



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE

समन्वित क्षेत्रीय कार्यालय
REGIONAL OFFICE

Kendriya Sadan, IVth Floor, E& F Wings, 17th Main
Road, IInd Block, Koramangala, Bangalore – 560
034.Tel.No.080-25635905, E.Mall: rosz.bng-mef@nic.in



By Email/Post

F. No.4-KRA1484/2024-BAN

Dated the 27th May, 2024

To

The Assisnat Inspector General of Forests
FC Division,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Jor Bagh Road, Aliganj,
New Delhi-110003

Sub: Proposal for diversion of 43.58 ha of forest land in Ramanamalai (RM) Block Forest, Near Ramgad Village, Sandur Taluk, Ballari District for Dharmapura Iron ore Mine (Expired ML No. 2239 of M/s Zeenath Transport Company) in faour of M/s JSW Steel Limited (New ML No.0013), Vidyanagar, Sandur Taluk, Ballari District, Karnataka (the sucesslful bidder in e-auction) (Online Proposal No.FP/KA/MIN/44852/2020)-reg.

Sir,

With reference to Ministry letter dated 26/03/2024 on the above subject, I am directed to inform that site inspection of the forest area proposed for diversion and CA area was carried out by undersigned on 20/05/2024 to 22.05.2024. In this regard, the duly signed site inspection report along with recommendation of DDGF, Bengaluru is enclosed for necessary action please.

Encl: As above

Yours faithfully,

(M.K.Shambhu)

Dy. Inspector General of Forests (Central)

SITE INSPECTION REPORT

Title of the project: Diversion of 43.58 ha of forest land in Ramanamalai Block (RM Block) forest, near Ramgad village, Sandur Taluk, Ballari District for Dharmapura Iron Ore Mines (Old Mining Lease number 2239 of M/s Zeenath Transport Company in favour of M/s JSW Steel Ltd (New ML number 0013), successful bidder in e-auction.

Reference: MoEFCC's letter dated 26.3.2024 directing for Site Inspection Report

The lease was inspected in the presence of the representatives of the State Forest Department and of M/s JSW, the User Agency, on 20.5.2024 to 22.5.24

1.	Legal Status of the Forest land proposed for diversion	Forest Notified under Section 4 of the Forest Act
2.	Item wise break up details of forest land proposed for diversion	Mining – 23.24 ha Waste Dump – 14.12 ha Safety Zone – 2.54 ha Temporary shed – 1.33 ha Internal road – 2.35 ha Total – 43.58 ha
3.	Whether the proposal involves any construction of buildings or not. If yes, details thereof	A Temporary shed is proposed over an area of 1.33 ha. On inquiry it was told that though 1.33 ha was proposed, entire area may not be used. Temporary, prefabricated structures for canteen, shade, etc for the workers shall be erected in this proposed area.
4.	Total cost of the project at present rates	-
5.	Wildlife	The proposed forest area for diversion is a mined site with functional mining leases adjacent to it. Hence no significant wildlife is present/noticed due to change in land use for mining. The landscape traditionally has wildlife like sloth bear, porcupine, etc.

6.	Background note on the proposal	<ul style="list-style-type: none"> - The proposal is for renewal of old ML number 2239 of M/s Zeenath Transport Company, now allotted to M/s JSW after e-auction (New ML number 0013) - Earlier the area of Lease was 44.13 hectare. After DGPS survey by CEC, the area is revised to 43.58 hectare - Entire lease is in forest area - The Lease was categorized as B Category lease by CEC. - Roads: Two roads are being used by the lease. One is a forest road over 5.40 ha for which FC approval is taken by another adjacent lessee (M/s ZTC). JSW is using the road by taking NOC from that user agency i.e M/s ZTC. Another road being used is a public road (other District Road).
7.	Compensatory Afforestation	<ul style="list-style-type: none"> - No information was available even with the State Forest department about the CA/Penal CA land identified/ afforestation carried out as per the FC approval given to earlier lessee i.e., M/s Zeenath Transport Company. - CA land has now been identified in equivalent Non-Forest Land in Bagalkot Forest Division by the new lessee i.e. M/s JSW Ltd - CA cost of Rs 8,00,12,880 has been paid by JSW - The NFL is located in Survey numbers 122/A, B, C, D & E of Chinchalakatti Village in Bagalkot Forest division admeasuring 44.62 ha against the required 43.58 ha

		<ul style="list-style-type: none">- The NFL is not adjacent to any notified forest land but is contiguous with CA land proposed by the same User Agency against another Mining Lease i.e, Bhomman Iron Ore Lease (ML no. 0014) of M/s JSW in Chitradurga Forest Division.- As per the information provided during the inspection, together with the NFL against ML number 0014 admeasuring 98.17 ha (against required 81.40 ha), total NFL in the patch comes to 142.79 ha, against requirement of 125.08 ha required.- Entire NFL identified for both the leases has been mutated in the name of State Forest Department.- The NFL identified and mutated against the lease under discussion has encumbrances spread over about 2.32 ha including Cattle/agri produce storage sheds, Roads, and agricultural fields. Majority of encumbrance is roads which are used by people for accessing sheds and agriculture land.- Similarly in the adjacent NFL mutated and given against another lease, about 11.32 ha is under liabilities in the form of agricultural fields, water canal, temporary sheds, Community quarry for stones electricity line and borewell for agriculture use, as was informed by SFD Officers during inspection.- The NFL given is over a small hillock with good vegetation at some places and dry rocky
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		<p>patches at some other places. Planting is possible in open patches with some soil only. To ensure 1000 plants per hectare, existing natural growth may also be worked on and protected.</p> <ul style="list-style-type: none"> - The site looks like a forest at many places. Since the entire hillock acts like a watershed for a lake down below, it would be in the fitness of things to consider accepting this NFL and enrich and protect it with suitable SMC works and planting, to ensure water security of nearby areas. <p>CA land is recommended for acceptance, considering the large contiguous patch, its potential and utility to provide ecological services to nearby communities if enriched and protected well.</p>
8.	<p>Whether proposal involves violation of FCA, 1980 or not, if yes, a detailed report on violation including action taken against the concerned officers</p>	<ul style="list-style-type: none"> - The lease is functional and was being operated during the time of visit also. <p>As was informed by the UA and SFD officials during the visit:</p> <ul style="list-style-type: none"> - The Ministry had issued Stage II clearance under FCA, 1980 on 30.1.1997 for an area of 44.13 ha, for a period of 30 years coterminous with lease in favour of M/s Zeenath Transport Company. - The lease was extended up to 31.3.2020 by the State Government by way of supplementary ML Deed on 22.08.2016. FC approval was also deemed extended up to

