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 of 28.299 ha (revised from 28.31 ha) of forest land for mining purpose *[26.699 ha for mining and 1.60 ha for approach road]* in favour of the successful bidder i.e., M/s MSPL Limited, Hosapete, Ballari District (erstwhile C-category mine ML No. 2559 M/s Karthikeyas Managenese & Iron ore Pvt Ltd) in Subbarayanahalli village, Sandur Range, Ballari District for a period of 50 years co-terminus with mining lease and subject to submission of certificate under FRA 2006 and other conditions specified in **Annexure 'A'**. **(Proposal No. FP/KA/MIN/31348/2018)**

Signature:

Name: ***JAGMOHAN SHARMA** IFS*

Designation: **Additional Principal Chief Conservator of Forests (Forest Conservation) and Nodal Officer (FCA)**

(Official Seal)

Countersigned by :

Name: ***PUNATI SRIDHAR IFS***

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

(Official Seal)

Additional Principal Chief Conservator of Forests (FC) + No. ..... Date..... BANGALORE

N.D.O. No: 01 /2019-20

Date: 20 -4-2019

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

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

ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003
AranyaBhavan, 18th Cross
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

E Office No. KFD/HOFF/A5-1(MNG)/16/2018-FC
Encl: 3 sets

E 62958
Date: 15-04-2019
20

To,

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

Sir,

Sub: Diversion of 28.299 ha (revised from 28.31 ha) of forest land *[26.699 ha for mining and 1.60 ha for approach road]* for mining purpose in favour of the successful bidder i.e. M/s MSPL Limited, Hosapete, Ballari District (erstwhile C-category mine ML No. 2559 M/s Karthikeyas Managenese & Iron ore Pvt Ltd) in Subbarayanahalli village, Sandur Range, Ballari District - reg.

(Proposal No. FP/KA/MIN/31348/2018)

Ref:
1. Online proposal dated 02-11-2018 (resubmitted) of M/s MSPL Limited, Hosapete.
2. This office online communication dated 12-12-2018 to Deputy Conservator of Forests, Ballari Division, Ballari.
3. Submission of PART-II (uploaded online on 13-03-2019) of Deputy Conservator of Forests, Ballari Division *[Letter No. M1/MNG/MSPL/2559/2018-19/757 dated 11-03-2019]*.
4. Submission of PART-III (uploaded online on 16-03-2019) of the Chief Conservator of Forests, Ballari Circle *[Letter No. M1/MNG/TRF/ML.No.2559/CR-11/2018-19 dated 12/14-03-2019]*.

The online proposal **(FP/KA/MIN/31348/2018)** dated 13-10-2018 resubmitted on 02-11-2018 for diversion of 28.299 ha (revised from 28.31 ha) of forest land for mining purpose in favour of the successful bidder i.e., M/s MSPL Limited, Hosapete, Ballari District (erstwhile C-category mine ML No. 2559 M/s Karthikeyas Managenese & Iron ore Pvt Ltd) in Subbarayanahalli village, Sandur Range, Ballari District was forwarded to the Deputy Conservator of Forests, Ballari Division through online on 12-12-2018 for further processing (ref-2). In response, the Deputy Conservator of Forests, Ballari Division after processing the said proposal has submitted the same to the Chief Conservator of Forests, Ballari Circle vide his letter dated 11-03-2019 [uploaded in the web-portal on 13-03-2019] (ref-3) duly recommending the proposal for diversion of 28.299 hectare. Further, the Chief Conservator of Forests, Ballari Circle, Ballari vide his letter dated 14-03-2019 [uploaded in the web-portal on 16-03-2019](ref-4) has submitted the proposal to this office for consideration as per the provisions of the FC Act.

The details of the proposal as reported by the Chief Conservator of Forests, Ballari Circle are as follows.

1. **MMRD lease:-** The Mining lease was originally sanctioned vide ML No. 2559 during the year 2007 (26-09-2007) over an area of 67.30 acres (or) 27.24 hectare in Swamimalai Range (Kumaraswamy betta), Sandur Taluk for the period of 20 years & valid upto 26-09-2027 in favour of M/s Karthikeyas Mangenese and Iron ore Private Limited.

   Subsequently, it being a 'C' category mine, the mining lease was cancelled as per the Hon'ble Supreme Court order. Afterwards, the said mining lease area has been e-auctioned by the Department of Mines & Geology as per the direction of the Hon'ble Supreme Court. M/s MSPL Ltd has been declared as successful bidder of ML No. 2559 (C-category mine) through e-auction over an extent of 26.71 hectare (as per CEC sketch). **Further, the Commissioner, Department of Mines & Geology, Bengaluru has issued a Letter of Intent dated 03-01-2018 for an extent of 26.71 hectare for a period of 50 years.**

2. **Lease area as per CEC sketch:-** M/s MSPL Limited has submitted proposal for 26.71 hectare for mining. As per the CEC digitization sketch, the extent of lease area is 26.71 hectare. However, after the joint survey duly comprising of Forest, Revenue and Mines & Geology Department, it is observed that 0.011 hectare is overlapping with Mysore Minerals Limited. Therefore, the forest clearance has been proposed to an extent of 26.699 ha (26.71-0.011) for mining and 1.60 ha for approach road totaling 28.299 hectare of forest land.

