

STATE FOREST HEADQUARTERS, ODISHA OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR **BHUBANESWAR-751023**

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E-mail-: nodal.pccfhoff@odisha.gov.in

/9F (MG) - 104/2022

Dated, Bhubaneswar the

February'2023

FromMATE CHAP

Sri Susanta Nanda, IFS

Principal Chief Conservator of Forests (Forest Diversion and Nodal Officer, FC Act) O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Assistant Inspector General of Forests (FC)

Government of India, Ministry of Environment, Forest & Climate Change (FC Division), Indira Paryavaran Bhawan, Aliganj, Jorbagh Road New Delhi-110003

Sub: - Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act,1980 in favour of M/s Rungta Mines Ltd. for non-forestry use of 83.602 ha. of forest land including 2.529 ha of Safety Zone for Iron Ore mining in Chandiposhi Block of Koira Tehsil under Bonai Forest Division and District Sundargarh, Odisha- regarding.

F.No.8-01/2023-FC dated 02.02.2023 of Assistant Inspector General of Forests, Government of India, MoEF & CC, New Delhi.

Sir,

In reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, New Delhi has requested to furnish compliance to 4 (four) nos of observations. The point wise compliance basing on the reports of the DFO, Bonai Division and RCCF, Rourkela Circle are as follows:

Observation (i): The component wise KML file of the proposed forest area including the safety zone has not been submitted.

Compliance: The RCCF, Rourkela has reported that the User Agency was requested by DFO, Bonai division to submit the component wise KML file of the proposed forest area including the safety zone. The User Agency has submitted the component wise KML file of the proposed forest area including the safety zone in CD form which is enclosed as Annexure-1.

Observation (ii): The proposal for diversion of forest land has been submitted for a period of 50 years whereas the mining plan submitted is for five years only.

Compliance: The RCCF, Rourkela has reported that the User Agency has submitted the compliance stating that the proposal for diversion of forest land has been submitted for 50 years, which is in accordance with the notification of Govt. of India vide No.11-51/2015-FC dt.01.04.2015 which states that "period of the validity of approvals accorded under Section-2 of the FC Act shall be extended and shall be deemed to have been extended upto a period co-terminous with the period of mining lease, i.e, 50 years".

Whereas, the mining plan for Chandiposhi Iron Ore block was approved for 5 years by India Bureau of Mines. This is in accordance with Rule 13 of MCR,2016, which states that, "No mining operation shall be undertaken except in accordance with a mining plan and the mining plan shall incorporate, a tentative scheme of mining and annual programme and plan for excavation from year to year for five years". Further, as per Rule 17 (1) of MCR, 2016 "The mine plan once approved shall be subject to review and updation at an interval of every five years, starting from date of execution of the duly executed lease deed". Moreover, mining is a dynamic process and changes may happen keeping in view, change in the business environment, for facilitating increase in production capacity or in the interest of safe and scientific mining, conservation of minerals, protection of Environment, technological transformation or any other reasons. The copy of relevant part of the Rule of Minerals Concession Rule 2016 is enclosed as **Annexure-2.**

Observation (iii): The progressive mine closure plan is also limited to a period of five years, and does not include the detailed plan for progressive mine closure and reclamation at the end of the mining period.

Compliance: The RCCF, Rourkela has reported that the User Agency has submitted the compliance stating that as per Rule 23 of MCDR,2017, the holder of mining lease shall submit to the competent authority i.e. Indian Bureau of Mines (IBM), a progressive mine closure plan as a component of the mining plan, at the time of submission, modification and review of the mining plan. As stated above, since the mining plan is approved for 5 years, the progressive mine closure plan (PMCP) being a component of the mining plan is also approved for 5 years only. As such, the PMCP contained in the approved mining plan submitted along with the diversion proposal is for 5 (five) years only. The copy of relevant part of MCDR,2017 is enclosed as **Annexure-3**.

Observation (iv): As per the information uploaded in Part-II of the PARIVESH portal the number of tress has been mentioned as 4776 whereas the number has been mentioned as 19013 in the site inspection report of DCF/CF. Further, the details of trees having girth between 0-30 cms has not been uploaded in PART-II, which is required to be done.