		<p>31.3.2020, coterminous with the lease.</p> <ul style="list-style-type: none">- Upon e-auction of the lease, the new Lessee M/s JSW was declared as preferred bidder vide Lol dated 13.8.2019.- Quoting the Mineral Laws Amendment Act 2020, and the MoEFCC guidelines dated 31.3.2020, all the rights, approvals, clearances, licenses and the like of earlier lessee were deemed vested with the new lessee, and a new Mining lease was executed by the DMG with M/s JSW on 30.7.2020 for a period of 2 years. Accordingly, working permission was issued by the SFD.- SFD issued stoppage notice vide letter dated 15.6.2022, to stop work as the Vesting order was to expire after 2 years on 29.7.2022.- However, the State Government issued revised vesting order to allow JSW mining beyond 2 years as per the provisions of MMDR Amendment Act 2012 (Sec 8B)- The SFD, quoting MoEFCC guidelines date 7.7.2021 asked for compliance of conditions referred therein for allowing mining.- In response, JSW filed a revision application with Revisionary Authority (Jt Secy, Ministry of Mines) against the stoppage order of SFD, and obtained a favourable interim order directing the State Government not to interfere with
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		<p>the continuity of mining operations for 3 months. This was contested by the SFD with the State Government.</p> <ul style="list-style-type: none"> - M/s JSW Ltd filed a WP no. 15342/2022 before High Court of Karnataka, in which the HC upheld the order of the Revisionary Authority and ordered non interference with the mining operations. - Meanwhile the Revisionary authority has issued final orders dated 31.3.2023 directing the State to give the UA six months to comply with the conditions of CA, etc. and not to interfere in mining operations, failing compliance of conditions State can take action after 6 months. - After 6 months of the order, stoppage notice was issued by DCF on 15.9.2023. - JSW again approached High court of Karnataka and obtained an interim order and final order dated 26.9.23 and 17.11.2023 respectively. On the strength of the order, mining operations are being continued by the User Agency. The order sets time limits for the jurisdictional authority to decide on the compliance and provide a notice period of 3 weeks to the UA to challenge the decision of Jurisdictional authority in case of decision adverse to the interest of the UA.
9.	Whether the proposal involves rehabilitation of	No

	displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not	
10	Reclamation plan: Details of financial allocation	The Reclamation and Rehabilitation plan prepared by ICFRE and approved by CEC is being implemented. Backfilling and reclaiming the mined out area is not yet done as mining operations are still going on. Structures like Silt settling Tanks, Toe wall, Garland drains etc have been constructed, and dump management being undertaken.
11.	Details on catchment and command area under the project	-
12.	Vegetation	The landscape is of ecological class III with open forest. Canopy Density of the site is about 0.1 The area is mined since long. Hence there is hardly any presence of natural growth. In gaps and on dumps in the lease, vegetation like Neem, Glyricidia, Acacia, bamboo, agave, Ficus, Jackfruit tree, etc. are grown.
13.	Cost – benefit ratio	-
14.	Recommendations of the PCCF/State Government	Recommended.
15.	Recommendations of DDG, Regional Office, along with detailed reasons	Separately given
16.	Regional Office Shall give detailed comments on whether there are any alternative routes/alignments for locating the project on non-forest land	Since mining is a site-specific activity, and this proposal is for renewal of exiting mining lease, it can be considered as site specific project.
17.	Utility of the project	Extraction of iron ore for industrial use.

18.	Whether land being diverted has any socio-cultural/religious value	No. Mining is being carried on for decades.
19.	Situation w.r.t any PA	The site doesn't fall in any Protected area or ESZ of any PA. It is surrounded by other operational Mining leases.
20.	Any other information related to the project	<ul style="list-style-type: none"> - The NFL mutated and given has encumbrances. Though excess land is given, since the entire land is mutated in the name of SFD, efforts should be made to remove the encumbrances and the area secured form future encroachments. Existing roads can be used for departmental purposes for movement of men and material during management and protection activities. - Since there are leases adjacent to this lease, common working is being undertaken in the safety zone. Money for Safety zone plantation, fencing of safety zone, and afforestation in DFL over one and half times of safety zone is paid by JSW, as was informed. - The site suitability certificate given by DCF is conditional to removal of non-forest structures in the mutated land. - The user agency has also moved a transfer application for transfer of FC approval dated 30.1.1997 from M/s Zeenath Transport Company (erstwhile lessee) to M/s JSW (present lessee) for a period co-terminus with the lease under MMDR Act. Thus, at present along with this diversion proposal, there is a FC

		<p>transfer application by the UA. The transfer application is with the State Government. Being a B category lease, it is likely that the matter of transfer will be decided at the State Government level, rendering this diversion proposal infructuous and/or putting the decision of Ministry in this case in conflict with that of State Government in transfer case.</p> <ul style="list-style-type: none"> - The Lease period has been extended as per the MMDR Act and FC has been considered extended to make it co-terminus with the Lease. But the forest land should have been handed over to the UA and operations should have commenced only after compliance of conditions in earlier FCA approval. Instead, the UA has approached the Ministry of Mines and the HC and continued Mining without complete compliance of conditions.
21	Conclusion and Recommendation	<ul style="list-style-type: none"> - The proposal is for renewal of earlier diversion under FCA, 1980. Since there is a separate Transfer application under process at State government level, either one of the diversion proposal or transfer proposal needs to be processed. - Mining operations are being carried out, pending compliance of conditions of earlier FC approval, citing High court order. Suitable decision on the proposal needs to be taken on priority to ensure compliance of conditions.

