

I/735193/2025

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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E-office File No. KFD/HOFF/A5-1(MNG)/21/2018-FC
Encl.... 4

E-63659
Date: 11-12-2024

✓ To,

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

Sir,

Sub: Ex post facto approval for diversion of 3.331 Ha (*revised from 4.3013 Ha*) of forest land in Sy No. 20 Megalahalli Village, Sy No. 9 Marijogihalli Village and Sy No. 6 Bedarabommanahalli Village in Nirthadi State (Reserved) Forest, Hireguntanuru Hobli, Chitradurga Taluk and District for approach road to ML No. 2677 through Gate-3 in favour of M/s Vedanta limited, Chitradurga District

Proposal No. FP/KA/MIN/144881/2021 [Form-A]

- Ref:**
1. Online (FORM A PART-I) proposal dated 05-07-2023 (resubmitted) by M/s Vedanta limited r/w uploading of Acknowledgement on 18-08-2023 for having delivered the hard copies of proposal to the jurisdictional Deputy Conservator of Forests and the Deputy Commissioner
 2. This office online communication dated 30-08-2023 to Deputy Conservator of Forests, Chitradurga Division for further processing of the proposal.
 3. Online submission of PART-II on 13-12-2024 by the Deputy Conservator of Forests, Chitradurga Division [Letter No. A6/FC/Vedanta/144881/CR-16/2023-24 dated 04-12-2024]
 4. Online submission of PART-III on 16-12-2024 by the Conservator of Forests, Ballari Circle [Letter No. M1/MNG/Vedant ML 2677/Gate-3/Approach Road/CR-17/2024-25 dated 13-12-2024]

1. M/s Vedanta limited, Chitradurga [User Agency] has (re)submitted an online proposal (FORM-A PART-I) on 05-07-2023 through the FC web portal for seeking ex-post facto approval for diversion of 3.331 Ha (revised from 4.3013 Ha) of forest land in Sy No. 20 Megalahalli Village, Sy No. 9 Marijogihalli Village and Sy No. 6 Bedarabommanahalli Village in Nirthadi State (Reserved) Forest, Hireguntanuru Hobli, Chitradurga Taluk and District for approach road to ML No. 2677 through Gate-3 under Section 2 of the Forest (Conservation) Act, 1980. After uploading of acknowledgement on 18-08-2023 by the user agency on FC web

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portal for having delivered the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Chitradurga Division to process the said proposal further and to submit specific opinion / recommendation.

- 2. Location details and component-wise breakup of forest land:** The location and component-wise breakup of forest land required for the project are as under.

District, Taluk, Name of Forest	Village	Sy No.	Project component	Forest extent proposed for diversion (ha)	Status of forest land
Chitradurga District and Taluk, Nirthadi State (Reserved) Forest	Megalahalli	20	Approach Road	1.828	* Recorded Forest.
	Marijogihalli	9		0.174	** Nirthadi RF.
	Bedarabomme a halli	6		1.329	*** Recorded Forest

** Mysore Government Notification No. G. 7707-Ft. 158-38-2 dated 11-07-1939

Component wise-breakup: -

Sl No.	Components	Forest Land (in ha)
1	Drain	0.469
2	Shoulder	0.312
3	Carriage way	2.200
4	Bund	0.350
		3.331

- 3. DCF, Chitradurga Division Report:** The Deputy Conservator of Forests, Chitradurga Division has inspected the site on 09-11-2024 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to the Conservator of Forests, Ballari Circle, Ballari. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Chitradurga Division and the Conservator of Forests, Ballari Circle and also that of ICT Centre of the Forest Department are given below.

- The forest land proposed for diversion is in general landscape of Eco-class-III (Tropical Dry Deciduous Forests) with Open Forest (canopy density <0.4)
- As per Item 4(ii) of PART-II, there are no trees required to be felled in the forest land proposed for diversion.
- The forest land proposed for diversion is prone to soil erosion. The User Agency is required to take up soil erosion control measures all along the road and adjoining area.
- Major wild animals present in and around the project area include the Leopard, Sloth bear, Hare and Wild Boar among others.
- There are no other rare / endangered/unique species of flora and fauna reported in the area.

