. Principal Chief Conservator of Forests (Central) along with detailed reasons:**

Annexed separately.

16. **Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

It is site specific and it cannot be shifted to any other forest or non forest land.

17. **Utility of the project:**

The annual production target is envisaged to be around 10,00,000 MT which would cater the need of the sponge iron plants and forthcoming steel plants inside and outside the State of Odisha. This demands continuation and expansion of mining operation on a

large scale in these mines. The forest area proposed for mining is required for exploitation of the resources over 22 years at the rate of 1.0 mtpa. The continuation and expansion of the mining operations, as proposed, is going to enhance the revenue earnings both for the State and the Central Govt. This project will also be a major source of earnings for the local tribal community.

Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:

Existing worker strength is 100 including statutory persons. About 1,000 persons will be benefited by indirect and self employment.

18.

(a) Whether land being diverted has any socio-cultural/ religious value:

Not reported.

(b) Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:

Presence of sacred grove has not been reported. However, old growth trees exist at some localities of the proposed land.

(c) Whether the land under diversion forms part of any unique eco-system:

The applied area does not form part of any national Park, Wildlife Sanctuary, Biosphere, Tiger reserve, Elephant Corridor, etc. Occasional movement of wild elephants is used to be witnessed in the applied forest land and adjoining RF. The applied site falls under elephant habitat zone-2 as mentioned by ORSAC, Bhubaneswar.

19. Situation with respect to any Protected Area:

There is no protected area nearby.

20. Any other information relating to the project:

The lease is surrounded on all sides by other mining leases like Kalinga Mining Corporation in north, ESSEL Mining Industries Ltd. (Aditya Birla Group) in east, Tiring Pahad Iron ore of Tata in south, Joribara iron ore mine of Tata in south-east, Gouva iron ore and manganese mine of P K Ahluwalia in south-west, Totabeta iron ore mine of MGM in west, Khandbandh iron ore and manganese mine of Tata in north-west, etc. The lease is about 6.24 km from Karo-Karmpada elephant corridor and elephants visit the area during cropping season. As gathered from the discussion with the user agency, the private land of residents of Khandbandh village including their homestead land will not be used by the user agency for the time being. So no rehabilitation of the people is required as on date.

The user agency has not taken approval under Section-2 of the FC Act for diversion of

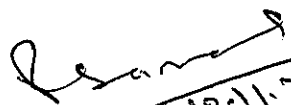
the forest area during first RML period since 30.11.1993 and continued the mining and allied activities in the broken up area 129.095 ha. This broken up area consist of 15.349 ha. of revenue forest, 113.746 ha. of DLC forest (since submission of the report of DLC forest land in Odisha in the year 06.01.1998). Besides this 25.328 ha. of non-forest land (out of 60.781 ha. originally identified) has been found to be Sabik Kissam forest land (land recorded as forest as on 25.10.1980) which was broken prior to 1980 and the user agency also continued mining and allied activities on this. As per guideline of Ministry No. 11-42/2017-FC dated 29.01.2018 for penalty the existence of Sabik Kissam forest land was detected in the year 2015 and the fault may not be attributed to that of user agency as Revenue Department had recorded it as non-forest land.

The compensatory afforestation as selected are non-forest Government land and there are spaces for accommodation of the requisite number of trees for gap plantation as suggested by the DFO.

As per the discussion with the DFO and forest field officials present the following is suggested for easy movement of elephants in the heavily fragmented forest due to lot of mines:

- Elephants visit the area (an elephant corridor Karo-Karampada is not very far, 6.24 km away), and using these parts to migrate to Baitarni RF in the eastern part of the mining lease. Therefore, it is proposed that the safety zone plantation areas may not be fenced with barbed wire fencing and live hedge fencing/bamboo fencing may be used instead so that the elephants do not get entangled with the barbed wire during their movement as it is observed that they even break the RCC pillars when it comes on their way.
- The user agency may have to have solar fencing around the mining pits so that elephant do not fall into the mining pits during their movement. These may be taken up as a part of site specific wildlife plan implementations.

The area may be considered for diversion for the betterment of the local economy as many tribal people residing there will be employed and will improve the local economy and economy of the state also.

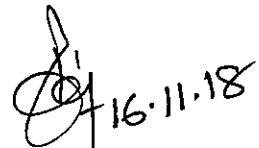

(R. K. Samal, IFS)
13.11.2018
Conservator of Forests (C)

RECOMMENDATION OF THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL)

The above said mining proposal is for diversion of 345.189 ha. of forest land including 6.919 ha. in safety zone within the total mining lease area over 366.311 ha of Khandbandh Iron ore Mines of M/s OMC Ltd. in Keonjhar district, Odisha. Considering the facts submitted in DP, site inspection report by CF (Central) and other details, the salient issues of this proposal, that may need to be brought to the notice for consideration by the FAC and the Ministry, are the following:-

1. The proposed diversion area is surrounded by mines from all sides and the natural forest, though stated to be of canopy density of about 0.5 but the quality of the site and the vegetation on the virgin forest land is poor, which may also be realized from the proportion of sound : unsound trees enumerated above 30 cm girth, which is 1:1.5 respectively. Hence, non-forestry use of this land may not impose any notable impact on forest and environment.
2. Though the said forest area sometimes visited by elephants but the estimated migratory route "Karo-Karampada" is more than 6 km away. However, as suggested by CF (Central), the mining area should not be fenced by barbed wire but the mining pits may be solar fenced helping the wildlife and elephants using the vegetation but not falling into the pits.
3. As recorded in the diversion proposal, actions has been instituted against illegal mining on DLC and Revenue forest land which is pending in JMFC Court, may be actively pursued by the State Government.