		<p>- Regarding road being used by the UA, since they are being used based on an NOC of the other User agencies (M/s ZTC in this case) which have obtained FC clearance for the roads, protocol may be put in place for such rediversions – like the SFD should be the permitting authority, charging of NPV/CA from the new UA, etc.</p> <p>The proposal is recommended for approval upon compliance of conditions of earlier FC approval and clarification on observations in sl number 20 and 21 above.</p>
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Name and Designation of the Inspecting officer:

Sgany

Date of Inspection:

20/5/24 & 21/5/24

(Mahesh Kr Shambhu)
DIG, Forests (Central)
Ro, MoEFCC,
Bengaluru.

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भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय (दक्षिण वलय)
REGIONAL OFFICE (SOUTHERN ZONE)
Kendriya Sadan, IVth Floor, E& F Wings, 17th Main Road,
Ind Block, Koramangala, Bangalore - 560 034.
Tel.No.080-25635902, Ext : 12, E.Mail: rosz.bng-mef@nic.in



Dated 27.05.2024

RECOMMENDATION OF DEPUTY DIRECTOR GENERAL OF FORESTS (C)

Title of the project : Diversion of 43.58 ha. Of forest land in Ramanamalai Block (RM Block) forest, near Ramgad Village, Sandur Taluk, Ballari District for Dharmapura Iron Ore Mines (Old Mining Lease number 2239 of M/s. Zeenath Transport Company in favour of M/s. JSW Steel Ltd (New ML Number 0013), successful bidder in e-auction.

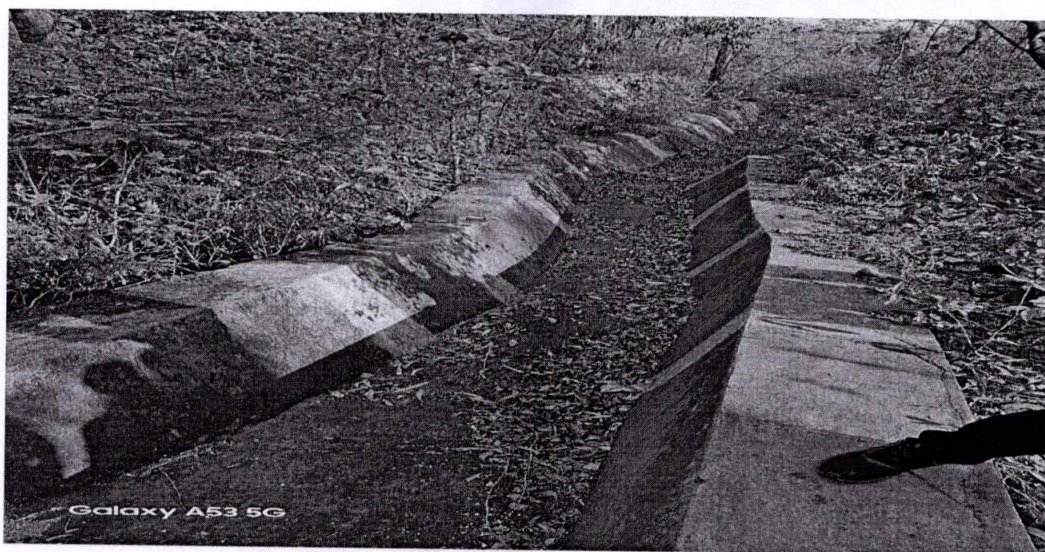
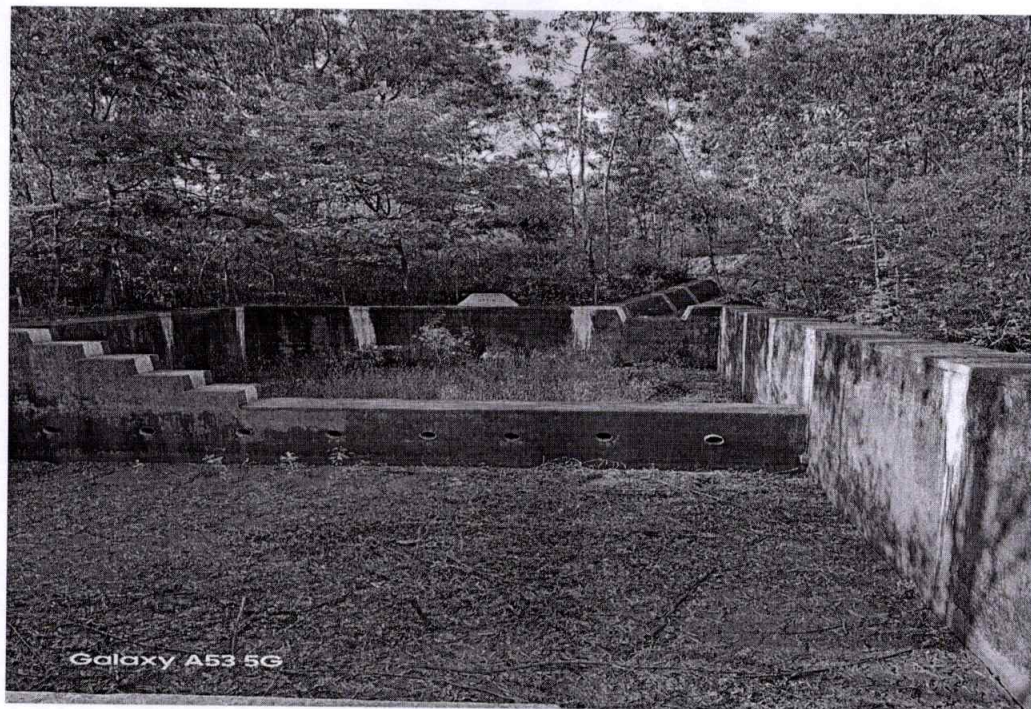
The proposal is for renewal of Forest Conservation approval in favour of successful bidder in e-auction i.e., M/s. JSW Steel Ltd. The proposal is recommended for favour of consideration subject to compliance of the conditions stipulated in the Forest Conservation approval given to erstwhile lessee i.e., M/s. Zeenat Transport Company. At present, the lessee is operating the lease by the Orders of Hon'ble High Court which is enclosed herewith for ready reference.

