



STATE FOREST HEADQUARTERS, ODISHA
 OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF
 PLOT NO.GD-212, ARANYA BHAWAN, CHANDRASEKHARPUR,
 BHUBANESWAR-751023

28 NOV 2025

E-mail: nodal.pccfodisha@gmail.com

To

Letter No.

/9F (MG)-29/2025

Dated, Bhubaneswar, the

November, 2025

To

The Deputy Inspector General of Forests (FC)

Government of India,

Ministry of Environment, Forests & Climate Change (F.C. Division)

Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road

New Delhi-110003

Sub: Proposal for seeking prior approval of Central Government under Section-2(1)(ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 12.565 ha of forest land including safety zone of (1.020 ha) within the mining lease area of 18.00 ha in respect of Bhanjapali Iron Ore Mines under Bonai Forest Division of Sundargarh District by Sri J. N. Patnaik
 (Proposal No.FP/OR/MIN/27247/2017)-reg.

Ref: Letter dated 10.11.2025 of the Assistant Inspector General of Forests, Govt. of India, MoEF& CC, (FC Division), New Delhi.

Sir,

In inviting a reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, MoEF& CC (FC Division), New Delhi have raised EDS dated 10.11.2025 for necessary compliance in respect of diversion of 12.565 ha of forest land including safety zone of (1.020 ha) within the mining lease area of 18.00 ha in respect of Bhanjapali Iron Ore Mines under Bonai Forest Division of Sundargarh District by Sri J. N. Patnaik. The point wise compliance submitted by the Project Proponent is as follows:-

EDS No.(I):- *The State Government has reported violation in the proposal. In this regard, the State Government shall submit the chronological details of violation, including the area broken up during different time periods, action taken by the State against the violation. The State Govt. shall also submit the details of Court Case if any filed with regard to violation or otherwise and present status of Court Case.*

Compliance: In compliance to the above, the chronological details of violation done by the Project Proponent has been provided in **Annexure-1A to 1G**.

Further, the details of court cases are furnished herewith as **Annexure-2A to 2D**.

- That the Project Proponent Sri Jitendra Patnaik has filed misc case No.1.A4/07 against the Divisional Forest Officer, Bonai Forest Division in the Court of Civil Judge (Junior Division) Bonai. The learned Civil Judge issued order that the Misc. Case is disposed of on context against the O.P. That the O.P. is hereby temporary injunctioned from prohibiting the petitioner to continue in his Mining Work i.e. extraction of ore for the mining area. The copy of the order sheet is enclosed as **Annexure-2A**.

- The DFO, Bonai Forest Division has filed appeal in the Hon'ble Court of the District Judge, Sundargarh against the order dated 19.01.2008 passed by the Civil Judge (Junior Division), Bonai in C.M.A No.4 of 2007. Accordingly, the interim stay is granted till appearance of the respondent. The copy of the Court order is enclosed as **Annexure-2B**.
- The Project Proponent filed a case in the Hon'ble High Court of Odisha, Cuttack vide W.P. (C) No.5058 of 2008 challenging the legality of the order dated 14.02.2008 of F.A.O. No.3 of 2008, passed by the learned District Judge, Sundargarh. The writ application has been allowed and order dated 26.03.2008 has been quashed and the appellate authority has been directed to fix an early date of hearing of the appeal and disposed of the same on merits in accordance with law. The copy of the Court order is enclosed as **Annexure-2C**.
- The appeal against the order dated 19.01.2008 passed by the Civil Judge (Junior Division), Bonai in C.M.A No.4/2007 arising out of C.S No.3 of 2007 has been dismissed on context but in the peculiar circumstances of case, without any cost and the imposed order of the lower court dated 19.01.2008 is confirmed by the Hon'ble District Judge on 29th Day of November 2008. The Court order is enclosed as **Annexure-2D**.

EDS No.(2):- *The State Govt. has reported that at the time of execution of lease in 21.04.1997, the entire area of 18 hectors involved in the Mining lease were non forest land, but from 06.06.1998, the leased out plots No 1(p) & 54(p) over 12.565 hectors were declared as DLC forest land by the Forest Dept. based on the report of District level committee. The total forest area of 12.565 hectors land involved within the lease has been reported to be broken-up prior to declaration of the DLC forest and intimation to the Apex court. The State Govt. shall clarify why the proposal for approval for diversion of forest land under Van (Sanrakshan Evam Samvardhan), 1980 has not been submitted since 1998.*

Compliance: In compliance to the above, the Joint field verification was done on 24.02.2007 to ascertain the Kisam of land within the mining lease. DFO, Bonai, instructed to stop mining operations on 01.11.2007 stating that the non-forest land within the ML which has been broken up was DLC forest land.

The legal process contending the Kisam of land and stoppage of mining operations continued till the end of 2008. Nowhere, the Project Proponent was instructed to file forest diversion till 13.08.2010 when Deputy Director of Mines, Koida stopped the mining operations due to want of EC. The copy of the order of DDM, Koida is enclosed as **Annexure-3**.

