

No.Ft.48- 130/1992 (FCA),
H.P. Forest Department.

From: Nodal Officer-cum-APCCF (FCA)
O/o Pr. CCF, H.P. Shimla-1.

To: The Deputy Inspector General of Forests (FCA)
Govt. of India, Ministry of Environment & Climate Change,
Indira Paryavaran Bhawan, Agni Wing, 5th Floor, Jor Bag Road,
New Delhi- 11003.

Subject: Dated Shimla-1, the **8 DEC 2020**
Proposal for seeking prior approval of the central Government under Section 2 of the Forest (conservation) Act, for non forestry use of 172.30 ha of forest land in favour of Cement Corporation of India Ltd (CCIL) for the renewal of Mining Lease of Manal Limestone Mine within the jurisdiction of Poanta Forest Division, Distt Sirmour HP.

Sir,

Kindly refer to your office memo No. 8-58/1997-FC(Vol) dated 03-10-2020 on the subject cited above.

2. The point wise reply/additional information to the observations raised by above referenced letter is submitted as under:

- i). The original lease was granted to the user agency dated 3rd August 1973, copy of the grant of original lease to the user agency i.e. 1st renewal and 2nd renewal is attached herewith as **annexure-I & II**.
- ii) The CCF Nahan has intimated that mining operation was stopped during 2013 to 03-06-2015. However the user agency has submitted that as per mining department gazette notification Part-II Section 3-sub-section (i) dated 30-12-2015 (attached as **annexure-III**) the mining lease originally granted on 3rd August 1973 extends to 3rd August 2023 since the notification provides for a lease period of 50 years for the mining lease. The case for renewal of mining lease was submitted to GoI vide letter No. Ft.48-130/1992(FCA) dated 04-04-2015, even No. dated 24-07-2015 and even No. dated 11-09-2015 and 02-11-2015. However no further intimation in this regard was received.
- iii) User agency had applied for the renewal of mining lease to this office on dated 18-07-2013 and the same was sent to MoEF&CC, GoI for approval of renewal of the mining lease. Copy of the letter No. Ft.48-130/1992(FCA) dated 04-04-2015, even No. dated 24-07-2015 and even No. dated 11-09-2015 and 02-11-2015 are attached as **annexure IV, V & VI**.

- iv) No general approval has been received as **accorded by the State Govt.** in favour of user agency under section 2(iii) of the FC, 1980 in pursuance of the guidelines dated 01-04-2015.
- v) In this regard, User agency has been repeatedly requested to deposit the payment of NPV copy of letters issued by DFO is attached herewith as **annexure-VII, VIII & IX**. In the mean while user agency has requested that NPV may be imposed only for the broken up area of 55 ha and the same was refused as per the Hon'ble Supreme Court of India's order dated 09-05-2008 and GoI, MoEF directions issued vide GoI letter No. 5-3/2007-FC dated 05-02-2009, that no such exemption is there to the present proposal (copy enclosed as **annexure-X**). Accordingly user agency was again strictly instructed by DFO to deposit the NPV amount at the earliest vide letter No. 1335 dated 14-07-2020 copy attached as **annexure-XI**. Further, user agency vide letter No. RJO/Mining/NPV/2020/1917 dated 04-09-2020 address to this office and copy to IG, MoEF, New Delhi, requested to provide user ID & Password to make the NPV payment. Now, the user agency as per letter No. RCF/Mine/FCA/NPV/2020/01/3674 dated 12-11-2020 copy attached as **annexure-XII** ready to deposit the NPV and requested to initiate the procedure for payment of NPV to the tune of Rs. **14,55,93,500/-** in lieu of 172.30 ha of forest area as demanded by forest department.

This is for favour of information and further necessary action into the matter please.

Encls: As above.

Yours faithfully,

Recd 08/12/2020
Nodal Officer-cum- APCCF (FCA)
O/o Pr. CCF, H.P. Shimla-1

Annexure-I

No. 10-110/70-SICMO
GOVERNMENT OF HIMACHAL PRADESH
INDUSTRIES DEPARTMENT.

To

The Director of Industries,
Himachal Pradesh (Geological Coll),
Jalandhar, Punjab.

Dated, Simla, the 30th August, 1973.

Subject:- Mining lease to the Cement Corporation of India
in Sirmur district (H.P.).

...

Sir,

I am directed to convey the approval of the Government of Himachal Pradesh to the grant of mining lease to M/S Cement Corporation of India who are putting up a Cement Plant in Sirmur District in the area measuring about 7.94 H.A. in villages Sirmuri Tal, Patana, Haraal, Gahar, Poka, Bhatrog, Sarakalla and Landon wali (list alongwith area of each village involved in the mining lease attached), subject to the condition that suitable clauses in the mining lease agreement shall be inserted to safeguard the interest of right-holders/Forest Department as suggested by the Revenue and Forest Departments in their minutes (copies attached). The period of lease shall be 30 years and provision of Mineral Concession Rules, 1960, shall be observed under which the mining lease shall be granted.

2. It is requested that further action in the matter may kindly be taken accordingly.

Yours faithfully,

[Signature]

Under Secretary (Industries) to Govt.
of Himachal Pradesh.

...

No. 10-110/70-SICMO

Dated: August, 1973.

Copy forwarded, M/S Cement Corporation of India Ltd.,
B-4, Bahadur Shah Zafar Marg, New Delhi-1, for information. It is
requested that Director of Industries, H.P., may kindly be approached
for entering into a formal mining lease agreement.

[Signature]

Under Secretary (Industries) to
Government of Himachal Pradesh.

K. P. GUPTA

Annexure - II

No. B-58/97-FC
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi - 110 003
22.1.99

The Secretary (Forests)
Government of Himachal Pradesh
Shimla

Sub: Renewal of mining lease in favour of Cement Corporation of India over 242.30 ha. of forest land for lime stone mining in district Sirmaur.