(Dr. George V Jenner)
Deputy Director General of Forests (C)

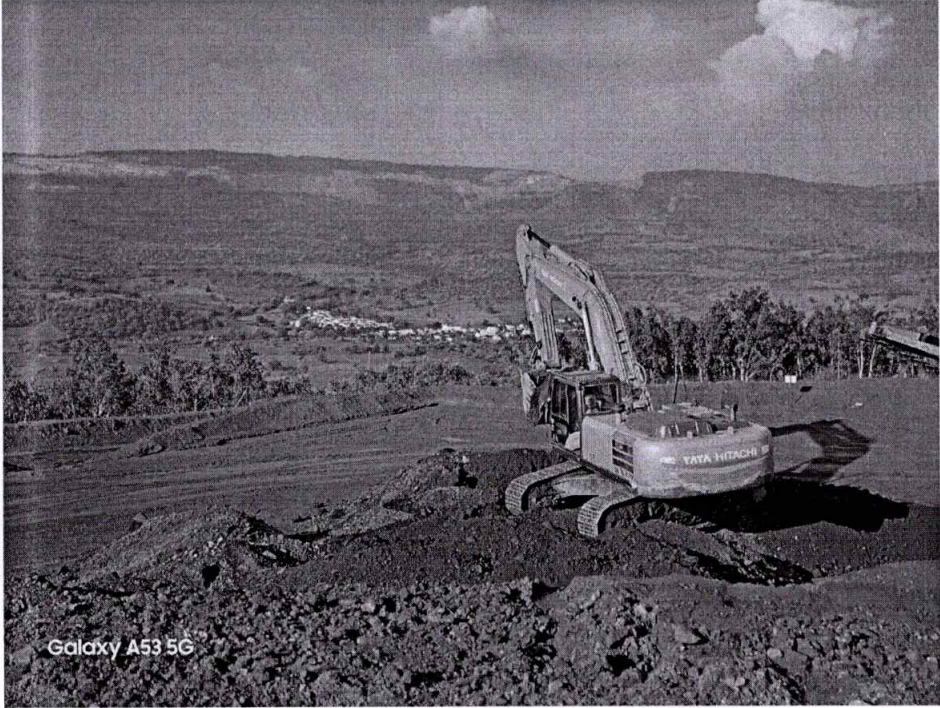
Encl : As above.

Photos

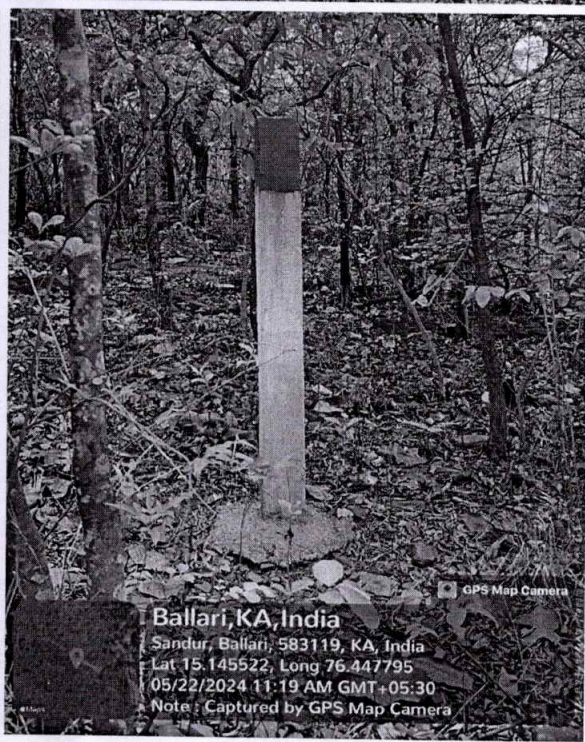
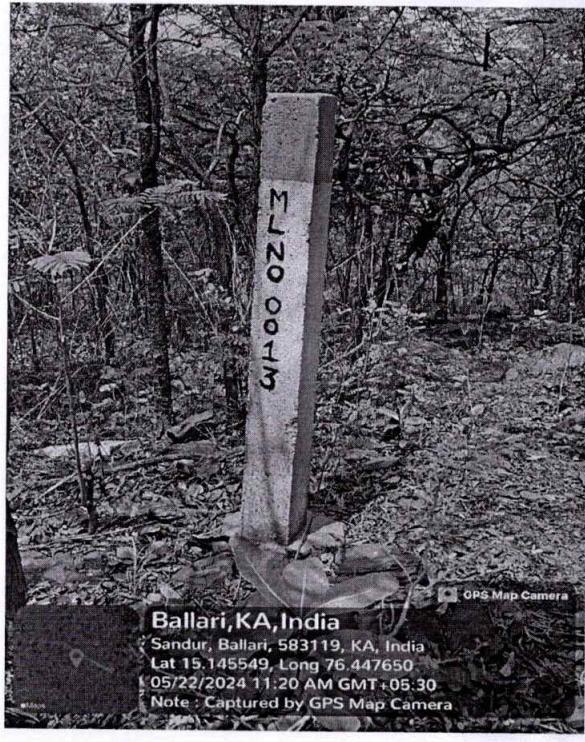
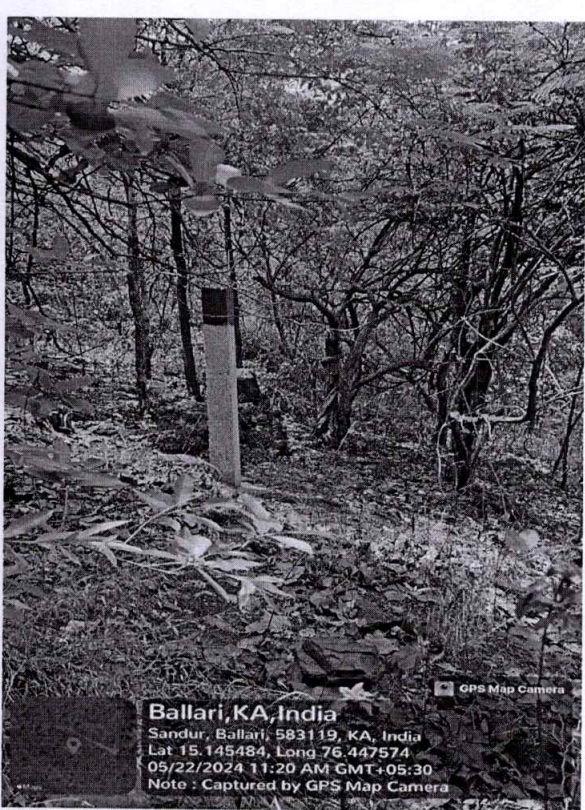
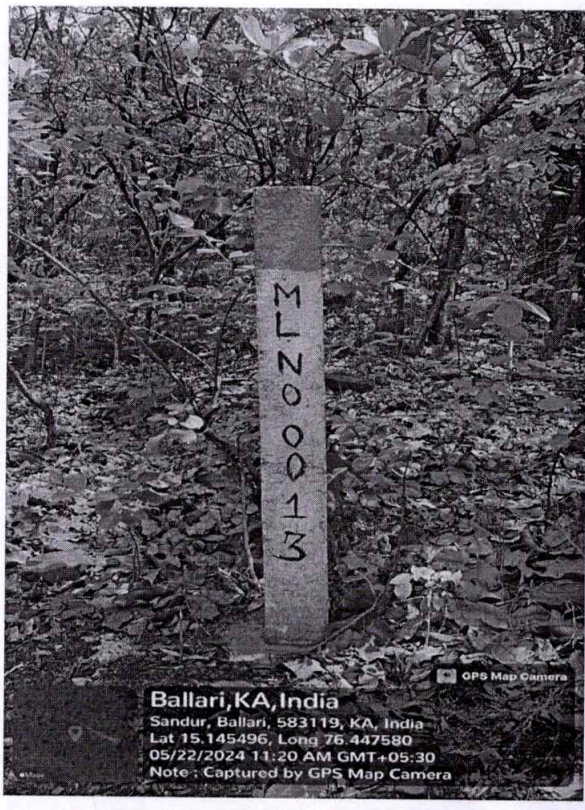
Soil Moisture conservation works as part of R& R Plan



