

FACOR / Bhadrak / Legal / 012 /2024

Dtd. 19.03.2024

To

The Divisional Forest Officer
Cuttack Forest Division
At- Ghatakula, Nuapada
Dist.-Cuttack, Odisha-753010.

Sub: Regarding exemption from the purview of *Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980*, as per the proviso given under clause (b) of Sub-section (1) of Section-1A of the Adhiniyam, r/w Consolidated Guidelines and Clarifications dtd.29.12.2023 issued by MOEF & CC, Govt. of India, with respect to 23.80 hect mining lease area of Kalarangiatta Chromite Mines of M/s Ferro Alloys Corporation Limited (FACOR).

- Ref:**
1. Your office Letter No.69/5F (Forest Division) 107/2019, dtd. 03.01.2024.
 2. Consolidated Guidelines and Clarifications dtd.29.12.2023 issued by Inspector General of Forests, MOEF & CC Government of India, New Delhi.
 3. Gazette Notification No.18, dtd.04.08.2023 issued by Ministry of Law & Justice.
 4. Forest Diversion Proposal No. FP/OR/MIN/16453/2015, dtd.11.11.2015 of 23.80 hect mining lease area of Kalarangiatta Chromite Mines of FACOR.

Dear Sir,

Inviting reference to your office letter bearing No. 69/5F (Forest Division) 107/2019, dtd. 03.01.2024 and in continuation to our previous various letters submitted to your good office on the subject cited above, we would like to appraise your goodness as under :

1. That the office of Tahasildar Sukinda vide its Letter No.2839 dtd.20.11.2014 and subsequently vide Letter No.2863 dtd.21.08.2023 has reported that the total 16 No. of plots (23.80 hect) mining lease area of Kalarangiatta Chromite Mines of FACOR were coming under forest category / jungle kisam (forest category) in the Sabik Settlement i.e prior to 25.10.1980. Copies of the said Tahasildar letters are enclosed herewith as Annexure-01 & 02 respectively.
2. That recently it is revealed from the Certified Copies of the Yadast Record as well as Amin Report collected from the office of Cuttack Major Land Settlement office that out of 16 Nos. plots of Kalarangiatta Chromite Mines, only 6 nos. of plots (Plot no. 215, 215/1663, 258,259,260 and 266) were coming under forest category and balance 10 Nos. plots (Plot no. 83,78,114,42,48,85,47,214,303 & 304) were coming under Non-Forest Category during Sabik Settlement i.e prior to 25.10.1980. The actual land status as per certified copy of the Yadast Record are appended below as **Schedule-A:**

SCHEDULE-A									
Actual Land Status of Kalarangiatta Chromite Mines as on 25.10.1980									
Sl No	Hal Khata	Hal Plot	Land Kisam (As per Hal Settlement)	Sabik Khata	Sabik Plot	Area in hect	Land Kisam (As per Tahasildar Report)	Land Kisam (As Per Yadast Record)	Supporting Evidence of Land Kisam
1	37	83	Biali (Non-Forest)	32	4	0.024	Sal Jangle (Forest)	Biali (Non-Forest)	Yadast No.38
2	37	78	Biali (Non-Forest)	32	4	0.012	Sal Jangle (Forest)	Biali (Non-Forest)	Yadast No.38
3	120	114	Rasta (Non-Forest)	32	2	0.101	Sal Jangle (Forest)	Road (Non-Forest)	Yadast No.56 & Amin Report No.122
4	120	42	Rasta (Non-Forest)	32	4	0.162	Sal Jangle (Forest)	Road (Non-Forest)	Yadast No.19
5	82	48	Sarada-III (Non-Forest)	32	4	0.295	Sal Jangle (Forest)	Patita (Non-Forest)	Yadast No.32
6	82	85	Biali (Non-Forest)	32	4	0.385	Sal Jangle (Forest)	Biali (Non-Forest)	Yadast No.35 & Amin Report No.69
7	116	47	Patharbani (Non-Forest)	32	2	3.031	Sal Jangle (Forest)	Patita (Non-Forest)	Yadast No.3, Amin Report 122
8	116	214	Patharbani (Non-Forest)	32	2	0.162	Sal Jangle (Forest)	Gochar (Non-Forest)	Yadast No.87
9	116	303	Patharbani (Non-Forest)	32	46	0.032	Sal Jangle (Forest)	Gharbari (Non-Forest)	Amin Report 122, Yadast No.97
10	116	304	Patharbani (Non-Forest)	32	46	0.101	Sal Jangle (Forest)	Road (Non-forest)	Yadast No.56 & Amin Report No.122
11	116	215	Patharbani (Non-Forest)	32	2	5.686	Sal Jangle (Forest)	Sal Jangle (Forest)	
12	116	258	Patharbani (Non-Forest)	32	46	1.558	Sal Jangle (Forest)	Sal Jangle (Forest)	
13	116	259	Patharbani (Non-Forest)	32	46	8.094	Sal Jangle (Forest)	Sal Jangle (Forest)	
14	116	260	Patharbani (Non-Forest)	32	46	0.073	Sal Jangle (Forest)	Sal Jangle (Forest)	
15	116	266	Patharbani (Non-Forest)	32	46	4.003	Sal Jangle (Forest)	Sal Jangle (Forest)	
16	6	215/1663	Sarada-III (Non-Forest)	32	2	0.081	Sal Jangle (Forest)	Sal Jangle (Forest)	
TOTAL LEASE AREA (IN HECT.)						23.80			