The EC was granted by SEIAA, BBSR Vide No.3212/SEIAA, dated 14.05.2015 for 05 years wherein there was a condition to file forest diversion for the area for which EC was granted.

Accordingly, forest diversion proposal was filed vide State SL. No.700/14 dt. 30.07.2014 which is still under pipeline for obtaining final approval. The SEIAA letter no. 3212/SEIAA on dated 14.05.2015 is enclosed as **Annexure-3A**.

EDS No.(3):- *The State Government, through Demand Notice dated 02.09.2017, has raised a demand of Rs.123,87,49,199/- for production of minerals in excess of the Environmental Clearance-approved production limits during the period 2000-01 to 2010-11. The State Government shall furnish detailed information regarding this matter. The State Government shall also indicate whether the User Agency has made any payment against the above demand notice. Additionally, details of any related court proceedings, if applicable, shall be submitted by the State Government.*

Compliance: In compliance to the above, the Deputy Director of Mines, Koira Circle vide L.No. 5076 dt.02.09.2017 has demanded Rs.123,87,49,199/- towards price of mineral and the notional value of 1314301 MT of iron ore produced without EC during the period 2000-01 to 2010-11 as per the recommendation of CEC based on the interim order dt.16.05.2014 of Hon'ble Supreme Court in the matter of W.P.(C) No.114/2014 filed by Common Cause Vs. Union of India. The copy is enclosed as **Annexure-4A**.

While granting permission for re-opening of mines, the Deputy Director of Mines, Koira circle vide his order no. 3515 dt.26.07.2018 has clearly mentioned that the lessee has deposited Rs.123,87,49,199/- only being the price thereof towards compensation U/s 21(5) of MMDR Act, 1957 along with the applicable interest of Rs.3,14,63,641/-. The copy is enclosed as **Annexure-4B**.

EDS No.(4):- *It has been reported that the Elephant movement is observed occasionally in the nearby applied area. Therefore, comments of PCCF (Wildlife) and CWLW Odisha on the likely impact of the project on movement of elephant needs to be furnished by the State.*

Compliance: In compliance to the above, the Project Proponent has applied to PCCF(WL), Odisha to for his views on the likely impact of the project on occasional movement of elephant in the nearby applied area of the lease. The copy of the letter is enclosed as **Annexure-5A**. Further, the Project Proponent has furnished an undertaking duly countersigned by DFO, Bonai Forest Division to pay the amount if any that would be demanded on account of wildlife mitigation plan. The undertaking is enclosed as **Annexure-5B**.

EDS No.(5):- *In online Part-II, it has been reported that the proposed forest land is highly vulnerable to erosion. Therefore, State Govt. shall submit the comments along with mitigation measures in this regard.*

Compliance: In compliance to the above, it may be seen that the lease area is very small and almost broken. No mitigation measure can be taken up inside the lease area. However, mitigation plan on the impact area of 10 km radius from the lease boundary shall be prepared and submitted alongwith Stage-I compliance. The user agency has furnished an undertaking duly countersigned by DFO, Bonai Forest Division to prepare the mitigation plan as per the direction of DFO, Bonai & to pay the amount for implementation of the same. The undertaking is enclosed as **Annexure-6**.

EDS No.(6):- The site suitability certificate has been submitted only for 1.00 ha land identified for compensatory afforestation. Further, the two patches proposed for Compensatory Afforestation are less than 5 ha in area. The state shall ensure that compensatory afforestation patches are of appropriate size as per applicable guidelines. The complete details of CA areas including the suitability certificates shall be submitted accordingly.

Compliance: In compliance to the above, the Non-forest Govt. land over 11.586 ha in 02 patches in village Khariabhal, Sianbanal under Koira Tahasil has been allotted by Collector, Sundargarh in favour of the lessee for CA against the proposed 12.565 ha DLC land of Bhanjapalli Iron Ore Mines of J.N Patnaik applied for diversion. The site suitability certificate in respect of two patches jointly signed by Tahasildar, Koira and DFO, Rourkela is enclosed as **Annexure-7A**.

Further, the lessee has provided 1.00 ha non-forest Govt. land in village Khariabhal against the diversion of Safety Zone over 01.020 ha within the mining lease. The site suitability certificate-cum-joint verification certificate duly signed by Tahasildar, Koira and DFO, Rourkela is enclosed as **Annexure-7B**.

The patches selected for CA are adjacent to each other although they come under the ambit of different Revenue Villages. Further, the CA land identified are contiguous to the existing Revenue forest land under Category "Open jungle mainly Sal". It satisfies the extant guidelines for CA land.

The details of the land identified for CA is furnished below:

Sl. No.	Village	Tahasil	Plot No.	Khata No.	Kisam	Area	Remarks
1.	Khariabhal	Koira	426(P)	100(AAA)	Pahad	19.43	Suitable for plantation
2.	Sianbahal	Koira	32(P)	21(AAA)	Dungur	9.20	-Do-
3.	Khariabhal	Koira	426(P)	100(AAA)	Pahad	2.47	-Do-
				Total		31.10 Ac=12.586 ha	

The KML file of the CA land identified has been furnished in shape of **Pen-Drive**.

