

Letter No. JSW/U/O/2019/158

Dated :- 22.07.2019

To,
The Divisional Forest Officer,
Keonjhar Forest Division,
Keonjhar

Sub: -Proposal for diversion of 22.671 Ha of forest land for Establishment of Grinding and De-sliming (Beneficiation) plant and Slurry Pumping Satation and Water Intake System of M/s JSW Utkal Steel Ltd under Barbil Tahasil in Keonjhar District, Odisha.

Proposal No-FP/OR/IND/36705/2018, St.Sl. No.- OR-05/2019

X- Sub:- Submission of justification as regards lease out of land measuring 74.304 ha. having 20.585 ha non- forest land recorded as forest as on 25.10.1980 by IDCO.

Reference: Your memo no 6991 /6F – Mining-305/2018 dated 16/07/2019

Sir

We are obliged for your cooperation for considering our proposal for diversion of the 22.671 Ha for Sabik forest land for Establishment of Grinding and De-sliming (Beneficiation) plant and Slurry Pumping Satation and Water Intake System spreading over four villages under Barbil Tahashil. In this regard vide letter dated 16/07/2019 we have been asked to submit an appropriate justification regarding lease out of land measuring 74.304 ha having 20.585 ha non forest land recorded as forest as on 25.10.1980 along with its legality of leasing out of the said land by IDCO.

This observation warrants a chronological development of the sequences which lead to leasing of the land favour of JSW Utkal and filing of forest diversion proposal subsequent to leasing.

The land comprising of 74.304 Ha (183.61Ac) spreads over four villages namely Lahanda (38.59 Ac), Gobrdhanpur (21.98Ac, 8.97 Ac & 3.14 Ac), Bhagalpur (90.03 Ac & 7.57 Ac) and Sialijoda (13.33 Ac). Originally the land was procured by IDCO and was leased to M/s Crackers India Alloys Ltd vide lease deed dated 26.08.2011 village sialijoda (13.33 Ac), dated 26.08.2011 over an area of 21.98Ac., dated 16.5.2007 over an area of 8.97 Ac., dated 25.02.2010 over an area of 3.14 Ac in village Gobardhanpur , dated 24.06.2008 village Lahanda(38.59 Ac) , dated 26.08.2011 over an area of 90.03 Ac and dated 16.05,2007 over an area of 7.57 Ac in village Bhagalpur.

It won't be out of the way to mention here that as per the Hal record published in 1982-83, all the lands stood recorded as non-forest land. As we all are aware it was only during Feb, 2015 the issue of hall and Sabik comparison and determination of the resultant forest land to be considered for forest clearance was notified vide notification bearing no 4822 dated 12.02.2015.

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All the lease deeds between M/s Crackers India Alloys Ltd and IDCO were executed much prior to the notification dated 12.02.2015.

While the matter stood as it is and the land being under possession of M/s Cracker India Pvt. Ltd, M/S JSW Utkal Ltd proposed to establish a Grinding and De-sliming (Beneficiation) plant at the same location. Having reached a consensus both the parties i.e. M/s JSW Utkal Steel Ltd and M/s Crackers India Alloys Ltd approached IDCO to allow the transfer of the land from M/s Crackers India Alloys Ltd to M/S JSW Utkal Steel Ltd. IDCO vide its letter vide their letter no 12878 dated 21.06.2018 (Copy Enclosed), permitted the transfer of these patches of the land for the balance lease period. Also this transfer has the concurrence of State Level Single Window Clearance Authority (SLSWCA) as was communicated by IPICOL vide letter no letter dated 18/04/2018 .

M/S JSW Utkal Steel Ltd can hold the said property for the balance period as described below.

Name of the village	Area in Ac.	Balance lease period
Lahanda	38.59	80 years
Gobardhanpur	8.97	79 years
Gobardhanpur	21.98	83 years
Gobardhanpur	3.14	82 years
Bhagalpur	7.57	79 years
Bhagalpur	90.03	83 years
Sialijoda	13.33	83 years.
Total	183.61	

And accordingly a single lease deed dated 23.06.2018 was executed between IDCO and M/S JSW Utkal Steel Ltd. It is pertinent to mention that this is not a new/fresh lease as referred under Sec 2 of the FC Act. but, transfer of already leased out land from one project proponent to another project proponent for the balance period.

For execution of the lease deed dated 23.06.2018 M/S JSW Utkal Steel has only paid the transfer fees as stipulated in the IDCO guideline and no premium was paid by JSW Utkal Steel.

In condition No. 14 of the allotment letter no 12878 dated 21.6.2018, *inter-alia* state that "In case the project land (private or government or both) is interspersed with forest land, the transferee has to allow free access to the local community till the same is alienated in their favour after obtaining due approval of the diversion proposal by the MoEF."

The said land has been lease out by IDCO vide a registered lease deed no. 11031800324 on dated 23.06.2018 as per hal record. The lease out area over 183.61 Ac. or 74.304 ha is coming under Non Forest as per hal record. As per letter No. 4822 dated 12.02.2015 of the Chief Secretary ,Odisha ,M/s JSW Utkal Steel Ltd has applied to the Tahasildar ,Barbil to provide the status of land involved in the project for both forest and non -forest as per Govt. record as on 25.10.1980. According the Tahsildar, Barbil has certified the land schedule as per Govt. record as on 25.10.1980 vide his letter No. 4737 dated 23.10.2018, which is enclosed as **Annexure -5** in

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DP. Tahasildar, Barbil has certified that out of total lease out area of 74.304 ha. it is found 20.585 ha. land is involved as Non forest land recorded as forest as on 25.10.1980. Accordingly M/s JSW Utkal Steel Ltd has submitted the instant diversion proposal .

After being aware of existence of Forest Land, M/S JSW Utkal submitted the proposal for diversion of the forest land amounting to 20.585 Ha. This is to inform you that the forest land amounting to 20.585 ha has not been put to any use including any non-forest use by M/s JSW Utkal Steel Ltd neither any tree has been cut.

It may be appreciated that since it is a case where

- The land was procured by IDCO during 2008 to 2011
- The lease with M/s Cracker India Alloys Ltd was executed between 2008 to 2011
- The land was under possession and utilization by M/s Cracker India Alloys Ltd since the date of lease
- The lease of 2008~2011 were transferred in favour of M/s JSW Utkal Steel Ltd followed by cancelation of earlier lease deed
- Both cancelation and transfer of lease for balance period being carried out simultaneously through the execution of a single lease deed dated 23.06.2019 (copy enclosed).

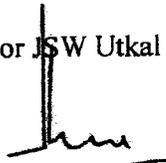
It is pragmatic that the pending (non) diversion of Sabik Forest Land can be regularized only after 2015, which M/S JSW Utkal Steel Ltd is seeking now.

We hope the explanation supported by the referred documents will suffice the purpose. We request your good office to extent all support and co-operation for early approval of the diversion proposal.

Thanking you

Thanking You
Your's faithfully ,

For JSW Utkal Steel Ltd



S.P. Singh
Director

Encl:- as above

Received
23/8/19
HEAD CLERK
O/o the Divisional Forest Officer
Keonjhar Division