



**OFFICE OF THE
REGIONAL CHIEF CONSERVATOR OF FORESTS, ROURKELA CIRCLE,
AT/P.O. PANPOSH, ROURKELA-769 004.**

Memo No. 592 /3F-39/2024 Date: 10.02-2025

To

The Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act),
O/o the Principal Chief Conservator of Forests & HoFF,
Odisha, Bhubaneswar.

Sub: Proposal for ^{*}diversion of non-forestry use of balance forest land of 84.707 ha in favour of M/s D.C. Jain for mining of Iron and Manganese Ore in Dalpahar Iron & Manganese Ore Mines located in Baitarani RF-II by M/s D.C. Jain- regarding.

X-Sub: Submission of point wise compliance on observation noticed by the Forest Advisory committee (FAC) on dated 30.04.2024.

Ref: 1. Letter No.8-31/2015-FC dated 11.12.2024 of MoEF& CC, Govt. of India, New Delhi.
2. Your Memo No.25245 dated 13.12.2024.
3. Memo No.1212 Dtd.05.02.2025 of the DFO, Keonjhar.

With reference to the aforementioned Memo on the captioned subject, the DFO, Keonjhar Division vide his Memo No. 1211 Dtd.05.02.2025 addressed to this office and copy thereof endorsed to you in the next Memo of even date has submitted the point wise compliance with the observations of the Forest Advisory committee (FAC) on 28.11.2024 in respect of the aforementioned proposal which may kindly be perused.

The point wise compliance submitted by the DFO, Keonjhar Division is as follows:-

Shortcoming No.1

The site inspection has been done by the Regional office in the year 2020 and more than four years' time has elapsed. Additional area for compensatory afforestation has also been provided by the state in between. Therefore, the RO shall submit the fresh SIR for the area proposed for diversion and CA with clear recommendations.

Compliance:-

As reported by the DFO, Keonjhar Division, the site inspection for the applied forest land over 79.367 ha coming within Dalpahar Iron & Manganese Mining lease area (Block-A) over 89.961 ha of M/s D.C. Jain in Baitarani RF under Keonjhar Division has been done by the Deputy Director General of Forests (Central), IRO, MoEF & CC, Govt. of India, Bhubaneswar on 07.01.2025 for submission of fresh site inspection report for the aforesaid forest land proposed for diversion.

Shortcoming No.2

The State has informed that out of 101.171 ha area, an area of 11.21 ha was declared lapsed except the area of block A. Out of 11.21 ha area 5.87 ha was diverted and 5.34 ha was non-diverted. The remaining diverted area within Block A is therefore 10.594 ha ($16.464 - 5.87 = 10.594$ ha) which was not declared as lapsed. Keeping this in view, it is evident that $(101.171 - 11.21)8-31/2015FC I/90091/202489.961$ ha (79.367 for fresh diversion+ 10.594 ha already diverted) area is involved in the mining lease. However, the State Govt. has submitted the proposal for 84.707 ha and applied in form applicable for the renewal. In this regard the State shall clearly specify the exact area for which the permission is required along with a clear break-up of the area for the fresh diversion/renewal etc. The state shall submit the recommendations accordingly.

Compliance:-

As per the report of the DFO, Keonjhar Division, it is a fact that, the total area of aforesaid Mining Lease was 101.171 ha. comprising of 05 Blocks. Out of 101.171 ha, the user agency had obtained the Stage-II approval over 16.464 ha. Hence, the diversion proposal for the balance forest land over 84.707 ha was submitted by the user agency on 27.02.2015. The abstract of Blockwise area of forest land, forest land diverted and applied for diversion on 27.02.2015 are depicted below:

Mining Lease Block	Lease Area (In Ha.)	Already Diverted (In Ha)	Previously applied for diversion. (In Ha)	Present Status
Block-A	89.961	10.594	79.367	Active
Block-B1	0.607	0.607	0.00	
Block-B2	7.689	5.097	2.592	
Block-B3	1.012	0.000	1.012	
Block-C	1.902	0.166	1.736	
Total	101.171	16.464	84.707	Lease Lapsed and Possession taken over by DDM,Joda

As reported by the DFO, Keonjhar, the four Lease Blocks namely Block B1, B2, B3, & C having the Mining Lease area of 11.21 ha (including 5.87 ha diverted land) were lapsed vide Proceeding No.7084,7092,7100 and 7108 all dated 09.07.2013 of the Steel & Mines Department, Government of Odisha. Subsequently, the Block A having an area of 89.961 ha which included 10.594 ha of diverted forest land was also lapsed vide Proceeding No.3882 dated 01.05.2015 of the Steel & Mines Department, Government of Odisha.