EDS No.(7):- State Government has not uploaded Cost Benefit analysis as per the Ministry' guidelines and on prescribed format on Parivesh portal. The same needs to be submitted and uploaded on Parivesh portal.

Compliance: In compliance to the above, the cost of the project has been evaluated by DFO, Bonai and benefit of the project has been estimated by the user agency. The cost benefit ratio comes to 1:23. The copy of Cost Benefit analysis is enclosed as **Annexure-8**.

EDS No.(8):- The DSS analysis of the area proposed for diversion and area proposed for CA revealed the following: (a)the component wise details of the proposed project area(both forest and no forest) is not available, the same needs submission.(b)After the analysis of the KML file of the proposed CA land it has been observed that there is an overlap between Khariabhal Patch-1 and Patch-2. In this regard the state shall provide the correct KML files.

Compliance: In compliance to the above, the proposed land use as furnished by the State Govt. vide letter no.FE- DIV-FLD-0022-2025-10F (Cons)-17/2025-29563/FE & CC dated 20.09.2025 is furnished below:

Sl No	Pattern of utilization	Forest in ha	Non-forest in ha	Grand Total in ha
1	Mining and haul road	9.10	2.10	11.20
2	Storing minerals	-	0.423	0.423
3	Dumping of overburden	1.901	-	1.901
4	Infrastructure	0.544	0.305	0.849
5	Magazine	-	0.010	0.010
6	Un disturbed area	-	1.647	1.647
Sub-Total		11.545	4.485	16.030
7	Safety zone along the 7.5mtr Lease boundary	1.020	0.815	1.835
8	Safety zone around the magazine	-	0.135	0.135
Total Safety zone		1.020	0.950	1.970
Grand Total		12.565	5.435	18.00

Further, the CA land in village Khariabhal has been identified in two phases. Both the patches are part of the same plot. The rectified KML file has been furnished in shape of a pen-drive.

EDS No.(9):- *The State Govt. shall submit the MoM of PSC with part-IV as per the provisions of the Guidelines issued dated 25.01.2024.*

Compliance: In compliance to the above, as per guideline of MoEF & CC, GoI on 25.01.2024 to realign the proposal of Parivesh 1.0, it was placed before 79th Project Screening Committee held on 21.11.2025 through virtual mode for processing of the forest diversion proposal and accorded its approval regarding completeness and correctness of the proposal. The MoM of PSC and the Part-IV are enclosed as **Annexure-9**.

EDS No.(10):- *The State Government shall provide details on how the requirements of electricity, water and mineral evacuation will be met for the proposed project, as well as information regarding any additional forest land required for this purpose. Further, the State Government shall also submit the mineral transportation plan and the mineral utilization plan for the proposal.*

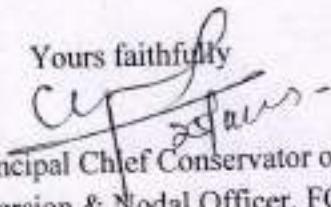
Compliance: In compliance to the above, the Project Proponent intimated that the electric connection has been taken from the Public utility transmission feeder of OPTCL. No further forest land is required for transmission line. To meet the water requirement, permission has been obtained from Central Ground Water Board vide letter no.CGWA/NOC/MIN/REN/1/2024/9495 dt.13.05.2024 to utilize 9 KL water daily. The copy is enclosed as **Annexure-10**.

EC allowed for 0.26 MTPA by SEIAA. As per SOTM, the Project Proponent are entitled to transport the materials by truck from the mines to elsewhere. To meet the requirement of end users, the minerals are being sold inside the State & outside the State.

In view of the above, the compliance to the observations of Government of India, MoEF & CC(FC Division), New Delhi dated 10.11.2025 is sent herewith for favour of kind information and necessary action.

Encl:- Compliance in one set

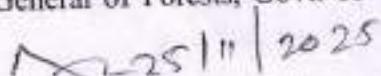
Yours faithfully


Additional Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No.

/ Dt.

Copy forwarded to the Dy. Director General of Forests (Central), MoEF& CC, Regional Office, Bhubaneswar for favour of kind information and necessary action with reference to letter dated 10.11.2025 of the Assistant Inspector General of Forests, Govt. of India, MoEF& CC, (FC Division), New Delhi.


25/11/2025

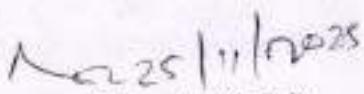
Chief Conservator of Forests (Nodal)

Memo No.

23801

/ Dt. 26-11-2025

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 letter dated 10.11.2025 of the Assistant Inspector General of Forests, Govt. of India, MoEF& CC, (FC Division), New Delhi.


25/11/2025

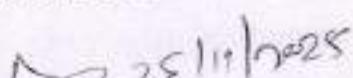
Encl: Compliance in one set

Chief Conservator of Forests (Nodal)

Memo No.

/Dt.

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle for information and necessary action.

