

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



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E-office File No. KFD/HOFF/A5-1(MNG)/32/2020-FC

Encl.: 3 sets of proposal

E-352151

Date 27-07-2021

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To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M. S. Building, Bengaluru

Sir,

Sub: Diversion of 32.49 hectare of forest land (30.9 hectare for mining lease and 2.40 hectare for approach road) in Ramanamalai Block Forest, Sandur Taluk, Ballari District [*Ramdev Iron Ore Mine ML No.2563; erstwhile C-category mine e-auctioned*] in favour of M/s MSPL Limited, Hosapete Ballari *the preferred Bidder in e-auction*

Proposal No. FP/KA/MIN/50114/2020 [FORM-A]

- Ref:**
1. Online proposal [FORM-B PART-I] dated 19-10-2020 (resubmitted) of M/s MSPL Limited, Hosapete Ballari r/w uploading of Acknowledgement on 22-12-2020 for having delivered hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office's online communication dated 22-12-2020 to Deputy Conservator of Forests, Ballari Division for processing of proposal
 3. Online submission of PART-II on 01-06-2021 by Deputy Conservator of Forests, Ballari Division [*letter No. M1/MNG/MSPL/M.L.2563/2019-20/383 dated 27-04-2021*]
 4. Online submission of PART-III on 23-06-2021 by Chief Conservator of Forests, Ballari Circle [*letter No. M1/MNG/KD/TRF/ML.No.2563/CR-16/2020-21 (MSPL) dated 23-06-2021*]

1. The Government of India, Ministry of Environment and Forests, New Delhi vide letter No. F(c)A/16.01/105/KAR/MIN/1056 dated 12-10-2007 had accorded the approval under Section 2 of Forest (Conservation) Act, 1980 for Diversion of

33.76 hectare of forest land. In Ballari District in forward M/s Kanhaiyalal Dudheria. Accordingly Government of Karnataka vide letter No. FEE 12 FFM-2007 dated 18-10-2007 granted the forest lease for extraction of Iron Ore for a period of 20 years w.e.f. 16-06-2000 co-terminus with the lease grants under MMDR Act.

2. Meanwhile, the mine in question was identified as C-category mine by the Central Empowered Committee (CEC) and was thus cancelled by Hon'ble Supreme Court vide Order dated 18-04-2013 in W.P.(Civil) No. 562/2009. The mine was subsequently e-auctioned by the Department of Mines and Geology in favour of M/s MSPL Limited, Hosapete Ballari [the instant USER AGENCY] as the Preferred Bidder. Accordingly, based on the request of M/s MSPL Limited, Hosapete Ballari (as Successful Bidder). Accordingly, based on the request of M/s MSPL Limited, had submitted a request for transfer of lease, same has been submitted by Government of Karnataka to Government of India on 25-05-2020 for transfer of lease. Simultaneously the MSPL Limited submitted an online proposal No. FP/KA/MIN/40682/2019 (FORM-B) for renewal while receiving the proposal from in field officer, in the meanwhile, the mining lease period has been expired (which was valid up to 15-06-2020). Now, the MSPL Limited, Hosapet has made fresh application for Forest Clearance vide online Proposal No. FP/KA/MIN/50114/2020 (FORM-A)
3. M/s MSPL Limited, Hosapete Ballari [USER AGENCY] vide Ref (1) has now resubmitted an online proposal (FORM-A PART-I) seeking approval under Section-2 of Forest (Conservation), Act 1980 for diversion of 32.49 hectare (previous FC approval extent of 33.76 hectare) of forest land in Ramanamalai Block Forest, Sandur Taluk, Ballari District for mining purpose in mining lease (erstwhile ML No.2563). The same was accepted by Nodal Officer (FCA) on 20-12-2020 for further processing. After receiving the Acknowledgement from the User Agency on 22-12-2020 through FC web portal for having delivered the hard copies to the Deputy Conservator of Forests, Ballari Division and Deputy Commissioner, Ballari District, the web portal link was forwarded to the Deputy Conservator of Forests, Ballari on 22-12-2020 for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.
4. **Location and component-wise details of the project:** The location and the component details of the forest land proposed for FC renewal are given below.