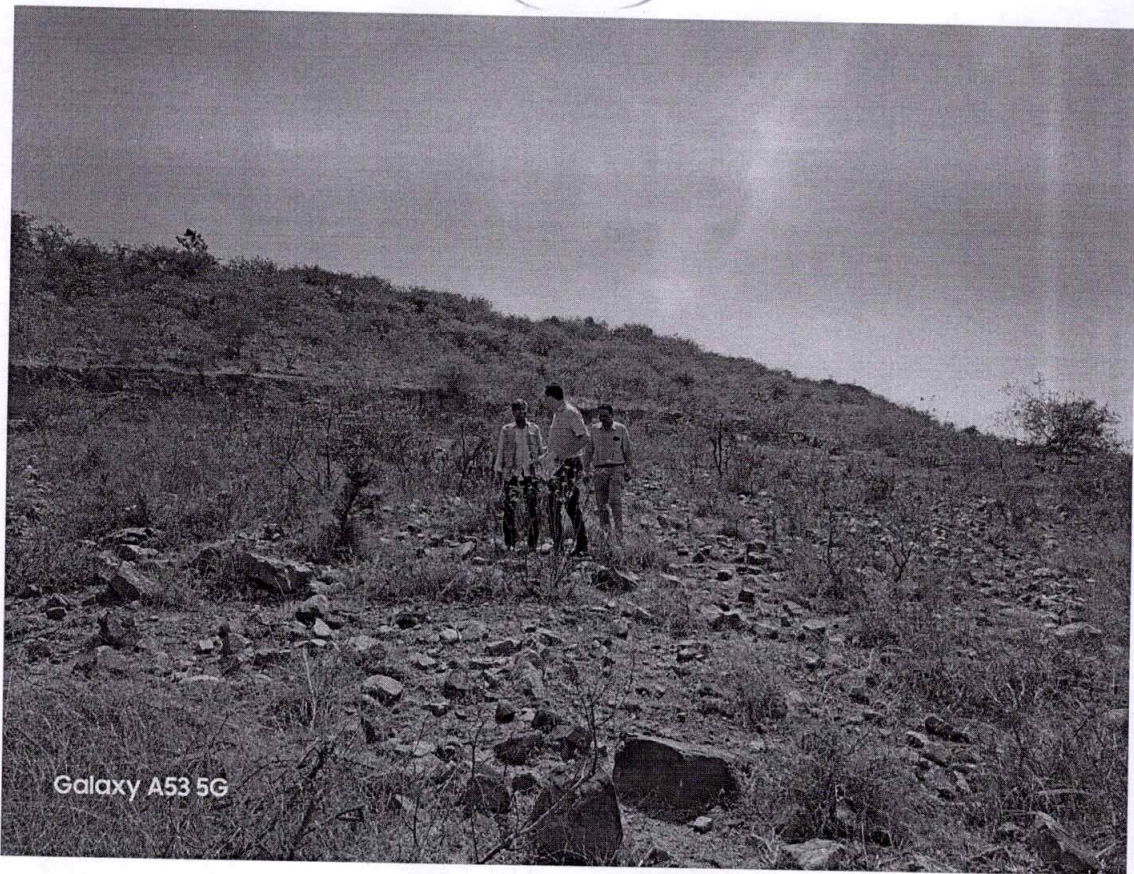
Mining operations



Boundary demarcation



CA land (NFL)