3. **Net Present Value (NPV):-** The MSPL Limited, Hosapete has given an 'Undertaking' for payment of Net Present Value (NPV) for 28.299 hectare.

4. **Safety Zone:-** The Safety zone extent is 1.79 hectare as per the R&R plan prepared by the ICFRE. M/s MSPL Ltd has agreed to pay the amount of afforestation in degraded forest 1½ time of Safety Zone area. Further, the User Agency has given an 'Undertaking' to carry out the fencing and regeneration of Safety Zone area.

5. **Compensatory Afforestation (CA):-** The earlier lessee has not taken any forest clearance, and by implication, no CA is done. Accordingly, the present User Agency, M/s MSPL Ltd have to carry out CA for which they have identified non-forest land as detailed below.

District	Taluk	Hobli	Village	SyNo.	Extent in Acres	Extent in hectares
Belagavi	Khanapura	Jamboti	Amagaov	6/3	43.17	17.47
Belagavi	Khanapura	Jamboti	Amagaov	6/4	26.83	10.85
				Total	**70.00**	**28.32**

   M/s MSPL Ltd has agreed to make payment towards compensatory Afforestation Charges for an extent of 28.32 hectare.

6. **FRA compliance:-** The User Agency M/s MSPL Limited has already requested the Deputy Commissioner, Ballari vide letter dated 31-01-2018 for issuing the FRA compliance in Form-II. The User Agency has submitted an 'Undertaking' in this regard.

7. **Mining Plan: -** The New Mining Plan has been approved by Indian Bureau of Mines, Bengaluru vide letter No. 279/1095/2017/BNG/582 dated 24-10-2017 as submitted by the User Agency.

In view of the above, the following is submitted.

a. The proposal for diversion of mining lease [ML No. 2559 of erstwhile lessee M/s Karthikeyas Manganese and Iron ore Private Limited] in favour of M/s MSPL Ltd (the User Agency), over an extent of 26.699 hectare of forest land has been recommended by both the field officers, Deputy Conservator of Forests, Ballari & Chief Conservator of Forests, Ballari vide their letters dated 11-03-2019 & 14-03-2019, respectively.

b. The earlier lessee has not taken forest clearance. Hence, the present User Agency has to bear the cost of Compensatory Afforestation charges and provide non-forest land for Compensatory Afforestation purpose.

c. The User Agency has identified non-forest (private) land for CA purpose over an extent 70.00 Acres (28.32 hectare) for Compensatory Afforestation purpose as reported by the Deputy Conservator of Forests, Ballari Division.

d. Certificate in Form-II under FRA 2006 is not submitted by the User Agency.

e. Forest clearance is proposed for (26.699+1.60) 28.299 hectare.

In light of the facts stated above, it is requested to move this proposal with the Government of India for according 'in-principle' (Stage–I) approval for diversion of 28.299 ha of forest land for mining purpose *[26.699 ha for mining and 1.60 ha for approach road]* in favour of the successful bidder i.e., M/s MSPL Limited, Hosapete, Ballari District (erstwhile C-category mine ML No. 2559 M/s Karthikeyas Managenese & Iron ore Pvt Ltd) in Subbarayanahalli village, Sandur Range, Ballari District for a period of 50 years co-terminus with mining lease and with 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 recommendation of this office along with duly filled in Part-IV is uploaded in the web-portal and a copy of the present status obtained from the web-portal is also enclosed to this letter.

Yours faithfully

Principal Chief Conservator of Forests
(Head of Forest Force)

O/C.

1. Copy to the Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Copy to the Deputy Commissioner, Ballari District for necessary action regarding issuing FRA compliance certificate in respect of this proposal.
3. Copy to the Deputy Conservator of Forests, Ballari Division, Ballari for information.
4. Copy to M/s MSPL Limited, Baldota Enclave, Abheraj Baldota Road, Hosapete, Ballari – 583 203 for information and necessary action.

ರವಾನಿಸಲಾಗಿದೆ
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ANNEXURE 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be forest land.
2. The lessee shall pay all statutory and other charges including lease rent as fixed by the Government from time to time.
3. The lease tenure is for a period co-terminus with the mining lease.
4. The leased 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 concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
5. In case of any violations, the proposal Forest Land shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No residential buildings shall be permitted in the proposed forest area.
7. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
8. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 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.
10. The mining operation as well as the transportation of mined ore will be limited between sunrise and sunset.
11. No labour camp shall be established on the forest land.
12. 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.
13. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
14. 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)