

/668672/2024

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

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



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ  
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು - 560 003  
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Malleshwaram, Bengaluru-560 003  
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E-office File No. KFD/HOFF/A5-1(MNG)/10/2021-FC  
Encl....

E-509333  
Date 05-09-2024

To,

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

Sir,

**Sub:** Diversion of 4.035 hectares of Forest land in Swamymalai (SM) Block, Near Hilikunte Village, Sandur South Range, Sandur Taluk, Ballari District for Approach Road to mining lease No. 0016 [e-auctioned C-category mine] in favour of M/s Kirloskar Ferrous Industries Limited, Pune

**Proposal No. FP/KA/MIN/143973/2021 [Form-A]**

- Ref:**
1. Online (FORM A PART-I) proposal dated 19-02-2022 (resubmitted) by M/s Kirloskar Ferrous Industries Limited r/w uploading of Acknowledgement on 24-03-2022 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 28-03-2022 to Deputy Conservator of Forests, Ballari Division for further processing of the proposal.
  3. Online submission of PART-II on 24-11-2022 by the Deputy Conservator of Forests, Ballari Division [Letter No. M1/MNG/Kirloskar/Road/2021-22(5.4476 ha) dated 30-09-2024]
  4. Online submission of PART-III on 21-08-2024 by the Conservator of Forests, Ballari Circle [Letter No. M1/MNG/Kirloskar/Approch Road/CR-28/2022-23 dated 16-08-2024]

1. M/s Kirloskar Ferrous Industries Limited, Pune [User Agency] has (re)submitted an online proposal (FORM-A PART-I) on 19-02-2022 through the FC web portal for seeking approval for diversion of 4.035 hectares of Forest land in Swamymalai (SM) Block, Near Hilikunte Village, Sandur South Range, Sandur Taluk, Ballari District for Approach Road to mining lease No. 0016 [e-auctioned C-category mine] under Section 2 of the Forest (Conservation) Act, 1980. After uploading of acknowledgement on 24-03-2022 by the user agency on FC web portal for having



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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, Ballari 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	Length (mtr)	Average Width (mtr)	Forest extent proposed for diversion (ha)	Status of forest land
Ballari District, Sandur Taluk, Swamymalai Forest Block of Sandur South Range	Swamymalai (SM) Block Forest (Sy No. -)	Approach Road	4035	10	4.035	* Section-4 notified area
<b>Total</b>					<b>4.035</b>	

\*Government of Karnataka Notification No. FFD-29-FAF-84 dated 28-02-1985

**Segment wise complete road alignment from start to end: -**

Segment	Land type	Area in Ha	Distance in Km	Average Width in Mts	Remarks
Segment-1	Revenue (Sy No. 217, 218, 220, 226 and 207 Hullikunte Village)	0.560	0.560	10	Alignment passing through revenue land.
Segment-2	Forest (SM Block)	2.730	2.730	10	Proposed alignment for fresh FC.
Segment-3	Forest (SM Block)	0.485	0.485	10	Area passing through already FC Approved M/s KIOCL area.
Segment-4	Forest (SM Block)	0.409	0.409	10	Proposed alignment for fresh FC.
Segment-5	Forest (SM Block)	0.904	0.904	10	Area passing through already FC Approved M/s KIOCL area.
Segment-6	Forest (SM Block)	0.658	0.658	10	Proposed alignment for fresh FC.
Segment-7	Forest (SM Block)	0.238	0.238	10	Proposed alignment for fresh FC.
<b>Total</b>		<b>5.984</b>	<b>5.984</b>	<b>10</b>	<ul style="list-style-type: none"> <li>• Revenue – 0.560 ha.</li> <li>• Forest for Fresh FC - 4.035 ha.</li> <li>• Forest Land already having FC i.e., by M/s KIOCL - 1.389 ha.</li> </ul>