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- f. The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
 - g. 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 proposed for diversion.
 - h. There are no Protected/ Archeological/ Heritage Sites/Defence/ establishments located in the area.
 - i. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
 - j. Violation has been reported under Forest (Conservation) Act 1980 for an extent of 3.331 ha, period of work done is in the year 2008. Details of the action taken in this regard is been mention in the additional information column Para 8 (B).
4. **CF Ballari Circle Report:** The Conservator of Forests, Ballari Circle has not inspected the site personally. However, agreeing with the recommendation made by the DCF, Chitradurga Division, the Conservator of Forests, Ballari Circle has also recommended the proposal. Specific comments of the Conservator of Forests, Ballari Circle are mentioned in Item 15 & 16 of PART-II/III of the proposal cited at Ref (4) above.
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the latest Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide order dated 29-12-2023. **The User Agency will be required to pay the applicable charges as per the order issued vide the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), New Delhi letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022 (guidelines regarding revised rates of NPV), dated 19-01-2022 (regarding proposals applicable for revised rate of NPV) and dated 22-03-2022 (regarding proposals applicable for revised rate of NPV).** The User Agency has submitted an undertaking dated 28-11-2024 agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.
6. **Compensatory Afforestation (CA):** The User Agency is required to provide an equivalent extent of suitable (private) non-forest land for CA purpose in accordance with FC guidelines r/w Government of Karnataka Order No. FEE 88 FLL 2016 dated 31-08-2016 and also to pay the CA charges as per prevailing rates. Accordingly, the User Agency has identified the non-forest land for CA purpose, the details are mentioned as below;

District	Hobli /Taluk	Village	Sy No	Extent in Ha
Chamarajanagara	Agara / Yelandur	Madduru	1191	2.023
			1192	2.023
			1193	2.023
Total				6.069

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The User Agency has uploaded the CA land information (Topo Map, Geo-referenced Map along with GPS readings of all corners and KML file in PART-I of the proposal. Further, the Deputy Conservator of Forests and Director, BRT Tiger Reserve, Charajanagara has inspected the said land on 24-03-2021 and has issued CA Land Suitability Certificate dated 24-03-2024. As per CA suitability issued by the Deputy Conservator of Forests and Director, BRT Tiger Reserve, Charajanagara stated that the proposed CA land is sharing 25% or more border with the deemed forest area (Sy No. 943 Maddur Village) under the control of BRT Tiger Reserve and the area is having some vegetation with some blank places. However, as the said area is having wild animals' moments the survival of CA plantations will be difficult. The hard copies of CA related information (*Topo Map, Geo-referenced Map, CA Land Suitability Certificate and CA Scheme*) are enclosed herewith.

Since, CA Plantation cannot be raised in proposed CA land, the afforestation works is proposed to be taken up in degraded forest land for twice the extent of forest land proposed for diversion. Accordingly, **the DCF Chitradurga Division has identified degraded forest land of extent 6.670 ha is Sy No. 23 of BG Kere Village (Kamarakaval), Kasaba Hobli, Molakalmuru Taluk, Chitradurga District and Division.** The documents related to the Degraded Forest for raising CA has are also enclosed herewith. Further, **the User Agency has also submitted an Undertaking dated 28-11-2024 agreeing to pay the Compensatory Afforestation charges.**

7. **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 has to obtained Certificate in obtained Certificate in Form-I (for Linear projects) under Forest Rights Act-2006 from jurisdictional Deputy Commissioner** as per Annexure IV, Condition No. XXV of the latest Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide order dated 29-12-2023. Accordingly, the User Agency is being informed again to obtain the said certificate in prescribed format and submit a copy.

8. Additional Information:

A. **Status of Mine lease under MMDR Act 1957: The details of lease grants issued to the Mine and the information on lessees are as follows: -**

- i. Date of first grant: 28-10-1952 for a period of 20 years in the name of A. S. Krishnamurthy for an area of 388.5 ha, executed on 03.08.1955 vide ML No. 248.
- ii. First renewal – From 28.10.1972 to 27.10.1982 in favour of A. S. Krishnamurthy executed on 08.06.1973, for the period of ten years for an area of 388.5 ha vide ML No 1149. Second renewal from 28.10.1982 to 27.10.1992 in favour of A.K.MadhavaNarain, executed on 13.05.1983 for the period of ten years for an area of 337.91 ha, vide ML No. 1884.

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- iii. Third renewal from 28.10.1992 to 27.10.2012 in favour of A. Narrain Mines Pvt. Ltd., executed on 29-05-1998 for the period of twenty years for an area of 163.50 ha vide ML no 2236.