Compliance: The RCCF, Rourkela has reported that in order to calculate the total project affected trees in forest land, sample enumeration over 21 plots each of 1 ha have been carried out (Sample plot-wise enumeration list is enclosed as **Annexure-4**). From sample plot analysis, the average trees per hectare comes to 227.42 nos. (4776 nos./21 ha).

Hence, the total project affected trees over 83.602 ha. of forest land by extrapolation of the above said data comes to 19,013 nos. Further, the details of trees having girth between 0-30 cms has been uploaded in Part-II as reported by the DFO, Bonai Division.

In view of the above, the compliance to the observations of Government of India, MoEF & CC, New Delhi is sent herewith for favour of kind information and necessary action.

Encl: Compliance in one set

Yours faithfully

Principal Chief Conservator of Fo (Forest Diversion and Nodal Officer, FC Act)

Memo No.

/Dt.

Copy alongwith the compliance report forwarded to the Dy. Director General of Forests (Central), MoEF & CC, IRO, Bhubaneswar for favour of kind information and necessary action with reference F.No.8-01/2023-FC dated 02.02.2023 of Assistant Inspector General of Forests, Government of India, MoEF& CC, New Delhi.

Encl: Compliance in one set

Principal Chief Conservator of (Forest Diversion and Nodal Officer, FC Act)

Memo No.

3634

/Dt. 24.02.2023

Copy alongwith the compliance report forwarded to the Additional Chief Secretary to Government, Forest, Environment and Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to F.No.8-01/2023-FC dated 02.02.2023 of Assistant Inspector General of Forests, Government of India, MoEF& CC, New Delhi and Memo No. 2399/FE&CC dated 08.02.2023 of OSD-cum-Special Secretary to Government, FE&CC Department.

Encl: Compliance in one set

Principal Chief Conservator of Forests (Forest Diversion and Nodal Officer, FC Act)

Memo No.

/Dt.

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle for information and necessary action with reference to his Memo No. 550 dated 16.02.2023.

> Principal Chief Conservator of Forests (Forest Diversion and Nodal Officer, FC Act)

Memo No.

/Dt.

Copy forwarded to the Divisional Forest Officer, Bonai Forest Division for information and necessary action with reference to Memo No. 551 dated 16.02.2023 of RCCF, Rourkela Circle.

> Principal Chief Conservator of (Forest Diversion and Nodal Officer, FC Act)

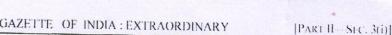
Memo No.

Copy forwarded to the M/s Rungta Mines Ltd. At/PO-Barbil, Dist-Keonjhar for information and necessary action.

> Principal Chief Conservator of Fore (Forest Diversion and Nodal Officer, FC Act)

