



OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
BALLARI DIVISION, BALLARI

No.M1/MNG/Marwa/2482/(Road)/2022-23(No. 153210)/2022-23

Dated: 20.01.2023

To,

Chief Conservator of Forests,
Ballari Circle, Ballari

Sir,

Sub : Diversion of 3.028 ha of forest land in Tumbaraguddi RF, Jiganahalli Village, Sandur Taluk, Ballari District for approach road [connecting from Main Road to Mining Area ML No.2482] passing through forest area in favour of M/s Marwa Mining Company, Kudligi – Reg.,

(Proposal No. FP/KA/MIN/153210/2022 [FORM-A]) – Reg.

- Ref: 1) Online Application No. FP/KA/MIN/153210/2022 [FORM-A]
2) Proposal received electronically on 13.12.2022 from of the Principal Chief Conservator of Forests (Forest Conservation), Bangalore
3) M/s Marwa Mining Company, Kudligi letter Dt.12.12.2022
4) This office even number letter Dt.14.12.2022.
5) Letter No. RFO/SSR/M/s.Marwa M C/ML No.2482/Road/2022-23/473 Dt. 12.01.2023 of the Range Forest officer, Sandur South Range, Sandur
6) Letter No. ACF/TA/B/MARWA/2482/2022-23 Dt.16.01.2023 of the Assistant Conservator of Forests, Ballari Sub-Division, Ballari

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With reference to the above subject, the M/s Marwa Mining Company, Kudligi has submitted proposal for diversion of 3.028 ha of forest land in Tumbaraguddi RF, Jiganahalli Village, Sandur Taluk, Ballari District for approach road [connecting from Main Road to Mining Area ML No.2482] passing through forest area in favour of M/s Marwa Mining Company, Kudligi vide online proposal No. FP/KA/MIN/153210/2022 [FORM-A]. The Nodal officer and Principal Chief Conservator of Forests (Forest Conservation), Bengaluru has scrutinized the said proposal and forwarded the same in the online portal. The UA has submitted hard copy of the proposal vide letter under Ref (3).

In this regard, office of the undersigned has directed the Range Forest officer, Sandur South Range to conduct field verification through Joint Survey and submit complete proposal for diversion of 3.028 ha of forest land in Tumbaraguddi RF, Jiganahalli Village, Sandur Taluk, Ballari District for approach road [connecting from Main Road to Mining Area ML No.2482] passing through forest area in favour of M/s Marwa Mining Company, Kudligi.

Accordingly, the Range Forest Officer, Sandur South Range and Assistant Conservator of Forests, Ballari have submitted their report vide letter under Ref (5) & (6). A perusal of the records submitted and upon personal visit to the proposed site on 18th January, 2023, following aspects about the said diversion proposal are observed;

- **Mining Lease under MMDR Act:** The Commerce and Industries Department, the Government of Karnataka had accorded sanction of Mining Lease (vide C&I Notification No. CI 179 MMM 79 Dt. 25.04.1980 in favour of Sri. V.Narayana Kutty(VNK) Menon for a period Twenty(20) years for an extent of 82 Acers. Further, Director, Mines & Geology Department, Bangalore has executed the Lease Deed on 05.07.1980 for grant of Mining Lease (ML No. 1676) for an area of 82 Acers (33.19 Ha). The Lessee was valid for a period of 20 years w.e.f. 05.07.1980, thus making it valid up to 05.07.2000. Upon

completion of lease period (on 04.07.2000) and before further renewal, the User Agency (M/s. VNK Menon) had surrendered unbroken area of 10.74 ha out of 33.19 of the initial Mining Lease area.

Later on, the Commerce and Industries Department, the Government of Karnataka had accorded sanction of Mining Lease (vide C&I Notification No. CI 21 MMM 2004 Dt.27.09.2004 in favour of Sri V.N.K Menon for a period Twenty (20) years over an extent of 22.45 ha. In pursuance of the same, Director, Mines & Geology Department Bangalore has executed the lease deed on 21.03.2005 for renewal of Mining Lease (ML No. 2482) over an area of 22.45 Ha with the Lessee for a period of 20 years w.e.f. 06.09.2000, thus making it valid up to 05.07.2020.

Upon request by the User Agency, the Mining Lease was transferred from Shri. V.N.K.Menon to M/s. Marwa Mining Company, Kudligi under MMDR Act, 1957 vide Government of Karnataka order No. CI 188 MMM 2005 Dt. 24.10.2005.