The supporting evidence of the said Certified copies of the Yadast and Amin Report are enclosed herewith as **Annexure-03** Series for your kind perusal and references. According to the aforesaid **Schedule-A**, Ten number of Plots i.e. Plot No. 83,78,114, 42,48,85, 47, 214,303 & 304 (Total Area 4.305 Acre land) of Kalarangiatta Chromite Mining lease do not legally required Forest Clearance, as all the said plots were coming under Non-forest Category land prior to 1980 and now the status of the said plots are also remain unchanged i.e Non-forest category during Hal Settlement.

3. That as far as the forest plots bearing No. 215, 215/1663, 258, 259, 260 and 266 are concerned, all these 6 nos. plots have been changed to Non-Forest Category and also the same have been used for non-forest purpose prior to 12.12.1996 as per **Schedule-B** cited below:

SCHEDULE-B										
Claim for Exemption as per the Forest Conservation Amendment Act-2023										
Sl No.	Sabik Khata	Sabik Plot	Area in hect	Land Kisam (As on 25.10.1980)	Hal Khata	Hal Plot	(As per Hal Settlement 01.04.1993)	Non-forest use prior to 12.12.1996	Grounds of claiming exemption & Evidence of Non-Forest use	Evidence of Yadast Record
1	32	2	5.686	Sal Jangle (Forest)	116	215	Patharbarani (Non-Forest)	A Camp utilized by TISCO prior to 1996	Field Verification Report dtd. 19.10.2006 of Sr. Surveyor of the office of DDM Jajpur. (Annexure-04)	Yadast No.70 and Amin Report No.122 says that these plots have been granted for mining lease purpose of TISCO and the said land also was being utilized for mining & allied activities. Hence the kisam of land have been changed to Non-forest category as per the order dtd. 22.01.1988 of the Settlement Officer during Hal Settlement (Annexure-07)
								Nala No. 3 & 4 and a POND used by TISCO prior to 1996	As per Mining Plan Approved by Controller General of Mines (Central), IBM dtd.17.10.2002 (Annexure-05)	
2	32	46	1.558	Sal Jangle (Forest)	116	258	Patharbarani (Non-Forest)	Mining Quarry of TISCO prior to 1996	As per Mining Plan Approved by Controller General of Mines (Central), IBM dtd.17.10.2002 & 07.10.2005 (Annexure-06)	
3	32	46	8.094	Sal Jangle (Forest)	116	259	Patharbarani (Non-Forest)	Mining Quarry of TISCO prior to 1996	As per Mining Plan Approved by Controller General of Mines (Central), IBM dtd.17.10.2002 & 07.10.2005 (Annexure-06)	
								Mineral Transportation Road of TISCO prior to 1996	Field Verification Report dtd. 19.10.2006 of Sr. Surveyor of the office of DDM Jajpur.	
								Nala No.1 used by TISCO prior to 1996	As per Mining Plan Approved by Controller General of Mines (Central), IBM dtd.17.10.2002 & 07.10.2005	
4	32	46	0.073	Sal Jangle (Forest)	116	260	Patharbarani (Non-Forest)	Mining Quarry of TISCO prior to 1996	As per Mining Plan Approved by Controller General of Mines (Central), IBM dtd.17.10.2002 & 07.10.2005	
5	32	46	4.003	Sal Jangle (Forest)	116	266	Patharbarani (Non-Forest)	Mineral Transportation Road of TISCO prior to 1996	Field Verification Report dtd. 19.10.2006 of Sr. Surveyor of the office of DDM Jajpur.	
6	32	2	0.081	Sal Jangle (Forest)	6	215/1663	Sarada-III (Non-Forest)	Private plot being utilised for residential purpose	Yadast No.70 supported by Amin Report No.131 (Annexure-08)	
TOTAL AREA (IN HECT.)			19.49							

