

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
GOVERNMENT OF KARNATAKA

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ  
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003  
AranyaBhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003  
Telephone: 080 2334 6472  
Email : apccffc@gmail.com

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E-64942

Date 26-04-2021

To,

The Additional Chief Secretary to Government  
Forest, Ecology & Environment Department  
M.S. Building, Bengaluru-560 001

Sir,

**Sub:** Diversion of 1.84 hectare of forest land in Sy No. 25 of Chikkakasanakandi Village and submerged villages of Hole Mudlapur & Lingapur villages, Hitnala Hobli, Koppala Taluk & District for laying of Pipeline, Transmission Line, Substation and Break Pressure Tank in favour of M/s Aaress Iron and Steel Limited, Hosapete  
**Proposal No: FP/KA/IND/26447/2017**

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 06-11-2018 (resubmitted) of the M/s Aaress Iron and Steel Limited, Hosapete r/w uploading of Acknowledgement on 01-02-2019 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests & Deputy Commissioner
  2. User Agency letter dated 17-06-2019 [requested to consider the CA land provided in 2012] and 02-11-2020 & 06-11-2020 [reply to the information sought by this office vide letter dated 29-10-2020]
  3. This office online communication dated 18-02-2019 to Deputy Conservators of Forests, Koppala Division for further processing of the proposal & offline letter of even number dated 13-08-2019 [addressed to GOK seeking clarification regarding eligibility of government lands provided for CA purpose to private parties prior to 2016] and 29-10-2020 [addressed to the UA and Field officers seeking certain clarification on proposed non-forest CA land]
  4. Online submission of PART-II by Deputy Conservator of Forests, Koppala Division on 06-10-2020 [Letter No. DCF/KPL /FC/CR-18/2020-21/642 dated 19/30-09-2020] and 24-11-2020 [reply to this office letter dated 29-10-2020 to CCF Ballari Circle provided by UA]

5. Online submission of PART-III by Chief Conservator of Forests, Ballari Circle on 06-10-2020 to Nodal Officer [Letter No. M1/MNG/Pipeline/CR-15/2020-21 dated 05-10-2020] and 16-12-2020 [reply to this office letter dated 29-10-2020]
  6. Government of Karnataka letter No. FEE 16 FLL 2019 (e) dated 02-06-2020 [meeting notice regarding consideration of CA land] and 29-06-2020 [Communication of meeting proceedings dated 05-06-2020]
1. M/s Aaress Iron and Steel Limited, Hosapete [USER AGENCY] vide Ref (1) has (re)submitted an online proposal [FORM-A PART-I] on 06-11-2018 through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.84 hectare of forest land in Sy No. 25 of Chikkakasanakandi Village and submerged villages of Hole Mudlapur & Lingapur villages, Hitnala Hobli, Koppala Taluk & District for laying of Pipeline, Transmission Line, Sub-station and Break Pressure Tank. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Koppala Division & Deputy Commissioner, Koppala District and has uploaded the Acknowledgment on the web portal on 01-02-2019. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Koppala Division for further processing of the proposal under FC Act.
  2. **Location-wise and Component-wise breakup:** The location details and breakup of the forest land required for the project are given below.

District, Taluk, Hobli	Village	Sy No.	Project Components			Forest extent proposed for diversion (ha)	Legal Status of Land
			Particulars	Length (m)	Width (m)		
Koppala District and Taluk, Hitnala Hobli	Chikkakas anakandi	25	1 Laying of Pipeline up to Break Pressure Tank	200.00	4.00	0.08	*Unclassed Forest
			2 Laying of Pipeline (from Break Pressure Tank to Forest Boundary	390.00	4.00	0.16	
			3 Break Pressure Tank	20.00	20.00	0.04	
	Submerge d village of Hole Mudlapur	-	4 Laying of Pipeline	1355.0	4.00	0.54	
			5 Transmission Line	100.00	15.0	0.15	
			Sub-station	50.00	40.0	0.20	
	Submerge d village of Lingapur villages		6 Laying of Pipeline	1665.0	4.00	0.67	
<b>Total</b>						<b>1.84</b>	

\*Tungabhadra Dam Sub-merged area

Component-wise breakup of the forest land required for the project is given below.

