

PART - IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(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).

Recommended the proposal for according 'in-principle' (Stage-I) approval for diversion of 0.68 ha. of forest land for approach road to the existing mining lease (M.L.No. 2522) in NEB Range, Sandur Taluk, Ballary Division, in favour of M/s Gogga Gurushanthaiah & Brothers, Hosapete under Section 2(ii) of the Forest (Conservation) Act, 1980 for a period co-terminus with lease granted under MMRD (Amendment) Act 2015 i.e. up to 31-03-2020 subject to the conditions to be specified as in **Annexure 'A'**.

Signature:

Name:
Designation:

P. ANUR REDDY, IFS.,
Nodal Officer &
Additional Principal Chief Conservator of Forests
(Forest Conservation) Bengaluru.

Counter signed by :

Name:
Designation:

R.S. SURESH, IFS.,
Principal Chief Conservator of Forests
(Head of Forest Force) Bengaluru.

(Official Seal):

N.D.O. No: 11 /2016-17.

Date: 21 -09-2016.

No. A5(1).MNG.CR.17/2015-16

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)
Aranya Bhavan, Malleshwaram,
Bengaluru-560 003, Dated: 21-09-2016.

To

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

Sir,

Sub: Diversion of 0.45 ha. (revised to 0.68 ha.) forest land for approach road to existing mining lease of M/s. Gogga Gurushanthiah & Bros., Hosapete (M. L. No. 2522), in NEB Range, Sandur Taluk, Ballary District.

- Ref: 1. Online proposal No. FP/KA/ROAD/14805/2015 dated 09-09-2015 of M/s. Gogga Gurushanthiah & Bros., Hosapete.
2. Letter No. M1/MNG/GG/ML.No.2522/2015-16 dated: 31-05-2015 of the Deputy Conservator of Forests, Ballary Division, Ballary.
3. Letter No. M1-MNG-GGB.Renw-CR-3/2001-02 dated: 03-08-2016 of the Chief Conservator of Forests, Ballary Circle.

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M/s. Gogga Gurushanthaiah and Bros., Hosapete has submitted a proposal for seeking approval under Section 2(ii) of Forest (Conservation) Act, 1980 for diversion of 0.45 ha. (revised to 0.68 ha.) of forest land for his ML No. 2522 in NE Block Forest in Sandur Range, Ballary District vide **online proposal No. FP/KA/ROAD/14805/2015** dated 09-09-2015. The said online proposal has been accepted by this office on 25-11-2015 and communicated to the Deputy Conservator of Forests, Ballary Division for processing the proposal. In turn, the Deputy Conservator of Forests, Ballary Division, after processing the said proposal, submitted the same to the Chief Conservator of Forest, Ballary Circle on 06-06-2016 vide letter cited at (2) above for onward submission. The Chief Conservator of Forests, Ballary Circle, Ballary, after processing the said proposal, submitted to this office vide letter cited at (3) above which is received in this office on 09-08-2016.

The details of the land required for the above purpose is as under:-

Name of Village	Sy. No.	Name of Forest	Length in Mtr	Width in Mtr.	Extent (in.ha)
Section 4 notified area	-	North Eastern Forest Block	400	17	0.68

The Deputy Conservator of Forests, Ballary Division and Chief Conservator of Forests, Ballary Circle have inspected the site on 27-05-2016 and 22-06-2016 respectively and furnished the details in Form – A, Part – II & III along with their report. Further, they have reported that the forest land to the tune of 0.68 ha. of old existing approach road consists of dry deciduous forest with Eco-class-III and dense type of forest and recommended for according approval under Forest (Conservation) Act, 1980.

The details of the said proposal are as follows:

1. Government of Karnataka vide letter No. FEE 016 FGL 2015 dated: 02-05-2015, had accorded permission for the usage of old existing approach road to the above user agency along with other 5 similar cases, subject to fulfillment of 7 conditions and also with a condition to submit the complete road proposals within two months. Accordingly, this office has accorded permission to make use of the existing road on the same terms and conditions, as envisaged by the Government of Karnataka.
2. As per the permission accorded as above, the user agency has remitted a sum of Rs. 68,400/- being the cost of compensatory afforestation charges over an extent of 0.45 ha., @ Rs. 1,52,000/- per hectare and a sum of Rs. 3,61,350/- being the cost of Net Present Value of the forest land over an extent of 0.45 ha., at Rs. 8,03,000/- per ha., through RTGS on 02-06-2015 (Copy enclosed vide ANNEXURE-VA).
3. It is reported that after conducting joint survey, the extent of the proposed forest approach road is reported to have been calculated for 0.68 ha based on the field condition, as against the 0.45 ha applied through online by the user agency and accordingly the user agency has submitted the revised proposal over an extent of 0.68 ha.
4. **Category of mining lease as per CEC report:** The mining lease falls in Category 'B' as categorized by Central Empowered Committee vide its report dated 3-2-2012 (Sl.No.29) which was approved and accepted by the Hon'ble Supreme Court in its order dated: 18-4-2013.
5. **FC approval for mining lease:** The Ministry of Environment, Forest and Climate Change, Government of India vide letter No. 8-20/2002 dated 08-07-

2003 and 05-07-2006 has accorded formal (Stage-II) approval for diversion of 32.38 ha. and 10.52 ha. of forest land (totaling 42.90 ha.) for renewal of M.L.No. 2093 (new No. 2522) in NE Block, Sandur Range, Ballary District for Iron ore mines in favour of M/s Gogga Gurushanthaiah & Bors., for a period co-terminus with the lease granted under MMRD Act, 1957. The said lease is renewed (Fourth renewal) under MMRD vide Notification No.CI/223/ MMM/2005 dated 16-03-2006 for an extent of 42.90 ha for a period of 20 years w.e.f. 20-10-1999. Thus the approval is valid up to 19-10-2019.