4. That since, all the Six number plots mentioned in Schedule-B of Kalarangiatta Mines were not declared as forest under the IFA-1927 under Clause-(i) of Para-1.1 of the Consolidated Guideline-2023 and the same has already been used for Non-forest purpose during Hal Settlement for which the Record of Rights (ROR) have been published on 01.04.1993 i.e prior to 12th December 1996 with approval of the competent authority as cited above. Hence the said 19.49 hect land is legally eligible to be exempted from the purview of the Adhiniyam as per the proviso given under clause (b) of sub-section (1) of newly inserted Section 1A of the Adhiniyam and in accordance with the Clause (ii) of Para-1.1 of the Consolidated Guidelines and Clarifications issued on 29th December 2023 by MOEF & CC, Government of India New Delhi.
5. That as far as the compliance to your office Letter No.69/5F (Forest Division) 107/2019, dtd. 03.01.2024 is concerned, please find herewith the compliance report required for **Section-A** of the said letter as per **Schedule-C** appended below :

SCHEDULE-C							
Forest Area (Sabik Kisam) 23.80 hect of previous lessee i.e TATA Steel Ltd. as on 12.12.1996.							
Sl No.	Description	Year	Forest Patches as per Sabik Record (23.80)	Plan Area	Achievement	Actual Extraction	Remarks
i	Mining Plan year wise	1991-92	Since the Mining plan of TISCO Ltd, was prepared for total 1261.467 hect mining lease area of Sukinda Chromite Mines, individual plot wise details were not provided in the said approved mining plan, hence we can't determine the year wise status of 23.80 hect mining area from the said mining plan of TISCO Ltd.	23.80 hect	Achieved as per Approved Mining Plan	0.00 Lac Mt.	As per Mining Plan approved by IBM (Annexure-09)
		1992-93				0.50 Lac Mt.	
		1993-94				0.50 Lac Mt.	
		1994-95				0.50 Lac Mt.	
		1995-96				0.50 Lac Mt.	
ii	Land use Plan	1991-92	Since the Mining plan of TISCO Ltd, was prepared for total 1261.467 hect mining lease area of Sukinda Chromite Mines, individual plot wise details were not provided in the said approved mining plan, hence we can't determine the year wise status of 23.80 hect mining area from the said mining plan of TISCO Ltd.	23.80 hect	Achieved as per Approved Mining Plan (Annexure-10)	0.00 Lac Mt.	Land use plan for 23.80 hect area can't be determined from the approved Mining Plan
		1992-93				0.50 Lac Mt.	
		1993-94				0.50 Lac Mt.	
		1994-95				0.50 Lac Mt.	
		1995-96				0.50 Lac Mt.	
iii	Satellite Map	1991-92	Since the Mining plan of TISCO Ltd, was prepared for total 1261.467 hect mining lease area of Sukinda Chromite Mines, individual plot wise details were not provided in the said approved mining plan, hence we can't determine the year wise status of 23.80 hect mining area from the said mining plan of TISCO Ltd.	Satellite Map not available for this Period	Achieved as per Approved Mining Plan	0.00 Lac Mt.	Satellite Map not available for this Period
		1992-93				0.50 Lac Mt.	
		1993-94				0.50 Lac Mt.	
		1994-95				0.50 Lac Mt.	
		1995-96				0.50 Lac Mt.	
iv	Land Schedule	1991-92	Since the Mining plan of TISCO Ltd, was prepared for total 1261.467 hect mining lease area of Sukinda Chromite Mines, individual plot wise details were not provided in the said approved mining plan, hence we can't determine the year wise status of 23.80 hect mining area from the said mining plan of TISCO Ltd.	23.80 hect	Achieved as per Approved Mining Plan	0.00 Lac Mt.	Land schedule for 23.80 hect area can't be determined from the approved Mining Plan
		1992-93				0.50 Lac Mt.	
		1993-94				0.50 Lac Mt.	
		1994-95				0.50 Lac Mt.	
		1995-96				0.50 Lac Mt.	