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Annexure -



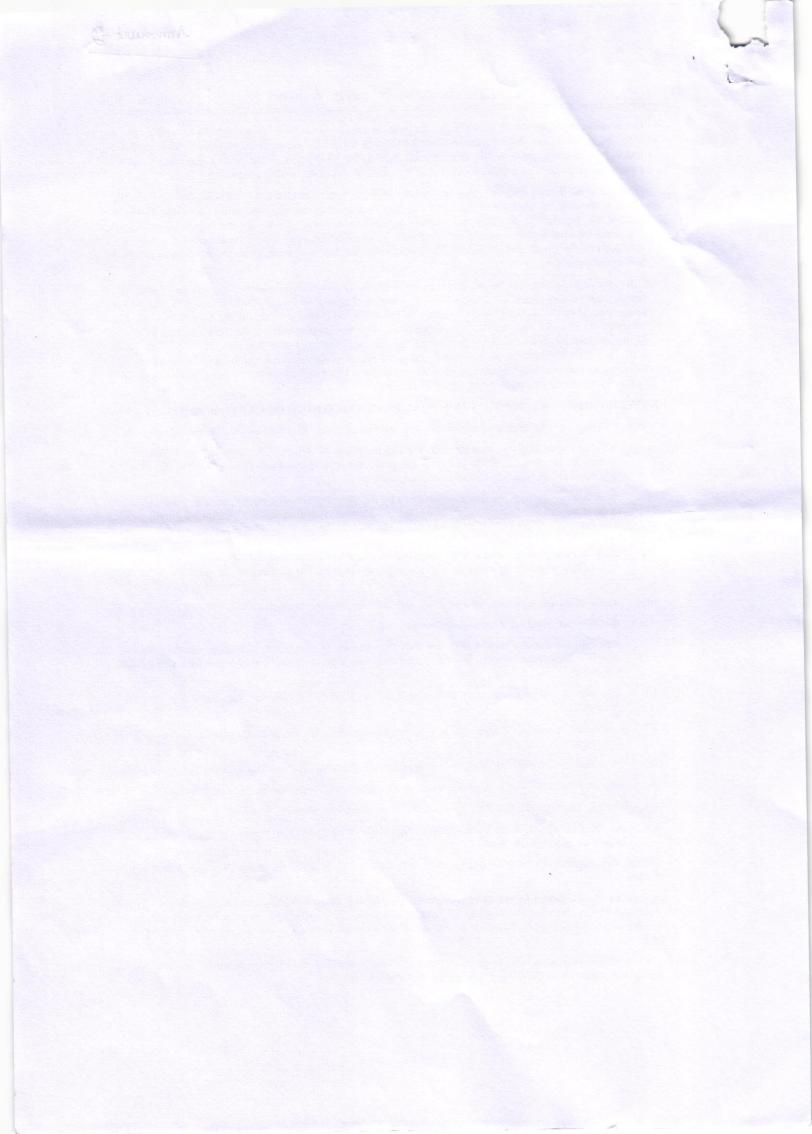
Government shall give notice in writing to the lessee requiring him to show cause within such time as may be specified in the notice why the lease should not be terminated and his performance security forfeited; and if the lessee fails to show cause within the aforesaid time to the satisfaction of the State Government, the State Government may terminate the lease and forfeit the whole or part of the performance security.

(9) If the lessee holding a mining lease, is convicted of illegal mining and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeals pending against such conviction in any court of law, the State Government may, without prejudice to any other proceedings that may be taken under the Act or the rules made thereunder, after giving such lessee an opportunity of being heard and for reasons to be recorded in writing and communicated to the lessee, terminate such mining lease and forfeit whole or part of the performance security.

(10) If the lessee makes any default in the payment of royalty as required under Section 9 or payment of dead rent as required under Section 9A or payment of monies as required under Section 9B or Section 9C or payments under Rule 13 of the Mineral (Auction) Rules, 2015 or commits a breach of any of the conditions specified in sub-rules (1), (2), (3), and (4), the State Government shall give notice to the lessee requiring him to pay the royalty or dead rent or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty or dead rent is not paid or the breach is not remedied within the said period, the State Government may, without prejudice to any other proceedings that may be taken against him, terminate the lease and forfeit the whole or part of the performance security.

CHAPTER V: PREPARATION OF THE MINING PLAN AND SYSTEM OF CERTIFICATION

- Mining Plan. (1) No mining operations shall be undertaken except in accordance with a mining plan, which: 13.
 - has been approved by any officer of the Indian Bureau of Mines duly authorised in writing by the Controller General, Indian Bureau of Mines, pursuant to clause (b) of sub-section (2) of Section 5 and in accordance with rules 15. 16 and 17 of these rules; or
 - is in accordance with the system established by the State Government for preparation, certification and (b) monitoring of the mining plan pursuant to the proviso to clause (b) of sub-section (2) of Section 5
 - (2) The mining plan shall incorporate:-
 - the plan of the lease hold area showing the nature and extent of the mineral body, spot or spots where the mining operations are proposed to be based on the prospecting data gathered by the applicant or any other person:
 - details of the geology and lithology of the area including mineral resources and reserves of the area: (b)
 - (c) details of proposed exploration programme;
 - the details of mode of mining operation indicating method of excavation, drilling and blasting, handling (d) of waste and mineral rejects, use of mineral and beneficiation of minerals, site-services, employmentpotential:
 - environment management plan indicating baseline information, impact assessment and mitigation (e) measures:
 - a tentative scheme of mining and annual programme and plan for exeavation from year to year for (1)
 - a tentative estimate about accretion of mine waste and its manner and mode of disposal and confinement: (9)
 - manner of mineral processing and mineral up-gradation, if any, including mode of tailing disposal: (h)
 - (i) a progressive mine closure plan as defined in rules made under Section 18: and
 - any other matter which the Central Government or the Indian Bureau of Mines may require the applicant (i) to provide in the mining plan.
 - (3) The mining plan shall be made in accordance with a manual prepared by the Indian Bureau of Mines, in this
- 14. System to be established by the State Government for mining plan.- (1) The system to be established by the State Government for preparation, certification and monitoring of the mining plan pursuant to the proviso to clause (b) of sub-section (2) of Section 5, shall be submitted to the Central Government for seeking its previous approval
 - (2) The State Government shall seek the previous approval of the Central Government for any modification of the system approved by the Central Government under sub-rule (1).