District, Taluk, Name of Forest	Village	Sy No.	Project component	Forest extent proposed for FC Diversion (ha)	Legal status of land
Ballari District, Sandur Taluk,	-	-	Mining Lease Area	30.09	Section 4 Notified

Ramanamalai Block Forest		approach road	2.40	
Total (ha)			32.49	

No Village and Survey Numbers have been assigned to the forest land in question

- 5. DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 16-04-2021 personally and vide Ref (3) has submitted the Site Inspection Report dated 27-04-2021 along with other details and recommendation in PART-II to the Chief Conservator of Forests, Ballari Circle. Main features of the proposal as reported by the Deputy Conservator of Forests, Ballari Division r/w the report of Chief Conservator of Forests, Ballari Circle and also that of the ICT Centre of Forest Department are as follows.
- The forest land proposed for diversion being with steep slope is prone to soil erosion. The User Agency is required to take up Soil and Moisture Conservation works.
 - The forest land proposed for diversion is in general landscape under Eco-class-III (Tropical Dry Deciduous Forests) with Open Forest (Canopy density <0.4).
 - As per Item 4(ii) of PART-II, there are 482 trees in various girth classes in the forest land proposed for FC renewal. Main species include *choroxylon swietemia*, *Terminalia tomentosa*, *Acacia Catechu*, *Tectona Grandis*, *Cassia Fistula*, *Pterocarpus Marsupium*, *Albizzia lebbeck*, *Grewia Tiliaefolia*, *lagerstromia pariflora*.
 - Major wild animals found in and around the area include the Leopard, Sloth Bear, Jackal, Hares, Peafowl, Wild pig, Grey partridge, Indian porcupine, Monitor lizard, four-horned antelope and Pangolin etc.
 - There are other rare/endangered/unique species of flora and fauna reported in the area. [Note: The entry made in Item 8(v) of PART-II of the proposal may be read accordingly.]
 - The forest land does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
 - There is no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land.
 - The proposed area is 8.31 KM away from the Daroji Sloth Bear Sanctuary and 6-02 Kms away from Eco-sensitive Zone of Daroji Sloth Bear Sanctuary, 36-22 kms away from the Gudekote Sloth Bear Sanctuary and 32-10 kms away from Eco-sensitive of Gudekote Sloth bear Sanctuary.

- i. There are no Protected/ Archaeological/ Heritage Sites/ Defence/ establishments located in the area.
 - j. The forest area proposed for FC diversion is the bare minimum and unavoidable for the project.
 - k. There is no violation reported under Forest (Conservation) Act, 1980.
- 6. CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has inspected the site personally on 22-06-2021 and recommended the proposal while submitting the report in PART-III vide Ref (4).
- 7. Mining Lease:**
- a) The original Mining Lease Deed for ML No.1672 (old) made in favour of M/s Kanhaiyalal Dudheria for a period of 20 years with effect from 16-06-1980 for an extent of 33.76 hectare in Ramanamalai Block Forest, Sandur Taluk. The mining lease was subsequently renewed under the MMDR Act for a period of 20 years w.e.f., 16-06-2000 thus making valid up to 15-06-2020.
 - b) Subsequently, the Department of Mines and Geology has e-auctioned the said mine and vide letter No. DMG/MLS/AUC/'C'-2563/2018-19 dated 06-10-2018 has declared M/s MSPL Limited, as the 'Preferred Bidder' subject to fulfillment of certain conditions. The Applicant has not yet submitted the Lease Deed executed with Department of Mines and Geology.
- 8. Forest Clearance for Mining Lease area:**
- a. The first time FC for the mining lease in favour of M/s Kanhaiyalal Dudheria was accorded under the Forest (Conservation) Act, 1980 vide Government of India letter F.No. F(c)A/16.01/105/KAR/MIN/1056 dated 12-10-2007. Accordingly, the Government of Karnataka vide Order No. FEE 123 FFM 2007 dated 18-10-2007 sanctioned the forest lease for ML No.2563 over an extent of 33.76 hectare in Ramanamalai Block Forest, Sandur Taluk for the period of 30 years in favour of M/s Kanhaiyalal Dudheria w.e.f, 16-06-2000 and co-terminus with the MMDR Act.
- 9. Extent of mining Lease Area:** The Forest Clearance was granted for an extent of 33.76 hectares, whereas as per the Joint survey conducted by the CEC and as per their digitization sketch, the extent of lease area was concluded to be 30.09 hectares. The Commissioner, Department of Mines & Geology, Bengaluru had issued a letter as successful Bidder vide letter No.DMG-17012/6/2018/2019-20/5835 dated 23-12-2019 for an extent of 30.09 hectares and thus the request/proposal by M/s MSPL Limited, Hospet for renewal of lease for 30.09 ha. Further out of the 30.09 ha forest area requested for diversion an area of 0.0074 ha is overlapping with M/s Lakshmi Minerals (ML No.2545), the mine for which the FC is in currency. Hence, the same (extent of 0.0074 ha) can be excluded from the