Galaxy A53 5G



Galaxy A53 5G

Road



Compensatory Land- NFL



Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.
Dated: March, 2024

To
Deputy Director General of Forests (Central)
Regional Office, Kendriya Sadan,
4th Floor, E&F Wings, 17th Main Road,
Koramangala II Block, Bengaluru (Karnataka)

Sub: Proposal for diversion of 43.58 hectare of forest land in Ramanamalai (RM) Block Forest, Near Ramgad Village, Sandur Taluk, Ballari District for Dharmapura Iron Ore Mine (expired ML No. 2239 of M/s Zeenath Transport Company) in favour of M/s JSW Steel Limited (New ML No. 0013), Vidyanagar, Sandur Taluk, Ballari District, Karnataka (the Successful Bidder in e-auction), (Online proposal No. FP/KA/MIN/44852/2020)-regarding

Madam/Sir,

I am directed to refer to the State Government's letter No. FEE 17 FFM 2021 (e) dated 31st May, 2021 and additional information submitted vide letter FEE 17 FFM 2021 (E) dated 19.02.2022 uploaded by the State Secretary on PARIVESH on 12.03.2024 regarding above mentioned subject, seeking prior approval of the Central Government under Section-2 of the Adhiniyam, 1980 and to request that the Regional Office, Bengaluru of this Ministry may kindly inspect the forest land proposed for diversion/identified CA/PCA land and DFL on which the CA was carried as stated by the State Govt. and submit a report to this Ministry at the earliest.

Signed by

Yours faithfully

Dheeraj Mittal

Date: 26-03-2024 19:06:09

(Dr. Dheeraj Mittal)
Assistant Inspector General of Forests

Copy to:

1. Additional Chief Secretary (Forest), Government of Karnataka, Bengaluru.
2. PCCF (HoFF), Government of Karnataka, Bengaluru.
3. DDGF (C) Regional Office, MoEF&CC, Bengaluru.
4. APCCF cum Nodal Officer (VSESA), 1980, Forest Department, Government of Karnataka, Bengaluru.
5. User Agency.
6. Monitoring Cell, FC Division, MoEF&CC, New Delhi.

same no further diversion is being sought by the user agency.

Signed by
Dheeraj Mittal

Yours faithfully,

Date: 26-03-2024 19:05:19

(Dr. Dheeraj Mittal)
Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Karnataka, Bengaluru.
2. DDGF (C) Regional Office, MoEF&CC, Bengaluru-
3. APCCF cum Nodal Officer (VSESA), 1980, Forest Department, Government of Karnataka, Bengaluru.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2023

PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 15342 OF 2022 (GM-MM S)

C/W

WRIT PETITION NO. 15347 OF 2022 (GM-MM S)

WRIT PETITION NO. 15350 OF 2022 (GM-MM S)

IN W.P.NO.15342/2022:

BETWEEN:

JSW STEEL LTD.,
A COMPANY REGISTERED
UNDER COMPANIES ACT, 1956,
REGD. OFFICE AT JSW CENTRE,
BANDRA KURLA COMPLEX,
BANDHRA (EAST), MUMBAI-400 051,
MAHARASHTRA.
HAVING BRANCH OFFICE AT
6TH FLOOR, EAST WING,
RAHEJA TOWERS, M.G. ROAD,
BANGALORE-560 042,
REPRESENTED BY ITS ASSOCIATE
VICE PRESIDENT,
CORPORATE AFFAIRS,
(PREVIOUSLY GENERAL MANAGER
CORPORATE CO-ORDINATION)
AND AUTHORIZED SIGNATORY,
SHRI. MANI. C. MANUEL.

...PETITIONER

(BY SRI. DR. ABHISHEK SINGHVI., SENIOR ADVOCATE A/W
SRI. ADITYA NARAYAN.,ADVOCATE)



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

AND:

1. STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY
AND NODAL OFFICER,
DEPARTMENT OF COMMERCE
& INDUSTRIES (MSME AND MINES)
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. DEPARTMENT OF MINES AND GEOLOGY,
REPRESENTED BY ITS DIRECTOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001.
3. STATE OF KARNATAKA,
DEPARTMENT OF FOREST,
FOREST, ENVIRONMENT AND
ECOLOGY DEPARTMENT,
KARNATAKA GOVERNMENT SECRETARIAT,
ROOM NO.431, 4TH FLOOR, GATE NO.2,
M.S. BUILDING, BANGALORE-560 001.
4. ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT,
FORESTS, ENVIRONMENT AND
ECOLOGY DEPARTMENT,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.
5. PRINCIPAL CHIEF CONSERVATOR OF FOREST,
HEAD OF FOREST FORCE ARANYA BHAVAN,
18TH CROSS, MALLESHWARAM,
BANGALORE-560 003.
6. DEPUTY CONSERVATOR OF FORESTS,
BELLARY, AISHWARYA COLONY,
CANTONMENT, BALLARI,
KARNATAKA-583 102.



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

7. MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE
REPRESENTED BY ITS SECRETARY,
INDIRA PARYAVARAN BHAWAN,
JORBAGH ROAD, NEW DELHI-110 003.