Name of component (in M)		Forest extent required (ha)
1	Pipeline (Length 3610.00m x Width 4.00m)	1.45
2	Sub-station (Length 50.00m x Width 40.00m)	0.20
3	Transmission Line (Length 100.00m x Width 15.00m)	0.15
4	Break Pressure Tank (Length 20.00m x Width 20.00m)	0.04
<b>Total</b>		<b>1.84</b>

3. **DCF, Koppala Division Report:** The Deputy Conservator of Forests, Koppala Division, Koppala has inspected the site on 15-09-2020 and vide Ref (4) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Ballari Circle. Main features of the proposal based up on the report of Deputy Conservator of Forests, Koppala r/w report of Chief Conservator of Forests, Ballari Circle and that of ICT Centre of Forest Department are summarized below.
- The forest land proposed for diversion is in general landscape of Eco-Class IV (Tropical Thorn Forest) with Open Forest (Canopy Density from 0.1).
  - As per Item 4(ii) of PART-II, there are 811 trees with various girth classes in the forest land proposed for diversion. Main species include *Santalum album*, *Azadirachta indica*, *Aegle marmelos*, *Hardwickia binata*, *Eucalyptus Spp*, *Albizia amara*, *Albizia lebbbeck* etc.
  - No Major wild animals present in and around the project area.
  - There are no other rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
  - 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.
  - There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometre from the boundary of the forest land proposed for diversion.
  - The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
  - There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments located in the proposed area.
  - The forest area proposed for diversion is the bare minimum and unavoidable.
  - There is no violation reported under Forest (Conservation) Act, 1980.

4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally. However, agreeing with the recommendations of the Deputy Conservator of Forests, Koppala Division, he has also recommended the proposal. The Chief Conservator of Forests, Ballari Circle vide Ref (5) has submitted his specific comments in Item 16 of PART-II/III of the proposal.
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 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. **The User Agency has submitted an Undertaking to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** The Government of Karnataka Order No. FEE 88 FLL 2016 dated 31-08-2016 makes it mandatory for the private Party User Agencies to purchase and provide equal extent of private lands (only) which are either 'Forest Enclosures' or are adjoining a forest area in man-animal conflict zone for the purpose of Compensatory Afforestation in FC proposals. In this connection, the following is submitted.
  - i. The User Agency being a Private Agency is required to provide an equivalent extent of non-forest land towards Compensatory Afforestation.
  - ii. However, the User Agency has identified an extent of 12 acre Government C&D land in Chatnihalli village Sy No. 131/Bp1 which was reserved under Section 71 of Karnataka Land Revenue Act and ordered to be transferred to the Forest Department for CA purpose. The Deputy Commissioner, Davangere District vide Order No. Kam:LND:CR-324/11-12 dated 09-03-2012 has ordered for transfer of the said land to Forest Department. The land is also been mutated for the purpose of raising CA Plantation in the name of Forest Department.
  - iii. The said land allocation was made for the purpose of water pipeline from Tungabhadra Reservoir through Kasankandi Reserved Forest.
  - iv. The said water pipeline was for the purpose of establishing steel plant of M/s MSPL Limited and M/s Aareess Iron Steel Limited in Haluvarthi village of Koppala District.
  - v. This 12 acre land was part of total 105.34 acre land in the said Survey number. The UA has proposed an extent of 1.84 ha out of this 12-00 acre land for CA purpose in the instant proposal.
  - vi. User Agency has been requesting to accept the said CA land (which is part of 12 acre Government land in Davanagere district, surrounded by agricultural fields and rocky lands and is not adjoining to any notified forest area, partly rocky & partly cultivated and also when viewed on satellite imagery appears to be unsuitable for CA purpose) on the ground that the said CA land was allotted by Revenue Department in 2012 itself for this very project.
  - vii. Though this is an old offline proposal of the User agency that could never be submitted to Government of Karnataka on account of various kinds of incompleteness of information, it has now been submitted online [FP/KA/IND/26447/2017] by User Agency on 16-06-2017, as all proposals need to be processed online after July 2014. The online proposal is post of the abovementioned CA lands G.O. dated 31-08-2016.

- viii. This office vide online communication dated 25-05-2018 during processing of the instant FC proposal had specifically sought to know from User Agency whether it had made any kind of payment to government in lieu of the non-forest government land allocated for CA purpose in question. The User Agency while resubmitting the proposal had uploaded a letter dated 06-11-2018 stating that except the CA charges, no other payments are applicable. Evidently, the User Agency has not made any payment to the government towards the cost of the land.
- ix. The above facts have been reported to the Government of Karnataka vide this office letter dated 13-08-2019 (Ref-3) for seeking clarification whether to accept the said Government land [Sy No.131/BP1 of Chatnihalli Village, Harapanahalli Taluk, Davanagere (now Ballari) District] for raising CA in respect of present online proposal or otherwise.
- x. In response, the Government of Karnataka vide letter dated 02-06-2020 (Ref-6) has convened a meeting on 05-06-2020 on this CA land issue and communicated the meeting proceedings vide letter dated 29-06-2020 (Ref-6). As per the decision of the said meeting, this office vide letter dated 29-10-2020 (Ref-3) has requested the User Agency to submit the reply in respect of the two points mentioned therein. Accordingly, the User Agency has submitted the reply vide letter dated 02-11-2020 and 06-11-2020 (Ref-2) to the Deputy Conservator of Forests, Koppala Division who has vide letter dated 24-11-2020 (Ref-4) submitted the same to the Chief Conservator of Forests, Ballari Circle who in turn vide letter dated 16-12-2020 (Ref-5) submitted the same to this office. The reply furnished by the User Agency and endorsed by the field officers is as follows.