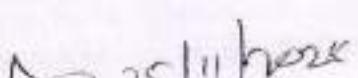

25/11/2025

Chief Conservator of Forests (Nodal)

Memo No.

/Dt.

Copy forwarded to the Divisional Forest Officer, Bonai Forest Division for information and necessary action.

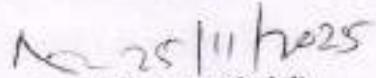

25/11/2025

Chief Conservator of Forests (Nodal)

Memo No.

/Dt.

Copy forwarded to Sri J.N. Patnaik, Mine Owner, Bonaikela, Joda, Dist-Keonjhar-758038 for information.


25/11/2025

Chief Conservator of Forests (Nodal)

J.N. Patnaik**Mine Owner**

Bonaikele, Joda
Dist: Keonjhar (Odisha)
Pin - 758038

Phone 272001, 272101 } Joda
273727, 273700 }
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ANNEXURE-1 Series**DETAILS OF VIOLATION**

1. The mining lease over 18.0 NFL land was granted on 13-12-1996 and the lease deed was executed on 01-04-1997.
2. The land schedule of the ML as on 25-10-1980 was non-forest Govt. land over 13.346 ha and 4.654 ha of non-forest private land. The land schedule furnished by Tahasildar, Koira is enclosed as **Annexure - 1/A**.
3. The Surface right over the ML has been obtained from Collector, Sundargarh vide L.No. 307 dated 20-5-1997 enclosed as **Annexure - 1/B**.
4. After obtaining the surface right, Rs. 13,346/- vide D.D. No. 760642 dated 02-06-1997 has been deposited towards royalty of 56 nos. of trees standing over the ML areato DFO, Bonai on demand. Accordingly, DFO, Bonai has instructed Range Officer, Koira to salvage the trees standing over the ML area. The letter is enclosed as **Annexure - 1/C**.
5. It reveals that no way we have violated the law of the land for taking up mining activities over the leased-out ML area.
6. The mining operation over allowed surface right area in the ML started on 01-6-1997.
7. The Honourable Apex Court of India came up with the judgement on W.P. (C) No. 202/1995 dated 12-12-1996 filed by T.N. GodabarmanVrs. Union of India wherein it was directed to form a State Level Committee to verify the land parcels which do not recorded as forest but sustains forest growth and to submit a list of same to Apex Court of India through affidavit.
8. Basing on the judgement of Apex Court of India, DFO, Bonai issued a notice to Dy. Director of Mines, Koida and to the UA to verify the land status within the ML.

J.N. Patnaik

Mine Owner

Bonaikela, Joda,
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9. Joint verification was done with Mining, Forest and user agency on 22-06-1998 which is enclosed as **Annexure – 1/D**. It is mentioned in the report that the entire leased out non-forest Govt. land over 12.565 ha within ML has been broken.
10. Without our knowledge or without intimating to us, the Forest and Revenue officials decided the leased out non-forest Govt. land within the ML as DLC forest and intimated the same to Hon'ble Apex court of the country.
11. All of a sudden, during February 2007, Dy.D.M. (Mines), Koirala, DFO, Bonai intimated us to verify jointly the non-forest Govt. land over 12.565 ha within the ML which has been reported through affidavit to the Apex Court of India as DLC forest of Plot No. 1/P&54/P. The joint verification has been done on 24/02/2007 which is enclosed as **Annexure – 1/E**.
12. DFO, Bonai vide his Letter No. 4999 dated 01-11-2007 directed us to stop the mining work over the so-called DLC forest land enclosed as **Annexure – 1/F**.
13. The legal proceedings continued from the date of notice of closer of mining operation at different forums like district level courts, High Court, CEC and SEIAA from 2007 till 2015
14. Finding no way, we were compelled to file forest diversion over 12.565 ha DLC forest land including Safety Zone of 1.020 ha during 2014 on offline, once again on Parivesh 02-08-2019.
15. One joint inspection done on 01-05-2023 wherein Revenue, Mining and Forest officials stated that 0.5951 ha Kathamal PRF land is in part and partial of so-called DLC forest land of 12.565 ha. The copy of Joint Verification is enclosed as **Annexure – 1/H**.
16. DFO, Bonai once again inspected the site on 17-09-2023 to submit the part-II, Form-A where in DFO mentioned that 0.5951 ha PRF land has been broken up. It is noteworthy to mention here that from the date of issue of lease till the date of site inspection made on 17.09.2023, we were not informed on record or off-record regarding involvement of any PRF land in the lease. The Copy of Letter No. 7032 dt. 13-9-2023 is enclosed as **Annexure – 1/G**.

J.N. Patnaik

Mine Owner

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17. Basing on the outcome of site inspection dt. 17.09.2023, Range Officer, Koira has booked an OR Case No. 49K of 2025-26 (FIR No. 0067230/2740/908 (B)dt. 14-07-2025) under OFA, 1972 and it is under investigation at the level of Range Officer, Koira.

