



सत्यमेव जयते

भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT,  
FOREST & CLIMATE CHANGE  
समन्वित क्षेत्रीय कार्यालय  
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**BY SPEED POST**

F.No.4-KRC1260/2020-BAN/ 119

Dated the <sup>th</sup> April, 2022

21<sup>st</sup>

To

The Additional Chief Secretary to Government of Karnataka,  
Forest, Ecology & Environment Department,  
M.S. Building, Dr. Ambedkar Veedhi,  
Bangalore - 560 001.

Subject: Diversion of 32.16 ha. of forest land (29.49 ha. for existing mining lease and 2.67 ha for existing approach road) in Donimalai (DM) Block Forest, Ubbalagandi Reserved Forest and Ubbalagandi Extension Reserved Forest, Near Ubbalagandi village, Sandur Taluk, Bellary District for Mining Lease No. 2433 ('C' Category mine of M/s. Nidhi Mining Pvt Ltd) in favour of M/s. Minera Steel and Power Pvt Ltd, Bengaluru. (The Preferred Bidder in e-auction) -reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 48 FFM 2020 (e) dated 18/09/2020, 18/01/2021, 02/06/2021, 24/11/2021 and 07/01/2022 seeking prior approval of the Central Government under Section '2' of the Forest (Conservation) Act, 1980 for the above project.

The proposal was examined by the Regional Empowered Committee constituted under sub-rule (1) of rule 4A of the Forest (Conservation) Rules, 2003 in its meeting held on 03/11/2020.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Regional Empowered Committee, **in-principle approval /Stage-I clearance** of the Central Government is hereby granted for diversion of 32.16 ha. of forest land (29.49 ha. for existing mining lease and 2.67 ha for existing approach road) in Donimalai (DM) Block Forest, Ubbalagandi Reserved Forest and Ubbalagandi Extension Reserved Forest, Near Ubbalagandi village, Sandur Taluk, Bellary District for Mining Lease No. 2433 ('C' Category mine of M/s. Nidhi Mining Pvt Ltd) in favour of M/s. Minera Steel and Power Pvt Ltd, Bengaluru. (The Preferred Bidder in e-auction), subject to the following conditions:-

SAM

**A:Conditions which need to be complied prior to handing over of forest land by the State Forest Department.**

1. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as admissible if **not paid by the previous lessee**. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned.
2. The identified non-forest land of equivalent extent in various survey numbers of Mallapura, Ananthapura and Tumti villages of Sandur Taluk, Ballari District for raising Compensatory Afforestation shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage II approval.
3. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include demarcation of non forest land using chain link fencing with provision for watering and SMC works and appropriate provision for anticipated cost increase for works scheduled for subsequent years. The area identified for CA shall be planted with tall seedlings with provision for watering and SMC works to ensure faster growth.
4. The user agency shall maintain area upto 7.5 meters as safety zone area all along the boundary. The cost of fencing and regeneration of safety zone area shall be deposited by the user agency as per the guidelines issued under Forest (Conservation) Act, 1980
5. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
6. The KML file of the area diverted and CA area shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.
7. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC dated 3<sup>rd</sup> August 2009 read with 05.07.2013 with necessary enclosures, in support thereof.
8. **It will be the responsibility of the State Government to recover Compensatory losses in view of the orders of Hon'ble Supreme Court.**
9. **State Government will provide details of recovery made, progress of criminal proceedings in the matter and moneys deposited in the Special Purpose Vehicle (SPV) with respect to this proposal prior to Stage-II approval.**
10. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.
11. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
12. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest



(Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

**B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:**

1. Legal status of the diverted forest land shall remain unchanged.
2. The directions issued by the Hon'ble Supreme Court from time to time regarding mining in Karnataka shall strictly be complied with by the State Government and User Agency.
3. Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance.
4. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
5. Fencing, protection and regeneration of the safety zone area (7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease) shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Government.
6. User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. Plantations on either side of the approach road to the mine in the forest area should be taken up and ensure that proper drainages are also made on roadsides.
8. The user agency shall obtain environmental clearance under the Environment (Protection) Act, 1986.
9. The user agency shall undertake mining and reclamation of the mined out area as per the approved mining plan and the directions of the concerned Divisional Forest Officer.
10. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area and any other areas which may have been disturbed due to their mining activities and restore the land to a condition which is fit for the growth of fodder, flora, fauna etc.
11. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved Mining Plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Ministry of Environment, Forests and Climate Change, Integrated Regional Office,



Bangalore. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Regional Officer (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.

- 12.No labour camp shall be established on the forest land.
- 13.The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
- 14.The forest area shall not be used for any purpose other than that specified in the project proposal.
- 15.The total forest area utilized for the project shall not exceed 32.16 ha.
- 16.The layout plan of the mining plan /proposal shall not be changed without the prior approval of the Central Government.
- 17.The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area.
- 18.The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 19.The period of diversion of the said forest land shall be co-terminus with period of the mining lease granted under the Mines and Minerals (Development & Regulation) Act, 1957 with amendments or rules framed thereunder.
- 20.The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year; and
- 21.The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project
- 22.Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Further, it may also be noted that this in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall be revoked after 5 years.

Yours faithfully,

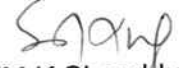
  
(M.K.Shambhu)

Deputy Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560

- 003.
2. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560 003.
  3. The General Manager, M/s. Minera Steel and Power Pvt Ltd, 811/2, NH-63, Hospet Road, Alipur, Bellary District -583 105.
  4. Guard file.



(M.K.Shambhu)

Deputy Inspector General of Forests (Central)