

F. No. 8-47/1993-FC (Pt.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road
New Delhi-110003.

Dated: 3/5 May, 2018

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

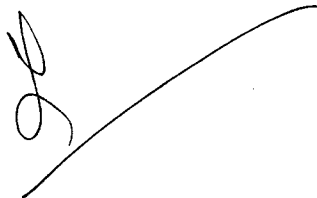
Sub: Transfer of lease in respect of diversion of 54.40 ha of forest land for mining of iron and manganese ore in village Gonua in Bonai Forest Division in Sundergarh District in the State of Odisha from the original user agency i.e. M/s Maitri Shukla, in whose favour the forest land was diverted to M/s Pawan Kumar Ahluwalia, in whose favour the lease has been proposed to be transferred – reg.

Sir,

I am directed to refer to the Government of Odisha's letter No.10F (Cons)23/2018/9665/F&E dated 25.04.2018 requesting to consider prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 for transfer of lease in respect of diversion of 86.886 ha of forest land for mining of iron and manganese ore in village Gonua in Bonai Forest Division in Sundergarh District in the State of Odisha from the original user agency i.e. M/s Maitri Shukla, in whose favour the forest land was diverted to M/s Pawan Kumar Ahluwalia, in whose favour the lease has been proposed to be transferred.

After careful examination of the proposal in accordance with para 2.8 of the Guidelines read with the Guidelines dated 03.05.2010 as issued under Forest (Conservation) Act, 1980 for change of name of user agency, the **post-facto approval in respect of diversion of 54.40 ha forest land only** for change of the name of the user agency from M/s Maitri Shukla to M/s Pawan Kumar Ahluwalia for mining of iron and manganese ore in village Gonua in Bonai Forest Division in Sundergarh District in the State of Odisha, subject to following conditions:

- i. Legal status of the forest land including DLC lands will remain unchanged and the state Government shall ensure that there has been no change in land use since 2011, i.e. the year since which the mining activities has been discontinued.
- ii. The State Government shall ensure that mutation of CA land has been completed and all the levies (including NPV, CA, penalties and other statutory payments, if any) due from the both the lessee in the matter have been paid.
- iii. The State Government shall ensure that all the penalties imposed as per the outcome of Common cause judgement passed by Hon'ble Supreme Court for violation of provisions of FCA-1980 are realized.
- iv. The State Government shall ensure that no mining activity shall be carried out on the forest area, within the lease area, which is not diverted under the



provision of FCA-1980. In case, user agency intends to utilize the forest area outside the diverted area, the user agency shall seek permission under the provisions of FCA-1980.

- v. The user agency shall deposit the NPV for entire forest area within the mining lease area prior to start of any work on diverted forest work.
- vi. The recommendation of the state Government for a change in land use, for the purpose of dumping of OB, is not considered as part of this approval. The State Government may ensure that the lessee rectifies the irregularities in the matter of dumping of OB taken place in the forest area within the prescribed period as provided under Rule 12 (10) of MCR, 2016.
- vii. Subsequent to conveying this approval to the user agency, if any, the state Government shall inform the Ministry if any irregularity has been committed during the lease transfer in the year 2000, which involved addition of forest land over and above 54.40 ha.
- viii. The new user agency shall also furnish an undertaking to pay the additional NPV, if so determined by the Hon'ble Supreme Court of India.
- ix. The new user agency shall abide by all the conditions on which the forest land was leased to the original user agency.
- x. The new user agency shall abide by any other condition that may be stipulated by the Central Government/Concerned Regional Office/State Government in future in the interest of conservation, protection and development of forests & wildlife.
- xi. The User Agency shall submit the annual self - compliance report in respect of the stipulated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year; and
- xii. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests(FC)

Copy to:

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


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests(FC)

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