Annexure-2 Series

DETAILS OF COURT CASES

1. Being aggrieved on the direction of DFO, Bonai dt.01.11.2007 to stop mining operations, we knocked the door of SDJM, Bonai vide Misc. Case No. I.A. 4/2007. The Honourable Court on 19-01-2008 disposed of the case with a direction to continue mining over the land as per lease document executed on 01-04-1997. The copy of this judgment is enclosed as **Annexure-2/A**.
2. The DFO, Bonai filed a revision petition before the District Judge, Sundargarh on the outcome of the judgment of SDJM, Bonai vide F.A. No. 03/2008. The District Judge, Sundargarh made an interim stay on the order of SDJM, Bonai vide order dated 26-03-2008. The judgment is enclosed as **Annexure-2/B**.
3. Being aggrieved on the order of District Judge, Sundargarh dated 26-3-2008, we preferred to file a Case No. W.P. (C) No. 5058/2008 before the Honourable High Court of Orissa. The Honourable High Court passed a judgement on 08-04-2008 wherein the High court quashed the order of District Judge, Sundargarh passed on 26-3-2008 and appellate authority was directed to fix an early date of hearing of the appeal and dispose the same on merit. The copy of W.P. (C) No. 5058/2008 is enclosed as **Annexure-2/C**.
4. The appeal against the order dated 19-1-2008 passed by the Civil Judge (Jr. Division), Bonai in C.M.A. No. 4/2007 arising out of C.S. No.3 of 2007 once again re-trialled by the District Judge, Sundargarh as per the direction of Honourable High Court of Odisha. The judgment in said Appeal case was passed on 29-11-2008 wherein Court has held the injunction order of civil judge (Jr. Division), Bonai passed on 19-01-2008 declaring it as

J.N. Patnaik

Mine Owner

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right. No infirmity or illegality is noticed in the impugned order of Civil Judge(Jr. Division) Bonai. Thus, dismissed the appeal filed by DFO, Bonai and confirmed the order dated 19-1-2008 of Civil Judge (Jr. Division), Bonai. The copy is enclosed as **Annexure-2/D**.

5. On the outcome of the judgement of District Judge, Sundargarh, the mining operation once again started and continued over the surface right land of the ML till 13-08-2010. The Dy. D.M, Koirala vide D.O. No. 20264 dt. 13-8-2010 issued notice to suspend mining activities due to want of EC which is enclosed as **Annexure-2/E**.
6. After almost 28 years of grant of mining lease, Range Officer, Koida has booked a forest case bearing No. 49^k of 2025-26 (FIR No. 0067230/2740/908(B) dt. 14-7-2025) under OFA-1972 for breaking of 0.5951 ha Kathapad PRF land which is part and partial of 12.565 ha so-called DLC forest land for which diversion has been filed during 2014 & it is under process since then. The case is under investigation at the level of Range Officer, Koirala.

Annexure - 1A

OFFICE OF THE TEHSILDAR: KOIDA

Ph/Fax-06625-235380, E-mail: tah.koida-od@nic.in

No. 970 /Date 16/10/2019/

To

The Manager,
Bhanjapali Iron Mines,
J.N. Patnaik, Koirā

Sub: Information of status of land involved in the ML area as on 25.10.1980 in respect of Bhanjapali Iron Mines, Koirā, Sundargarh over an area of 18.000 hecta.

Ref: Your Letter No. 106 dated. 26.08.2019.

Sir,

With reference to the letter on the subject cited above As per verification report of Revenue Supervisor, Koirā I am to say that the classification of land involved in M.L area in respect of Bhanjapali Iron Mines, Koirā, Sundargarh over an area of 18.000 hecta is same as the land schedule as on 25.10.1980 for favour of kind information and necessary action.However the Land Schedule is enclosed herewith.

Encl: As above

Yours faithfully

Tehsildar, Koirā

16/10/19

LAND SCHEDULE FOR THE GRANTED M.L. AREA OVER 44.48 ACRES OR 18.00 HECTERS FOR IRON ORE IN VILLAGE -
BHANJAPALL AND KOIRAL UNDER BONAI SUB-DIVISION BY Shri Birendra Nath Patwari