Sir,

I am directed to refer to your letter no. FEE_B-F(2)9/97 dated 25.9.98 on the above mentioned subject seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government and on the basis of the recommendation of the above mentioned Advisory Committee, the Central Government hereby conveys its approval under Section-2 of the Forest (Conservation) Act, 1980 for renewal of mining lease over 172.30 ha. of forest land (excluding the 70 ha. area proposed for access for maintenance) in favour of Cement Corporation of India Ltd. in district Sirmaur subject to the following conditions:

- i) Legal status of forest land shall remain unchanged.
- ii) Compensatory afforestation will be carried out over double the degraded land at the project cost.
- iii) In respect of 70 Ha. of forest land not recommended for diversion, it will be maintained for soil conservation works by project authority in association with the State Forest Department. The project authority will be permitted the existing right of way within this area. This condition will be monitored regularly by Conservator of Forests (C) Regional Office, Chandigarh to achieve desired conservation objective consistent with the use of forest land for non-forest purposes.
- iv) The actual mining during the next renewal period of twenty years will be restricted to only 55 ha. of already broken up area. Release of fresh forest area for future mining activity will be based on the progress of reclamation and soil conservation works carried out by lessee in the lease area.

v) Demarcation of mining lease area will be done on the ground at project cost using four feet high concrete pillars with serial numbers bearing and distance from pillar to pillar.

- vi) Reclamation of mining lease area and soil conservation measures will be undertaken at the project cost under the supervision of State Forest Department.
 - vii) The user agency will provide free fuelwood to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
 - viii) The period of permission under the Forest (Conservation) Act, 1980 will be for twenty years w.e.f. expiry of the previous lease and coterminus with lease under MMRD Act, 1957.
- closed environmental safeguards will be strictly adhered to.
- x) Any other condition which the State Govt. may stipulate from time to time in the interest of afforestation and protection of forests.

Yours faithfully,

(R.K. CHAUDHRY)
Asstt. Inspector General of Forests

Copy to:

1. PCCF, Government of H.P., Shimla
2. The Nodal Officer, Office of the PCCF Govt. of H.P., Shimla.
3. CCF (Central), Regional Office, Chandigarh
4. RO (HQ), New Delhi
5. Guard file

22.3.99
(R.K. CHAUDHRY)
AIGF



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 749] नई दिल्ली, बृहस्पतिवार, दिसम्बर 3, 2015/अग्रहायण 12, 1937
No. 749] NEW DELHI, THURSDAY, DECEMBER 3, 2015/AGRAHAYANA 12, 1937

खान मंत्रालय

अधिसूचना

नई दिल्ली, 3 दिसम्बर, 2015

सा.का.नि. 927(अ).—केंद्रीय सरकार, खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम खनिज (सरकारी कंपनी द्वारा खनन) नियम, 2015 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—(1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “अधिनियम” से खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) अभिप्रेत है ;

(ख) “सरकारी कंपनी” से कंपनी अधिनियम, 2013 (2013 का 18) की धारा 2 की उपधारा (45) में यथा परिभाषित कोई कंपनी अभिप्रेत है ; और

(ग) “खनिज” से धारा 3 के खंड (ड.) में परिभाषित से अन्यथा खनिज और अधिनियम की पहली अनुसूची के भाग क और भाग ख में विनिर्दिष्ट खनिज अभिप्रेत हैं।

(2) शब्द और पद, जो इन नियमों में परिभाषित नहीं किए गए हैं, परंतु अधिनियम में परिभाषित किए गए हैं, के वही अर्थ होंगे जो उनके अधिनियम में हैं।

3. 12 जनवरी, 2015 से पूर्व सरकारी कंपनियों या निगमों को प्रवृत्त खनन पट्टे की अवधि.—(1) खान और खनिज (विकास और विनियमन) संशोधन अधिनियम, 2015 (2015 का 10) के प्रारंभ की तारीख अर्थात् 12 जनवरी, 2015 से पूर्व किसी सरकारी कंपनी या निगम को प्रदत्त खनिजों के लिए सभी खनन पट्टे पचास वर्ष की अवधि के लिए प्रदत्त किए गए समझे जाएंगे।

(2) राज्य सरकार, सरकारी कंपनी या निगम द्वारा खनन पट्टे की समाप्ति से कम से कम बारह मास पूर्व इस निमित्त इसे दिए गए आवेदन पर, कारणों को लेखबद्ध करते हुए, खनन पट्टे की अवधि को बीस वर्ष की और अवधि के लिए एक ही बार विस्तारित कर सकेगी।

(3) उपनियम (1) के अधीन, किसी सरकारी कंपनी या निगम द्वारा खनन पट्टों के नवीकरण के लिए किए गए सभी आवेदन और जो खान और खनिज (विकास और विनियमन) संशोधन अधिनियम, 2015 (2015 का 10) के प्रारंभ की तारीख को लंबित थे, खनन पट्टे की अवधि के विस्तारण के लिए आवेदन समझे जाएंगे और उपनियम (2) के उपबंधों के अनुसार निपटाए जाएंगे।

4. 12 जनवरी, 2015 को या उसके पश्चात् सरकारी कंपनियों या निगमों को प्रदत्त खनन पट्टे की अवधि.—

(1) किसी सरकारी कंपनी या निगम को खनिजों के लिए प्रदत्त सभी खनन पट्टे पचास वर्ष की अवधि के लिए होंगे।

(2) किसी सरकारी कंपनी या निगम को अधिनियम की धारा 10ख और धारा 11 के उपबंधों के अनुसार प्रदत्त कोई खनन पट्टा पचास वर्ष की अवधि की समाप्ति पर समाप्त हो जाएगा और विस्तारित नहीं किया जाएगा।

