

F. No. 8-29/2016-FC
Government of India
Ministry of Environment Forests & Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.
Dated: 7th July, 2017

To

The Principal Secretary (Forest),
Government of Odisha,
Bhubaneswar

Sub.: Application of M/s National Enterprises seeking approval of MoEF&CC under Section 2(iii) of Forest Conservation Act, 1980 over 41.144ha of forest land within total Mining lease area of 41.144ha in village Sagasahi in Sundargarh District, Odisha


Sir,

I am directed to refer to the State Government's No. 10F (Cons)-251/2016/16311/F & E dated 31.08.2016 submitting above subject proposal for approval of the Central Government under Section- 2 (iii) of the Forest (Conservation) Act, 1980. This proposal has been considered in the Forest Advisory Committee (FAC) meeting held on 16.05.2017. The detailed minutes of the FAC meetings held on 16.05.2017 are placed on the website of this Ministry: www.forestclearance.nic.in.

After going through the judgement in the matter in FAC meeting held on 16.05.2017, the committee observed that petitioner had contended that the provision of sub rule (4) of rule 8 is contrary to the provisions of section 10-A (2) (C) of MMDR Act and same could not be sustained in the eye of law. In this regards, FAC referred to Forest (Conservation) Act, 1980 guidelines 2.1 (vi) vide which *State Government are advised not to consider/ process cases, which are pending in various courts or sub-judice to avoid all sort of administrative and legal complications.* In this backdrop FAC recommended not to grant permission to the State Government under Section 2(iii) of Forest (Conservation) Act, 1980 till the final order of the Hon'ble High Court and clarification regarding the applicability of provisions of section 10-A(2) (c) of MMDR Act.


In view of above, I am directed to convey the approval of competent authority for not to grant prior approval under section 2(iii) of Forest (Conservation) Act, 1980 concerning 41.144 ha. of forest land within total Mining lease area of 41.144 ha. in village Sagasahi in Sundargarh District, Odisha, till the final order of the Hon'ble High Court.

Yours faithfully,


(Sandeep Sharma) 7.7.17
Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator Forests, Government of Odisha, Bhubaneswar
2. Addl. Principal Chief Conservator of Forests (Central), Regional Office, Bhubaneswar
3. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC


(Sandeep Sharma) 7.7.17
Assistant Inspector General of Forests (FC)