However, as reported by the DFO, Keonjhar Division, basing on the direction of Hon'ble High Court of Odisha, the Steel & Mines Department, Govt. of Odisha vide their proceeding No.6610 dated 06.09.2019 have passed order not to declare and record the Iron & Manganese Mining Lease of Sri Avin Jain over an area of 89.961 ha in village Dalpahar Block A of Keonjhar district as lapsed, which includes non-diverted area of 79.367 ha.

As reported by the DFO, Keonjhar Division, the validity of the said mining lease area over 89.961 ha has been extended up to 08-06-2036 as per Letter No.3957/SM-MC1-0012-2021 dated.28.04.2022 of Steel & Mines Department, Government of Odisha (**enclosed as Annexure-ii**) and based on above, Supplementary Lease Deed of Block-A over 89.961 ha was executed in favour of Sri Avin Jain (Power of attorney holder and son of Smt. Sobha Jain & Sri Dharm Chand Jain) on 27.04.2023 (**enclosed as Annexure-iii**). The possession of the lapsed blocks i.e. B1, B2, B3 & C over an area 11.21 have been taken over by Dy. Director of Mines,Joda on dated 31.05.2023 (**enclosed as Annexure-iv**).

Whereas, the Block-A Mining Lease over 89.961 ha has been declared as not lapsed and subsequently the lease validity has been extended up to 08-06-2036 as per the aforementioned orders, therefore, the instant diversion proposal is over 79.367 ha (89.961-10.594 diverted area) of fresh forest land including 2.822 ha earmarked for safety zone along the ML boundary.

As reported by DFO, Keonjhar Division, in view of the above, the User Agency has obtained the statutory documents i.e. 1. Mining Plan, 2. Regional Wildlife Management Plan, 3. Site Specific Wildlife Conservation Plan, 4. Environmental Clearance, 5. Consent to Operate, 6. Forest Right Act (FRA) certificate etc. in respect of the Mining Lease Block-A over 89.961 ha. Further, Non-Forest land over 81.545 ha has been identified for compensatory afforestation & degraded forest land over 83.49 ha has also been identified for Additional Compensatory Afforestation with their approved CA schemes against 79.367 ha (89.961 -10.594) of fresh forest land proposed for diversion including safety zone out of the total mining lease area over 89.961 ha of block-A.

The table below shows the breakup of already diverted area, proposed changes in land use of already diverted area and fresh forest area applied for diversion within ML block-A over 89.961 :-

Sl. No.	Pattern of Utilization	Already Diverted (Broken up) In Hect.	Proposed changes in Land Use of Broken Up land In Hect.	Broken Up area after changes in land use in Hect.	Fresh Land proposed for diversion in Hect.	Total land in Hect.
	A	B	C	D = B+C	E	F = D+E
1	Mining Including Mines Road	6.928	(+) 0.547	7.475	32.575	40.05
2	Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain & Settling Pond)	2.618	(-) 1.225	1.393	11.497	12.89
3	Mineral Processing Unit & Stocking Yard with Env. Protective Measures	0.000	(+) 0.885	0.885	18.185	19.07
	Storage of Topsoil	0.000	0.000	0.000	3.817	3.817
	Internal Road for Transporting	1.048 (including 0.025 ha of safety zone)	(-) 0.998	0.05 (including 0.025 ha of safety zone)	2.860	2.910
	Infrastructure (Office, Site service, Workshop, Creche, Elect. Substation, Cable, Parking Plaza & etc.)	0.000	0.000	0.000	2.754	2.754
4	Green Belt	0.000	(+) 0.500	0.500	4.857	5.357
5	Safety Zone Along the Lease Boundary	0.000	(+) 0.291	0.291	2.822	3.113
Grand Total		10.594	0.000	10.594	79.367	89.961

Further, the DFO, Keonjhar Division has stated that, as the proposal continues since 2015 & in the subject it has been mentioned as 84.707 ha instead of 79.367 ha of fresh forest land and therefore, he has requested for its necessary rectification.