(3) राज्य सरकार जिसने सरकारी कंपनी या निगम द्वारा इस निमित्त आवेदन पर अधिनियम की धारा 17क की उपधारा (2क) और उपधारा (2ख) के उपबंधों के अनुसार खनन पट्टा प्रदान किया था, कम से कम बारह मास पूर्व कारणों को लेखबद्ध करते हुए, खनन पट्टे की अवधि को बीस वर्ष की और अवधि के लिए एक ही बार विस्तारित कर सकेगी।

5. अधिनियम की धारा 17क की उपधारा (2ग) के अधीन किसी सरकारी कंपनी या निगम द्वारा संदाय.—

(1) कोई सरकारी कंपनी या निगम या कोई संयुक्त उपक्रम जिसे अधिनियम की धारा 17क की उपधारा (2क) और (2ख) के उपबंधों के अनुसार खनन पट्टा प्रदत्त किया गया है, प्रत्येक मामले में केंद्रीय सरकार द्वारा यथा अधिसूचित अधिनियम की दूसरी अनुसूची के संबंध में, संदत्त रायल्टी की प्रतिशतता के समान रकम संदत्त करेगा।

(2) सरकारी कंपनी या निगम राज्य सरकार को उपनियम (1) के अधीन यथाविनिर्दिष्ट संदाय करेगा।

(3) सरकारी कंपनी या निगम ऐसी अन्य रकम का संदाय भी संबंधित प्राधिकारियों को करेगा, जो तत्समय प्रवृत्त किसी विधि के अधीन अपेक्षित हो, जिसके अंतर्गत,—

(i) राज्य सरकार को रायल्टी या अनिवार्य भाटक ;

(ii) राष्ट्रीय खनिज खोज न्यास को संदाय ; और

(iii) जिला खनिज फाउंडेशन को संदाय, है।

[फा. सं. 1/13/2015-एम. VI]

आर. श्रीधरन, अपर सचिव

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 3rd December, 2015

G.S.R. 927(E).—In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Mineral (Mining by Government Company) Rules, 2015.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires, —

(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);

(b) "Government company" means a company as defined in section 2(45) of the Companies Act, 1956 (18 of 1956); and

(c) "minerals" means minerals other than those defined as minor minerals under clause (e) of section 3 of the Mines and Minerals (Development and Regulation) Act, 1951 (23 of 1951), namely, the minerals specified in Part A and Part B of the First Schedule to the Act.

(2) Words and expressions used and not defined in these rules, but defined in the Act shall have the same meanings as assigned to them in the Act.

3. Period of mining lease granted to Government companies or corporations before 12th January, 2015.—(1) All mining leases for minerals granted to a Government company or corporation before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), namely, the 12th January, 2015 shall be deemed to have been granted for a period of fifty years.

(2) The State Government, upon an application made to it in this behalf by the Government company or corporation at least twelve months prior to the expiry of the mining lease, may, for reasons to be recorded in writing, extend the period of the mining lease for further periods of upto twenty years at a time.

(3) Subject to sub-rule (1), all applications made by a Government company or corporation for renewal of mining leases and which were pending as on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015) shall be deemed to be applications for extension of the period of the mining lease and shall be disposed of in accordance with the provisions of sub-rule (2).

4. Period of mining lease granted to Government companies or corporations on or after 12th January, 2015.—(1) All mining leases granted to a Government company or corporation for minerals shall be for a period of fifty years.

(2) A mining lease granted to a Government company or corporation in accordance with the provisions of section 10B and section 11 of the Act shall expire at the end of the period of fifty years and shall not be extended.

(3) The State Government, upon an application made to it in this behalf by the Government company or corporation granted a mining lease in accordance with the provisions of sub-sections (2A) and (2B) of section 17A of the Act, at least twelve months prior to the expiry of the mining lease, may, for reasons to be recorded in writing, extend the period of the mining lease for further periods of up to twenty years at a time.

5. Payments by a Government company or corporation under sub-section (2C) of section 17A of the Act.—(1) A Government company or corporation or a joint venture, granted a mining lease in accordance with the provisions of sub-sections (2A) and (2B) of section 17A of the Act, shall pay an amount equivalent to a percentage of the royalty paid in terms of the Second Schedule to the Act, as notified by the Central Government in each case.

(2) A Government company or corporation shall make payments to the State Government as specified under sub-rule (1).

(3) A Government company or corporation shall also pay such other amounts as may be required under any law for the time being in force to the concerned authorities, including—

- (i) royalty or dead rent to the State Government;
- (ii) payment to the National Mineral Exploration Trust; and
- (iii) payment to the District Mineral Foundation.

[F. No. 1/13/2015-M.VI]

R. SRIDHARAN, Addl. Secy.

Annexure-IV

81

No.Ft.48-130/1992 (FCA)
H.P.Forest Department

From:

Nodal Officer -cum-
Addl.Pr.Chief Conservator of Forests (FCA)
O/O Pr. Chief Conservator of Forests,
Himachal Pradesh, Talland, Shimla.

To:

The Assistant Inspector General of Forests,(FC Division)
Govt. of India, Ministry of Environment & Climate Change,
Indira Paryavaran Bhawan, Agni Wing, 5th Floor, Jor Bag Road,
New Delhi-110003.

Dated Shimla-1, the

Subject:

Renewal of mining lease over an area of 172.30ha of forest land in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP, within the jurisdiction of Paonta Sahib Forest Division Distt Sirmour, HP.

Sir,

I am directed by the Govt. of Himachal Pradesh to enclose herewith a proposal for the renewal of 172.30 ha of forest land in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP within the jurisdiction of Paonta Sahib Forest Division Distt Sirmour, HP duly recommended by the State Govt. in part-V of the main form.