The Commerce and Industries Department, Government of Karnataka has extended the mining lease period till 05.07.2020 as per the MMDR (Amendment) Act, 2015, imposing certain conditions (vide No. CI 111 MMM-2015 Dt. 25.04.2015; Sl. No. 39 thereof) to the Lessee. Thereafter, the Commerce and Industries Department, the Government of Karnataka has issued corrigendum (vide No. CI 111 MMM 2015 Dt.10.12.2021) and extended upto 05.07.2030, **thus making it valid up to 05.07.2030.**

- **Forest Clearance under Forest (Conservation) Act, 1980 :** The Government of the India, MoEF, New Delhi has accorded initial approval for Forest Clearance under the provisions of Section-2 of Forest (Conservation) Act, 1980 (vide file No. 8-73/2001-FC Dt. 25.07.2003) and the Government of Karnataka Order No. FEE 27 FFM 2001 Dt. 06.09.2003 for diversion of 22.45 hectares (already broken up area) of forest land in Jigenahalli Village, Tumbaraguddi RF, Sandur South Range, Sandur Taluk, Ballari District in favour of Shri V.N.K. Menon for a period shall be co-terminus with the lease granted under MMRD Act, 1957. the Forest Clearance was transferred from Shri. V. N. K. Menon to M/s. Marwa Mining Company, Kudligi under Forest (Conservation) Act, 1980 vide Letter No. F.No.15-7/2006-ROHQ Dt. 22.06.2006 of the Government of India and order No. FEE 62 FFM 2004 Dt.06.07.2006 of Government of Karnataka.

Further, Government of Karnataka (vide GO No. FEE 21 FFM 2022 Dt. 24.06.2022), in pursuance to the guidelines from the MoEF&CC, Govt of India has accorded approval for extension of Forest Clearance period co-terminus with the period of mining lease in accordance with MMDR Act, 2015 (up to 05.07.2030) in respect of M/s. Marwa Mining Company, Kudligi (ML No. 2482) **thus making the Forest Clearance valid up to 05.07.2030.**

- **Extent of Approach road Proposal:** The user Agency has submitted proposal for diversion of 3.028 ha of forest land. Details of area proposed for diversion is as following;

Village and Survey number wise details of the proposed Area for diversion are as following;

Proposed Approach road in Forest area					
Village	Sy. No.	Length (mtr)	Width (mtr)	Area (Ha.)	Remarks /Status
Jigenahalli	1A/1	3028	10	3.028	Proposed area falls in Tumbaraguddi RF
Total		3028	10	3.028	

Proposed Approach road in Non- Forest area					
Village	Sy. No.	Length (mtr)	Width (mtr)	Area (Ha.)	Remarks /Status
Jigenahalli	166/B	832	10	0.832	Proposed area falls in Revenue area
Jigenahalli	168	212	10	0.232	
Total		1044	10	1.044	

- **Net Present Value (NPV):** The NPV amount has been revised as per the orders of the Hon'ble Supreme Court of India Dt: 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, 06.01.2022, 19.01.2022 & 23.02.2022. (i.e.Rs.12,28,590/- per hectares). Hence, the NPV amount (Rs. 37,20,171/-) as per existing rates may be recovered from lessee i.e. M/s Marwa Mining Company, Kudligi for an extent of 3.028 ha. In this regard, M/s Marwa Mining Company, Kudligi has submitted the undertaking stating they would pay such charges as decided by the Government.
- **Compensatory Afforestation (CA):** M/s Marwa Mining Company, Kudligi has identified the following CA land for Raising of Compensatory Afforestation.

Sl. No.	District	Taluk	Village	Survey number	Extent proposed (In hectares)
1	2	3	4	5	6
1	Ballari	Sandur	Tumti	93	1.359
2				94	1.675
Total					3.034

Above CA land has not been transferred and mutated in favour of Forest Department. M/s Marwa Mining Company, Kudligi has agreed to make payment for Compensatory Afforestation Charges. In this regard, the User Agency has given the undertaking to this effect.

- Certificate in Form-I under Forest Rights Act-2006 from the Deputy Commissioner is not been issued. However, M/s Marwa Mining Company, Kudligi has requested Deputy Commissioner, Ballari for issuance of the same vide letter Dt.23.07.2022. Copy of the request letter is enclosed with the proposal.
- The proposed forest land is not part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve and elephant corridor etc. Further, the proposed area is 29.20 km away from the Daroji Sloth Bear Sanctuary and 28.91 kms away from Eco-sensitive zone of Daroji Sloth Bear Sanctuary, 7.36 km away from the Gudekote Sloth Bear Sanctuary and 6.08 kms away from Eco-sensitive zone of Gudekote Sloth Bear Sanctuary.

The proposal for diversion of 3.028 ha of forest land in Tumbaraguddi RF, Jiganahalli Village, Sandur Taluk, Ballari District for approach road [connecting from Main Road to Mining Area ML No.2482] passing through forest area in favour of M/s Marwa Mining Company, Kudligi is submitted for further consideration under Forest (Conservation) Act, 1980.

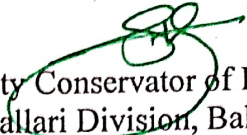
This is submitted for your kind information and needful action.

Yours Faithfully,

Sd/-

Deputy Conservator of Forests,
Ballari Division, Ballari

- 1) Copy submitted to the Principal Chief Conservator of Forests (Forest Conservation), Bengaluru for kind information.
- 2) Copy to M/s Marwa Mining company, # 687, 13th ward, Umer manzil, Kudligi – 583135, Vijayanagar District for information.


Deputy Conservator of Forests,
Ballari Division, Ballari