Sl No	Khata No	Plot No	Name of the Tenants	Nature of land	Area in Acres	Remarks
1	3	73	Santa Behru, Beni, Kathia, Baugali, S/o - Khegrewar Behru & Others	Gharburi	0.24	2nd column changed vide Mat. Case No. 61/133
2	3	74	Do-	Godu - II	0.88	new khata no 43/99
3	3	75	Do-	Do-	0.090	new khata no 43/99
4	5	37/P	Kashi Choudhury & Ram Choudhury, S/o - Arjan Choudhury & Others	Beru Sardarun	0.20	Do
5	5	40/P	Do-	Bahad Sardarun	0.30	full area 1.75
6	8	82	Ganga Munda, S/o-Tamit	Gharburi	0.83	
7	8	83	Do-	Gharburi	0.10	
8	9	84	Gulmu Munda, S/o-Ganga	Godu II	0.10	
9	9	85	Do-	Gharburi	0.05	
10	10	58	Gopal Naik, S/o - Basir & Others	Do-	0.14	
11	10	89	Do-	Do-	0.38	
12	13	56	Gobardhan Debury & Gopal Debury, S/o - Bhakta Debury	Do-	0.29	new khata no 43/62
13	13	57	Do-	Do-	0.089	new khata no 43/62
14	13	63	Do-	Godu II	0.31	new khata no 43/62
15	14	36	Omilia Choudhury & Others, S/o-Sura Choudhury	Bahad Sardarun	0.27	full area 1.18
16	16	13/P	Jira Naik, W/o - Kishore Naik, Bari Naik, S/o - Maghu Naik	Mal Sardarun	0.18	full area 0.74
17	16	38/P	Do-	Bahad Sardarun	0.30	full area 1.65
18	16	52/P	Do-	Godu II	0.35	full area 1.38
19	16	79	Do-	Do-	0.47	
20	17	67	Jitna Naik, W/o - Kengheria	Gharburi	0.23	
21	17	68	Do-	Do-	0.04	
22	19	94	Bima Munda, S/o - Laxmin	Godu II	0.30	
23	20	87	Bisusha Munda, S/o - Shukra & Others	Do-	0.64	new khata no 43/62
24	21	108	Hemanta Debury & Others	Gharburi	0.06	full area 0.06
25	24	93/P	Parthika Debury, S/o - Santia Debury	Godu I	0.56	full area 0.57
26	32	66	Ajay Kumar Naik & Others	Gharburi	0.11	
27	32	61	Do-	Do-	0.11	
28	32	64/P	Do-	Do-	0.06	full area 0.39
29	32	74	Do-	Do-	0.16	
30	33	106/P	Latman Naik, S/o - Bhakta Naik	Do-	0.03	full area 0.08
31	33	107/P	Do-	Do-	0.11	full area 0.32

Dr. L. N.
[Signature]

Revenue Supervisor
KOIRA

32	33	80	Sidra Patra, S/o - Mendha Patra	140-	0.00	full plot purchased vide契契 No.503/95.Kh.No.43/21 by Malli- munda S/o
33	34	81	-Do-	140-	0.41	do
34	39	70	Benulier Debury & Others	Ghazabari	0.10	full plot purchased vide契契 No.764/03.Kh.No.43/19 by J.N. Debury
35	39	71	-Do-	140-	0.41	new khata no.43/20
36	40	63	Harishchandra, S/o - Debnandan Sahoo	140-	0.06	full plot purchased vide契契 No.200/92.Kh.no.43/18 by jasanti Sahoo
37	40	73	-Do-	140-	0.21	do
38	42	162	Kamalendu Keshari Ch. Deo Dev, S/o - Bharanikhar Deo Dev.	Ghazabari	0.06	full plot purchased vide契契 No.180/97 khata No.43/22 by Ranesh Ch. Deo
39	42	163/p	-Do-	Gadhi - H	0.07	do
40	43/3	90/p	Rajendra Patra, S/o - Jothibira Patra	Gadhi - H	0.38	full area 0.41
41	43/2	91/p	-Do-	140-	0.46	full area 0.56
42	44	433/p	846H	Baitijugya	0.10	no plot bearing 433 in khata no.43
43	45	86	Abud Jagya Kachadi	Gadhi - H	1.58	Enclosed by Asadhu Munda 5/3 Ruti Munda, Geste- Munda, V/S- Bilagam, year-1960
44	46	87/p	-Do-	140-	0.43	Enclosed by Dhang Munda et per plot no.88
45	47	1/p	Abud Jagya Kachadi	Dungell	0.75	full area 0.80
46	47	54/p	-Do-	140-	22.1	full area 46.32

Ch
[Signature]

Revenue Inspector
KORA

Annexure - 1B

IN PURSUANCE of Office Order No. 307 dtd.
 20.5.97 of Collector, Sundargarh, I, Shri Srinivas Sethy,
 Deputy Director of Mines, Koida, do hereby hand over ^{or 13.364} ~~13.364~~ ~~Lectars~~
 possession of land over an area of 33.03 Acres ^{or 13.364} ~~13.364~~ ~~Lectars~~ ~~per land~~
 schedule given below granted under surface right to Shri
 J. N. Pattnaik within the Mining Lease hold area over
 44.48 Acres or 18.00 hectares in village- Shanjapali under
 Bonai Sub-division of Sundargarh district, on this day
 the 06th June, 1997 for surface operation to Shri J. N.
 Pattnaik, lessee. The lessee should observe the terms and
 condition of the order of the Collector, Sundargarh before
 taking mining operation of the granted surface right area.

LAND SCHEDULE			
Village.	Khata No.	Plot No.	Name of the tenants. / Nature of land./acres.
Shanjapali.	47	1/p	Abed Ajogya Dungri. 8.75 Anabadi.
do	47	54/p	do 22.30
do	46	66	do Goda II. 1.58
do	46	87/p	do Gharbari. 0.40
			Total :- 33.03 Acres.

HANDED OVER ^{13.364 Lectars}

TAKEN OVER

(J. N. PATTHNAIK)
LESSEE.

