

To

Dated : 01-09-2020

The Additional Principal Chief Conservator of Forests
(Forest Conservation) & Nodal Officer (FCA)
3rd Floor, Aranya Bhavan, Malleshwaram
Bangalore-560 003.

Sir,

Sub: Renewal of 2.213 ha. (including 0.433 ha. of safety zone area) of forest land in Sy.No.78/1P of Padukonaje Village, Marpady Reserve Forest, Mangaluru Taluk, Kundapura Division, for building stone material quarry in favour of M/s. Padma Crushers, Bantwala Taluk, Dakshina Kannada District-reg. (Online Proposal No: FP/KA/QRV/7549/2014).

- Ref: 1) Letter F.No.4-KRB 551/2008-BAN/1000 dated 09-11-2016 of the Ministry of Environment, Forests & Climate Change, Government of India, Regional Office, Bengaluru.
- 2) Letter No: FEE 12 FFM 2015 dated 11-01-2017 of the Government of Karnataka, Bengaluru.

The Government of India vide its letter dated 09-11-2016 cite at reference (1) above has accorded Stage-II approval for diversion of 2.213 ha. (including 0.50 ha. of forest land already diverted & 0.433 ha. of safety zone area) of forest land in Sy.No.78/1P of Padukonaje Village, Marpady Reserve Forest, Mangaluru Taluk, Kundapura Division, for building stone material quarry in favour of M/s. Padma Crushers, Bantwala Taluk, Dakshina Kannada District under section 2 of Forest (Conservation) Act, 1980, for a period of **ten (10) years** w.e.f. 02-11-2010.

The Government of Karnataka had also issued the G.O. vide its order dated 11-01-2017 cited at reference (2) above. Accordingly, DCF, Kundapura executed an Agreement with M/s Padma Crushers at Jurisdictional Sub-Registrar, Moodbidri dated 09-03-2017. Now, the said lease period will expire on 01-11-2020.

Further, as per Government of India Guideline, renewal of lease application should be submitted one year before lapse of lease. Accordingly, Form-B PART-I Online application (for renewal of lease) along with compliance report submitted has earlier approved by Government of India and Government of Karnataka. The details are as follows:

For PADMA ENTERPRISES


Proprietor

Gol Condition No.		Remarks
1	The legal status of forest land shall remain unchanged.	Yes, legal status of forest land shall continue as "Forest".
2	Compensatory Afforestation (CA) over the non-forest land equal in extent to 1.28 ha. of fresh forest land proposed to be utilized for mining and other allied activities shall be raised and maintained by the State Forest Department from funds to be provided by the User Agency.	We have already paid an amount of Rs.3,26,400/- [1.28 hectare x 2.55 lakhs] towards for raising of Compensatory Afforestation through e-payment mode vide transactions date 30-03-2016 & 30-07-2016. A Copy of payment proof /evidence is enclosed as Annexure-A &B.
3	Non-forest land identified for CA in Sy.No.68/8, 68/2A, 68/1, 68/7, 68/6B, 124/1B & IC of Kabbinala village, Karkala Taluk of Udupi District shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II approval.	The patta land to an extent of 5.47 acres i.e., 2.213 ha. Has already been transferred to in favour of Karnataka Forest Department for raising CA purposes. The same is registered in the Sub-Registrar, Karkala on 27-01-2016. Further, copies of RTCs having mentioned KFD, Kundapur Division in Col.No.9 are also enclosed as Annexure C.
4	Non-forest land which is transferred and mutated in favour of the state forest Department for the purpose of CA, shall be declared as Reserved Forest under Section-4 or protected forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the dated of grant of final approval and send a copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927 or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record.	Action taken by Deputy Conservator of Forests, Kundapura Division. Enclosed RTC's
5	The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation for a period of 7 years, at the current wage rate, to the State Forest Department.	We have already paid an amount of Rs.3,26,400/- [1.28 hectare x 2.55 lakhs] towards for raising of Compensatory Afforestation through e-payment mode vide transactions date 30-03-2016 & 30-07-2016. A Copy of payment proof /evidence is enclosed as Annexure-A &B.

