

OFFICE OF THE DEPUTY CONSERVATOR OF FOREST

BALLARI DIVISION, BALLARI

No.MI/MNG/JSW/ML No.2239/2019-20

Dated: 14.12.2020

To,

The Chief Conservator of Forests,
Ballari Circle, Ballari

Sir,

Sub: Diversion of 43.58 hectare of forest land in Ramnamamalai (RM) Block Forest Near Ramgad Village, Sandur Taluk, Ballari District for Dharmapura Iron Ore Mine M.L. No. 2239 (erstwhile lessee M/s. Zeenath Transport Company) in favour of M/s. JSW Steel Limited, Sandur Taluk, Ballari District (the successful Bidder in e-auction) **Proposal No. FP/KA/MIN/44852/2020 [FORM-A] - Reg.**

Ref: 1) Online Application No. FP/KA/MIN/44852/2019.

2) Proposal received electronically on 02.03.2020 from the Principal Chief Conservator of Forests (Forest Conservation), Bangalore.

3) Letter received from M/s. JSW Steel Limited, Toranagalli on 10.06.2020

4) This office even number Dt. 08.07.2020.

5) Letter No. ACF/B/JSW/2239/JS/2020-21 Dt. 24.09.2020 of the Assistant Conservator of Forests, Ballari Sub-Division, Ballari.

With reference to the above subject, M/s. JSW Steel Limited, Toranagalli has submitted online application for diversion of 43.58 hectare of forest land in Ramnamamalai (RM) Block Forest Near Ramgad Village, Sandur Taluk, Ballari District for Dharmapura Iron Ore Mine M.L. No. 2239 (erstwhile lessee M/s. Zeenath Transport Company) in favour of M/s. JSW Steel Limited, Sandur Taluk, Ballari District vide online proposal No. FP/KA/MIN/44852/2019 (Form-A) under Forest (Conservation) Act, 1980.

Principal Chief Conservator of Forests (Forest Conservation), Bengaluru has scrutinized and forwarded the same to the undersigned in the online portal. The user agency has submitted hard copy of the proposal to this office vide letter under Ref (3). Further, office of the undersigned had directed the user agency to submit the complete proposal for diversion of 43.58 hectare of forest land in Ramnamamalai (RM) Block Forest Near Ramgad Village, Sandur Taluk, Ballari District for Dharmapura Iron Ore Mine bearing M.L. No. 0013 (erstwhile lessee M/s. Zeenath Transport Company; Old M.L. No. 2239) in favour of M/s. JSW Steel Limited, Sandur Taluk, Ballari District. The same has been submitted by the User Agency through the Assistant Conservator of Forests, Ballari vide letters under Ref (5).

A perusal of the records submitted and upon personal visit to the proposed site on 10th November 2020, it is observed that the user Agency has submitted the proposal for sanction of Forest Clearance for Dharmapura Iron Ore Mine M.L. No.0013 (Erstwhile M.L. No.2239) of M/s. JSW Steel Limited over an extent of 43.58 Ha. The said area falls in Ramnamamalai Forest Block which is having Southern Dry Deciduous Type of Forest (Eco-class III) and the said area is already broken-up area. Further, elucidated here under are the details about the Lease and the proposal;



a) Details of the Mining Lease: The mining lease was originally granted to Sri. A. P. Ramiah for a period of 2 years & three months from 03.07.1958 to 03.10.1960 by the erstwhile Government of Mysore for an area of 130 Acres. Thereafter, the lease was renewed on several occasions, the details of which are tabulated as hereunder:

Sl. No.	ML No.	Date of Mining Lease Deed	Extent	Lease period	User Agency/ Proprietor
1	4	05-09-1962	96 Acres (38.85 hectares)	10 years with effect from 04.10.1960	A. P. Ramiah
2	4A	24-06-1964	96 Acres (38.85 hectares)	Ending with 03-10-1970	M/s. Zeeenath Transport Company
3	855	23.01.1969	96 Acres (38.85 hectares)	10 years with effect from 03.10.1970	M/s. Zeeenath Transport Company
4	1627	14.09.1979	109.05 Acres (44.23 hectares)	10 years with effect from 04.10.1980	M/s. Zeeenath Transport Company
5	2121	20.03.1991	109.05 Acres (44.23 hectares)	6 years with effect from 04.10.1990	M/s. Zeeenath Transport Company
6	2239	10.09.1998	109.05 Acres (44.28 hectares)	20 years with effect from 04.10.1996	M/s. Zeeenath Transport Company

