

Government of Maharashtra

By Speed Post

No.FLD-3216/CR-90/F-10
Room no. 456/ 461 Annex,
Revenue and Forest Department,
Madam Kama Road, Hutatma
Rajguru Chowk, Mantralaya,
Mumbai – 400 032.
Dated: 25/04/2016

To,
The Secretary,
Government of India,
Ministry of Environments, Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi- 110 003.

Subject: - Proposal for general approval under section 2 (iii) of forest (Conservation) Act, 1980 for 193.67 ha. forest land for Limestone mining included in the total 840.83 ha area of Shindola mining lease (ACC Ltd). Tal. Wani, Dist. Yavatmal.

Cluster Head-W & C, ACC Limited, Chanda Cement Works, Chandrapur has submitted the proposal for general approval under section 2 (iii) of forest (Conservation) Act, 1980 for 193.67 ha. forest land for Limestone mining included in the total 840.83 ha area of Shindola mining lease (ACC Ltd). Tal. Wani, Dist. Yavatmal. The area statement is shown as below:

Item of work	Village	Taluka	Sr.No	Area (Ha.)	Legal Status
General approval under section 2 (iii) of the Forest (Conservation) Act, 1980 for limestone mining	Yenak	Wani	87 Part	25.66	Reserve Forest
	Chanakha		43 Part	53.02	
	Pardi		2 Part	70.60	
	Kurli		78/1	2.71	
			79/1	5.10	
			80/1	5.97	
			85	10.02	
			86	11.36	
			87	9.23	
	Total Area (Ha.)				

The proposal is for obtaining general approval under Section 2 (iii) of FCA, 1980 in accordance with the instructions of Government of India communicated, vide their letters dt.1/4/2015, 19/10/2015 and 10/11/2015 for 193.67 ha forest land for limestone mining included in the total 840.83 ha. area of Shindola mining lease for limestone mining in Taluka Wani, Dist - Yavatmal. Previously, proposals under the Forest (Conservation) Act, 1980 for diversion of part of the forest land located within the mining lease were being submitted for prior approval of the Government of India. The Central Government after examination of the matter decided that no forest land can be leased/ assigned without first obtaining the approval under FC Act. Therefore, the forest area approved under the FC Act should not be lesser than the total forest area included in the mining lease approved under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Both necessarily have to be the same. Accordingly, after examination of the issue in its entirety, the Ministry of Environment, Forest & Climate Change vide there letter No. F-No.11-362/2012-FC, dt. 1/2/2013 took the following decisions:-

- Henceforth, in case of mining leases having forest land in part or in full, approval under the FC Act for diversion of entire forest land located within the mining shall be obtained before execution/renewal of the lease under the MMDR Act. Applications seeking prior approval under FC Act for diversion of the entire forest land (and not a portion thereof) located within

the area proposed to be assigned on lease shall only be accepted by the Nodal Officers in the concerned State/ Union Territory Governments.

- ii) All state/ UT Governments shall within a period of three months submit to this Ministry details of all such mines where approval under the FC Act for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government. The State Governments in all such cases shall request the concerned user agencies to submit application to obtain approval under the FC Act for diversion of the remaining forest land located within the mining lease. Mining in such leases after two years will be allowed only if the user agency either obtains approval under the FC Act for the entire forest land located within the mining lease or surrenders such forest land for which approval under FC Act has not been obtained and execute a revised mining lease for the reduced lease area.

2. Subsequently having received representations wherein it was inter- alia stated that it is practically not possible to obtain approval under the FC Act for diversion of the entire forest land in two years as the whole process takes more than two years, the Ministry after careful examination of the matter and advice of the Department of Legal Affairs, Ministry of Law and Justice, in supersession of their letter F-No.11-362/2012-FC, dt. 1/2/2013 issued further clarifications, vide their letter No. F-No.11-599/2014-FC, dt. 1/4/2015 as below:-

- i) Henceforth, in case of mining leases, including those of Government Authorities having forest land in part or in full, approval of Central Government under Section-2 (iii) of FC Act for the entire forest land located within a mining lease shall be obtained before execution (including by way of renewal) of a mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) and the Rules framed there under.

- ii) User agencies while submitting application to obtain prior approval under Section-2 (iii) of the FC Act, if they so desire, may also seek prior approval of Central Government under Section 2 (ii) of the FC Act for use of the whole or a part of the forest land located within the mining lease for mining and allied non-forest activities. Area of forest land for which approval under Section 2 (ii) and 2 (iii) is sought shall separately be indicated in the proposal submitted by the user agencies. Where at the time of execution of the mining lease prior approval of Central Government under Section 2 (ii) to use the entire forest land falling in the mining lease for mining and allied non-forest activities is not obtained, the user agencies may submit proposal under Section 2 (ii) of the FC Act for the whole or a part of the remaining forest land falling within the mining lease, as and when such forest land is proposed to be utilized for mining and allied non-forest activities.