6	<p>The State Government shall charge the Net Present Value (NPV) of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 05.02.2009 in this regard.</p>	<p>We have already paid an amount of Rs. 13,02,490 lakhs towards 1.713 ha. of forest land @ Rs.7.30 lakhs / ha. as they had paid Rs. 3.13 lakhs earlier towards diversion of 0.50 ha.</p> <p>The details as follows :</p> <table border="1"> <thead> <tr> <th>Area in ha</th><th>Rate of NPV [Rs in lakhs]</th><th>Total</th></tr> </thead> <tbody> <tr> <td>0.50</td><td>6.26</td><td>313000</td></tr> <tr> <td>1.713</td><td>7.30</td><td>1250490</td></tr> <tr> <td>0.50</td><td>[Differential NPV collected at the Rate Rs.7.30 lakhs] Rs.365000-313000=52000/-</td><td>52000</td></tr> <tr> <td colspan="2">Total</td><td>1302490</td></tr> </tbody> </table>	Area in ha	Rate of NPV [Rs in lakhs]	Total	0.50	6.26	313000	1.713	7.30	1250490	0.50	[Differential NPV collected at the Rate Rs.7.30 lakhs] Rs.365000-313000=52000/-	52000	Total		1302490
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7	<p>At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.</p>	<p>We have already furnished undertaking vide dated 30-07-2016 on Rs.100/- e-Stamp paper at the time compliance report submitted for Stage-II.</p> <p>Now, once again we have uploaded undertaking for payment of Additional NPV as Annexure-D.</p>															
8	<p>The state Government shall assess the area of forest land located within the mining lease which was used for non-forest purposes during different years without obtaining approval under Forest (Conservation) Act, 1980 and intimate the same to the Ministry of Environment and Forests.</p>	<p>Complied and accordingly charges for payments assessed. i.e., for 1.28 ha already deposited.</p>															
9	<p>The State Government shall raise Penal Compensatory Afforestation from the funds to be realized from the User Agency, over degraded forest land double in extent to the forest land utilized for non-purpose without obtaining approval under Forest (Conservation) Act, 1980.</p>	<p>We have already paid an amount of Rs.6,52,800/- [2.56hectare x 2.55 lakhs x 2 times] towards for raising of Penal Compensatory Afforestation through e-payment mode vide transactions date 30-03-2016 & 30-07-2016.</p> <p>A Copy of payment proof /evidence is enclosed as Annexure-A &B.</p>															

10	The State Government shall realize from the User Agency Penal NPV @ 20% of the rates applicable on the date of grant of the Stage-I approval, of forest land utilized for non-forest purpose without obtaining approval under the FC Act, 1980, for each year or fraction thereof. (Explanation: In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the FC Act, 1980, for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of Stage-I approval).	We have already deposited an amount of Rs. 7,47,520 lakhs @ Rs. 7.30 ha. lakhs / ha. i.e., $1.28 \times 7.30 = 7.4752$ @ 80% NPV through e-payment mode vide transactions date 30-03-2016 & 30-07-2016. A Copy of payment proof /evidence is enclosed as Annexure-A &B.
11	The State Government of Karnataka shall initiate necessary action in accordance with the provisions of the Karnataka Forest Act, 1963 against the User Agency for using the forest land for mining purpose without requisite approval from the competent authority. The enquiry in the Forest Offence Case booked against the User Agency shall be completed before grant of the Stage-II approval under the Forest (Conservation) Act, 1980, for the said forest land.	The DCF, Kundapur has already submit the report to higher authority vide their Office Order No.A3/ATA/41/2014-15 (Mudabidre) dated 14-07-2016 and they having Ordered for confiscation of 3.433 MT building stones extracted unintentionally, to the Government, duly imposing compound fee of Rs.49500/- in FOC No.41/2014-15 dated 16-09-2014.
12	The name of the officials responsible for the violation of the Forest (Conservation) Act, 1980, shall be intimated to Regional Office, Bengaluru for initiating appropriate proceedings under Section-3 A and Section-3 B of the FC Act, 1980.	Replies already submitted on 1-10-2016 by Nodal Officer to Government of Karnataka and Government of India.
13	Following activities shall be under taken by the User Agency at the project cost:-	
	a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.	Soil erosion choking of streams totaling avoided as per the directions of Deputy Director, Department of Mines and Geology, Government of Karnataka.
	b) Planting of adequate drought hardly plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion.	soil erosion has been taken for the consideration it has been arrested wherever it is possible. Entire area is rocky
	c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour.	No chances have been left out for the sliding down of the excavated material.