Further, the validity of the Mining Lease in respect of M/s. Zeeenath Transport Company was extended upto 31.03.2020 by way of Mining Lease Deed executed by the Director, Mines and Geology Department, Bengaluru on 22.08.2016 in consonance with the Mines and Mineral (Development and Regulation) Amendment Act, 2015 (vide No. CI 111 MMM-2015 Dt. 25.04.2015; Sl. No. 23 thereof) over an area of 43.58 hectares. Thus, making it valid up to 31.03.2020.

Further, the Government of India has promulgated 'The Mineral Laws (Amendment) Act, 2020', which *inter-alia* provides that the successful bidder (i.e. the new lessee) of the mining lease expiring under the provisions of sub-section (5) and (6) of section 8A of Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall be deemed to have acquired all valid rights, approvals, clearances, licenses and like vested with the previous lessee for a period of two years. In accordance with this, M/s JSW Steel Ltd has participated in the e-auction/tender notified Dt. 08.03.2019 by the Director, Department of Mines & Geology, Govt. of Karnataka and was declared as the "Preferred Bidder" (vide the Letter of Intent (LOI) No. DMG-2020:MLS:AUC:2018-19 (ML No.2239) Dt. 13.08.2019) in accordance with the Rule 9(9)(iii) of the Mineral (Auction) Rules, 2015 for the Mining lease No. 2239 (erstwhile lessee M/s. Zeeenath Transport Company) in Ramamahal (RM) Block Reserve Forest, Sandur North Range, Ballari Division, Karnataka over an extent of 43.58 ha of forest land (as per Joint Survey map of CEC). Further, the Director, Department of Mines & Geology, Govt of Karnataka has issued] letter of Acknowledgment (LoA) to M/s. JSW Steel Limited as 'Successful Bidder' for "Dharmapura Iron Ore Mine presently held by M/s. Zeeenath Transport Company, ML

No.2239" Block in Ramghat Village, Sandur Taluka, Ballari District over an extent of 43.58 hectare area of Forest land [Vide letter No. DMG-2020:MLS:AU/C:2018-19/5177 (ML No.2239) Dt. 19.02.2020].

In pursuance of the guidelines issued by the MoEF&CC, Government of India Dt. 31.03.2020 and in accordance with the directions of Principal Chief Conservator of Forests (Head of Forest Force), Bengaluru (Vide Letter No.KFD/HOFF/A5-1 (MNG)/06/2020-FC Dt. 21.04.2020/06.05.2020) to fulfill initial requisite conditions, the Lessee has remitted the total sum of Rs. 3,26,85,000/- vide UTR No. IBKL200626229427 Dt. 26.06.2020 after generation of online challan on forestclearance.nic.in as token NPV. Subsequently, the Nodal Officer and Principle Secretary (MSME and Mines), Commerce and Industry Department, Government of Karnataka has issued Vesting Order (vide No. CI 62 MMM 2020 Dt. 01.07.2020) stating that all valid rights, approvals, clearances, licenses and the likes vesting with the previous lessee in respect of M/s Zeenath Transport Company (ML No. 2239) are deemed to have been vested in favour of the preferred bidder i.e. M/s JSW Steel Ltd on the same terms and conditions of every rights, approvals, clearances, licenses and the likes vesting with the previous lessee subject to certain conditions mentioned therein. In pursuance of the above developments, the Director, Department of Mines and Geology, Bengaluru has executed a new Mining Lease in favour of M/s JSW Steel Ltd with the new Mining Lease No. 0013 (vide letter No. DMG/MLS 013/2020-21/2011 Dt. 30.07.2020).

