



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
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5-ORA532/2022-BHU

22nd December, 2022

To

The Addl. Director General of Forests (FC),
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 110 003.

Sub: Proposal for non-forestry use of 67.352 ha forest land for Iron & Manganese Ore Mining in village Raikela, Bahamba & Tensa under Bonai Su-Division in Sundargarh District of Odisha by Shri Chandhi Prasad Sharma.

Ref: Ministry's letter No.8-25/2022-FC dated 15.09.2022.

Sir,

With subject and reference cited above, I am to inform that the site inspection of the above mentioned project site was carried out by the undersigned along with DFO, Bonai and representative of user agency. The site inspection report is attached herewith for favour of kind information and necessary action.

Encl: As state above.

Yours faithfully,


(A.T. Mishra)

Dy. Director General of Forests (C)

SITE INSPECTION REPORT IN RESPECT OF DIVERSION 67.352 HA OF FOREST LAND FOR IRON AND MANGANESE ORE MINING IN VILLAGE RAIKELA, BAHAMBA & TENSA UNDER BONAI FOREST DIVISION IN SUNDARGARH DISTRICT OF ODISHA BY SHRI CHANDI PRASAD SHARMA.

The site inspection of the above project was carried out by the undersigned on 05.11.2022 along with DFO, Bonai and representatives from the user agency.

1. Legal status of the forest land proposed for diversion:

As reported by State Govt., legal status of the forest land is as below:

Sl. No.	Forest land (in ha)			
	RF/PRF	Revenue Forest	DLC Forest	Total
1	8.951	5.479	52.922	67.352

2. Item-wise break-up details of the forest land proposed for diversion.

The item wise break up of forest and non-forest land as proposed by the State Govt. for this project is as below:

Sl. No.	Purpose/item	Proposed Forest land (in ha)				Non-forest land (in ha)	Total
		RF/PRF	Revenue Forest	DLC Forest	Total Forest		
1.	Mining & its allied activities	0.205	9.340	0.125	9.670	0.000	9.670
2.	Public Road & Nala	0.000	0.510	0.000	0.510	2.254	2.764
	Sub-total	0.205	9.850	0.125	10.180	2.254	12.434
Safety Zone							
3.	7.5 mtr wide along the ML boundary	0.542	2.053	0.241	2.836	0.000	2.836
4.	50 mtr wide along the Nala	0.000	5.408		5.408	0.000	5.408
5.	10 mtr wide along the public road	0.000	2.409	0.031	2.440	0.000	2.440
	Sub-total	0.542	9.870	0.272	10.684	0.000	10.684
6.	Area for mining after exploration	8.204	33.202	5.082	46.488		46.488
	Grand Total	8.951	52.922	5.479	67.352	2.254	69.606

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

As per the mining plan 0.006 ha of forest land has been proposed for infrastructure.

4. Total cost of the project at present rates:

As reported by the State Govt., the total cost of the project is reported to be Rs. 117.03 Crores.

5. Wildlife:

As reported by the State Govt. occasional movement of wild elephants is noticed in the applied area as well as in the nearby area. Wild animal such Indian Hare, Jungle Cat, Hanuman Langur, Wild Boar, Bear, Porcupine, Jackal and Monitor Lizard etc. are noticed.

Whether forest area proposed for diversion is important from wildlife point of view or not:

The DFO, Bonai Forest Division has reported that the applied area does not form a part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor. There is no rare/ endangered/ unique species of flora and fauna in the forest area proposed for diversion. It was also reported that the proposed site for the project does not come under eco-sensitive zone of any protected area.

As there is occasional movement of elephant in this area, Wildlife Conservation Plan with special emphasis to mitigate the adverse impact on elephant movement as well as conservation and protection of other wildlife found in and around the proposed area is required.

6. Vegetation:

Most part of the proposed area for diversion is covered with MDF. The canopy density of the forest growth is reported to be 0.5 and Eco-value Class-I. The area consists of mainly Sal as predominant species.

(a) Total number of trees to be felled.

Total 10,116 Nos. of different trees above 30 cm girth have been enumerated, out of which 1875 nos. of trees are in Safety Zone/ Green Belt area of 10.648 ha which is to be maintained as such. There are no trees available over non-forest Govt. land involved in the project.