(Srinivas Sethy.)
DEPUTY DIRECTOR OF MINES
KOIDA.

In the presence of :-

1. *Subodh Kumar*
2. *Amresh Kumar*
3. *Ramkrishna Pattnaik*

DIVISIONAL FOREST OFFICE: BONAI.

Memo No. _____ /6F-dt. _____

To

The Range Forest Officer,
Koirala Range.

M.J. Patnaik
Sd/-

Mining operation over the granted surface right area of 33.03 acres within the granted n.L. area of 44.48 acres of 16.00 ha. for iron ore in village Shanjpait of Sri J.N. Patnaik.

Ref:-

This office Memo No. 3261(2) dt. 30.5.97.

Sri J.N. Patnaik of Soniikela (Joda) has deposited the royalty of 56 trees of Rs. 13,346.00 vide D. Draft No. 750642 dt. 2.6.97. Hence, you should take up departmental salvation of these trees and give delivery of the materials to UFFC Ltd and report compliance at an early date.

In the mean time, the lessee may be allowed to take up mining within 33.03 acres in blank areas only until further orders.

Sd/-
Divisional Forest Officer,
Bonai Division.

Memo No. _____ /6F-dt. _____
Copy forwarded to the Range Forest Officer, Rly.
a mines, Baraun for information & necessary action in
continuation of this office Memo No. 3261(2) dt. 30.5.97.

Sd/-
Divisional Forest Officer,
Bonai Division.

Memo No. 3998 /6F-dt. 3.7.97
Copy forwarded to Sri J.N. Patnaik, Mines owner,
Soniikela (Joda) for information and necessary action.

Sd/-
Divisional Forest Officer,
Bonai Division.

Memo No. _____ /6F-dt.
Copy forwarded to the Deputy Director of Mines,
Koirala for information and necessary action with reference
to his letter No. 2972 dt. 9.6.97.

Sd/-
Divisional Forest Officer,
Bonai Division.

Acharyya/-

5

OFFICE OF THE DEPUTY DIRECTOR OF MINES, KOLKA, SUNDARBAN.

No. _____ / Mines, dt.

From: The Deputy Director of Mines,
Kolka.To: The Divisional Forest Officer,
Bonal Division.Subj: Mining Lease for iron ore over an area of 44.40
Acres or 18.00 hecta in village- Manjapali under
Bonal Subdivision of Sundergarh district of Sri
J.N.Patnaik.Ref: Your letter No. 2760/67 dt. 15.4.95 and
No. 3505 /67 dt. 6.6.95.

Sir,

With reference to the subject cited above, I am to say
that verification of brokenup non-forest land within the above mining
lease of Sri J.N.Patnaik was conducted jointly by Sr. Surveyor of this
office, Forest Range Officer, Kolka and the lessee. According to the
said joint verification the extent of brokenup non-forest land plotted
are given below.

Village	Shastri No.	Plot No.	Name	Area broken	Area non-broken
Manjapali	47	1/p	Bangri	8.75 Acre	1.16 Acre
	dc	54/p	ds	22.50 "	3.11 "
				Total:-	31.05 Acres.
				Or 12.565 Hecta	

I enclose a statement showing brokenup non-forest land
as explained above duly signed by Sr. Surveyor of this office, Forest
Range Officer, Kolka and the lessee duly countersigned by the
undersigned are supplied herewith for necessary action at your end.

Yours faithfully,

Singh: As above.

Deputy Director of Mines,
Kolka.

No. 3486 / Mines, dt. 22.6.95
Copy to Sri J. N. Patnaik, lessee for information and
necessary action.

Deputy Director of Mines,
Kolka.

Joint Verification Of The Forest & Non-forest Areas in Respect Of The
 Lease Hold Area Over 18.000 Hectares or 44.480 Acres in Village
Bhanjapall Of M/S J.N. Patnaik

1. Date of Joint verification : 24/02/07
2. Date of execution : 01/04/97 for 30 years
3. Date of expiry : 31/03/2027
4. Date of R.M.L. Application : N.A.
5. Area : 44.48 Acres or 18.000 Hectares
6. Mineral : Iron Ore
7. The leasehold area consists of M.L. (as per R.M.L. Application)
 - a) Forest Land
 - i) P.R.F. NIL Hectares or NIL Acres
 - ii) K.F. NIL Hectares or NIL Acres
 - iii) D.L.C. 12.565 Hectares or 31.05 Acres
 Total 12.565 Hectares or 31.05 Acres
 - b) Non-forest Land 5.435 Hectares or 13.43 Acres
 - Grand Total 18.000 Hectares or 44.48 Acres
8. Total Surface right Area 13.366 Hectares or 33.03 Acres granted vide
 Collector letter No 308, Date 20/05/97.
9. Broken up Land :
 - a) P.R.F. NIL Hectares or NIL Acres
 - b) K.F. NIL Hectares or NIL Acres
 - c) D.L.C. 12.565 Hectares or 31.05 Acres
 - d) Non-forest 0.801 Hectares or 1.98 Acres
 Total 13.366 Hectares or 33.03 Acres
 Plot no 1254