B. Status of FC Approvals: -

a) Status of FC approval for use of forest land for mining lease (161.54 ha) and Gate-2 Approach Road from ML No.2677 towards BBH/MEL Railway sidings) (3.25ha):

- i) Government of India vide F.No.8-81/1992-FC(Pt), dated:30-12-2014 (**Annexure-1**) has accorded the final approval under Section-2 the Forest (Conservation) Act, 1980 for renewal of mining lease over 164.79 ha of forest land (161.54 ha for mining lease + 3.25 ha for approach road) in Nirthadi Reserved Forest in favour of M/s Sesa Sterlite Limited (formerly M/s Sesa Goa Limited) for a period co-terminus with the mining lease period under Mines and Minerals (Development and Regulation) Act 1957 subject to a maximum of 20 years.
- ii) Accordingly, the State Government vide G.O. No. FEE 91 FFM 2012, dated:07-01-2015 (**Annexure-2**) has accorded permission for diversion of the said 164.79 ha of forest land (161.54 ha for mining lease + 3.25 ha for approach road).

b) Status of FC approval for use to forest land for Gate-1 Approach Road Passing through Chowdenahalli village Sy No. 1 and Tanigehalli Village Sy No. 35 towards Sasalu Railway siding (1.35 km: 2.025 Ha):

- i) The Government of India vide F.No.8-81/1992-FC-FC (pt) dated: 17-01-2019 (**Annexure-3**) has accorded in-principle (Stage-I) approval subject to conditions, in response to the State Government letter No.FCF/11.1/123/KAR/6554 Date: 23-01-2015. The compliance report to the conditions of Stage-I approval seeking the final (Stage-II) approval has been submitted by field officers to the head office vide letter dated:09-01-2024. Thus, the final (Stage-II) Approval under Section-2 of the FC Act [*Van (Sanrakshan Evam Samvardhan) Adiniyam now*], 1980 is still awaited.
- ii) Meanwhile, the State Government vide letter No. FEE 40 FFM 2014, dated:09-01-2015 (**ANNEXURE-4**) has permitted the use of this road for transportation of iron ore from M/s Sesa Sterlite Limited mine pending FC clearance from Government of India. This permission was issued on the ground that this road was being used for transportation of iron ore.

B. FC Violation and connected issues: -

- The Range Forest Officer, Holalkere Range, Holalkere has written a letter to M/s Sesa Sterlite Ltd., (M/s Sesa Goa Limited) holder of the Mining License number 2236/2677 who were transporting the materials through road in Sy no 9 of Marijogihalli village without getting any prior permission under the Forest Conservation act and the company was asked to stop the transportation of material as per the letter dated 26.06.2018 (**ANNEXURE-5**).

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- In this regard a detailed letter along with the report was submitted from this office on 21.08.2018 to the higher authorities (ANNEXURE-6).
- The Principal chief conservator of Forests (Head of Forest Force) Bangalore has submitted a detailed report in respect of the above road, in his report dated 30.08.2018 to the Additional Chief Secretary, Forests, Ecology and Environment department, Bengaluru. (ANNEXURE-7).
- As per the report, the State Government in its order dated 01-10-2018 permitted for Transportation of Iron Ore by M/s Sesa Sterlite Limited having Mining License Number 2677 through Gate no 3 from Meghalahalli to Bheemasamudra via Marijogihalli in the existing road measuring 0.174 Ha falling in forest area without hindering transportation of the Ore from the Mines (ANNEXURE-8).
- **Bedarabommanahalli Village Sy No. 6:** The entire survey number was recorded as 'Government Forest' in revenue records till 2004, when the then Deputy Commissioner, Chitradurga, order for change of the status from 'Government forest kharab' to 'Government Kharab'. Subsequent to the hearing held on 11-04-2022 in Supreme Court of India SLP NO.28583/2019, it was decided in the meeting held on 22-04-2022 (ANNEXURE-9) under the chairmanship of Chief Secretary GOK to treat the entire extent of 267.23 acres in Sy No. 6 of Bedara Bommanahalli Village as "forest land". Accordingly, the Deputy Commissioner, Chitradurga vide O.M. dated: 10-08-2022 has ordered the AC, Chitradurga and Tahsildar, Chitradurga to mention Bedara Bommanahalli village Sy No.6 as a "Forest Land" in revenue records (*Virtually reverting the land status to the original one*). However, the status change has not been effected in Col. 9 of the RTC of Bedara Bommanahalli village Sy No.6 (ANNEXURE-10). It is also to add that the copy of the said meeting proceedings dated:22-04-2022 as well as the O.M. dated:10-08-2022 of DC Chitradurga have not been marked to the forest department.
- In this regard, the Range Forest Officer, Holalkere Range, Holalkere has registered an FOC No.18/2022-23, dated:01-10-2022 against the authorities of M/s Vedanta Limited for using the forest portion of Gate-3 approach road and has also submitted the chargesheet to the Jurisdictional JMFC Court. This case is pending in JMFC Court. The transportation of M/s Vedanta ore has since been stopped, after registering FC No.18/2022-23 dated:01-10-2022. (ANNEXURE-11).