2. In this regard it is submitted that the renewal of 172.30 ha of forest land vide your office letter No.8-58/97-FC dated 22.3.1999(copy enclosed for ready reference)in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP for lime stone mining was for 20 years, which has expired on 2.8.2013. Commissioner Industries Himachal Pradesh vide its letter dated 28.2.2015(copy enclosed) has now intimated that the Indian Bureau of Mines, vide letter dated 3.12.2014 has given specific report for subsequent renewal and it has been recommended that in the interest of mineral development, the second renewal should be granted in favour of Cement Corporation of India Ltd. subject to the certain conditions. It has also submitted that at present, the mine is not in operation and shall be allowed when the forest clearance is granted by the competent authority. Industries department has also enclosed a Mines & Mineral (Development & Regulation) Amended Ordinance, 2015 on 12.1.2015, (copy enclosed) published by Ministry of Law and Justice., in which, the provisions under Section 8(A) proviso(5), provides that "the period of lease granted before the date of commencement of the mines & Minearals (Development & Regulation) Amendment ordinance, 2015, where mineral is used for captive purpose, shall be extended and be deemed to have been extended upto a period ending on 31st March,2030 w.e.f the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, which ever is later, subject to the condition that all the terms and conditions of the lease have been complied with".

It is also submitted that the user agency has carried out mining activities only over 100 ha of forest land. The user agency has not violated the provisions of FCA,1980. Further, it is submitted that forest area does not form a part of National park/ Sanctuary area.

Encl.-As above.

Proposal folder & mining plan)

Yours faithfully,


Nodal Officer -cum-

Addl.Pr.Chief Conservator of Forests (FCA) HP

Endst.No.Ft.48-130/1992 (FCA)

Dated Shimla-1, the 4 APR 2015



Copy is forwarded to:-

1. Addl. Chief Conservator of Forests (Central) GoI, MoEF, Pearson Road, FRI, Campus, PO New Forests, Dehradun-248006 alongwith one copy of proposal folder for favour of information please.
2. CF Nahan with reference to his office Memo.No.C-X-19/CCI Rajban/Vol-II/6733 dated 14.11.2013 & 8867 dated 24.1.2014 for information & necessary action. He will ensure that no mining is allowed till the approval from GoI is received.
3. General Manager, CCI Ltd. PO Rajban Cement Factory, Distt Sirmour, HP, Pin-173028 for information. He will provide one copy of volume -II of the proposal folder to this office as one copy of the same is short.

Encl:-As above.

Misc
8/4/15

Addl.Pr.Chief Conservator of Forests (FCA) HP

8/4/15

Enclt No. C-X-19/cci Rajban/Vol-II/632

Copy is forwarded to DFO Panto with reference to this office enclt of even No. 6733-14-11-2013 and his office memo No. 5409 dated for information and necessary action.
(no mining till approval from GOI)



①

RLS

22/4/15

K.F. Nahan

No.Ft.48-130/1992 (FCA)
H.P.Forest Department

From:

Nodal Officer -cum-
Addl.Pr.Chief Conservator of Forests (FCA)
O/O Pr. Chief Conservator of Forests,
Himachal Pradesh, Talland, Shimla.

To:

The Assistant Inspector General of Forests,(FC Division)
Govt. of India. Ministry of Environment & Climate Change.
Indira Paryavaran Bhawan, Agni Wing, 5th Floor, Jor Bag Road.
New Delhi-110003.

Dated Shimla-1, the

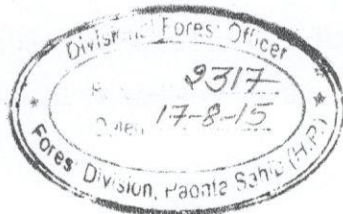
Subject:

Renewal of mining lease over an area of 172.30ha of forest land in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP. within the jurisdiction of Paonta Sahib Forest Division Distt Sirmour, HP.

Sir,

Kindly refer to this office letter of even No. dated 4.4.2015 on the subject cited above.

2. Necessary decision on the renewal of mining lease over an area of 172.30ha of forest land in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP, may kindly be conveyed to this office at the earliest.



Yours faithfully,

Nodal Officer -cum-

Addl.Pr.Chief Conservator of Forests (FCA) HP

Endst.No.Ft.48-130/1992 (FCA)

Dated Shimla-1, the

24 JUL 2015

Copy is forwarded to:-

Addl. Chief Conservator of Forests (Central) GoI, MoEF, Pearson Road, FRI, Campus, PO New Forests, Dehradun-248006 for favour of information please.

CF Nahan for information & necessary action.He will ensure that no mining is allowed till the approval from GoI is received.

General Manager, CCI Ltd PO Rajban Cement Factory, Distt Sirmour, HP, Pin-173028 for information.

Nodal Officer -cum-

Addl.Pr.Chief Conservator of Forests (FCA) HP

No.Ft.48-130/1992 (FCA)
H.P.Forest Department

From:

Nodal Officer -cum-
Addl.Pr.Chief Conservator of Forests (FCA)
O/O Pr. Chief Conservator of Forests,
Himachal Pradesh, Talland, Shimla.

To:

The Assistant Inspector General of Forests,(FC Division)
Govt. of India, Ministry of Environment & Climate Change,
Indira Paryavaran Bhawan, Agni Wing, 5th Floor, Jor Bag Road,
New Delhi-110003.

Dated Shimla-1, the

11 SEP 2015

Subject:

Renewal of mining lease over an area of 172.30ha of forest land in favour of
CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP, within the
jurisdiction of Paonta Sahib Forest Division Distt Sirmour, HP.
(F.No.8-58/97-FC)

Sir,

Kindly refer to this office letter of even No. dated 4.4.2015 and 24.7.2015 on
the subject cited above.