Mines within a period of ninety days from the date of receipt of such application.

- 17. **Modification and review of the mining plan.-** (1) The mining plan once approved shall be subject to review and updatation at an interval of every five years starting from the date of execution of the duly executed mining lease deed.
 - (2) At least one hundred eighty days before the expiry of every five years period specified in sub-rule (1), the lessee shall submit a mining plan for mining operations for a period of five subsequent years prepared in accordance with rule 15, which shall be disposed of in accordance with rule 16.
 - (3) A holder of a mining lease may seek modifications in the approved mining plan as are considered expedient, keeping in view changes in the business environment, or for facilitating increase in production capacity, or in the interest of safe and scientific mining, conservation of minerals, for the protection of environment; or any other reason to be specified in writing by the holder of a mining lease. Any modification to a mining plan shall be approved by the approving authority that approved the initial mining plan.
 - (4) In case of modifications to a mining plan, the provisions of rule 16 shall apply mutatis mutandis.
 - (5) In case of a system established by the State Government, the modification of mining plan shall be in accordance with such system.

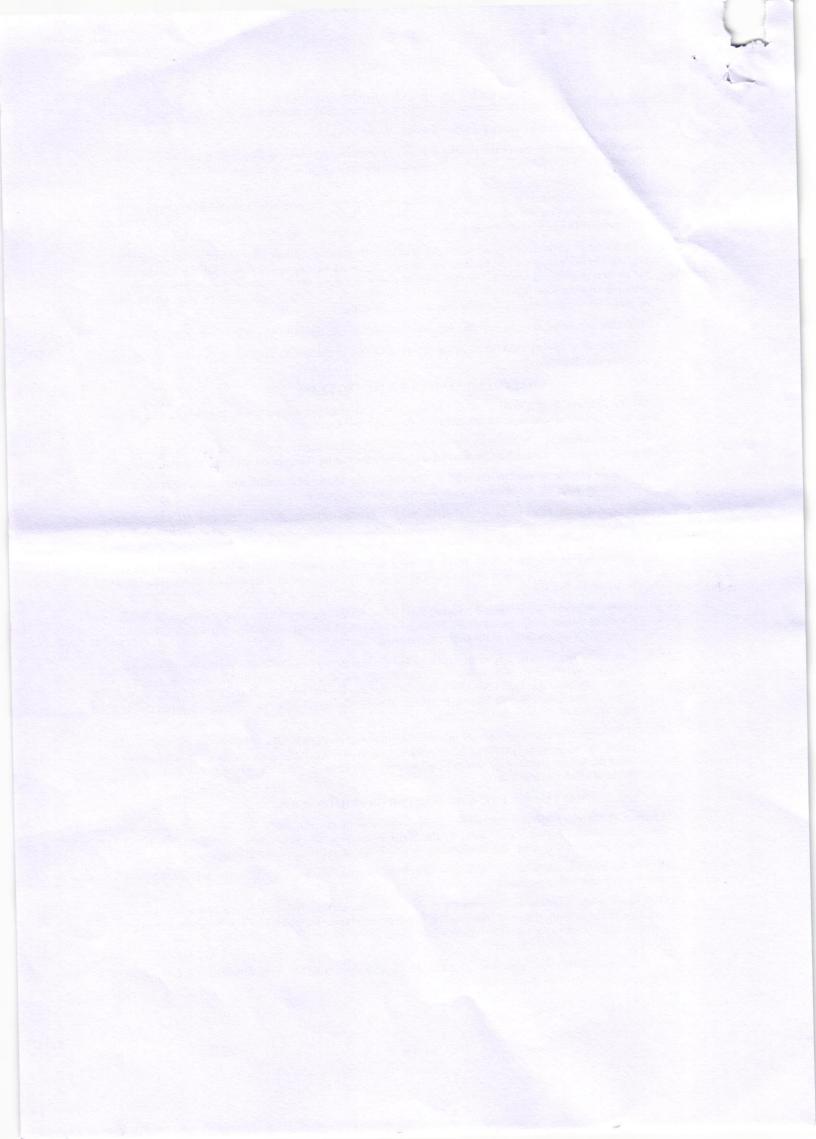
CHAPTER VI: EXPIRY OF A MINING LEASE

- 18. Auction post expiry of a mining lease.- On the expiry of the lease period, the mining lease shall be put up for auction as per the procedure specified in the Act and rules made thereunder.
- 19. Right of first refusal.- (1) The holder of a mining lease granted for captive purpose shall have the right of first refusal at the time of auction held for such lease after the expiry of the lease period in the following manner:
 - (a) to be eligible to exercise the right of first refusal, the lessee shall comply with the conditions of the mining lease, the Act and the rules made thereunder till its expiry;
 - (b) prior to publication of the notice inviting tender, the State Government shall give a notice to the lessee requiring the lessee to specify his willingness or non-willingness to exercise the right of first refusal in writing, within a period of thirty days of receipt of such notice:
 - (c) the notice inviting tender shall specify that the lessee holding the lease prior to expiry of the mining lease has the right of first refusal and shall also specify his willingness or non-willingness specified pursuant to sub-clause (b), if any:
 - (d) upon conclusion of the second round of auction, the State Government shall issue a notice to the lessee seeking written confirmation of his willingness to exercise the right of first refusal within a period of seven days of conclusion of the second round of auction:
 - the notice given under clause (d) shall be acknowledged by the lessee and who shall, within a period of fifteen days of receipt of the notice issued under clause (d), exercise the right of first refusal in writing to the State Government, failing which it shall be construed that the lessee is not desirous of exercising the right of first refusal and the preferred bidder shall be entitled to a mining lease in the manner provided in the Mineral (Auction) Rules, 2015; and
 - (f) if the lessee exercises the right of first refusal in terms of clause (e) and matches the highest final offer price, the lessee shall deemed to be the preferred bidder in place of the earlier preferred bidder declared after the second round of auction and shall be entitled to the mining lease in the manner provided in the Mineral (Auction) Rules, 2015.

CHAPTER VII: LAPSE, SURRENDER OR TERMINATION

- 20. Lapsing of the mining lease.- (1) Subject to the conditions of this rule where mining operations are not commenced within a period of two years from the date of execution of the mining lease, or is discontinued for a continuous period of two years after commencement of such operations, the mining lease shall lapse.
 - (2) The lapsing of a mining lease shall be recorded through an order issued by the State Government and shall also be communicated to the lessee.
 - (3) Where a lessee is unable to commence the mining operations within a period of two years from the date of execution of the mining lease or discontinuation of mining operations for reasons beyond his control, he may submit an application to the State Government, explaining the reasons for the same, at least three months before the expiry of such period of two years:

Provided where the lessee has failed to make the application within the time stipulated above, the lease shall lapse on expiry of the period of two years.



of two years from the date of expiry of the mineral concession, or abandonment of operations or termination of the mineral concession, whichever is earlier.

CHAPTER III

Mining Operations

- 10. **Competent Authority.**—(1) The Controller General or an officer of Indian Bureau of Mines authorised in writing by the Controller General shall be the competent authority to take decisions with respect to a mining plan approved by any officer of the Indian Bureau of Mines, pursuant to clause (b) of sub-section (2) of section 5.
- (2) The State Government shall be the competent authority to approve a mining plan required for grant of a mining lease, prepared and certified in accordance with the system established by the State Government pursuant to the proviso to clause (b) of sub-section (2) of section 5 and approved by the Central Government:

Provided that the Controller General or an officer of Indian Bureau of Mines authorised in writing by the Controller General shall be the competent authority to take decisions with respect to monitoring and implementation of such mining plans approved by the State Government.