6. **Extension of mining lease period:** As per the letter No. CI 111 MMM 2015 dated 25-04-2015 of the Secretary to Government, Department of Commerce and Industries, 60 mining leases have been approved for Extension of lease periods under Section 8 (A) of MMDR Amendment Act, 2015. The mining lease with ML No. 2522 of M/s Gogga Gurushanthaiah & Bros., is one among the said approved list vide Sl.No.17 and the lease period is valid up to 31-03-2020.
7. **Extension of FC period:** As per the guidelines issued by the Ministry of Environment, Forest and Climate Change vide letter No. 11-51/2015-FC dated 01-04-2015 and 01-05-2015, period of validity of approvals accorded under Section 2 of Forest (Conservation) Act, 1980 shall be extended, and shall be deemed to have been extended up to a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act 1957. Thus in this case the FC validity will be valid up to 31-03-2020.
8. **Approach road earlier used without FC approval:** The mining lease was originally granted under MMRD Act, 1957 by the Government of Karnataka vide G.O. No. CI 127 MLM 68 dated 15-04-1959 i.e., prior to enactment of FC Act 1980. Since then the road now applied for approval under FC is being used by the User Agency, for which no FC approval was obtained earlier. Hence, the Ministry of Environment and Forests, Government of India may take necessary action it deems fit, in accordance with the Forest (Conservation) Act 1980, which the User Agency shall comply with.
9. **Identification of compensatory afforestation land:** The user agency has identified the non-forest land for compensatory afforestation to an extent of 32.35 Acres (13.09 ha.) in Sy.No.110 of Kurki Village, Narasapura Hobli, Kolar Taluk and District. The said land has been transferred and mutated in favour of Karnataka Forest Department. In this total extent, 0.70 ha. for M.L.No. 2522 for approach road proposal is earmarked as shown in patch no. 3 of the map enclosed (Annexure- VIIIB). The Deputy Conservator of Forests, Kolar

Division has given suitability certificate stating that the said land is suitable for afforestation (Annexure- VIIIB).

10. **Submission of consent letter of the Grama Sabha required under the FRA-2006 & FRR-2008:** The hard copy of the proposal has been submitted by the User Agency to the Deputy Commissioner, Ballary District on 21-09-2015 for submission of compliance under Forest Rights Act, 2006 which is yet to be received.

Under the circumstances stated above, it is requested to kindly move this proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 0.68 ha. of forest land for approach road to the existing mining lease of M/s. Gogga Gurushanthiah & Bros., Hosapete (M. L. No. 2522), in NEB Range, Sandur Taluk, Ballary District under Section 2(ii) of the Forest (Conservation) Act, 1980 for a period co-terminus with the lease granted under MMRD (Amendment) Act 2015 i.e. up to 31-03-2020 subject to the conditions as specified in **Annexure 'A'**.

The proforma particulars along with the relevant documents in 3 sets are submitted herewith for kind perusal and further action.

Yours faithfully,


Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru.

Copy communicated to the Chief Conservator of Forests, Ballary Circle for information.

Copy communicated to the Deputy Conservator of Forests, Ballary Division for information.

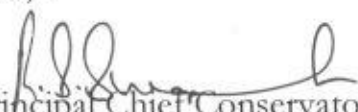
Copy communicated to M/s. Gogga Gurushanthaiah & Brothers, P. B. No. 4, Nehru Co-Operative Colony, Hosapete - 583 203, Ballary District for information.

ANNEXURE - 'A'

Enclosure to letter No. A5(1).MNG.CR.17/2015-16

dated: 21-09-2016

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 Govt. from time to time.
3. The lease period shall be co-terminus with current lease granted under MMRD (Amendment) Act 2015 i.e. up to 31-03-2020.
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 to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests are authorized to take necessary action in this regard.
5. The road shall be used for transportation of ore from 6.00 AM to 6.00 PM in the interest of wildlife.
6. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
7. The User Agency shall pay the charges for raising compensatory afforestation (in 0.68 ha.), penal compensatory afforestation etc. as stipulated by MOEF.
8. The User Agency shall pay the Net Present Value (NPV) for the extent of 0.68 ha. as per orders dated: 28-03-2008 and 9-05-2008 of the Hon'ble Supreme Court of India.
9. The User Agency shall ensure that there should be no damage to the available fauna and other flora in the project premises.
10. No crushing/breaking of stones shall be allowed inside forest area. Readymade material shall be used for improvement of such road.
11. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
12. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).


Principal Chief Conservator of Forests
(Head of Forest Force), Bengaluru.