2. Necessary decision on the renewal of mining lease over an area of 172.30ha of
forest land in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP,
may kindly be conveyed to this office at the earliest.

Yours faithfully,

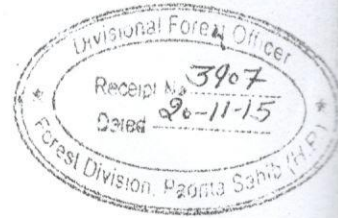

Nodal Officer

Addl.Pr.Chief Conservator of Forests (FCA) HP

PTO

Annexure-VI

From: No.Ft.48-130/1992 (FCA)
H.P.Forest Department



To: Nodal Officer -cum-
Addl.Pr.Chief Conservator of Forests (FCA)
O/O Pr. Chief Conservator of Forests,
Himachal Pradesh, Talland, Shimla.

The Assistant Inspector General of Forests, (FC Division)
Govt. of India, Ministry of Environment & Climate Change,
Indira Paryavaran Bhawan, Agni Wing, 5th Floor, Jor Bag Road,
New Delhi-110003.

Dated Shimla-1, the

Subject: Renewal of mining lease over an area of 172.30ha of forest land in favour of
CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP, within the
jurisdiction of Paonta Sahib Forest Division Distt Sirmour, HP.
(F.No.8-58/97-FC)

Sir,

Kindly refer to this office letter of even No. dated 4.4.2015, 24.7.2015 and
11.9.2015 on the subject cited above.

2. Necessary decision on the renewal of mining lease over an area of 172.30ha of
forest land in favour of CCI, Rajban Cement Factory, tehsil Paonta Sahib Distt Sirmour, HP,
may kindly be conveyed to this office at the earliest.

Yours faithfully,

Self
Nodal Officer -cum-
Addl.Pr.Chief Conservator of Forests (FCA) HP

Dated Shimla-1, the

- 2 NOV 2015

Endst.No.Ft.48-130/1992 (FCA)

Copy is forwarded to:-

1. Addl. Chief Conservator of Forests (Central) Gol, MoEF, Pearson Road, FRI, Campus, PO
New Forests, Dehradun-248006 for favour of information please.
2. CF Nahan for information & necessary action. He will submit the status of mining lease over an
area of 172.30ha of forest land of CCI, Rajban Cement Factory. He will also ensure that
no mining is allowed till the approval from Gol is received.
3. General Manager, CCI Ltd. PO Rajban Cement Factory, Distt Sirmour, HP, Pin-173028 for
information.

3826
6/11/15
WRC
5/11/15
WRC
Nodal Officer -cum-
Addl.Pr.Chief Conservator of Forests (FCA) HP

Annexure-VII

277
127

No. 1093
H.P.Forest Department.

Dated Paonta the, 26-6-2017

The General Manager,
Cement Corporation of India Ltd.
Rajban Paonta Sahib.


**BILL OF NET PRESENT VALUE FOR DIVERSION OF 172.3 HA
FOREST LAND TO CCI RAJBAN (H.P.)**

Officer-Cum-AP CCF (FCA) O/O.Pr.CCF.H.P.Shimla, received through CCF Nahan on dated 07.02.2017.

Refer. Your office letter no.11982 dated 07.02.2017 addressed

Kindly find enclosed herewith bill of net present value for
diversion of 173.3 ha forest land which is diverted to Cement Corporation of India Ltd. Rajban Paonta
Sahib for 172.3 ha forest land. You are, therefore requested to please make the payment of Rs.14, 55,
00/- in Campa account of Union Bank of India Branch Paonta Sahib H.P.at earliest please so that
authorities of this department could be informed accordingly.

As above.


Divisional Forest Officer
Paonta Forest Division.
Paonta Sahib.


17/6/17
20/6/17

210
138

BILL OF NET PRESENT VALUE FOR DIVERSION OF 172.3 HA FOREST LAND TO CCI RAJBAN (H.P.)

- i) Total area diverted = 172.3 ha
- ii) Rate of NPV = Rs. 8, 45,000/- per ha.
- iii) Total amount payable = Rs.14, 55, 93,500/-

(Rs. Fourteen crore fifty five lac ninety three thousand five hundred) only.


Divisional Forest Officer
Paonta Forest Division
Paonta Sahib

No. 4286/.....
HP Forest Department.

Annexure - VIII 139

Dated Paonta Sahib the, 09/01/2018

To

The General Manger,
Cement Corporation of India Ltd.,
Rajban Paonta Sahib.


Subject: Bill of Net Present Value for diversion of 172.3 ha. of Forest land under the Forest Conservation Act, 1980 in favour of CCI Rajban.

Sir,

In continuation to this office letter No. 1093 dated 20.06.2017, on the subject cited above.

2. Kindly find enclosed herewith bill of net present value for diversion of 172.3 ha. forest land which is diverted to Cement Corporation of India Ltd. Rajban Paonta Sahib for 172.3 ha. forest land. It is ~~bring~~ ^{brought} to your notice that as per direction contained in Govt. of India, MoEF, New Delhi letter No. F.No. 11-85/2016-FC dated 31.03.2016, the NPV of the mining lease is to be realized from user agency within a period of one year from the date of the approval, failure of which all mining activities in such manner shall be stopped, till such time, the NPV of such forest land is realized by the State Govt. You are, therefore, once again requested to please make the payment of Rs. 14,55,93,500/- ^{within 15 days} in Ad-hoc CAMPA account of Union Bank of India/Corporation Bank of India, New Delhi through this office at earliest please, so that the higher authorities of this department could be informed accordingly.

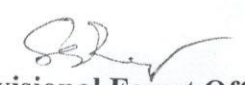
Encl: As above.