- (3)The Director, Atomic Minerals Directorate for Exploration and Research or an officer of the Atomic Minerals Directorate for Exploration and Research authorised in writing by the Director, Atomic Minerals Directorate for Exploration and Research shall be the competent authority to take decisions with respect to a mining plan pursuant to clause (b) of sub-section (2) of section 5, in respect of minerals specified in Part B of the First Schedule to the Act, where the grade of such atomic minerals is equal to or above the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016.
- 11. Mining operations under mining lease.—(1) No holder of a mining lease shall commence or carry out mining operations in any area except in accordance with the mining plan approved, modified or reviewed by the Indian Bureau of Mines or prepared and certified in accordance with the system established by the State Government pursuant to the proviso to clause (b) of sub-section (2) of section 5 or approved by the competent authority of the Atomic Minerals Directorate for Exploration and Research, in respect of minerals specified in Part B of the First Schedule to the Act where the grade of such atomic minerals is equal to or above the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016.
- (2) If the mining operations are not carried out in accordance with the approved or certified mining plan or any information contained in the mining plan is found to be incorrect, misleading or non-compliant with applicable laws including these rules, the competent authority may by order, suspend all or any of the mining operations and permit continuance of only such operations as are required to restore the conditions in the mine as envisaged under the approved or certified mining plan or modified mining plan, for the purpose of restoration to the extent possible:

Provided that the lessee shall be informed in writing about the violation and if the violation is not rectified within a period of forty-five days, a show cause notice shall be issued asking reasons why the mining operations should not be suspended and, further, if no satisfactory reply is received within a period of thirty days, the mining operations shall be suspended:

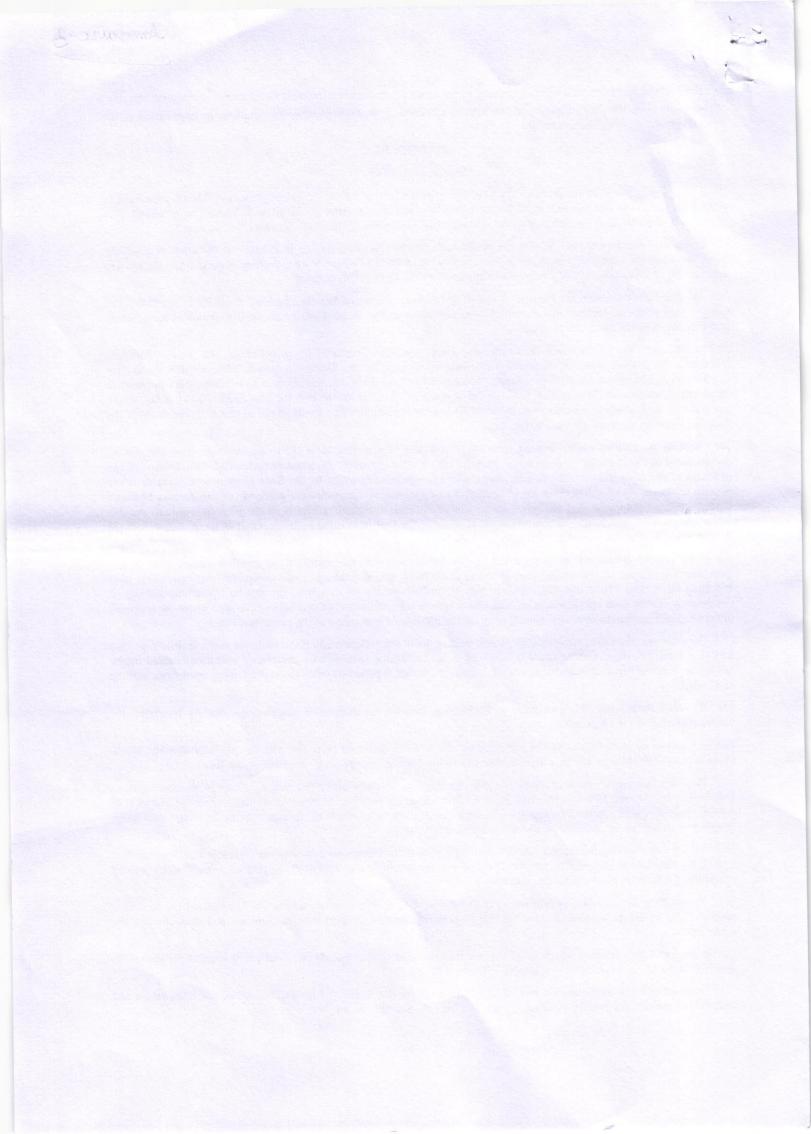
Provided further that the competent authority may revoke the suspension after compliance by rectifying the violation pointed out in this regard.