Shortcoming No.3

As per the proposed land use details which are now provided by the state, it has been observed that 81.617 ha area has been proposed for mining, However, in the land use at the expiry of the lease period as per mining plan, it has been mentioned that 28.55 ha area would be under utility activities. The mined out forest area is actually required to be reclaimed and handed back to the forest department. The justification for the utility services after the mine closure shall be provided by the state.

Compliance:-

As per the submission of the User Agency, the DFO, Keonjhar Division has reported that the proposed land use of the ML area over 89.961 ha of the lease Block-A has been provided basing on the approved modified Mining Plan, in which total 81.491 ha will be utilized for mining activities and the balance 8.47 ha will be maintained as greenbelt till end of the mining lease (in Conceptual Period).Out of the 81.491 ha of forest land, 40.05 ha of forest land has been proposed for utilization for mining activities and at the end of lease period, the said mined out area of 40.05 ha will be reclaimed. Similarly, waste dump area of 12.89 ha & utility service area of 28.551 ha will be rehabilitated as reflected in chapter-6.2.11 and shown in Conceptual plan of the approved modified mining Plan. The approved modified Mining Plan is enclosed as **Annexure-v** and the Conceptual Plan is enclosed as **Plate-1** for reference. The land use pattern and the reclamation & rehabilitation measures taken thereof are depicted below.

Measures taken thereon are depicted below:

Sl. No	Pattern of Utilization		Area at the end of mines (In Ha.)	Post mines land use (Action will be taken after end of mines)
1	Mining Including Mines Road		40.05	Reclamation by back filling & plantation
2	Waste Dump Yard with Env.Protective Measures (Retaining wall, Garland drain &Settling Pond)		12.89	Rehabilitation by plantation
3	Utility Services (28.551 ha)	Mineral Processing Unity & Stocking Yard with Env. Protective Measures	19.07	Rehabilitation by plantation
		Storage of Topsoil	3.817	Rehabilitation by plantation
		Internal Road for Transporting	2.910	Rehabilitation by plantation
		Infrastructure (Office, Site service, Workshop, Creche, Elect. Substation, Cable, Parking Plaza & etc.)	2.754	Rehabilitation by plantation
	Total		81.491	
4	Safety Zone Along the Lease Boundary & Green Belt		8.470	Maintenance as Green Belt
Grand Total			89.961	

As submitted by the User Agency, the total ML area over 89.961 ha of forest land (10.594 ha diverted land and 79.367 ha of fresh land proposed for diversion) including the Utility Services area of 28.551 ha will be handed back to Forest Department after being reclaimed/ rehabilitated by plantation in the end of the mining lease period.

Shortcoming No.4

The state has informed that based on a court order the issue of validity of the lease was considered afresh and the state govt. passed an order deciding not to declare and record the mining lease of Sri Avin Jain as lapsed without prejudice to any other proceedings pending against the lessee. In this regard, the state shall reconfirm the validity of the LOI/lease keeping in view the Section 10 A(2)(C) of the amended provisions of MMDR Act,2015. The State shall also give the details of change in the name from Avin Jain to DC Jain in whose favour the forest land diversion proposal has been submitted.

Compliance:-

As reported by the DFO, Keonjhar Division, initially the mining lease deed of Iron & Manganese Mines of 5 separate Blocks over 101.171 ha in Baitarani Reserved Forest under Champua Forest Sub-Division of Keonjhar District was executed in favour of Dharm Chand Jain on 9th June 1986 for 20 years and renewal application was made in time on 01.06.2005 before the expiry of the leases. The table below shows the individual Mining Lease Blocks with their status:

Mining Lease Block	Lease Area (In Ha.)	Present Status
Block-A	89.961	Active
Block-B1	0.607	Lease Lapsed and Possession taken over by DDM, Joda
Block-B2	7.689	
Block-B3	1.012	
Block-C	1.902	
Total	101.171 Ha.	

