

**FACOR / Bhadrak / Legal / 017 /2024****Dtd. 05.04.2024****To****The Divisional Forest Officer**

Cuttack Forest Division

At- Ghatakula, Nuapada

Dist.-Cuttack, Odisha-753010.

**Sub: Application for allowing mining operation in the 4.305 hect of non-forest mining lease area (10 nos. Plots) of Kalarangiatta Chromite Mines of M/s Ferro Alloys Corporation Limited (FACOR).**

**Ref:** 1. Your office Letter No.2870/5F (Forest Division) 107/2019, dtd. 30.03.2024.  
2. Land Certificate of Tahasildar Sukinda dtd.20.11.2014 & dtd.21.08.2023.  
3. Certified copy of Yadast Record issued by Cuttack Major Settlement office.  
4. Forest Diversion Proposal No. FP/OR/MIN/16453/2015, dtd.11.11.2015 for 23.80 hect mining lease area of Kalarangiatta Chromite Mines of FACOR.

**Dear Sir,**

In inviting a reference to the above cited subject, we would like to submit that the 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 M/s. Ferro Alloys Corporation Ltd. (FACOR) in the village Kalarangitta of Sukinda Tahasil of Jajpur District. The Mining Lease has been executed on 18.04.2008, between State Government represented by the Collector of Jajpur and the Ferro Alloys Corporation Ltd (FACOR) represented by its Director. The Provisions of Forest (Conservation) Act, 1980 was not applicable to this mining lease during execution of the lease deed as the entire land is of Non-Forest Kisam (The Land Schedule of the Mining lease area is at **Annexure-01**). Hence the mining operation of Kalarangiatta mines was continuing without requirement of any Forest Clearance

Subsequently, your good office vide letter No. 9555 dtd. 12.12.2014 (**Annexure-02**) has intimated us that the lease holds area of 23.80 hect (58.81 Acre) of Kalarangiatta Chromite Mines has been reported by Tahasildar Sukinda vide his letter dtd. 20.11.2014 as Forest Kisam (Sal Jungle) during Sabik Settlement of Odisha (prior to 25.10.1980) as such it attracts the provisions of the Forest (Conservation) Act, 1980. In compliance to the said letter of your good office and guidelines issued by MOEF New Delhi, forest diversion proposal for 23.80 hect mining lease area has been submitted vide Proposal No FP/OR/MIN/16453/2015 on dated 11.11.2015. At present the proposal is under consideration of the State Government at various stages.

Recently it is revealed from the Certified Copies of the Yadast Record collected from the office of Cuttack Major Land Settlement that out of 23.80 hect (16 Nos. plots ) of Kalarangiatta Chromite Mines, only 10 Nos. plots having an area of **4.305 hect** (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

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25.10.1980. Whereas the balance 6 Nos. plots ( 19.490 hect) were Forest Kisam. The actual land status of 10 plots as per certified copy of the Yadast Record are appended below as **Schedule-A**:

<b><u>SCHEDULE-A</u></b>									
<b><u>Actual Land Status of Kalarangiatta Chromite Mines on and after 25.10.1980</u></b>									
Sl No	Hal Khata	Hal Plot	Land Kisam (As per Hal Settlement 01.04.1993 )	Sabik Khata	Sabik Plot	Area in hect	Land Kisam (As per Tahasildar Report 20.11.2014)	Land Kisam (As Per Yadast Record)	Supporting Evidence of Land Kisam
1	37	83	Biali (Non-Forest)	32	4	0.024	Sal Jangle (Forest)	<b>Biali (Non-Forest)</b>	Yadast No.38
2	37	78	Biali (Non-Forest)	32	4	0.012	Sal Jangle (Forest)	<b>Biali (Non-Forest)</b>	Yadast No.38
3	120	114	Rasta (Non-Forest)	32	2	0.101	Sal Jangle (Forest)	<b>Road (Non-Forest)</b>	Yadast No.56 & Amin Report No.122
4	120	42	Rasta (Non-Forest)	32	4	0.162	Sal Jangle (Forest)	<b>Road (Non-Forest)</b>	Yadast No.19
5	82	48	Sarada-III (Non-Forest)	32	4	0.295	Sal Jangle (Forest)	<b>Patita (Non-Forest)</b>	Yadast No.32
6	82	85	Biali (Non-Forest)	32	4	0.385	Sal Jangle (Forest)	<b>Biali (Non-Forest)</b>	Yadast No.35 & Amin Report No.69
7	116	47	Patharbani (Non-Forest)	32	2	3.031	Sal Jangle (Forest)	<b>Patita (Non-Forest)</b>	Yadast No.3, Amin Report 122
8	116	214	Patharbani (Non-Forest)	32	2	0.162	Sal Jangle (Forest)	<b>Gochar (Non-Forest)</b>	Yadast No.87
9	116	303	Patharbani (Non-Forest)	32	46	0.032	Sal Jangle (Forest)	<b>Gharbari (Non-Forest)</b>	Amin Report 122, Yadast No.97
10	116	304	Patharbani (Non-Forest)	32	46	0.101	Sal Jangle (Forest)	<b>Road (Non-forest)</b>	Yadast No.56 & Amin Report No.122
<b>NON-FOREST AREA PRIOR TO 25.10.1980 (4.305 HECT)</b>									