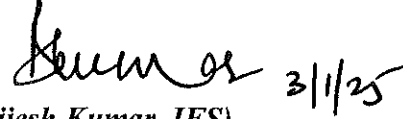
In light of the facts stated above, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for Ex post facto approval for diversion of 3.331 Ha (revised from 4.3013 Ha) of forest land in Sy No. 20 Megalahalli Village, Sy No. 9 Marijogihalli Village and Sy No. 6 Bedarabommanahalli Village in Nirthadi State (Reserved) Forest, Hireguntanuru Hobli, Chitradurga Taluk and District for approach road to ML No. 2677 through Gate-3 in favour of M/s Vedanta limited, Chitradurga District under Section 2 of the Forest (Conservation) Act, 1980 for a period Co-terminus with the mining lease granted under MMDR Act, 1957 (as Amended) subject to

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production of FRA certificate and also 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 of the proposal obtained from the web-portal is also appended for necessary action.

Yours faithfully,

 3/1/25

(Brijesh Kumar, IFS)

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


Copy to the:

1. Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. M/s Vedanta Limited Iron Ore Karnataka, Vedanta Sesa Goa Iron ore, Megalahalli Office Complex, Megalahalli Village, Bheemasamudra Post, Chitradurga District – 577 520 for information and with a request to obtain and submit the FRA Certificate in FORM-I (for Linear Projects) as mentioned above at the earliest.

ANNEXURE 'A'

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1. The legal status of forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Government from time to time.
3. The lease tenure shall be Co-terminus with the mining lease granted under MMDR Act, 1957 (as Amended).
4. 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 one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The Chief Conservator of Forests / Deputy Conservator of Forests concerned is authorized to take necessary action in this regard.
5. In case any violations are committed by the user agency under the forest laws, the forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No constructions other than other than formation of approach road shall be permitted in the proposed forest area.
7. The User Agency has to pay the Net Present Value (NPV) for forest land diverted.
8. The User Agency has to pay charges towards SMC works in the forest area of the proposed approached road to a width of 100 Mtrs on both sides along with avenue plantation of local species, to be taken up by the Karnataka Forest Department.
9. The User Agency shall ensure that there is no damage to the available fauna and other flora in and around the leased area. Any violation will be liable for action under relevant forest and any other laws.
10. No labour camp shall be established in the forest area.
11. All waste / debris generated shall be scientifically disposed off.
12. All precautions shall be taken to ensure fire- protection of the forest while executing the works.
13. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
14. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
15. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
16. The User Agency shall also abide by all the conditions imposed by Government of India, Government of Karnataka and the Principal Chief Conservator of Forests, (Head of Forest Force).

 21/1/25

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

PART-IV

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(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 ex-post facto approval for diversion of 3.331 Ha (revised from 4.3013 Ha) of forest land in Sy No. 20 Megalahalli Village, Sy No. 9 Marijogihalli Village and Sy No. 6 Bedarabommanahalli Village in Nirthadi State (Reserved) Forest, Hireguntanuru Hobli, Chitradurga Taluk and District for approach road to ML No. 2677 through Gate-3 in favour of M/s Vedanta limited, Chitradurga District under Section 2 of the Forest (Conservation) Act, 1980 for a period Co-terminus with the mining lease granted under the MMDR Act, 1957 (as amended) subject to production of FRA certificate and also subject to the conditions specified in Annexure 'A'.</p> <p>[Proposal No. FP/KA/MIN/144881/2021, [Form-A]]</p>
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Signature:
Name:
Designation:

Signed by Brijesh Kumar
Date: 03-01-2025 14:50:49
Reason: Approved
BRIJESH KUMAR IFS
Principal Chief Conservator of Forests
(Forest Conservation) AND Nodal Officer (FCA)

(Official Seal):

N.D.O. No: 58/2024-25

Date: 03-01-2025