	d)	Stabilize the overburden dumps by appropriate grading/benching so as to ensure that angles of repose at any given place is less than 28°	It is less than 28° as per the norms dictated by Mines and Geology.
	e)	Strict adherence to the prescribed top soil management.	Top soil management has been not violated. The same time to time has been confirmed by Geologist, Mines and Geology Department.
14		The User Agency shall make online payment of cost of CA, Penal Compensatory Afforestation & NPV with Adhoc-CAMPA through e-payment module of Forest clearance portal forestclearance.nic.in.	We have already deposited necessary charges vide transaction dated 30-03-2016 and 30-07-2016 towards CA, PCA, NPV etc., to the tune of Rs.31,94,705/- through e-payment mode.
15		The User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.	Member secretary, SEIAA, Karnataka has issued the Environmental clearance vide certificate No SEIAA 35 MIN 2020 dated 19/06/2020 A copy of EC certificate is enclosed as Annexure-E
16		User Agency shall ensure demarcation of boundary of safety zone (7.5 meters strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.	We have already erected RCC pillar, 4 feet high at 20 mtrs interval around the proposed forest area wherever possible. The same has been confirmed periodically by Forest Officials.
17		In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation / roads should be properly fenced by the User Agency at the project cost to protect the vegetation/regeneration activities in the safety zone.	No adjoining mining leases.
18		Safety Zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the User Agency at the project cost under the supervision of State Forest	It is reported that since the safety zone area is rocky in nature, greenery cannot be achieved / taken up.

19	Afforestation on degraded forest land, to be selected elsewhere measuring one and half times the area of forest land under safety zone shall also be done by the User Agency at the project cost under the supervision of the State Forest Department.	We have deposited an amount of Rs.1.65495 lakhs towards 1.5 times of safety zone area i.e., $0.433 \times 1.5 = 0.6495$ ha. through e-payment mode vide transactions date 30-03-2016 & 30-07-2016. A Copy of payment proof /evidence is enclosed as Annexure-A &B.
20	User Agency either itself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any located in the area within 100 m. from outer perimeter of the mining lease.	Entire area is rocky
21	The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Karnataka and Addl. Principal Chief Conservator of Forests, (Central), Ministry of Environment and Forests, Regional Office (Southern Zone), Bengaluru. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Addl. Principal Chief Conservator of Forests, (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.	Quarry / Closure plan has been already submitted to APCCF (FC) & Nodal Officer and it has been approved by Government of India.
22	Adequate care shall be taken to check any rolling of over-burdens / dumps beyond diverted area and also to check soil erosion caused due to quarrying activities.	Building quarrying has been monitored and controlled as per Mines and Geology Act.
23	No labour camp shall be established on the forest land.	No labour camp established.

24	The User Agency shall provide firewood preferably alternate fuel to the laboures and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.	No damages has been made for conservation.
25	The boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar, before Stage-II approval.	Already undertaken as per the directions.
26	The forest land shall not be used for any purpose other than that specified in the proposal.	For the Building Material Quarry only.
27	Any other condition that the Addl. Principal Chief Conservator of Forests, (Central), Ministry of Environment and Forests, Regional Office (Southern Zone), Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.	We have submitted an undertaking as Annexure-E
28	The User Agency and State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.	Noted.
29	Violation of any of the conditions shall invite penal action, as deemed fit by the Addl. Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.	Noted

The above aforesaid condition wise compliance report as approved by Government of Karnataka & Government of Indian, along with supporting documents and Renewal applications in Form-B Part-I is also submitted for your kind perusal and requested to accept our renewal proposal and move said proposal to Government of Karnataka and Government of India for accord renewal.

Thanking you.

Yours faithfully,

For PADMA ENTERPRISES

M/s. Padma Crushers/Enterprises

Proprietor