proposal. In addition to this, the proposed area to the extent of 0.0003 ha is overlapping with M/s A.M. Minerals (ML No.2278) for which the Forest Clearance has expired and thus said 0.0003 ha area may be included in this instance proposal. Thus, after accounting the overlapping areas as proposed the area that can be accrued for the proposed mining is 30.0826 ha (30.09 ha-0.0074 ha). Therefore, the Forest Clearance in this instant may be proposed over an extent of 32.4826 hectares (30.0826 ha for mining and 2.40 hectares for approach road).

10. Connected issue of Approach Road: The total extent of the proposed Approach Road is 4.25 Ha. About 1.30 Ha of this approach road falls in the Forest Area leased to of M/s. Lakshmi Minerals (ML No. 2545) vide Government of India letter No. 4-KRC-16.1/2006 BAN2323 dated 12.03.2007 and Government of Karnataka order No. FEE-152, FFM-2005 dated 23.03.2007 (UA proposes to have an MoU or Consent). Further, an area of 0.22 Ha of Forest Area has been requested for diversion in favour of M/s. Lakshmi Minerals (ML No. 2545) vide online application No. FP/KA/ROAD/39507/2019 (which is under consideration) and an area of 0.73 Ha falls in Non-Forest land. The rest 2.40 Ha of the proposed approach road falls in Forest Area (Ramanamalai Block Forest) and hence M/s MSPL, Hospet has proposed for diversion of 2.40 ha as approach Road.

11. Net Present Value (NPV): The previous User Agency (M/s. Kahannaiah Lal Dudheria) has remitted Rs. 2,16,64,000/- vide DD No. 621402 dated 11.09.2007 Net Present Value as per approved under Forest (Conservation) Act, 1980. The NPV amount has been revised as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05-02-2009. (i.e. Rs.8,03,000/- per Ha). M/s MSPL Limited, Hospet has submitted undertaking dated 15-01-2021 to remit the differential amount worked as per the prevailing rates of Net Present Value (NPV).

12. Compensatory Afforestation (CA): The instant proposal is for diversion is covered by Para 2.3 (i) of the FC Guidelines.

It is noticed that an extent of 10.12 ha of identified C & D land in Rayapura Village Sy No. 156, Ballari Taluk and District over an extent of 10.12 ha and Sy No.3 of Garaga village, Hospete Taluk, Ballari District over an extent of 7.10 ha the said land has not been mutated and transfer to the Forest Department in the compliance of Condition No. (ii) of the first FC approval (Stage-I) dated 08-08-2007 of Government of India towards CA (in lieu of area to be broken up afresh) forest area. For that User Agency submitted the undertaking dated 26-07-2020 *that they will take the responsibility of mutation in favour of Forest Department through District Administration for the area identified by erstwhile lessee (M/s Kanhaiyalal Dudheria) at the time of Stage-I compliances.* (Copy enclosed)

The present proposal being for fresh FC in Form-A will require an equivalent extent of 32.49 ha of non-forest land to be identified for CA in accordance with Para 2.1 and 2.3 of FC Guideline and also the Government of Karnataka Order No. FEE 88 FLL

2016 dated 31-08-2016 which mandates the User Agencies in Private Party FC proposals to propose CA land either as a Forest Enclosure or adjoining to a forest area in man-animal conflict zone. Accordingly, the instant User Agency has identified the following non-forest lands in Amagaon village, Khanapura Taluk, Belagavi District for raising Compensatory Afforestation.

for raising compensation					
District	Taluk	Village	Sy No.	Extent proposed for CA	
				Acre	Hectare
Belagavi	Khanapura	Amagaon	6/4	4-34	1.75
			6/5	1-60	0.65
			6/6	31-88	12.90
Total				37-82	15.30

The User Agency has uploaded the CA land details in the form of Topo Map, Geo-referenced Map along with the GPS readings of all corners and KML file in PART-I.