M/s Kirloskar Ferrous Industries Limited, Bevinahalli vide their letter dated 21-02-2024 addressed to the DCF, Ballari Division has stated that the Board of M/s KIOCL Limited has approved to issue NOC for the Segment's - 3 & 5 (which is a part of the Government of India FC approved area vide File No. 8-24/2020-FC dated 16-12-2022 to M/s KIOCL Limited for Iron Ore and Manganese Ore Mining) over an extent of 1.389 ha of their FC approved area for the usage of approach road and will be submitted in due course of time. However, M/s KIOCL Limited vide letter No. KIOCL/MINING/2024/173 dated 26-02-2024 has given their consent for usage of



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land extents for approach road within Devadari Iron Ore Mine (DIOM) lease area with a condition stating that *"This is to inform our consent for the usage of minimal extents inside DIOM (ML No. 20/203) for laying and use of approach road to enable processing of Forests Proposal (for Stage-I and Stage-II Clearances), as per the drawing annexed, the same shall become effective only from the date to be intimated by KIOCL, after subject to the Memorandum of Understanding to be entered in this regard between KIOCL and KFIL"*.

**3. DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 29-08-2022 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to the Chief Conservator of Forests, Ballari Circle, Ballari. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Ballari Division and the Chief Conservator of Forests, Ballari Circle and also that of ICT Centre of the Forest Department are given below.

- a. 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)
- b. As per Item 4(ii) of PART-II, there are 1748 trees in different Girth Classes in the forest land proposed for diversion. Main species include *Acacia auriculiformis*, *Ficus infectoria*, *Azadirachta indica*, *Terminalia tomentosa*, *Lagerstroemia parviflora*, *Boswellia serrata*, *Pterocarpus marsupium*, *Grewia tiliaefolia*, *Cassia fistula*, *Hardwickia binnata*, *Eucalyptus spp*, *Wrightia tinctoria*, *Embllica officianalis*, *Santalum album*, *Acacia concinna*, *Albizia lebbek*, *Holoptolia integrifolia*, *Tectona grandis*, *Acacia catechu*, *Albezzia amara*, *Diasporus melanoxylon* and Others etc.
- c. 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.
- d. Major wild animals present in and around the project area include the Leopard, Sloth bear, Jackal, four-horned antelope, Hare, Wild Boar, Indian porcupine, Pangolin, Monitor Lizard and Grey partridge among others.
- e. There are no other rare / endangered/unique species of flora and fauna reported in the area. The forest area is sparsely vegetated with mostly the herbs and trees like *Acacia catechu*, *Anogeissus latifolia*, *Hardwickia binnata*, *Gymnosporia montana*, and *Stereospermum chelonodites* etc.
- 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. Further, the proposed area is 22.02 km away from the Daroji Sloth Bear Sanctuary and 20.35 kms away from the Eco-sensitive zone of the Daroji Sloth Bear Sanctuary, 11.22 km away from the Gudekote Sloth Bear Sanctuary and 9.95 kms away from the Eco-sensitive zone of the Gudekote Sloth Bear Sanctuary.
- h. There are no Protected/ Archeological/ Heritage Sites/ Defence/ establishments located in the area.



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- i. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
4. **CF Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally. However, agreeing with the recommendation made by the DCF, Ballari Division, the Chief Conservator of Forests, Ballari Circle has also recommended the proposal. Specific comments of the Chief 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 15-07-2022 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;

Sl.No.	District	Taluk	Village	Sy No	Extent in Ha
1	Ballari	Sandur	Vitalapura	172/2	0.91
2			Tumati	65	3.42
				11/1	1.01
Total					5.34

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, Ballari Division has inspected the said land on 10-07-2021 and has issued CA Land Suitability Certificate dated 10-07-2021 and has also submitted the CA Scheme in Item 13 of PART-II of the proposal. The hard copies of CA related information (*Topo Map, Geo-referenced Map, CA Land Suitability Certificate and CA Scheme*) are enclosed herewith. Further, **the User Agency has also submitted an Undertaking dated 15-07-2022 agreeing to pay the Compensatory Afforestation charges.**



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**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. Mining Lease:**

