

No.M1/MNG/JSW/TRF.M.L.2313/CR/13 /2016-17
Encls:Road proposals in 4 sets

Office of the
Chief Conservator of Forests,
Ballari Circle, Ballari.
Dated:17.06.2017.

To,

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

Sir,

Sub:- Division of 3.50 ha of forest land for old existing approach road for M.L.No:2313 in favour of M/s. JSW Steel Limited in D.M. Block, Sandur - reg.

Ref:- 1. Your letter No. A5(1).MNG.CR.48/2014-15 Dated: 29.12.2016 addressed to DCF, Ballari & copy marked to this office along with the enclosures.
2. The Hon'ble Supreme Court order dated : 30.07.2015.

3. Letter No. M1/ MNG/BLY/ Nandi/MLNo.2313/2016-17 dated: 22-05-2017 & 29.05.2017 of the Deputy Conservator of Forests, Ballari Division, Ballari.
4. This office letter of even no dated : 30.05.2017 addressed to M/s. NMDC Ltd, Donimalai, Sandur & copy marked to Deputy Conservator of Forests, Ballari and others.
5. Letter No. NMDC/KIOM/2017/JSWHT/368 dated : 07.06.2017 of M/s. NMDC Limited addressed to the Chief Conservator of Forests, Ballari Circle, Ballari, and copy marked to others.

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In light of the directions issued by your goodself in the letter (1) cited under reference supra, the Deputy Conservator of Forests, Ballari Division, Ballari in his letters (3) cited above has submitted the proposal seeking for grant of old existing approach road in M.L.No.2313 (Nandi Iron Ore mines) allotted in favour of M/s JSW Steels Limited.

On going through the report submitted by the Deputy Conservator of Forests, Ballari, in respect of M.L.No.2313 seeking grant of old existing approach road to the tune of 3.50 ha of forest land in S.M.Block Sandur Range of Ballari division, the following salient features of the proposal.

1. The mining lease area of "Hothur Traders, ML No. 2313 is located in Swami Malai (SM) Block of Sandur taluk, Bellary district is having a common lease boundary with Kumaraswamy Iron Ore Mine (ML No. 1111) of M/s. NMDC Ltd. The original lease was granted by the Department of Mines & Geology vide Notification No. CI-397, MML-62 dated: 03.05.1963 under MMDR Act w.e.f. 23-12-1963 for a period of 20 years over an extent of 80 Acres (32.37 hectares) with ML No. 1907/2107 for extraction of Iron & Manganes ore. Subsequently, it was first renewed for a period of 5 years w.e.f. 23-12-1983 vide Department of Commerce and Industries Notification No. CI-153, MMM-82 dated:

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- 13.06.1983 over an extent of 80 Acres (32.38 hectares). The second time the lease was renewed for a period of 10 years vide Notification No. CI-80, MMM-80 dated: 07.03.1990 of Department of Commerce and Industries over an extent of 80 Acres (32.38 hectares). Thereafter, it was renewed third time for a period of 20 years over an extent of area 21.11 hectares only after surrendering 11.27 hectares vide Notification No. CI-147, MMM-98 dated: 20.06.2000 of Department of Commerce and Industries w.e.f. 23.12.1998 & valid up to 23.12.2018.
2. The said lease for mining area was approved by the Government of India, Ministry of Environment and Forests, New Delhi vide its letter No. 8-85/99-FC, dated : 21.09.2000 and the Government of Karnataka order No. FEE-29 FFM-97, Bangalore dated: 29.11.2000, the FC approval is granted for a period of 20 years w.e.f. 21.09.2000 over an extent of 21.11 ha. However, the Mining Lease under MMDR Act 1957 had been granted to M/s Hothur Trader vide Notification No. CI-147, MMM-98 dated: 20.06.2000 w.e.f. 23.12.1998 & valid up to 23.12.2018 only.
3. It is reported that, after conducting the joint survey of the said mining lease area by the Central Empowered Committee as per the orders of Hon'ble Supreme Court of India in its W.P.No.562/2009, had categorized this mining lease as 'C' category of mines and subsequently, the said mining lease of M/s. Hothur Traders, M.L. No. 2313 was cancelled. Now, the said Mining Lease area has been e-auctioned by the Department of Mines & Geology on the direction of the Hon'ble Supreme Court vide its order dated: 18.04.2013 and as such M/s JSW Steel Ltd has been issued a Letter of Intent cited at reference above for grant of this lease area for an extent of 21.61 hectares (which is excess of 0.50 hectares due to digitization of Lease boundary by CEC) over a period of 50 years.
4. It is reported that, the approach road is passing through Proximity of Archeological important site. The part of approach road lies within 1 km distance from Parvati & Kartikaya temple (Archeological important site). In this regard, the Hon'ble Supreme Court has issued direction to the State Government to constitute a committee to examine and recommend measures with respect to restriction of the mining activities, in the portion of approach road falling with in 1 km & upto 2 Kms, of archeologically important temples / sites in Karnataka falls vide its order in SLP No.20180/2010.
- In this present case, some portion of approach road falls in within 1 Km of Parvathi & Kartikaya temple, the final decision regarding mining in this area will be subject to outcome/ recommendation of the committee constituted in compliance of the Hon'ble Supreme Court order in SLP No.20180/2010.
5. It is reported that, the User Agency had not obtained Forest clearance for use of the approach road outside the lease area. The new UA i.e M/s JSW Steel Ltd has now submitted proposal for Forest clearance under Forest (Conservation) Act-1980 through online over an extent of 3.50 ha of approach road vide online FC Proposal No. FP/KA/ROAD/21837/2016, Dtd:17.10.2016.
6. Accordingly, the Deputy Conservator of Forests, Ballari, has submitted the revised road proposal duly decreasing the extent of 3.50 ha from 5.83 ha while conducting the joint survey of both Forest and Mines and Geology Departments. The details of approach road required in the forest land is as under:

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The following recommendations have been made for granting the permission for the usage of old existing approach road to the tune of 3.50 ha in favour of M/s JSW Steel Limited, Toranagalli by the Deputy Conservator of Forests, Bellari Division, Ballari.

i. The Deputy Conservator of Forests, Ballari Division, Ballari, has stated that, there is no other alternate approach road to M/s. JSW Steel Limited, Toranagalli and hence may be given 'right of way' to use a portion of road to the tune of 0.50 ha which is falling in the M.L.No.1111 of M/s. NMDC Limited, Donimalai.

ii. It is reported that by virtue of declaring M/s. JSW Steel Limited as a successful bidder in respect of M.L.No.2313, this instant proposal for diversion of old existing approach road may be granted for a period of 50 years co-terminus with the lease period under MMDR Amendment Act, 2015.

iii. It is reported that a portion of approach road to an extent 1.44 hectares, which is re-aligned falls inside the Forests and tree cutting required, this portion is marked on the map as A to B, C to D, E to F & G to H. Tree enumeration list is enclosed. And the remaining 2.06 hectares of approach road falls on old existing road, which is marked as B to C, D to E, F to G, H to I & J to K on the map.

Stretch Marked on Map as	Length (Meters)	Average Width (Meters)	Area (Ha)	Remarks
A to B	197	12	0.24	Portion of Road falling in virgin Forest area i.e. tree cutting to be required
B to C	534	12	0.64	Portion of Road falling in existing old approach road
C to D	745	12	0.89	Portion of Road falling in virgin Forest area i.e. tree cutting to be required
D to E	433	12	0.52	Portion of Road falling in existing old approach road
E to F	114	12	0.14	Portion of Road falling in virgin Forest area i.e. tree cutting to be required
F to G	659	12	0.79	Portion of Road falling in existing old approach road
G to H	143	12	0.17	Portion of Road falling in virgin Forest area i.e. tree cutting to be required
H to I	87	12	0.10	Portion of Road falling in existing old approach road
J to K	10	12	0.01	Portion of Road falling in existing old approach road
Total	2922	12	3.50	
I to J	419	12	0.50	Portion of road falling in MMRD notified area of M.L.No.1111 of M/s. NMDC Ltd