6. That in compliance to the **Section-B** of the said letter dtd.03.01.2024, we would like to submit before your good office that Department of Steel and Mines, Government of Odisha vide its Proceeding No.6177/SM dtd.17.07.2007 has granted mining lease over 23.80 hect of Non-Forest Land to FACOR. Subsequently the Mining Lease has been executed on 18.04.2008, between the State Government represented by the Collector of Jajpur and the Ferro Alloys Corporation Ltd. Since we got the legal right for mining over the said 23.80 hect mining lease of Kalarangiatta Chromite Mines, the question of Year wise mining plan, Land Schedule, Satellite Map, Land use Plan and Actual extraction status as on 2004 does not arise.
7. That vide our previous letter bearing No. FACOR /Bhadrak /Legal /106 /2023, Dated 18.12.2023, we have already submitted before your good office that all the 16 nos. of mining lease plots of Kalarangiatta Mines are not coming under DLC Report of Kalarangiatta Mouza of Jajpur District.

PRAYER

In light of the aforesaid facts, land records of Government of Odisha as well as documents of IBM and Mining Department we do hereby request your good office kindly to :

- (1) Allow mining operation in the 10 nos. of Non-forest plots cited above in the **Schedule-A** as the Forest Conservation Act and Rules are not applicable for the said Plots.
- (2) Issue necessary order for exemption of 6 nos. of Forest plots (**as per Schedule-B**) which have been changed to Non-Forest category and been used for Non-forest purpose during Hal Settlement for which the Record of Rights (ROR) have been published on 01.04.1993 i.e prior to 12th December 1996 with approval of the competent authority of State Government of Odisha. As such the said 6 nos. of plots are liable to be exempted from the purview of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980, as per the proviso given under clause (b) of Sub-section of Section-1A of the Adhiniyam, r/w Consolidated Guidelines and Clarifications dtd.29.12.2023 issued by MOEF & CC, Govt. of India.
- (3) Allow us to withdraw the Forest Diversion Proposal filed earlier in the Parivesh Portal vide Proposal No. FP/OR/MIN/16453/2015 as the mining lease area is not coming under the definition of "Forest" as per the proviso of Forest Conservation Act-2023 effective from 1st Day of December 2023.
- (4) And arrange to intimate the office of Deputy Director of Mines Jajpur Road to resume the mining operation of Kalarangiatta Chromite Mines of M/s. Ferro Alloys Corporation Ltd. without Forest Clearance.

Your kind co-operation and necessary favorable order in this regard will help in facilitating the basic economic needs of more than 25,000 poor families who are directly and indirectly dependents upon this mine and our Ferro Chrome Plant located at Randia Bhadrak (since this is a Captive Mine for our Plant). Further this will also help in generating Crores of Revenues / Royalty for the State Government of Odisha.

Thanking you
Yours faithfully,

For Ferro Alloys Corporation Ltd.

M. Muthumari
19/03/2024
(Muthumari M.)

Mines Agent, Kalarangiatta Chromite Mines

Enclosed : As above

- Copy to :
1. The Principal Chief Conservator of Forests, Aranya Bhawan, Bhubaneswar.
 2. The Deputy Director General MOEF & CC, Bhubaneswar.
 3. The Additional Chief Secretary, Forest Department, Govt. of Odisha
 4. The Additional Chief Secretary, Dept. of Steel & Mines, Govt. of Odisha.
 5. The Director of Mines and Geology, Dept. of Steel & Mines, Bhubaneswar.
 6. The Deputy Director of Mines, Jajpur Road Mining Circle.