Effect of removal of trees on the general ecosystem in the area:

As there are large numbers of trees to be felled, it will affect the general ecosystem of the area. Trees should be felled in a phased manner when absolutely essential to remove to minimize the adverse impact on the eco-system.

(b) Important species:

As reported by the State Govt., the tree species available in the applied area is Sal (*Shorea robusta*), Sidha (*Lagerstroemia parviflora*), Pahadi Sishu (*Dalbergia latifolia*), Char (*Buchanania lanzan*), Dhaura (*Anogeissus latifolia*), Kurum (*Adina cordifolia*), Asan (*Terminalia tomentosa*), Mango (*Mangifera indica*), Kendu (*Diospyros melanoxylon*), Bahada (*Terminalia belerica*), Jamun (*Syzizium cumuni*), Kusum (*Schleichera oleosa*), Mahul (*Madhuca indica*), Bel (*Aegle marmelos*), Kasi (*Bridelia retusa*), etc.

7. Background note on the proposal:

The mining lease area for Iron and Manganese Ore over 69.606 ha is located in Raikela, Bahamba and Tensa villages in Bonai Sub-division of Sundargarh District of Odisha under Bonai Forest Division was granted in favour of M/s Chandi Prasad Sharma vide Govt. of Odisha, Department of Mining & Geology in proceeding No. 10903/MD, Bhubaneswar dated 25.09.1985.

The Mining Lease deed over 69.606 ha of area was executed on 17.04.1986 for a period of 20 years from 17.04.1986 to 16.04.2006. The mining operation started with effect from 15.09.1986 over the granted surface right area over 3.991 ha (9.862 Ac) vide order No. 512 dated 09.06.1986 from District Collector, Sundargarh. Further 3.180 ha (7.860 Ac) of surface right area granted by District Collector, Sundargarh vide order No. 788 dated 06.09.1991.

The renewal of mining lease application had made on 14.04.2005. Mining operation was continued in already broken up area over 6.884 ha till the expiry of the mining lease i.e. 16.04.2006. Mining operations got stopped by DDM, Koira Circle vide letter No. 7726/Mines dated 17.04.2006. The lessee challenged the aforesaid order of stoppage of mining operation in Hon'ble High Court of Odisha and filed a writ petition vide WP (C) No. 7623/2006.

The Hon'ble High Court passed an order on 02.06.2006 which says that "if the lease in question granted in favour of the petitioner is still subsisting, he may be permitted to operate the mines in respect of the broken up areas, however, mining shall not be operated in virgin area". As per the said order of the Hon'ble High Court of Odisha, the lessee continued the mining operation from 15.07.2006 to 09.03.2007 by the order of the Hon'ble High Court of Odisha in the Misc Case No. 2467/2007.

The DFO, Bonai Forest Division had allowed to mine over the already broken up area of 6.884 ha for one year vide order No. 20258/Mines dated 13.08.2010 after payment of NPV of Rs. 4,94,32,680/- by the user agency. Further, the DFO, Bonai Forest Division directed the lessee to stop all mining operation with immediate effect vide letter No. 1210/6F dated 22.02.2011.

The lease was declared lapsed by Steel & Mines Department, Govt. of Odisha vide proceeding No. 5947/III (B) SM 06/2010/S&M dated 26.06.2013 with effect from 22.02.2013. The lessee challenged the lapsing order before the Revisional Authority by filing Revision Application bearing No. 22/(31)/2013/RC-I, Department of Mines, Government of India, New Delhi. The Revisional Authority vide Common order No. 105/2016 to 160/2016 dated 11.05.2016 set aside the impugned order dated 26.06.2013 of the Government of Odisha and remanded back to the State Govt. for suitable re-consideration in line with the Hon'ble Apex Court direction on the provisions of lapsing expeditiously. The State Govt. in Steel & Mines Department vide order No. 9841/S&M dated 23.11.2021 became pleased to decide not to declare and record the Iron & Manganese Mining Lease over 69.606 ha in village Raikela-Bahamba-Tensa of Sundargarh District of Shri C. P. Sharma as lapsed under Rule 20(6) of MC Rules, 2016

and amended vide MC (4th Amendment) Rules, 2021 without prejudice to any other proceeding pending against the lessee before any Court of Law or Authority.