3. Directorate of Geology and Mining, Government of Maharashtra as per provision of Sec. 8A (5)/(6) of Mines and Minerals (Development and Regulation) (Amendment) Act, 2015, has granted extension for the mining lease of Limestone over an area of 840.83 ha of Village Paramdoh, Yenak, Pardi, Kurli, Sindola, Chanak, Velabai and Gopalpur Tal. Wani, Dist Yavatmal in favour of M/s Associated Cement Co.Ltd, Chanda Cement Works, Chandrapur vide letter No.MLV-Y-192/2015/2894 ,dt. 9/10/2015. The mining lease details are as follows:-

1) Name & Location of Mining Lease	-	Sindola Limestone Mines, village-Sindola, Taluka Wani, Dist. Yavatmal (Maharashtra)
2) M.L. No.	-	MMN.1066/12828/MNG
3) Execution of mining lease	-	on 7/11/1966
4) Lease renewal validity	-	up to 6/11/1996 (extended up to 31/3/2030)
5) Total Lease area -840.83 ha.	-	Forest land within lease area 193.67 ha. Non forest land within lease area 647.16 ha.

4. As per the Ministry of Environment, Forests & Climate Change, New Delhi's letter dated 19/10/2015 information about the details of mining leases having forest land in part or in full for which though the mining lease has already been executed at least once before 1st April 2015, but approval under the Forest (Conservation) Act, 1980 for even a part of forest land falling in such mining lease has not been obtained, is required to be submitted to Government of India at the earliest, and in any case before the expiry of a period of one year from the date issue of the said letter dt.1st April 2015. It has further been mentioned in the letter that the States and Union territories if so desire, may seek general approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 for the forest land falling in such mining leases, on case to case basis by given details (viz date of execution of mining lease deed and area of forest and non-forest land falling in such mining lease) of one or more of such mining leases to the Ministry in letter form.
5. In continuation of their letter dt.19/10/2015, Government of India, New Delhi vide letter No. F-No.11-599/2014-FC, dt. 10/11/2015 has further clarified that no mining shall be allowed in such mining lease after expiry of a period of one year from the date of issue of guidelines of even number dated 1st April, 2015 till approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained and NPV of forest land falling in such mining lease as stipulated in such approval is realized from the user agency.
6. Following documents according to Government of India's instructions issued vide their letter No.F-No.11-599/2014-FC, dt. 1/4/2015, letter No.F-No.11-599/2014-FC, dt. 10/10/2015 and No.F-No.11-599/2014-FC, dt. 10/11/2015 are enclosed.
 - 1) Area Statement,
 - 2) Geo digital map in 1:11,000 scale,
 - 3) Site Inspection Report
 - 4) Approval under Section 2 (ii) or 2 (iii) of Forest (Conservation) Act, 1980 for the forest land included in the total mining lease area has not previously been obtained.
 - 5) As per the Site Inspection Report of the Deputy Conservator of Forest, Pandharkawada Division, Pandharkawada the area belongs to Eco-value class-III having density more than 0.4 and category Tropical Dry Deciduous Forest.
 - 6) Deputy Conservator of Forests, Pandharkawada Division, Pandharkawada in his Site Inspection Report dated 24.01.2016 has certified that the proposed project is beyond 10 km from the boundary of Protected Area.

- 7) The Site Inspection Report of DY.CF Pandarkawada reflects the presence of Leopard, Tiger, Nilgai, Chital, Barking deer, Wild boar etc. in the area which also acts as corridor of tiger movement from Chandrapur to Kawal Sanctuary (in Telangana State).
- 8) Since approval under Section 2 (iii) of Forest (Conservation) Act, 1980 is subject to payment of NPV of the forest land allowed to be utilized for the mining lease, the User Agency has submitted an undertaking to pay full amount of NPV against the proposed diversion, as decided by the Government of India and State Government before 31/3/2016.
- 9) The proposal for general approval under section 2 (iii) of Forest (Conservation) Act 1980 has been recommended by Deputy Conservator of Forests, Pandharkawada Division, Pandharkawada and Chief Conservator of Forests (T) Yavatmal.
- 10) The User Agency has submitted the Geo digital map in 1:11,000 scale with geo-reference boundary in shape file prepared by using total stations or differential GPS and also indicated forest land, non-forest land & adjoining land for general approval under Section 2 (iii) of FC Act, in different colours.

7. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (iii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

8. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends the proposal on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before the Government of India for its general approval under Section-2 (iii) of the Forest (Conservation) Act, 1980, be obtained and communicated to this Government at earlier.

Yours faithfully,

Virendra Tiwari

(Virendra Tiwari) 25/04/2016

Chief Conservator of Forests (Mantralaya)

Copy to:

1. Secretary, Tribal Development Department, Mantralaya, Mumbai.
2. Principal Chief Conservator of Forests (Wildlife), Maharashtra State Nagpur.
3. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur. with reference to his letter No.Desk-17/NC/I/I.D./2221/15-16, Date- 01/03/2016.
4. Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State Nagpur.
5. Chief Conservator of Forests (T), Chandrapur.
6. Collector, Chandrapur.
7. Deputy Conservator of Forests, Pandharkawada Division, Pandharkawada.
- ✓ 8. Cluster Head-W & C, ACC Limited, Chanda Cement Works, P.O. Cement Nagar, Chandrapur-442 502.
9. Select file F-10.