Divisional Forest Officer,
Paonta Forest Division,
Paonta Sahib (HP).

Endst. No./....4287/.....

Dated Paonta Sahib the, 09/01/18

Copy to RO Paonta Sahib for information and necessary action. He is directed to ensure that the mining activities be allowed as per directions contained in above referred letter.



Divisional Forest Officer,
Paonta Forest Division,
Paonta Sahib (HP).

140 ~~278~~
278

BILL OF NET PRESENT VALUE FOR DIVERSION OF 172.3 HA FOREST LAND TO CCI RAJBAN (H.P.)

- i) Total area diverted = 172.3 ha
- ii) Rate of NPV = Rs. 8, 45,000/- per ha.
- iii) Total amount payable = Rs. 14, 55, 93,500/-

(Rs. Fourteen crore fifty five lac ninety three thousand five hundred) only.


Divisional Forest Officer
PAONTA FOREST DIVISION
Paonta Sahib (H.P.)

No./RK/CCI/7008...../
HP Forest Department.

Annexure - IX

Dated Paonta Sahib the, 19.03.2020

To

The General Manager,
CCI Rajban.

Subject:

Regarding NPV payment thereof.

Sir,

Please refer to your office letter No. RCF/mine/MLR (FCA)/2020 dated 13.03.2020, on the subject cited above.

2. Enclosed please find herewith the Net present value of 172.3 ha forest land diverted for mining lease area. This is also in continuation to this office letter no, 4286 dated 09.01.2018.

FCA portal.

This payment will deposit through e-challan to be generate online

Kunal Angrish, IFS,
Divisional Forest Officer,
Paonta Forest Division,
Paonta Sahib (HP).

19/3/20

253

Bill of Net Present Value.

As the forest covered under the project i.e., for diversion of 172.3 ha. Forest land in favour of Cement Corporation of India for mining lease.

As such Net present value of the project according to rate available in the guideline of GoI MoEF vide letter No. 5-3/2007-FC dated 05.02.2009 for NPV is given as under:-

Sr. No.	Area in ha.	Density of forest	Eco class	Rate	Total amount of NPV
1	172.3 ha.	Dense Forest	Eco Class-V (Consisting of Sub-tropical Broad Leaved Hill Forests).	8,45,000	14,55,93,500/-
	172.3 ha.	-do-	-do-	8,45,000	14,55,93,500/-

Note:- The cost of this project will be borne by CCI at Rajban.

Divisional Forests Officer,
Paonta Forest Division,
Paonta Sahib (HP).

19/3/20.

No.Ft.48-130/1992(FCA)
H.P.Forest Department.

Dated Shimla-1, the

Annexure-X

From: Nodal Officer-cum-APCCF(FCA)
O/O Pr. CCF, H P (HoFF)

To:-CCF Nahan.

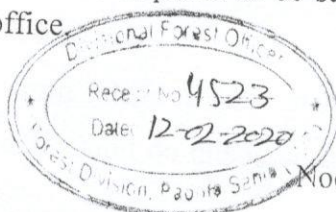
Subject:- Deemed Extension period in respect of Cement Corporation of India (Rajban Cement Factory Paonta Sahib) and NPV payment thereof. .

Memo:-

Kindly refer to your office letter No.CCI/7420 dated 03.01.2020, and in continuation to this office letter of even 25.7.2016 on the subject cited above.

2. The NPV has not been realized in respect of this proposal till date. The amount of NPV for the total forest area 172.3 ha area diverted in favour CCI is required to be deposited in adhoc CAMPA. The user agency has requested that although the diversion has been approved for 172.3ha of forest land but the mining permission is taken only for 55 ha of forest land and NPV only for 55 ha of forest land may be realized instead of 172.3ha of forest land. In this regard it is intimated that as per Hon'ble Supreme Court of India's orders dated 9.5.2008 and GoI, MoEF directions issued vide GoI letter No.5-3/2007-FC dated 5.2.2009, no such exemption is there to the present proposal,

3. The ground level reports in respect of mining activities carried out by the user agency have not been reported to this office. The full details in shape of map in soft copy as well in hard copy, showing the total forest area diverted/broken area is also required to be supplied to this office. Further, point wise status of compliance of conditions of GoI approval order No.8-58/97-FC dated 22.3.1999 is also required to be intimated. FRA certificate is also required to be supplied to this office for taking further necessary action by this office.



Sch-
Nodal Officer Cum-Addl. Pr.CCF(FCA)HP.

Endst.No.Ft.48-130/1992(FCA) Dated Shimla-1,the

Copy is forwarded to the following for information & similar necessary action as above.

1. DFO Paonta Sahib, Forest Division Paonta Sahib, distt Sirmour,HP.
2. General Manager, CCI Rajban Cement Factory, Tehsil Paonta Sahib, distt Sirmour,HP. This is with reference to his office letter dated 22.01.2020.

24/01/2020
Nodal Officer Cum-Addl. Pr.CCF(FCA)HP.

Follow up
with CCI

RK

C

9/12/2020

20/1/2021

No./RK/CCI/.....1335.....
HP Forest Department.

Annexure - XI

Dated Paonta Sahib /...14/7/2020

To

The General Manager,
Cement Corporation of India Ltd.,
Rajban (HP).
{HOD(Mining)}

Subject:

Clarification reg. Payment of NPV.

Please refer to your office letter No. RCF/Mine/FCA/NPV/2020 dated 06.06.2020, on the subject cited above.

2. In this connection you are intimated that the on the above cited subject, such as correspondence has been done to your office many times and on the basis of letters sent by you to this office, your lease period has already expired.

3. Before taking further action in this issue, you have to pay **Net Present Value** of Rs. 14,55,93,500/- of total 172.30 ha. Forest land. The bill of **Net Present Value (NPV)** has already been issued to your office alongwith concerned guideline of NPV on dated 05.02.2009 vide this office letter No. 7008 dated 19.03.2020, which gives the complete details of the clarification asked by you.