As per the judgment passed by Hon'ble Supreme Court of India in WP (C) No. 114/2014 dated 02.07.2017, the lessee has been demanded an amount of Rs. 10,00,20,185.687 towards the compensation for production of minerals without or in excess of Environment Clearance vide letter No. 5074/Mines dated 02.09.2017 by DDM, Koira. The amount of compensation has been paid by the lessee with applicable interest. Further, an amount of Rs. 43,71,184.05 towards compensation for production of minerals made in excess of the lower of the approved limit under Mining Plan/Consent to Operate demanded vide letter No. 5995/Mines dated 24.10.2017 by DDM, Koira and the same has also been paid by the lessee.

While verifying the land schedule of the mining lease jointly by Revenue, Forest & Mining Departments, in 2019, it was noticed that 8.951 ha in village Bahamba and Raikela got demarcated as part of Sarkunda PRF (as per Working Plan) and hence, the land schedule of ML got revised accordingly. Hence presently, the land schedule of ML area of 69.606 ha comprises of 52.922 ha of DLC forest, 5.479 ha of Revenue forest, 8.951 ha of PRF and 2.254 ha of non-forest land.

8. Compensatory afforestation:

(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:

The DFO, Rourkela Forest Division has reported that CA area has been proposed in 67.052 ha of non-forest land identified in Rengalbeda village under Lahunipara Tahasil of Sundargarh District under Rourkela Forest Division and the identified land is suitable for compensatory afforestation. The aerial distance of The identified C.A. land is 14 Km from Samardari RPF, Kukia RF and Dhangarh Extension of Rourkela Division and 5 Km from Amrudihhi RF and 10 Km from Singardeo RF of Bonai Forest Division. During inspection the DFO, Rourkela said that as the identified CA area is large in size i.e. 67.052 ha, so there will be no problem from management point of view.

(b) Whether land for compensatory afforestation is free from encroachment/other encumbrances:

The Tahasildar, Lahunipara has certified that non-forest C.A. land is free from encroachment and encumbrances and not covered under DLC report.

(c) Whether land for compensatory afforestation is important from Religious/Archaeological point of view:

It has been reported that the land for CA is not important from Religious/Archaeological point of view.

(d) Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:

The non-forest land identified in San-Rengalbeda village under Lahunipara Tahasil of Sundargarh District under Rourkela Forest Division for raising compensatory afforestation is comprising 67.052 ha in one patch.

(e) Map with details:

The DGPS map and SoI Toposheet (**F45M13**) indicating location of identified non-forest land for C.A. has been submitted by the State Govt.

(f) Total financial outlay:

The DFO, Bonai has reported that 67.052 ha of non-forest land has been identified for C.A. The DFO, Rourkela has submitted estimate of C.A. for Rs.6,55,40,000/-.

9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

As reported by the DFO, Bonai Forest Division, at the time of granting of lease on 25.09.1985, out of the total lease area of 69.606 ha was recorded as Revenue Forest 10.420 ha and Non-forest 59.186 ha. While verifying the land schedule of the mining lease jointly by Revenue, Forest & Mining Department in 2019, it was noticed that 8.951 ha in Plot No.120, 122 of Khata No.25 and Plot No.123 of Khata No.23 in village Bahamba and Plot No.601 of Khata No.66 in village Raikela was found to be part of Sarkunda PRF (as per working plan).

The DFO, Bonai Forest Division has reported that mining lease was executed on 17.04.1986 over 69.606 ha which includes 10.380 ha of Revenue forest land. During the inspection it has been noticed that the ML area includes 8.951 ha of Sarkunda PRF out of which 0.050 ha of PRF area has also got broken up during the previous mining activities.

The DFO, Bonai booked a forest offence case against the lessee for violation over 0.050 ha of PRF area broken up during the previous mining activities under the provision of Orissa Forest Act, 1972 vide OR No. 170 (BS) of 2021-22 on 25.02.2022.

As reported by the DFO, Bonai Forest Division, the user agency has deposited Rs.4,94,32,680/- towards NPV of the entire forest area involved in the Mining Lease on 25.06.2010 vide DD No.094965 dated 25.06.2010.

10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:

The State Govt. has reported that the project does not involve any displacement and no Resettlement & Rehabilitation Plan is required for the project.

11. Reclamation plan:

The State Govt. has reported that the Phased Reclamation Plan and Afforestation Scheme for Raikela-Bahamba-Tensa Iron & Manganese Ore mine has been submitted.