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- iv. It is reported that, the above user agency has identified non-forest land in Sy.No.74/1 of Thimalapura Village, Lingasuguru taluk, Raichur District over an extent of 3.50 hectares for raising CA plantation. But, the said non-forest land is yet to be mutated and transferred in favour of the Forest Department and the same will be submitted in due course.
- v. The proposed approach road is reported to have been formed by the earlier user agency M/s Hothur Traders. Hence, suitable penalty may be imposed for raising Penal Compensatory Afforestation for regularization of the same.
- vi. It is reported that some portion of the approach road falls in within 1 Km of Parvathi & Kartikeya temple, the final decision regarding mining in this area will be subject to outcome / recommendation of the committee constituted in-compliance to the Hon'ble Supreme Court order in SLP No.20180/2010.
- The Deputy Commissioner, Ballari has issued Certificate Form-I as required under the Forest Rights Act, 2006.
- vii. As reported by the Deputy Conservator of Forests, Ballari Division, Ballari, the stretch marked on the map as I to J over a length of 419 meters or an extent of 0.50 ha is reported to have been falling in the mining lease area bearing M.L.No.1111 of M/s. NMDC Ltd, Donimalai.
- Hence, M/s. NMDC limited, Donimalai has been asked to tender their opinion for giving consent to M/s. JSW Steel Limited, Toranagallu to use the said portion of road. As such M/s. NMDC Limited, Donimalai in their self explanatory letter(5) cited above have made the following objections.
- (a) Since the proposed area of Kumaraswamy Iron Ore Mine (M.L.No.1111) is fully mineralized, if an approach road is allowed, Million Tonnes of valuable Iron Ore will be blocked, which will be a huge loss to Government of India.
- (b) All along when M/s. Hothur Traders was holding the lease and presently, there exists another road for approaching to the lease hold area of M/s JSW (Hothur Traders) from Southern side without touching to NMDC lease hold area, M/s.JSW can and bound to utilize the same road for their passage, as it was auctioned and purchased by JSW without road only.
- (c) Apart from this, as the Southern side of M/s.JSW lease is a open area without touching to NMDC boundary, a new road may be developed by M/s. JSW from the PWD road near Subrayanahalli.
- (d) It is opined that, what was not suited, not approved for Hothur Traders, the same should apply to JSW. It is on record that in the year 2010 the very same proposal of Hothur Traders,

which was rejected by Forest Department on the very same ground / objection by NMDC, now, surprisingly, just because there is a change in the ownership of HT Mines, the ground position, the legal position will not get changed. NMDC, in no event can permit this or agree for any such road or diversion of forests land in the mining lease area of NMDC.

Under the above said circumstances, it is quite evident that C category of mines pertaining to the M/s. Hothur Traders has been e-auctioned without looking into the aspect of road to and as a result the Forest Department has been placed in a situation to resolve the crisis that has cropped up between M/s NMDC and M/s. JSW steels Limited. The authorities of Mines and Geology Department has accorded the mining lease to the earlier lessee(M/s Hothur Traders) without ascertaining the area to be earmarked for the purpose of road.

Further, some portion of approach road falling within 1 Km radius of Parvathi & Kartikeya Temple (Archeological important site), for which no favorable report from a Committee constituted in compliance of the Hon'ble Supreme Court order in SLP No.20180/2010 is available.

In view of the facts as detailed above and on analyzing the report of Deputy Conservator of Forests, Ballari and M/s NMDC and having inspected the said mining lease area on 07.04.2017, I recommend for rejection for according grant of old existing approach road over an extent of 3.50 ha of forest land in S.M. Block of Sandur Range under section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,
SD/-

Chief Conservator of Forests,
Ballari Circle, Ballari.

- 1) Copy submitted to the Director, Mines & Geology Department, Bengaluru for kind information.
- 2) Copy transmitted to the Deputy Director, Mines & Geology Department, Hospet for information.
- 3) Copy forwarded to the Deputy Conservator of Forests, Ballari Division, Ballari for information.
- 4) Copy to M/s. JSW Steel Limited, Toranagallu for information.

Chief Conservator of Forests,
Ballari Circle, Ballari.