Clarification / information sought by this office based on GOK meeting proceedings	Reply furnished by the User Agency through field officers
1. For what purpose the CA land was given to the User Agency by the District Administration	It is stated by the User Agency that the said CA land has been given to M/s AISL, as a Compensatory Afforestation land by the District Administration to the aforesaid project and the same has been mutated to the Forest Department by the Deputy Commissioner, Davanagere vide O.M. dated 09-03-2012 (Copy enclosed).
2. And whether, the purpose for which it is got (by District Administration) is in the main component of the proposal.	It is clearly mentioned by the Deputy Commissioner, Davanagere in the O.M. dated 09-03-2012 that the said non-forest land to the tune of 12.00 acre was reserved and transferred to the Forest Department for raising CA plantation in lieu of diversion of forest land for laying / establishment of pipeline etc.

- xi. Now, the Deputy Conservator of Forests, Davanagere has issued CA Land Suitability Certificate dated 16-05-2020 wherein he has reported that the CA land is adjoining to Reserved Forest and tenable from management point of view. He has also submitted CA related documents like *Topo Map*, *Geo-*


referenced Map with GPS reading of all corners, CA Scheme and CA Land Suitability Certificate. He has also uploaded the same in PART-II of the proposal. Further, the User Agency has submitted an Undertaking dated nil to pay the Compensatory Afforestation charges.

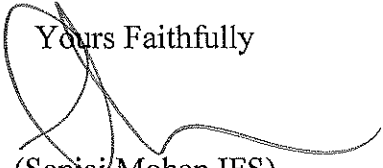
xii. Therefore, the Government of Karnataka may take decision for accepting the Government C&D land for Compensatory Afforestation purpose.

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 not obtained and furnished the requisite **Certificate in FORM-II (for Non-linear/Hybrid projects)** issued by the jurisdictional Deputy Commissioner as per Annexure 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 required RoFR certificate and to submit a copy.

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 1.84 hectare of forest land in Sy No. 25 of Chikkakasanakandi Village and submerged villages of Hole Mudlapur & Lingapur villages, Hitnala Hobli, Koppala Taluk & District for laying of Pipeline, Transmission Line, Sub-station and Break Pressure Tank in favour of M/s Aaress Iron and Steel Limited, Hosapete for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-II (for Non-linear/Hybrid projects) and further subject to the conditions appended 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 FC web portal is also appended for information.

  
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21-6-2021

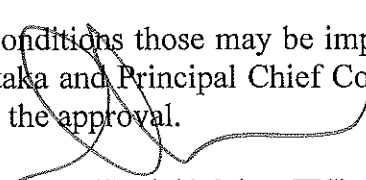
  
Yours Faithfully  
(Sanjai Mohan IFS)  
Principal Chief Conservator of Forests  
(Head of Forest Force)

**Copy to the:**

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Koppala Division, Koppala for information.
3. M/s Aaress Iron and Steel Limited, Baldota Enclave, Abheraj H Baldota Road, Near Sai Baba Temple, Hosapete, Ballari District – 583 203 for information and with a request to obtain and submit the RoFR certificate in FORM-II (for Non-linear / Hybrid Projects) issued by the jurisdictional Deputy Commissioner as per Annexure 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.

## 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, 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 lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. 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.
6. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
7. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
10. 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. 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.
13. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. 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.

  
(Sanjai Mohan IFS)  
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 &amp; specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(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.)</i></p>	<p><b>Recommended for diversion of 1.84 hectare of forest land in Sy No. 25 of Chikkakasanakandi Village and submerged villages of Hole Mudlapur &amp; Lingapur villages, Hitnala Hobli, Koppala Taluk &amp; District for laying of Pipeline, Transmission Line, Sub-station and Break Pressure Tank in favour of M/s Aaress Iron and Steel Limited, Hosapete for a period of 20 years subject to submission of RoFR Compliance Certificate in FORM-II (for Non-linear/Hybrid projects) and further subject to the conditions appended in Annexure 'A'. [Proposal No. FP/KA/IND/26447/2017]</b></p>
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Signature:



Name:

**(RAJIV RANJAN IFS)**

Designation:

**Principal Chief Conservator of Forests  
(Forest Conservation) and Nodal Office (FCA)**

(Official Seal)

Countersigned by:



Name:

**(SANJAL MOHAN IFS)**

Designation:

**Principal Chief Conservator of Forests  
(Head of Forest Force)**

(Official Seal)

N.D.O. No: 07/2020-21

Date: 26-04-2021