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. It is reiterated that 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 hect** land) of Kalarangiatta Chromite Mining lease do not legally required Forest Clearance, as all the aforesaid plots were coming under Non-forest Category land prior to commencement of Forest Conservation Act-1980 and the status of the said plots are also remain unchanged i.e Non-forest category during Hal Settlement which was completed on 01.04.1993.

Copy of the Record of Rights (ROR) downloaded from the Bhulekh Portal of Government of Odisha is enclosed herewith as **Annexure-04** to justify the land kisam of the said 10 Nos. of Plots (4.305 hect area) as non-forest category.

In response to your office Letter No.2870/5F (Forest Division) 107/2019, dtd. 30.03.2024, we would like to appraise before your good office as under :

1. That vide Prayer No.1 of our previous letter i.e FACOR / Bhadrak /Legal /012/2024 dtd. 19.03.2024 we have also prayed for allowing mining operation in the 10 Nos. of non-forest plots (4.305 hect land) as the said lands are neither coming under the purview of the Forest Conservation Act-1980 nor under the Van (Sanrakshan Evam Samvardhan) Adhiniyam-2023.
2. That Hon'ble Supreme Court of India vide Para-18 of the Interim Order dtd. 19.02.2024 in the case of W.P. (Civil) 1164 /2024 has instructed that “ *we clarify that pending the completion of the exercise by the Administrations of the State Governments and the Union Territories under Rule-16 and pending these proceedings, the principles which are elucidated in the judgment of this Court in T.N. Godavarman (supra) must continue to be observed.*”
3. That it is evident from the certified copy of the Yadast record ( **written in RED color by the Land Settlement officer of Govt. of Odisha**) that the aforesaid 10 nos. of plots mentioned in Schedule -A i.e Plot No. 83,78,114, 42,48,85, 47, 214,303 & 304 (Total Area 4.305 hect land) of the Kalarangiatta Chromite Mines are not coming under the category of (i) Reserved forest, (ii) Recorded forest, (iii) Revenue forest or (iv) Dictionary meaning of forest. Hence neither the judgment dtd.12.12.1996 in the case of T.N. Godavarman Thirumulpad Vrs Union of India nor the interim order dtd. 19.02.2024 in the case of Ashok Kumar Sharma (IFS Retired) & Others Versus Union of India and Another, passed by Hon'ble Supreme Court of India has any legal /adverse impact upon the said 4.305 hect land (**Schedule-A**) of Kalarangiatta Mines as the same was never being treated as “forest land” in any settlement process of Odisha.
4. That in view of the Certified Yadast Record and other valid legal documents, the Forest Conservation Act-1980 as well as Forest Conservation Amendment Act-2023 and Rules made thereunder shall not be applicable for said 10 Nos. of plots (4.305 hect) area mentioned in Schedule-A of this letter. Also, none of the abovementioned Supreme Court Orders restrict any Government Authority / Forest Department to allow non-forest activity in any such non-forest land.

We therefore request your goodness kindly arrange to pass necessary order and intimate the office of Deputy Director of Mines Jajpur Road to resume the mining operation over the said 4.305 hect (**Schedule-A**) mining lease area of Kalarangiatta Chromite Mines of M/s. Ferro Alloys Corporation Ltd.

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.**

  
(Muthumari M.)

**Business Head Mines, Mining Agent,  
Kalarangiatta Chromite Mines**

Enclosed : As above

- Copy to :**
1. The Principal Chief Consrvator 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 Collector of Jajpur District.
  7. The Collector of Cuttack District.
  8. The Deputy Director of Mines, Jajpur Road Mining Circle.