...RESPONDENTS

(BY SRI.S S MAHENDRA.,PRINCIPAL GOVERNMENT ADVOCATE
FOR R1,R3 TO R6;
SRI.H SHANTHI BHUSHAN., DSGI FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED COMMUNICATION DATED 27/07/2022 BEARING NO.KFD/HOFF/A5-1(MNG)/6/2020-FC ISSUED BY THE FIFTH RESPONDENT VIDE ANNEXURE-Y, AS CONTRARY TO THE ORDER OF THE REVISIONAL AUTHORITY DATED 25/07/2022 AND B) ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED COMMUNICATION DATED 28/07/2022 BEARING NO.KFD/HOFF/A5-1(MNG)/4/2022-FC ISSUED BY THE FIFTH RESPONDENT VIDE ANENXURE-'AB', AS CONTRARY TO THE ORDER OF THE REVISIONAL AUTHORITY DATED 25/07/2022 AND ETC.,

IN W.P.NO.15347/2022:

BETWEEN:

JSW STEEL LTD.,
A COMPANY REGISTERED
UNDER COMPANIES ACT, 1956,
REGD. OFFICE AT JSW CENTRE,
BANDRA KURLA COMPLEX,
BANDHRA (EAST), MUMBAI-400 051,
MAHARASHTRA.
HAVING BRANCH OFFICE AT
6TH FLOOR, EAST WING,
RAHEJA TOWERS, M.G. ROAD,
BANGALORE-560 042,
REPRESENTED BY ITS ASSOCIATE
VICE PRESIDENT,
CORPORATE AFFAIRS,



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

(PREVIOUSLY GENERAL MANAGER
CORPORATE CO-ORDINATION)
AND AUTHORIZED SIGNATORY,
SHRI. MANI. C. MANUEL.

...PETITIONER

(BY SRI. DR. ABHISHEK SINGHVI., SENIOR ADVOCATE A/W
SRI. ADITYA NARAYAN.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY
AND NODAL OFFICER,
DEPARTMENT OF COMMERCE
& INDUSTRIES (MSME AND MINES)
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. DEPARTMENT OF MINES AND GEOLOGY,
REPRESENTED BY ITS DIRECTOR,
KHANIJA BHAVAN, RACE COURSE ROAD,
BANGALORE-560 001.
3. STATE OF KARNATAKA,
DEPARTMENT OF FOREST,
FOREST, ENVIRONMENT AND
ECOLOGY DEPARTMENT,
KARNATAKA GOVERNMENT SECRETARIAT,
ROOM NO.431, 4TH FLOOR, GATE NO.2,
M.S. BUILDING, BANGALORE-560 001.
4. ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT,
FORESTS, ENVIRONMENT AND
ECOLOGY DEPARTMENT,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.
5. PRINCIPAL CHIEF CONSERVATOR OF FOREST,
HEAD OF FOREST FORCE ARANYA BHAVAN,
18TH CROSS, MALLESHWARAM,
BANGALORE-560 003.



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
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WP No. 15350 of 2022

6. DEPUTY CONSERVATOR OF FORESTS,
BELLARY, AISHWARYA COLONY,
CANTONMENT, BALLARI,
KARNATAKA-583 102.
7. MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
REPRESENTED BY ITS SECRETARY,
INDIRA PARYAVARAN BHAWAN,
JORBAGH ROAD, NEW DELHI-110 003.
8. RANGE FOREST OFFICER,
SANDUR SOUTH RANGE,
SANDUR, KARNATAKA - 583 119.

...RESPONDENTS

(BY SRI.S S MAHENDRA.,PRINCIPAL GOVERNMENT ADVOCATE
FOR R1,R3 TO R6 & R8
SRI.H SHANTHI BHUSHAN., DSGI FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED COMMUNICATION DATED 27/07/2022 BEARING NO.KFD/HOFF/A5-1(MNG)/82/2019/FC ISSUED BY THE FIFTH RESPONDENT VIDE ANNEXURE-Y, AS CONTRARY TO THE ORDER OF THE REVISIONAL AUTHORITY DATED 25/07/2022 AND B) ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED COMMUNICATION DATED 28/07/2022 BEARING NO.KFD/HOFF/A5-1(MNG)/04/2022-FC ISSUED BY THE FIFTH RESPONDENT VIDE ANENXURE-'AB', AS CONTRARY TO THE ORDER OF THE REVISIONAL AUTHORITY DATED 25/07/2022 AND ETC.,

IN W.P.NO.15350/2022:

BETWEEN:

JSW STEEL LTD.,
A COMPANY REGISTERED
UNDER COMPANIES ACT, 1956,
REGD. OFFICE AT JSW CENTRE,
BANDRA KURLA COMPLEX,
BANDHRA (EAST), MUMBAI-400 051,



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

MAHARASHTRA,
HAVING BRANCH OFFICE AT
6TH FLOOR, EAST WING,
RAHEJA TOWERS, M.G. ROAD,
BANGALORE-560 042,
REPRESENTED BY ITS ASSOCIATE
VICE PRESIDENT,
CORPORATE AFFAIRS,
(PREVIOUSLY GENERAL MANAGER
CORPORATE COORDINATION)
AND AUTHORIZED SIGNATORY,
SHRI. MANI. C. MANUEL.

...PETITIONER

(BY SRI. DR. ABHISHEK SINGHVI., SENIOR ADVOCATE A/W
SRI. ADITYA NARAYAN.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY
AND NODAL OFFICER,
DEPARTMENT OF COMMERCE
& INDUSTRIES (MSME AND MINES)
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. DEPARTMENT OF MINES AND GEOLOGY,
REPRESENTED BY ITS DIRECTOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001.
3. STATE OF KARNATAKA,
DEPARTMENT OF FOREST,
FOREST, ENVIRONMENT AND
ECOLOGY DEPARTMENT,
KARNATAKA GOVERNMENT SECRETARIAT,
ROOM NO.431, 4TH FLOOR, GATE NO.2,
M.S. BUILDING, BANGALORE-560 001.



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

4. ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT,
FORESTS, ENVIRONMENT AND
ECOLOGY DEPARTMENT, M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.
5. PRINCIPAL CHIEF CONSERVATOR OF FOREST,
HEAD OF FOREST FORCE, ARANYA BHAVAN,
18TH CROSS, MALLESHWARAM,
BANGALORE-560 003.
6. DEPUTY CONSERVATOR OF FORESTS,
CHITRADURGA DIVISION, V.P. LAYOUT,
CHITRADURGA, KARNATAKA - 577 501.
7. MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE
REPRESENTED BY ITS SECRETARY,
INDIRA PARYAVARAN BHAWAN,
JORBAGH ROAD, NEW DELHI-110 003.