Whereas all the 5 nos. of mining lease blocks aggregating to over 101.171 ha. were declared as lapsed by Govt. of Odisha in Steel & Mines department including Block-A over 89.961 ha vide "Proceedings" No. 3882 dated: 01.05.2015. A writ petition W. P.(C) No. 993/2015) was also filed before the Hon'ble High Court of Odisha against the lapsing order of Block-A over 89.961 ha. The Hon'ble High Court vide order dated 26.02.2019 remitted back the case to the State authority with a direction to the petitioner to appear before the State authority on 25.03.2019 for hearing and simultaneously directed to the State authority for taking a fresh decision within a period of 4 (four) months from the date of appearance of the petitioner after giving opportunity of hearing to the parties concerned in line with the decision of the Hon'ble Supreme Court in the case of Common Cause-Vrs-UoI & Others.

In view of the above, the State Government, after taking into consideration all the material facts and information available on record upon hearing and being invested with Power u/r 20 (2) of OMMCR 2016, have been pleased to decide not to declare and record the Iron & Manganese mining lease of Sri Avin Jain over an area of 89.961 hectares in village Dalpahar Block-A of Keonjhar District as lapsed without prejudice to any other proceedings pending against the lessee before any court of law or authorities through a "Proceeding" vide No.IV (AB) SM-11/2015/6610/S&M, Bhubaneswar, dated 06.09.2019 **(Already enclosed as Annexure-I).**

Further, the State Government of Steel & Mines Department Vide "Proceeding" No.SM-MC1-MRL-0012-2021/3957/SM, Bhubaneswar, dated 28.04.2022 (Already enclosed as **Annexure-II**), have been pleased to decide to extend the validity period of the lease of Block-A over 89.961 ha in village Dalpahar in Keonjhar District up to 08.06.2036 under Section 8A (3) of MMDR Act, 1957 as amended by the MMDR Amendment Act, 2015. Based on above, a Supplementary Lease Deed of Block-A over 89.961 ha. was executed in favour of Sri Avin Jain (Power of attorney holder and son of Smt. Sobha Jain of Sri Dharm Chand Jain) on 27.04.2023 (Already enclosed as **Annexure-III**).

The DFO, Keonjhar feels it pertinent to mention that the lease of Block-A over an area 89.961 Ha was granted by State Government vide proceedings No. 6179 dated 05.06.1984 and based on the directive of State Government vide order No. 4852, dated 10.04.1986, the lease deed was executed on 09th June 1986. As the above lease (Block-A) is a legally executed Mining Lease since 1986 and the validity period of the said lease was extend up to 08.06.2036 under Section 8A(3) of MMDR Amendment Act, 2015, the validity above lease period was extended, not considered as afresh. The Section under 10A(2)(C) of the amended provisions of MMDR Act, 2015 which is purely regarding the leases granted by the Central Govt. under Sub-section (1) of Section 5 for grant but not for executed lease and it is not applicable to the subsisting lease Block-A over 89.961 ha.

Further, the current authorized signatory (Project Proponent) Shri Avin Jain is the son of Late Sri Dharam Chand Jain (D. C. Jain) & Smt. Shobha Jain and he is the Power of Attorney holder of Smt. Shobha Jain (the legal heir of lessee Late Sri. D.C. Jain). The instant Forest Diversion Proposal was submitted in the name of the lessee, Sri. D.C. Jain. Since he is no longer available, the documentation is being processed through his son & Power of Attorney holder, Sri Avin Jain.

This is for favour of your kind information and necessary action.

Encl: As above.


Regional Chief Conservator of Forests,
Rourkela Circle

Memo No. 593 Date:

Copy forwarded to the Divisional Forest Officer, Keonjhar Division for information and necessary with reference to his Memo No.1211 Dtd.05.02.2025.


Regional Chief Conservator of Forests,
Rourkela Circle