- a) The original Mining Lease Deed for ML No.1750 (old) was made in favour of M/s Bharath Mines and Minerals for a period of 5 years on 22-05-1981 with effect from 06-04-1981 for an extent of 99 Acre (40.06 hectare) in Nandihalli Village, Sandur Taluk. The mining lease was subsequently renewed twice under the MMDR Act.
- b) Later on, the Government of Karnataka (Commerce and Industries Department) vide Notification No. CI 83 MMM 97 dated 16-03-1999 had accorded sanction for the fourth renewal of mining lease for a period of 20 years w.e.f. 06-04-1996 in favour of M/s Bharath Mines & Minerals over an area of 64.80 Acre (or 26.20 ha) of forest land in Nandihalli village, Sandur Taluk, Ballari District. Thus, the mining lease was technically valid up to 05-04-2016.
- c) Meanwhile, the Mining Lease No. 2245 of M/s. Bharath Mines & Minerals was cancelled and auctioned by the Department of Mines & Geology as per the direction of the Hon'ble Supreme Court vide its order dated: 18.04.2013 in its Writ Petition No.562/2009.
- d) Subsequently, the Department of Mines and Geology has e-auctioned the said mine and M/s. Kirloskar Ferrous Industries Limited, Bevinahalli has been declared as successful bidder of ML No.2245 (C-category mine) through e-auction.
- e) Further, the Director, Mines & Geology Department Bangalore has executed the Mining Lease Deed No.0016 on 08.03.2021 (*Vide No. DMG-17012/9/2018/2020-21/9408 dated. 08.03.2021*) for a period of 50 years from the date on which the duly executed mining lease deed is registered (i.e., from 09.03.2021). The said Mining Lease deed is registered at Sub-Registrar, Sandur vide Registration No. SNR-1-02459-2020-21 Dt.09.03.2021

### **B. Forest Clearance for Mining Lease area:**

- a) The first time FC for the mining lease in favour of M/s Bharath Mines and Minerals was accorded under the Forest (Conservation) Act, 1980 vide Government of India letter F.No. 8-84/91-FC dated 25-02-1997. Accordingly, the Government of Karnataka vide Order No. FEE 43 FFM 90 dated 06-03-



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1997 sanctioned the forest lease for 26.20 hectare in Nandihalli Village, Sandur Taluk for the period of 30 years in favour of M/s Bharath Mines & Minerals.

- b) Subsequently, the Government of India, Ministry of Environment and Forests, New Delhi vide letter F.No. 8-84/91-FC dated 17-04-1997 reduced the FC validity period to 10 years co-terminus with the mining lease under the MMRD Act.
- c) Thereafter, the Government of India, Ministry of Environment and Forests, New Delhi vide its letter dated 11-12-1997 revised the FC period once again to 20 years with effect from 06-04-1981. Accordingly, the Government of Karnataka also issued the Corrigendum vide No. FEE 47 FFM 90 dated 04-06-1998. Thus, the FC expired on 05-04-2001.
- d) The FC was then renewed by the Government of India vide letter F.No. 8-63/2000-FC dated 20-03-2001 for an extent of 26.20 ha for a period of 20 years with effect from 06-04-2001. Accordingly, the Government of Karnataka vide Order No. FEE 32 FFM 2000 dated 04-04-2001 renewed the forest lease for a period of 20 years w.e.f. 06-04-2001, thus making it valid up to 05-04-2021.
- e) Further, the Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Bangalore the Government of India vide order No. 4-KRC1279/2021-BAN/301 dated. 07.12.2023 and the Government of Karnataka vide Order No. FEE 05 FFM 2021(e) dated 16.01.2024 r/w corrigendum dated 29-01-2024 have accorded Stage II approval and issued Government order for renewal of Forest Clearance for 24.47 hectare of Forest land in Ranjithpura Village, Swamymalai (SM) Block, Sandur South Range, Ballari District in favour of M/s. Kirloskar Ferrous Industries Limited, Bevinahalli for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulation) Act, 1957.