12. Details on catchment and command area under the project:

As reported by the DFO, Bonai Forest Division, there is no perennial course of water passing through the area. However, one small seasonal nala flows in the western part of the area which carries surface runoff water during rains and joins the Kuarhi river.

The mining project will affect the catchment of this nala. So there is a need for soil and moisture conservation measures in the rest catchment of this nala and the forest lands in and around the proposed site. Further, 50 meter width on either side of nalla shall be maintained and protected as safety zone, but will not be considered as a part of safety zone.

13. Cost benefit ratio:

As reported, the total estimated benefit of the project comes to as Rs.4,70,392.03 Lakhs and the loss on forest including environmental loss comes to Rs.77,796.596 Lakhs. Hence, The C-B Ratio is 1 : 6.046.

14. Recommendations of the Principal Chief Conservator of Forests/State Government:

The forest area proposed for diversion has been duly recommended by PCCF.

15. Utility of the project:

As reported by State Govt., the project will generate regular employment of 70 persons and temporary employment of 300 persons.

Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:

Not reported.

16.

(a) Whether land being diverted has any socio-cultural/ religious value:

There is a temple in the proposed area which is not covered in the mining plan.

(b) Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:

Not reported.

(c) Whether the land under diversion forms part of any unique eco-system:

No such report available.

17. Situation with respect to any Protected Area:

The DFO, Bonai has reported that nearest Protected Area is Badrama Wildlife Sasnctuary which is 84.546 Km from the proposed site for diversion. The project area is 17.219 Km away from nearest Elephant Corridor i.e. Karo-Karampada Elephant Corridor.

18. Any other information relating to the project:

Photographs of proposed site for diversion is attached below (4):



Photographs of proposed CA Site is attached below (4):





19. Recommendations of Dy. Director General of Forests (Central) along with detailed reasons:

1. The Govt. in Steel & Mines Department vide their Order No.9841/S&M dated 23.11.2021 has decided not to declare and record the Iron & Manganese Mining lease over 69.606 ha of C.P. Sharma as lapsed under Rule 20 (6) of MC Rules, 2016 and amended vide MC (4th Amendment) Rules 2021. The validity of this mining lease is upto 16.04.2036 i.e. 50 years from the date of original grant of lease.
2. The Mining Plan has been approved by the Indian Bureau of Mines vide their letter No.RMP/A50-ORI/BHU/2020-21 dated 03.03.2021 which is valid upto 31.03.2026. The mining plan has been approved for 69.606 ha. The land use plan as proposed in the Mining Plan for first five years is as below:

Sl. No.	Activity	As per Mining Plan (in Ha) (Annexure-A)
1.	Area under Mining	8.531
2.	Storage for top soil	0
3.	Overburden dump	1.304
4.	Mineral Storage	0.144
5.	Infrastructure (Rest Shelter Pumping Station, etc.)	0.006
6.	Roads	2.384
7.	Railways	0
8.	Tailing pond	0
9.	Effluent treatment plant	0
10.	Mineral separation plant	0
11.	Township area	0
12.	Others	0
Total		12.369

As per the proposal of the State Govt., the area proposed for Mining & its allied activities is 9.670 Ha and Road including nala is 2.764 Ha i.e. total 12.434 Ha.

State Govt. has recommended following activity other than that mentioned in the Mining Plan:

Sl. No.	Activity	Proposed by State Govt.(in Ha)
1.	Safety Zone	
i)	7.5 meter wide along the ML boundary	2.836
ii)	50 mtr wide along the Nala	5.408
iii)	10 mtr wide along the public road	2.440
Sub-Total		10.684
2.	Area for mining after exploration	46.488
Total		57.172

3. The instant mining lease shares common boundary of mining lease of M/s Gita Rani Mahanty. The proposed 67.352 ha of forest land comprises of 5.479 ha of Revenue Forest land, 8.951 ha of Proposed Reserved Forest land and 52.922 ha of DLC forest land.
4. The DFO, Bonai has reported that mining lease was granted on 25.09.1985 for 69.606 Ha which comprised of 10.420 Ha Revenue Forest land and 59.186 Ha Non-forest land. While verifying the land schedule of the mining lease jointly by Revenue, Forest & Mining Department in 2019, it was noticed that 8.951 ha in Plot No.120, 122 of Khata No.25 and Plot No.123 of Khata No.23 in village Bahamba and Plot No.601 of Khata No.66 in village Raikela was found to be part of Sarkunda PRF (as per working plan) hence the land schedule of ML got revised accordingly. Hence, presently, the land schedule of ML area of 69.606 ha comprises of DLC forest 52.922 ha, Revenue Forest of 5.479 ha, PRF of 8.951 ha and non-forest of 2.254 ha.