Further, the User Agency has submitted an undertaking dated 26-07-2021 that for the diversion of 32.49 hectares of forest area (erstwhile lessee of M/s Kanhaiyalal Dudheria ML No.2563), given undertaking that, they will provide CA land for full extent if any conditions imposed by Forest Advisory Committee, MoEF and CC, New Delhi (Copy enclosed)

The User Agency also required to pay the CA charges accordingly the User Agency has submitted the Undertaking dated 15-01-2021 in this regard.

“As per FC Guidelines dated 07-07-2021 Sl No. (iv) that “the State Government shall ensure that the amount of Net Present Value, Safety Zone Plantation and Compensatory Afforestation (CA), if not deposited earlier, has been deposited prior to handing over of the forest land to the new allottee. Also, in case the CA land has not been made available previously, the forest land shall be handed over to the new allottee only after the corresponding CA land has been accepted by the competent authority as per the extant procedures for acceptance of CA lands for a new proposal.”

13. Status of RoFR compliance: With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency is required to obtain and furnish the attested/authentic copy of the RoFR Certificate in FORM-I & II (for Linear / Non-linear project) issued by the jurisdictional Deputy Commissioner as per Annexure I & II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. Accordingly, **the User Agency is being informed once again to obtain the said certificate in prescribed format and submit a copy. The User Agency submitted undertaking dated 15-01-2021 in this regard.**

In light of the facts stated above and agreeing with the recommendations of the field officers, **it is requested to move the proposal with Government of India for according ‘in-principle’ (Stage-I) approval for diversion of 32.49 hectare of**

forest land (30.9 hectare for mining lease and 2.40 hectare for approach road) in Ramanamalai Block Forest, Sandur Taluk, Ballari District [Ramdev Iron Ore Mine ML No.2563; erstwhile C-category mine e-auctioned] in favour of M/s MSPL Limited, Hosapete Ballari the preferred Bidder in e-auction for a period co-terminus with the lease granted under MMDR Act, 1957 subject to production of the RoFR Certificate in FORM-I & II (for Linear / Non-linear projects) and further subject to the conditions specified in Annexure 'A'.



The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status (Timeline) of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully

(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. M/s MSPL Limited, Baldota Enclave, Abheraj Baldota Road, Hosapete, Ballar-583 203 information and **with request to obtain and furnish the attested/authentic copy of the RoFR Certificate in FORM-I & II (for Linear / Non-linear projects) issued by the jurisdictional Deputy Commissioner as per FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019.**



3-8-2021

ANNEXURE - 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory Afforestation, Plantation cost of extraction of trees, Land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The mining operation and transportation of mined ore shall be under taken between sunrise and sunset only.
5. The lessee shall not sub-lease, mortgage and hypothecate the forest area.
6. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. No labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
11. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.

Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks</p> <p>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.)</p>	<p>Recommended for moving the proposal with Government of India for according 'in-principle' (Stage-I) approval for diversion of 32.49 hectare of forest land (30.9 hectare for mining lease and 2.40 hectare for approach road) in Ramanamalai Block Forest, Sandur Taluk, Ballari District [Ramdev Iron Ore Mine ML No.2563; erstwhile C-category mine e-auctioned] in favour of M/s MSPL Limited, Hosapete Ballari the preferred Bidder in e-auction for a period co-terminus with the lease granted under MMDR Act, 1957 subject to production of the RoFR Certificate in FORM-I & II (for Linear / Non-linear projects) and further subject to the conditions specified in Annexure 'A'.</p> <p>Proposal No. FP/KA/MIN/50114/2020 (FORM-A)</p>
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Signature:

Name:

RAJIV RANJAN IFS

Designation:

Additional Principal Chief Conservator of Forests
(Forest Conservation) AND
Nodal Officer (FCA)

Countersigned by :

Name:

SANJAY MOHAN IFS

Designation:

Principal Chief Conservator of Forests
(Head of Forest Force)

N.D.O. No: 15/2021-22

(Official Seal)

Date: 03-07-2021

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