4. Apart from this, you have mentioned the orders dated 24.04.2008 & 09.05.2008 of Hon'ble Supreme Court on this issue can be downloaded from the online site of the Supreme Court.

Therefore, you are requested again to deposit the above amount at the earliest so that further action can be taken on this subject, otherwise your work on this lease will be considered illegal and the forest department will be required to take action on illegal mining.

Yours faithfully,

Kunal Angrish, IFS
Divisional Forest Officer,
Paonta Forest Division,
Paonta Sahib (HP).

Annexure - XII



सीमेंट कार्पोरेशन ऑफ इंडिया लिमिटेड

(ISO 9001: 2015 प्रमाणित भारत सरकार का उपक्रम)

राज्यन सीमेंट संयंत्र, सहरील पावटा साहिब, जिला सिरमौर (हि0२००)-173028

Cement Corporation of India Ltd,

(An ISO 9001: 2015 certified Government of India Enterprise)

Rajban, Tehsil: Paonta Sahib, Distt. Sirmour (HP)-173028

No.RJO/Mining/NPV/2020 | 1917

Dt.04.09.2020

To

The Nodal Officer -cum-APCCF (FCA),
O/O Principal Chief Conservator of Forests,
Himachal Pradesh Forest Department,
Shimla -171001

Sub:- Deemed extension of Mining Lease of Manal Limestone Mine over an area of 172.30 ha of forest land in favour of CCI - Rajban, Tehsil- Paonta Sahib, Distt-Sirmour (Himachal Pradesh) and Payment of NPV - reg.

Respected Sir,

With reference to above we have to submit the following:

1. Vide demand letter No.RK/CCI/7008/HP Forest Department dated 19.03.2020 issued by Divisional Forest Officer, Paonta Forest Division (Refer Enclosed Annexure-1), Cement Corporation of India Limited has to pay NPV on account of deemed extension of Mining Lease of Manal Limestone Mine over an area of 172.30 ha of forest land.
2. In the above connection, it is requested to kindly register Cement Corporation of India Ltd, Rajban in the MOEF&CC portal "Parivesh" and provide the user ID & the Password, enabling us to make the NPV payment of Rs. 14,55,93,500/- as demanded by HP Forest Department.
3. It is also requested to kindly arrange to provide NOC from the Forest department for further submission of the same to State Industries Department for deemed extension of Mining Lease of Manal Limestone Mine over an area of 172.30 ha of forest land.

Thanking You


Enclosure: As above.

Yours faithfully,

General Manager

Copy to:


- (a) IG, MOEF, New Delhi - for kind information please
- (b) AIG, MOEF, New Delhi - for kind information please


General Manager

पंजीकृत एवं मुख्य कार्यालय: कोर-5, स्कोप कॉम्प्लेक्स, 7-लोधी रोड नई दिल्ली-110003

CIN - U74899DL1965GOI004322

c/c


04/09/2020
Sr. Mgr (Mines)



Annexure - XII

(ISO 9001: 2015 प्रमाणित भारत सरकार)

राजबन सीमेंट संयंत्र, तहसील पांवटा साहिब, जिला सिरमौर (हि0प्र0)-173028

Cement Corporation of India Ltd,

(An ISO 9001: 2015 certified Government of India Enterprise)

Rajban, Tehsil: Paonta Sahib, Distt. Sirmour (HP)-173028

No.RCF/Mine/FCA/NPV/2020/01 / 3674

By hand /Email

Dated: 12.11.2020

Divisional Forest Officer,
Himachal Pradesh Forest Department,
Paonta Sahib,
HP-173025.

Subject : Notice regarding Stoppage of Mining Activity at Rajban.

Reference : (1) DFO Office Poanta letter No/Sale/CCI/2971 dtd. 19/10/2020 received at CCI Rajban on 02-11-2020

(2) CCI letter No RCF/Mine/FCA/NPV/2020/3598 Dated 03.11.2020

(3) DFO Office Poanta letter No 3297 dtd. 05/11/2020 received at C.C.I Rajban on 07-11-2020

Sir,

It is brought to your kind notice that the Cement Corporation of India Limited is a Government of India Enterprise under the Department of Heavy Industries and Public Enterprise. The CCI Rajban plant was commissioned in April'1980 and in operation since that. The unit is facing the acute financial crisis which is providing the lively hood of 5000 human being directly or indirectly and contributing to socio-economic development of the region.

With reference to above notice and in continuation to our earlier letters the following comments are for your kind perusal:

(I) Mining Lease Status :

(a) The mining lease was granted for 20 yrs. wef 03.08.1973 to 02.08.1993 vide letter no-10-110/170-SI dtd. 03.08.1973 of under Secretary Industries to Govt. of HP. [Ref: Annexure-1]

(b) The mining lease was renewed for 20 yrs. wef 03.08.1993 to 02.08.2013 vide letter no-5-28/72-Ind (Geg) Vol.IV-13085 dtd. 15-03-2008. [Ref:Annexure-2]

(c) The mining operation was stopped from 03.08.2013 to 02.06.2015 due to non-renewal of mining lease.

(d) The mining lease was renewed from 03.06.2015 to 31.03.2020 Vide Letter No. Udyog-Bhu (Khani-4) Major-315/2012-2211 dtd. 03.06.2015 of Commissioner Industries, HP [Ref: Annexure-3]

(e) The mining operation was stopped from 01.04.2020 due to non-renewal of mining lease.