(3)Every approved mining plan shall be subjected to review and updation in every five years as per provision of sub-rule (1) of rule 17 of the Minerals (Other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016:

Provided that the review and updation of the approved mining plan every five years shall be as per the norms as specified by the Atomic Minerals Directorate for Exploration and Research, in respect of minerals specified in Part B of the First Schedule to the Act, where the grade of such atomic minerals is below the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016.

- (4) The holder of a mining lease shall submit the mining plan to the competent authority for review at least one hundred and eighty days before the expiry of five years period for which it was approved on the last occasion, for mining operations for a period of five subsequent years.
- 12. **Prospecting and mining operations.**—(1) The prospecting and mining operations shall be carried out in such a manner so as to ensure systematic development of mineral deposits, conservation of minerals and protection of the environment.
- (2) The prospecting licence or prospecting licence-cum-mining lease holder shall carry out exploration as per the norms provided in the Minerals (Evidence of Mineral Contents) Rules, 2015:

Provided that the exploration norms shall be specified by the Atomic Minerals Directorate for Exploration and Research, in respect of minerals specified in Part B of the First Schedule to the Act.



Provided that the authorised officer, as the case may be, may require the plans and sections to be prepared on any other suitable scale.

- (3) The authorised officer, as the case may be, may by an order in writing made before the proposed date of abandonment, prohibit abandonment or allow it to be done with such conditions as he may specify in the order.
- (4) The holder of a mining lease shall not abandon a mine unless a final mine closure plan duly approved by the competent authority, is implemented, and for this purpose, the lessee shall be required to obtain a certificate from the authorised officer, as the case may be, to the effect that protective, reclamation and rehabilitation work in accordance with the final mine closure plan or with such modifications as approved by the competent authority have been carried out before abandonment of mine.
- (5) The holder of a mining lease shall continue to be liable to provide the financial assurance and pay for any expenditure over and above the performance security incurred by the State Government towards protective reclamation and rehabilitation measures in the leased area of the mining lease.
- 22. Mine Closure Plan.- (1) Every mine shall have mine closure plans, which shall be of two types; namely:-
 - (i) a progressive mine closure plan; and
 - (ii) a final mine closure plan.
- (3) Every holder of a mining lease shall take steps to prepare mine closure plans as per the guidelines and format given by the Indian Bureau of Mines from time to time:

Provided that where the State Government has set up a system for preparation, certification and monitoring of mining plan pursuant to the proviso to clause (b) of sub-section (2) of section 5, such guidelines and formats shall be prescribed by the State Government:

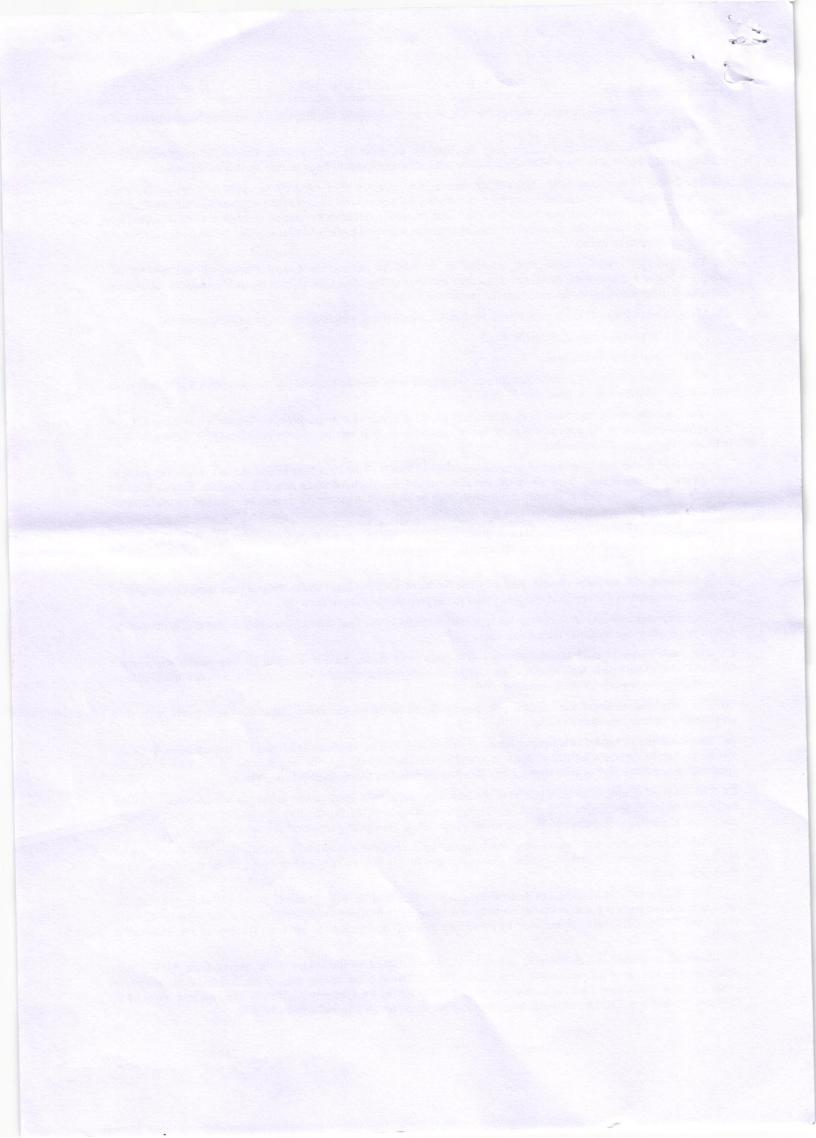
Provided further that in respect of minerals specified in Part B of the First Schedule to the Act, where the grade of such atomic minerals is equal to or above the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016, such guidelines and formats shall be prepared in the format as may be specified by the Director, Atomic Minerals Directorate for Exploration and Research.

- 23. **Submission of progressive mine closure plan.**-The holder of a mining lease shall submit to the competent authority a progressive mine closure plan as a component of the mining plan, at the time of submission, modification and review of the mining plan.
- 24. **Submission of final mine closure plan.-**(1) The holder of a mining lease shall submit a final mine closure plan to the competent authority for approval two years prior to the proposed closure of the mine.
- (3) The competent authority shall convey his approval or refusal of the final mine closure plan within ninety days of the date of its receipt to the holder of the mining lease.
- 25. **The modification of mine closure plan.—**(1) The holder of a mining lease desirous of seeking modifications in the approved mine closure plan, shall submit to the competent authority for approval setting forth the intended modifications and explaining the reasons for such modifications.
- (3) The competent authority may approve the modifications as submitted under clause (1), or approve with such alterations as he may consider expedient.
- 26. **Responsibility of holder of a mining lease.** (1) The holder of a mining lease shall have the responsibility to ensure that the protective measures including reclamation and rehabilitation works have been carried out in accordance with the approved mine closure plan or with such modifications as approved by the competent authority.
- (2) The holder of mining lease shall submit to the competent authority a yearly report as per the format specified by the Indian Bureau of Mines, before 1st day of July every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plan, and if there is any deviation, reasons thereof:

Provided that where the State Government has set up a system for preparation, certification and monitoring of mining plan pursuant to the proviso to clause (b) of sub-section (2) of section 5, such format shall be prescribed by the State Government:

Provided further that in respect of minerals specified in Part B of the First Schedule to the Act where the grade of such atomic minerals is equal to or above the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016, such format shall be prescribed by the Director, Atomic Minerals Directorate for Exploration and Research.

27. **Financial assurance.**—(1) A financial assurance shall be furnished by the holder of the mining lease, for due and proper implementation of the progressive mine closure plan contained in the mining plan or the final mine closure plan, as the case may be, which shall be an amount of three lakh rupees for Category 'A' mines and two lakh rupees for Category 'B' mines, per hectare of the mining lease area put to use for mining and allied activities:



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Range Othorn Koira Forest Range COUNTERSIGNED

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RANISAL SECTION FORESTER

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