b) **Details of the Forest Clearance for the said Lease:** Based on recommendations of the Principal Chief Conservator of Forests (vide letter No. A5(B1)MNG.CR.6/664/88-89-90 Dt. 13.07.1989 and 13.06.1996) and the Government of Karnataka (vide letter No. AHFF/15/FFM 89 Dt. 19.03.1990), the Ministry of Environment and Forests (Government of India, New Delhi had accorded Stage-II (Final) Approval under the provisions of Section-2 of Forest (Conservation) Act, 1980 (vide letter F No. 8-67/90-FC Dt. 30.01.1997) for diversion of 44.13 Ha of forest land for mining in favour of the erstwhile lessee M/s. Zeenath Transport Company, in Ramannamalai Block reserve Forest, Sandur North Range, Ballari Division, Karnataka for a period of 30 years and co-terminus with the lease under the Mines and Mineral (Development and Regulation) Act. Further, the validity of the lease was extended up to upto 31.03.2020, the date co-terminus with the date as extended by way of Supplementary Mining Lease Deed executed by the Director, Mines and Geology Department, Bengaluru on 22.08.2016 in consonance with the Mines and Mineral (Development and Regulation) Amendment Act, 2015. Thus, the Forest Clearance was valid up to 31.03.2020.

In accordance with the provisions of the Mineral Laws (Amendment) Act, 2020 and in pursuance of the directions issued by the Principle Chief Conservator of Forests (Head of Forest Force), Karnataka Bengaluru (vide letter No.KFD/HOFF/A5-1(MNG)/82/2020-FC Dt.12/14.08.2020) the Deputy Conservator of Forests, Ballari Forest Division has entered into "Forest Lease Agreement" with M/s. JSW Steel Limited on 27.08.2020(Agreement No. 02/2020-21). Said Agreement has been registered at the Sub-Register, Sandur with Registration No. 1-00685-2020-21 Dt.31.08.2020. In pursuance of the directions given by the Principle Chief Conservator of Forests (Head of Forest Force), Karnataka Bengaluru (vide letter No.KFD/HOFF/A5-1(MNG)/82/2020-FC Dt.12/14.08.2020) and on the strength of the Agreement signed, M/s JSW Steel Limited has been given Working Permission for the said lease on 07.09.2020.

- Forest land, whereas as per the joint survey by CEC and their digitization sketch, the extent of lease area was concluded to be 43.58 hectares. Further, the Director, Department of Mines & Geology, Govt of Karnataka has issued [letter of Acknowledgment (LoA) to M/s. JSW Steel Limited as "Successful Bidder" for "Dhanapura Iron Ore Mine presently held by M/s. Zeevath Transport Company, ML No.2239" Block in Ramghad Village, Sandur Taluka, Ballari District over an extent of 43.58 hectare area of Forest land [Wide letter No. DMG-2020:MLS:AUC:2018-19/5177 (ML No.2239) Dt. 19.02.2020]. Further, as per the report of joint survey conducted on 27.07.2020, the proposed forest area measuring 43.58 hectares in Ramanaimalai Forest Block of Sandur North Range in Ballari District. Hence, the proposal is recommended for 43.58 hectares Forest land.
- c) **Extent of Lease:** Initially, the Forest Clearance was granted for an extent of 44.13 ha of Forest land, whereas as per the joint survey conducted on 27.07.2020, the proposed forest area measuring 43.58 hectares in Ramanaimalai Forest Block of Sandur North Range in Ballari District. Hence, the proposal is recommended for 43.58 hectares Forest land.
- d) **Net Present Value (NPV):** As per the provisions of the guidelines issued by the MoEF&CC, Government of India Dt. 31.03.2020 and in accordance with the directions of Principal Chief Conservator of Forests (Head of Forest Force), Bengaluru (Wide Letter No.KRFD/HOFF/A5-1 (MNG)/06/2020-FC Dt. 21.04.2020/06.05.2020), M/s. JSW Steel Limited, Toranagalli has remitted the total sum of Rs. 3,26,85,000/- vide UTR No. IBKLT200626229427 Dt. 26.06.2020 (Rs.7,50,000/- per hectare) after generation of online challan on forestclearance.mn.in as token NPV.
- 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 Dt. 05.02.2009. (i.e. Rs.8,03,000/- per hectares). Hence, the difference amount or any additional amount as applicable may be recovered from M/s JSW Steel Limited, Toranagalli. In this regard, the User Agency has given an undertaking stating their willingness to pay additional NPV if required to.
- e) **Safety Zone:** The Safety zone extent for the proposed lease area is 2.54 hectares in Forest land as per the joint survey conducted on 27.07.2020. The copy of sketch is enclosed with proposal.
- f) **Compensatory Afforestation (CA):** The User Agency has not provided details of non forest land for raising of Compensatory Afforestation. As per clarification No.2.3 (i) in Chapter No.2 of MoEF Guidelines No.F.No.5-2/2017-FC Dt.28.03.2019, the User Agency should provide suitable non-forest land, equivalent to the area proposed for diversion. In this regard, the User Agency has submitted the undertaking to provide non-forest land to the stipulated extent if directed by Government of Karnataka or Government of India.
- g) Certificate in Form-II under Forest Rights Act-2006 from the Deputy Commissioner has not been obtained. The User Agency (M/s JSW Steel Limited, Toranagalli) has stated that they have requested Deputy Commissioner, Ballari for issuance of the same vide letter Dt. 10.06.2020.
- h) The Environmental Clearance has not been submitted by M/s JSW Steel Limited, Toranagalli. The User Agency (M/s JSW Steel Limited, Toranagalli) has stated that they have applied to the Member Secretary, SEIAA, Bangalore for Environmental Clearance vide their proposal No. SIA/K.A/MIN/55913/2020 Dt. 27.08.2020.
- i) The Mining Plan has been approved by Indian Bureau of Mines, Bangalore vide letter No. 279/1106/2019/BNG/38 Dt. 07/08.01.2020 and submitted by the M/s. JSW Steel Limited, Toranagalli (Copy of the Approved Mining Plan is enclosed with proposal).