(ISO 9001: 2015 प्रमाणित राज्य) 173028

राजबन सीमेंट संयंत्र, तहसील पांवटा साहिब, जिला सिरमौर (हि0प्र0)-173028

Cement Corporation of India Ltd,

(An ISO 9001: 2015 certified Government of India Enterprise)

Rajban, Tehsil: Paonta Sahib, Distt. Sirmour (HP)-173028

- (II) (a) CCI being A Government of India Enterprise the initial mining lease granted to CCI on 03.08.1973 shall be deemed to have been granted for a period of fifty years i.e upto 02.08.2023 as per Ministry of Mines, gazette notification clause no 3 dated 03.12.2015 [Ref: Annexure-4]
- (b) The IBM under Ministry of Mines have approved mining plan upto 31.03.2023 on the basis of deemed extended mining lease period vide letter no 614(2) MS-A-182 /09-DDN dtd 11.07.2018 [Ref: Annexure-5].
- (c) Similarly the usage of explosive from magazine situated at CCI Mines was granted upto 31.03.2023 from the "Petroleum and Explosive Safety Organization (PESO)" under "Ministry of Commerce & Industry" vide letter No-E/HQ/HP/22/89(E 40580) dtd. 25.09.2020 [Ref: Annexure-6]
- (d) MOEF communicated vide letter No-8-58/97-FC dtd. 22-03-1999 [Ref: Annexure-7] that "...Central Government hereby conveys its approval under section-2 of Forest (Conservation) Act, 1980 for renewal of mining lease over 172.30 ha. of forest land in favour of Cement Corporation of India Ltd." and further as per condition clause No-VIII stated that "...The Period of permission under the Forest (Conservation) Act, 1980 will be for twenty years w.e.f expiry of the previous lease and coterminous with lease under MMDR Act 1957..."
- (e) In continuation to this Ministry of Mines in gazette notification dtd. 3rd December 2015 vide G.S.R 927(E) [Ref: Annexure-4] "...In exercise of Power conferred by section 13 of the MMDR Act 1957 (67 of 1957) the Central Government hereby makes the following rules.....". As per the rule No-3 "...period of mining lease granted to Government companies or corporation before 12th January 2015,-(1) All Mining leases for minerals granted to a Government company or corporation before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015) namely the 12th January 2015 shall be deemed to have been granted for a period of **fifty years.....**"

In view of the above facts according to rule as the mining lease shall be deemed to have been granted for a period of fifty years i.e upto 02.08.2023 and in turn as per MoEF the period of permission under forest (Conservation) Act 1980 which should be coterminous with lease under MMDR Act 1957 i.e upto 02.08.2023.

Further in line with above facts and figure the renewal of forest clearance shall be applied on or before 02.08.2021.

- (III) (a) The CCI Rajban has informed several times to Officials at Forest Department in past that the mining lease area is 172.3 hectare, land diverted for the mining is 55 hectare and the broken up area is 16.999 hectare. The several letters were sent in this regards. It was requested that considering the financial conditions and in the interest of all stakeholders the CCI Rajban NPV should be calculated on Diverted area (55 hectare) or Broken up area (6.999 Hectare). CCI Rajban was always willing to pay the NPV. The communication letters are enclosed. [Ref:Annexure-8]



(ISO 9001:2015)
राजबन सीमेंट संयंत्र, तहसील पांवटा साहिब, जिला सिरमौर (हि0प्र0)-173028
Cement Corporation of India Ltd,
(An ISO 9001: 2015 certified Government of India Enterprise)
Rajban, Tehsil: Paonta Sahib, Distt. Sirmour (HP)-173028

(b) It is to be mentioned here that in response to NPV demand bill from D.F.O Paonta Sahib vide letter No- 4287 dtd 09.01.2018 on 16.01.2018 the reply was sent vide letter No-RCF/Mine/FCA/NPV/2018/9551 dtd 01.03.2018 [Ref: Annexure-8]. It was requested to the Additional Chief Secretary, H.P Secretariat, Forest Department "... to consider the NPV for the area of 55 hectare only as this area is only used for mining..." [Ref: Annexure-9]. The RO inspected in the response of above mentioned letter on 03.05.2019. All the clarification was submitted vide letter no RCF/Mine/FCA/NPV/2019 dtd. 30.05.2019.

It is pertinent to mention here that as per instruction received from Nodal Officer-cum- APCCF(FCA) the survey was carried out for the total lease area, diverted area for mining and broken area vide letter no Ft 48—130/1992(FCA) dated 23.01.2020. The soft and hard copy of map were submitted 17.02.2020 at DFO Office.

(c) The actual N.P.V payment amount could not be finalized despite our various follow-ups. Later it was intimated to pay NPV Rs.14,55,93,500/. vide letter RK/CCI/7008/ dtd 19-03-2020 enclosed in [Ref: Annexure-10]. CCI asked the clarification regarding the methodology for the payment of NPV vide letter no RCF/Mine/FCA/NPV/2020 dtd. 06-06-2020. It was clarified from the DFO Office letter No-RK/CCI/1335 dtd. 14.07.2020 [Ref: Annexure-11]

(d) CCI approached to Nodal-Officer cum APCCF (FCA) Shimla vide letter No. RJO/Mining/NPV/2020/1917 dtd. 04.09.2020 to register on MoEF portal "Parivesh" and providing user ID etc. so that the CCI can pay the required NPV. CCI is unable to get the required information till date. [Ref: Annexure-12]

In view of above it is evident that CCI Rajban has not failed to pay NPV and CCI was approached to Forest department for its consideration.

Hence the instruction received through Notice "...stopping of all kind of mining activities/works in mining lease allotted on the forest land..." is not in the interest of the public sector unit as well as the local society at large.

It is once again requested to kindly facilitate so that the NPV can be deposited on 172.30 hectare and the mining activities can be started immediately.

Enclosed - As Above.

Thanking you,

Yours faithfully,

General manager