With the above observations this proposal is recommended for consideration of Ministry for grant of clearance under Section 2 (ii) of Forest (Conservation) Act, 1980.

 16.11.18

(R. K. Dey)
Addl. PCCF (Central)

Government of Odisha
Forest & Environment Department

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No.10F (Cons) 108/2018 15854/F&E, Bhubaneswar, dated. 20-7-18

From

Sri Debidutta Biswal, IFS,
Special Secretary to Government.

To

The Assistant Inspector General of Forests,
Govt. of India, Ministry of Environment & Forest and Climate Change.
(F.C. Division), Indira Paryavaran Bhawan,
Jor Bagh, Aliganj Road
New Delhi -110003

Sub: Proposal for diversion of 345.189 ha forest land including 6.919ha. in safety zone within the total mining lease area over 366.311 ha of Khandbandh Iron Ore Mines of M/s OMC Ltd in Keonjhar district, Odisha. (Proposal No. FP/OR/MIN/8707/2014)

Sir,

I am directed to invite reference to F&E department letter No. 12189/F&E dt. 26.5.2018 on the above mentioned subject and to say that forest diversion proposal pertaining Khandbondh Iron ore Mines of OMC Ltd. was recommended by the State Government vide letter under reference for consideration under Section 2 of FC Act, 1980. As regards status of the Mining lease, it is now ascertained from the order of State Government in Steel & Mines Department bearing No. 4904 dt. 25.6.2018 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 30.11.1963 to 29.11.2013 and in terms of Rule 3(2) read with Rule 3(3) of above Rules, the validity period of the lease is extended for a further period of 20 years from 30.11.2013 to 29.11.2033 subject to the lessee execution the supplementary lease deed for such extension period. A copy of order No. 4904 dt. 25.6.2018 of the State Government in Steel & Mines Department is enclosed herewith for reference.

Yours faithfully

Special Secretary to Government

Memo No. 15855 /Dt. 20-7-18

Copy along with the copy of enclosures forwarded to the Addl. Principal Chief Conservator of Forests (Central), Government of India, Ministry of Environment & Forests and Climate Change, A/3, Chandrasekharapur, Bhubaneswar for information and necessary action..

Special Secretary to Government

Memo No. 15856/F&E., Dated- 20-7-18

Copy forwarded to the Pr.C.C.F., Odisha /Principal Chief Conservator of Forests(WL) & CWLW, Odisha for information & necessary action .

Special Secretary to Government

Memo No. 15857 /Dated. 20-7-18

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle/ RCCF, Bhawanipatna/Divisional Forest Officer, Keonjhar Forest Division/ Divisional Forest Officer, Kalahandi(South) division for information and necessary action.

Special Secretary to Government

25-7-18
R. P. Singh
25-07-18

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26-7-18

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Memo No. 15858 /Dated. 20.7.18

Copy forwarded to the Steel & Mines Department/Director of Mines, Odisha/Collector, Sundargarh for information and necessary action.

The Steel & Mines Department is requested to indicate whether supplementary lease deed has been executed for the extended period.

H= 29/7/18
Special Secretary to Government

Memo No. 15859 /Dated. 20.7.18

Copy forwarded to the Managing Director, Odisha Mining Corporation Ltd, OMC House, Bhubaneswar for information and necessary action..

H= 29/7/18
Special Secretary to Government

25/7/18
26/6/2018

Government of Odisha
Steel & Mines Department

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No. III(A)SM-14/2013 4904 /SM, Bhubaneswar, the

25-6-2018

Sub: **Extension of validity period of Mining Lease for Iron ore of M/s OMC Ltd over an area of 366.311 hecets in village-Khandbandh, Jalahuri, Jajanga & Guruda of Keonjhar district**

ORDER

Whereas a Mining Lease was granted in favour of M/s OMC Ltd for Iron ore over an area of 366.311 hecets in village- Khandbandh, Jalahuri, Jajanga & Guruda of Keonjhar district for 30 (thirty) years w.e.f. 30.11.1963 till 29.11.1993.

Whereas, OMC Ltd filed application for 1st Renewal of Mining Lease on 09.11.1992 and the 2nd RML Application on 14.11.2012 over the original area.

And whereas, Rule 3(1) of said Rules, 2015 provides that all mining leases for minerals granted to a Government Company or Corporation before the date of commencement of the Mines and Minerals (Development & Regulation) Amendment Act, 2015 (10 of 2015) namely, the 12th January, 2015 shall be deemed to have been granted for a period of fifty years.