...RESPONDENTS

(BY SRI.S S MAHENDRA.,PRINCIPAL GOVERNMENT ADVOCATE
FOR R1, R3 TO R6;
SRI.H SHANTHI BHUSHAN., DSGI FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED COMMUNICATION DATED 27/07/2022 BEARING NO.KFD/HOFF/A5-1(MNG)/4/2020-FC ISSUED BY THE FIFTH RESPONDENT VIDE ANNEXURE-'Y', AS CONTRARY TO THE ORDER OF THE REVISIONAL AUTHORITY DATED 25/07/2022 AND B) ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED COMMUNICATION DATED 28/07/2022 BEARING NO.KFD/HOFF/A5-1(MNG)/4/2022-FC ISSUED BY THE FIFTH RESPONDENT VIDE ANENXURE-'AB', AS CONTRARY TO THE ORDER OF THE REVISIONAL AUTHORITY DATED 25/07/2022 AND ETC.,

THESE PETITIONS COMING ON FOR ORDERS THIS DAY,
CHIEF JUSTICE MADE THE FOLLOWING:



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

ORDER

Heard Dr.Abhishek Manu Singhvi, learned Senior Advocate appearing for Sri.Aditya Narayan, the counsel on record of these cases.

2. Learned Sr. Advocate Dr.Singhvi submits that though series of interim orders were passed for protecting the petitioner against the stoppage orders issued by the respondent-authorities, the representative of the Forest Department namely Forest Range Officer, Sandur, North Range, has forwarded a communication to Senior Geologist copy whereof is supplied to the petitioner. The said communication concludes with a direction to halt the mining operation though its second paragraph refers to the intended exercise of survey and the request for the nomination of technical officer from the side of the Survey Department.

3. The petitioner was aggrieved by the direction to stop the mining operation. The sum and substance of



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

Sr. Advocate Dr. Singhvi is that in spite of interim order passed by this court, the authority particularly the Forest Department was mechanically & casually passing a slew of stoppage orders. In reply, the learned Additional Government Advocate Sri. S. S. Mahendra inviting our attention to certain factual aspects like the first order passed by this court on 2.8.2022 submitted that though the petitioner has approached this court raising certain grounds to challenge the notice, the petitioner at the same time parallelly availed the remedy of revision which aspect is noted in the order dated 2.8.2022. He then invites our attention to the Memo filed on behalf of the State in this court on 5.9.2023 along with a copy of the order passed by the Revisional Authority on 31.3.2023.

4. The perusal of the revisional order shows that the petitioner himself had submitted before the Revisional Authority that if some reasonable time was granted (i.e., six months), he will complete all the necessary formalities of purchasing and handing over C.A. land to the Forest



**NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022**

Department. Now considering this statement and also considering the fact that already there were interim orders permitting the mining operation, stopping the petitioner from carrying on the mining activity would defeat the purpose of section 8B of the Mines and Minerals (Development and Regulation) Act, 1957. The Revisional Authority allowed the revision. In the operative portion at para 21(b), the Revisional Authority directs the State Government to provide the revisionist a reasonable time of six months i.e., till 1.9.2023 now extended to 30.09.2023 vide corrigendum dated 05.04.2023 to complete all the formalities in respect of provision of CA land and not to interfere with the mining operations during the said period. Then clause (c) reads: *"if the Revisionist fails to provide CA land within the said period, the State Government may take necessary action with respect to the continuity of the mining operations."*

5. Now on the backdrop of the Revisional Authority' order, attempt was initially made by the learned Additional



Government Advocate to submit that in spite of grant of sufficient time, the petitioner failed to take appropriate steps for the compensatory afforestation and handing over the land to the State Government. However, the petitioner has filed a Rejoinder dated 25.9.2023, a communication is placed on record at page 34 (Annexure-AF) dated 24.8.2023 which clearly indicates that the petitioner has taken all necessary steps as per the undertaking given to the Revisional Authority. This communication also gives a tabular statement to show that the additional lands are purchased by the petitioner for compensatory afforestation and this purchase is duly made by the registration of the sale deeds, in the name of Forest Department.

6. Needless to state that now, further formalities are required to be undertaken by Revenue Officials for change of Khata. The learned Additional Government Advocate submits that to his knowledge, there is no order passed till today by jurisdictional authority of the State



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

Government, particularly by the Senior Geologist, Department of Mines & Geology, Bellary, pursuant to the communication dated 16.11.2023. As such, considering this factual matrix of the matter which is not in dispute, we deem it appropriate to dispose off all these petitions with the following directions:

[i] The petitioner is permitted to approach the competent authority i.e., Sr. Geologist, Department of Mines & Geology, Bellary, along with all necessary documents to show that it has complied the order of the Revisional Authority in letter & spirit, in turn the authorities may forward these materials/documents to the jurisdictional authorities.

[ii] The competent authorities shall hold the proceedings with the participation of the petitioner's side and decide as to whether there is due compliance of the revision order referred to above. It is open to the jurisdictional



authority to solicit any information or documents from the side of petitioner as are required for accomplishing this task.

[iii] If the order to be passed by the jurisdictional Authority goes adverse to the interest of petitioner, the same shall not be given effect to for a period of three weeks from the date of an authenticated copy of the same is served on the petitioner so that he can have a reasonable space for laying a challenge to the same in accordance with law.

[iv] The decision shall be taken by the jurisdictional Authority within a period of eight weeks and that the petitioner's ongoing mining operations shall not be halted by issuing notices of the kind, which we have commented upon, supra.

[v] Needless to state that we have not made any observation in the form of assessment of



NC: 2023:KHC:41011-DB
WP No. 15342 of 2022
C/W WP No. 15347 of 2022
WP No. 15350 of 2022

merits of the matter or contention of the parties
and as such, all contentions are kept open.

Authenticated copy of this order passed today shall
be furnished to the parties, forthwith and the parties to act
on the same. No costs.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

cbc
List No.: 1 Sl No.: 2