j) The proposed forest land is not part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger reserve, Elephant Corridor, etc. Further, the proposed area is 10.94 km away from the Daroji Sloth Bear Sanctuary and 9.43 kms away from Eco-sensitive zone of Daroji Sloth Bear Sanctuary. It is 32.33 km away from the Gudakote Sloth Bear Sanctuary and 28.23 kms away from Eco-sensitive zone of Gudakote Sloth Bear Sanctuary.

k) **Approach Road:** The User Agency has stated that the following roads are to be used as Approach Roads for transportation of Iron ore from ML No. 2239. The Details of roads are mentioned in the Map.

a) **Road No.1(R1):** ML No. 2239 to Ramghat Railway Station which Forest Clearance was accorded vide No. F. No. F(C)/A/11.1/119/KAR/252 Dt. 15.06.2017. Said Forest Clearance was issued in favour of M/s. Zeenath Transport Company over an extent of 5.40 hectares is effective for two the leases i.e. ML No.2309 & 2239 (Re-auctioned as ML No.0013).

b) **Road No.2(R2):** Road connecting to ML No.2547 to ML No.2239 & 2309 which In-principle was approved in favour of M/s. Zeenath Transport Company vide online proposal No. FP/KA/ROAD/7440/2014 over an extent of 9.12 hectares. In this regard, the M/s. JSW Steel Limited has taken No Objection Certificate from M/s. Zeenath Transport Company. Further, connecting to this road, M/s. JSW Steel Limited, Toranagallu has applied for diversion of Approach Road along with Downhill Conveyor belt from their Rama Iron Ore Mine ML No.009 which was in-principle approved vide online proposal No. FP/KA/Others/27780/2017.

The proposal for diversion of 43.58 hectare of forest land for Dharma Iron ore of M/s. JSW Steel Limited; ML No. 0013 (erstwhile M/s Zeenath Transport Company; ML No.2239) in Kamnamalai Block (RM) Forest, Ramgad Village, Sandur North Range, Sandur Taluk, Ballari District, Karnataka is forwarded for further consideration.

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 the M/s. JSW Steel Limited, Toranagallu for information.

Deputy Conservator of Forests
Ballari Division, Ballari

16/12/2020
16/12/2020