The DFO, Bonai reported that later it has been detected that besides the above said mining lease, out of 8.951 ha of Sarkunda PRF, 0.050 ha of PRF patch also got broken up during the previous mining activities. A forest offence case has been booked against the lessee for violation over 0.050 ha of PRF area broken up during the previous mining activities under the provision of Orissa Forest At, 1972 vide OR No.170 (BS) of 2021-22 on 25.02.2022. As reported by the DFO, Bonai Forest Division, the user agency has deposited Rs.4,94,32,680/- towards NPV for the entire forest area involved in the Mining Lease on 25.06.2010 vide DD No.094965 dated 25.06.2010.

5. As per judgement dated 02.07.2017 of Hon'ble Supreme Court in WP (C) No.114/2014, the user agency has paid Rs.10,00,20,185.68/- along with applicable interest towards compensation for production of minerals without or in excess of Environment Clearance. Further, the user agency has also paid Rs.43,71,184.05 towards compensation for production of minerals made in excess of the lower of the approved limit under Mining Plan/Consent to Operate.
6. The proposed site does not come under any Protected Area or within the Eco-Sensitive Zone. As there is occasional movement of elephant in this area, Wildlife Conservation Plan with special emphasis to mitigate the adverse impact on elephant movement as well as conservation and protection of other wildlife found in and around the proposed area is required.

7. This proposal will not involve rehabilitation and resettlement of families.
8. The number of trees to be felled is large. To minimize the adverse ecological impact, trees should be felled in a phased manner and when become absolutely necessary. The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled under strict supervision of the State Forest Department.
9. The small seasonal nalla flows in the western part of the lease area which carries surface runoff water during rains and joins the Kuirahi river. The mining project will affect the catchment of this nala. So there is a need for soil and moisture conservation measures in the rest catchment of this nala and the forest lands in and around the proposed site. Further, 50 meter width on either side of nalla shall be maintained and protected as safety zone, but will not be considered as a part of safety zone.
10. A Temple is located inside the proposed area. The temple shall be kept untouched. As per the present Mining Plan the temple area has not been included.
11. This diversion proposal is for mining of iron and manganese ore, which is site specific. The user agency has identified 67.052 ha of non-forest land for raising Compensatory Afforestation which is in a single patch.

In view of the above, the proposal may be considered under provisions of FC Act, 1980 subject to compliance of other general conditions and observation made during site inspection and necessary Penal NPV and Penal CA as deems appropriate.



(A.T. MISHRA)

DY. DIRECTOR GENERAL OF FORESTS (C)

Table 8.2 : Existing and Proposed Land Use pattern

SL No.	Type of land used	Area put on use at start of review period (Hectares)	During review period (Hectares)	Total (Hectares)	At the end of conceptual period (Hectares)
a	b	c	d	e	f
1	Area under mining	5.436	0	5.436	8.531
2	Storage for top-soil	0	0	0	0
3	Overburden dump	1.304	0	1.304	1.304
4	Mineral storage	0.144	0	0.144	0.144
5	Infrastructure (Rest Shelter Pumping Station, etc.)	0.006	0	0.006	0.006
6	Roads	2.384	0	2.384	2.384
7	Railways	0	0	0	0
8	Tailing pond	0	0	0	0
9	Effluent treatment plant	0	0	0	0
10	Mineral separation plant	0	0	0	0
11	Township area	0	0	0	0
12	Others	0	0	0	0
	Total	9.274	0	9.274	12.369

In addition to above, plantation will be done over 1.977ha area in the safety zone which will have a positive impact on the local environment.

ii) Impact on Air quality

Operation of pneumatically operated jack hammers, compressors, hydraulic excavator and truck and blasting of strata for obtaining fragmented muck pile are the sources of noxious gases, dust and noise. Dust generation will be avoided by water spray arrangement. Volume of noxious gases will be so small that its effect on the general atmosphere will not be felt. Operation of equipment will