And whereas, Rule 3(2) of said Rules, 2015 provides that the State Government, upon an application made to it in this behalf by the Government Company or Corporation at least twelve months prior to the expiry of the mining lease, may, for reasons to be recorded in writing, extend the period of the mining lease for further periods of upto twenty years at a time.

And whereas, Rule 3(3) of said Rules, 2015 provides that subject to rule 3(1), all applications made by a Government Company or Corporation for renewal of mining leases and which were pending as on the date of commencement of MMDR Amendment Act, 2015 shall be deemed to be

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applications for extension of the period of the mining lease and shall be disposed of in accordance with the provisions of Rule 3(2).

Whereas, the RML application filed by OMC Ltd was pending as on the date of commencement of MMDR Amendment Act, 2015 and thus, as provided u/r 3(3) of the said Rules, 2015, this application is deemed to be an application for extension of the period of the mining lease.

And whereas, the lessee has been mandated to implement long term linkage (LTL) policy of the State Government to provide long term linkage of ore to the State based industries besides supplying to other user agencies as well for which extension of validity of mining lease is justified.

Now, therefore, in view of the above, the State Government 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 30.11.1963 to 29.11.2013 and in terms of Rule 3(2) read with Rule 3(3) of said Rules, the validity period of the lease is extended for a further period of 20 years from 30.11.2013 to 29.11.2033 subject to the lessee executing the supplementary lease deed for such lease extension periods.

The above extension(s) of lease period is subject to following further conditions:

(1) The lessee will furnish an undertaking that he will make the payment for the demand raised or to be raised under section 21(5) of the MMDR Act pursuant to the Apex Court judgment dated 02.08.2017 passed in W.P(C) No 114/2014. This undertaking will also form part of the supplementary mining lease deed as a special condition.

(2) The extension of validity is without prejudice to ongoing proceedings, if any, for lapsing or determination of lease which have been initiated or may be initiated in accordance with the provisions of MMDR Act, 1957 or Rules framed thereunder.

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(3) The extension of validity is without prejudice to any action under the provisions of the Environment (Protection) Act, Odisha Forest Act or any other law for the time being in force in respect of any violations committed by the lessee during the original period of the lease or the period of deemed extension till the date of extension of validity period of the lease.

(4) The extension of validity period of the lease is subject to the final result/outcome of the W.P(C) No 114/2014 (Common Cause-vrs-Union of India & others) pending in Hon'ble Supreme Court.

(5) The extension is subject to condition that any terms and conditions of the original lease, if not complied so far, shall be complied by the lessee within such period as may be specified by a competent authority and the lessee shall furnish an undertaking to such effect.

(6) The lease is subject to condition that the lessee shall not enter upon any forest of any category to which the provisions of the Forest (Conservation) Act, 1980 are applicable without previous sanction of the competent authority, nor fell, cut and use any timber or trees without obtaining the sanction of that authority nor otherwise than in accordance with such conditions as the State Government may prescribe.

(7) The lessee shall not undertake mining operations except under and in accordance to the approvals under the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 and Rules framed thereunder.

(8) The lessee shall complete the prospecting operations in accordance with the provisions contained in letter dated 23.12.2010 of Ministry of Mines, Government of India within the time period specified therein and subsequent instructions, rules and regulations if any issued or that may be issued prescribing the timeline.

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(9) The lessee shall execute a supplementary lease deed for the extended period within three months subject to availability of the required statutory clearances and the above conditions and undertakings shall form part of such deed.

By Order of the Governor

Memo No- 4905 /SM dated

Utsav Kumar
25/6/18
Joint Secretary to Government
25.6.2018

Copy forwarded to M/s Odisha Mining Corporation Ltd, Head Office: Post Box No 34, Bhubaneswar- 751001 for information and necessary action.

Memo No- 4906 /SM dated

Utsav Kumar
25/6/18
Joint Secretary to Government
25.6.2018

Copy forwarded to the Director of Mines, Odisha, Bhubaneswar /Collector, Keonjhar/ DDM, Joda for information and necessary action. The Collector, Keonjhar is authorized to execute the supplementary lease deed with the lessee subject to availability of required statutory clearances.

Memo No- 4907 /SM dated

Utsav Kumar
25/6/18
Joint Secretary to Government
25.6.2018

Copy forwarded to Special Secretary, Forest & Environment Department/ Member Secretary, SPCB, Bhubaneswar/ Regional Controller of Mines, IBM, Bhubaneswar for information and necessary action.

Utsav Kumar
25/6/18
Joint Secretary to Government

GOVERNMENT OF ODISHA.
Forest and Environment Department.

10F(Coms) 108/18

Memo No 14617 dt 04-07-18

Copy with copy of order No. 4904 dt. 25.06.18 of S&M Department forwarded to the P.C.E.F, Odisha P.C.C.F(WL) & CWLW, Odisha/ Director, Environment R&E Department/ RCEF, Rourekela/ D.F.O, Keonjhar for information and necessary action.

Utsav Kumar
Special Secretary to Government