**C. Details with respect to another existing Stage-I approved approach road proposal to the same mine:** the User Agency has initially applied Proposal No. FP/KA/MIN/44719/2020 seeking for diversion of 3.862 hectares of Forest land in Swamymalai (SM) Block, Near Ranjithpura, Sandur Taluk, Ballari District for Approach Road (*which is an existing road used by previous lessee, where there is no requirement of tree cutting*) to the same mine i.e., for ML No. 2245, in which has been accorded already Stage-I approval by the Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru vide letter F.No. 4-KRB 1483/2024-BAN/564 dated 03-04-2024.

Further, the Government of Karnataka vide letter dated 10-06-2024 has also submitted the compliance report to stipulated Stage-I conditions to the Central Government r/w EDS reply dated 12-07-2024 which is linked with the said proposal. **Presently the said proposal is pending with Government of India for according Stage-II/Final approval.**

**D. Justification provided by M/s Kirloskar Ferrous Industries Limited, Pune for seeking the proposed approach road even after there is another existing proposal for approach to the said mine:** M/s Kirloskar Ferrous Industries vide



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letter dated 09-07-2024 addressed to DCF, Ballari Division has submitted the justification stating that "Initially, they submitted FC Proposal No. FP/KA/MIN/44719/2020 online, this road was being utilized by the previous lessee. Due to local issues cropped up recently with this existing road towards Ranajithpura (3.862 ha), they submitted another application [Proposal No. FP/KA/MIN/143973/2021] for a road towards Nandihalli Village.

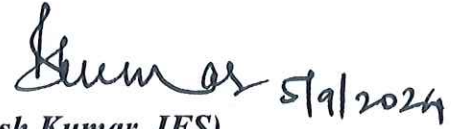
After the successful completion of the joint survey, it was found that 1.389 ha of the applied area lies within the FC applied area of M/s KIOCL, which has now been granted Stage-II clearance. Incidentally the same road towards Ranjithpura is proposed for diversion by M/s KIOCL Ltd also [Proposal No. FP/KA/QRY/410600/2022] for an extent of 4.864 ha, for which Stage-I Clearance has already been granted in favour of KFIL.

To avoid local issues, traffic and road congestion, their primary road has always been towards Nandihalli side [4.035 ha] and they intend to use this road for the life of mine. After obtaining Stage-II clearance for the said proposal, they will either surrender the 3.862 ha area to Forest Department or establish a co-user agreement with KIOCL, depending on the decision of the Forest Department."

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 diversion of 4.035 hectares of Forest land in Swamymalai (SM) Block, Near Hilikunte Village, Sandur South Range, Sandur Taluk, Ballari District for Approach Road to mining lease No. 0016 [e-auctioned C-category mine] in favour of M/s Kirloskar Ferrous Industries Limited, Pune 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 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,

 5/9/2024

(Brijesh Kumar, IFS)

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

**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 Kirloskar Ferrous Industries Limited, Laxmanaro Kirloskar Road, Khadki, Pune, Maharashtra – 411 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 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).

**Signed by Brijesh Kumar****Date: 05-09-2024 14:20:22****Reason: Approved**

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







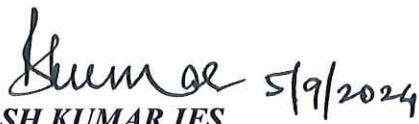
**PART - IV**

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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 &amp; 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><b>Recommended for diversion of 4.035 hectares of Forest land in Swamymalai (SM) Block, Near Hilikunte Village, Sandur South Range, Sandur Taluk, Ballari District for Approach Road to mining lease No. 0016 [e-auctioned C-category mine] in favour of M/s Kirloskar Ferrous Industries Limited, Pune 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'.</b></p> <p><b>[Proposal No. FP/KA/MIN/143973/2021, [Form-A]</b></p>
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Signature:  
Name:  
Designation:

  
**BRIJESH KUMAR IFS**  
Principal Chief Conservator of Forests  
(Forest Conservation) AND Nodal Officer (FCA)

(Official Seal):

N.D.O. No: 31/2024-25

Date: 05-09-2024.