10. Date of joint verification of the broken up land : 22/06/98

11. D.R.P. applied over NIL Hectares or NIL Acres

12. Date of submission of D.R.P. : NIL

13. D.R.P. approved over NIL out of NIL total forest area over NIL

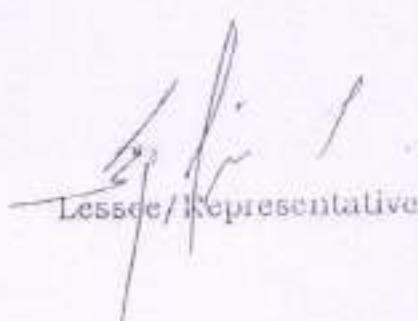
14. D.R.P. approved vide letter No. NIL

15. Whether pucca pillars erected around :

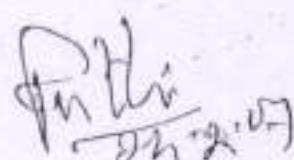
- a) Lease Boundary : YES
- b) S/R Boundary : YES
- c) Forest Land, Non-Forest Land : NO

16. Remarks

The mining was in progress at the time of joint verification of plot no. 1 & 54 at the time of joint verification on 24.02.07.


Lessee/Representative


Forester/Range Officer
Koira/Minamati Office
Koira Range


Sr. Surveyor
O/o Deputy Director of Mines
Koira

(1) (7) Annexure-1-F
Annexure-1
OFFICE OF THE DIVISIONAL FOREST OFFICER, BONAI DIVISION
Ph/Fax-06625-244434 Email: dfo_bonai@sanchamet.in
No. 1999 /DF-D. 11-07

To

Sri J.N. Patnaik, Mine Owner,
Banaikela(Joda), Dist. - Keonjhar

Sub: Joint verification of Bhanjpali Iron Mines
of Sri J.N. Patnaik, Joda

Sir,

With reference to the above noted subject, you are requested to submit a Map in Revenue Sheet showing Plot details of 1) the forest land legal status wise, 2) the non-forest land, 3) broken forest land, and 4) the surface right area authenticated by the Tehsildar, Bonai. Further, you are requested to stop working in the DLC area which has been pointed out during joint verification by Forest & Mining Official on 24.2.2007.

Further, you are requested to post Pillars differentiating the forest & non-forest area.

Yours faithfully,

S/—
Divisional Forest Officer,
Bonai Division.

Memo No. 5000 /6F-Dt. 11-07

Copy forwarded to the Range Officer, Koirala Range for information and necessary action.

S/—
Divisional Forest Officer,
Bonai Division.

Memo No. 5001 /6F-Dt. 11-07

Copy forwarded to the Tehsildar, Bonai for information and necessary action.

S/—
Divisional Forest Officer,
Bonai Division.

Annexure-1-G

By E-mail



ବନଖଣ୍ଡ ଅଧ୍ୟକାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟ : ବଣାଇଁ ବନଖଣ୍ଡ

OFFICE OF THE DIVISIONAL FOREST OFFICER: BONAI FOREST DIVISION

Phone 06626-244454 E-mail- dfo_bonai@odisha.gov.in

No 7032 /6F-(Mg) Dt: 13 - 07 2023

To:

Sri J.N. Patnaik, Mine Owner,
Bonaikela, Joda, Dist-Konjhar-758038.

Sub :- Proposal for diversion of 12.565 ha. of forest land including Safety Zone (1.020 ha.) in Bhanjapali Iron Ore Mines under Bonai Forest Division of Sundargarh District by Sri J.N. Patnaik

X-Sub:- Regarding Site Inspection of Project area.

Ref:- Proposal No.FP/OR/MIN/27247/2017 (State Sl. No OR-08/2018 dt.2.8.2019.

Sir

With reference to said subject, it is to inform that the Site Inspection of the undersigned to the above said project site is fixed on 17.09.2023 at 3:00 PM. Hence you are requested to be present at the time of inspection at the Project site with relevant documents and Maps.

Yours faithfully,

Divisional Forest Officer
Bonai Division

Memo No. 7033 /6F-Dt: 13.09.2023

Copy forwarded to the Asst. Conservator of Forests, Bonai Forest Division for information and necessary action.

Divisional Forest Officer
Bonai Division

Memo No. 7034 /6F-Dt: 13.09.2023

Copy forwarded to the Range Officer, Koirala Range for information and necessary action. He is instructed to be present during inspection of the above Project on the date with all documents and Maps.

Divisional Forest Officer
Bonai Division

Joint verification of the Forest & Non-Forest Areas in respect of the Lease hold Area over
18.000 Ha. or 44.480 Acres in Village Bhanjpali of M/s J.N. Pattnaik

1 Date of Joint Verification Dt. 01.05.2023

2 Date of Execution 01/04/1997 for 30 Years

3 Date of Expiry 31.03.2027

4 Area 44.48 Acres of 18.00 Ha.

5 Mineral Iron Ore

6 The leasehold area consists of M.L.

a Forest land

I	PRF	0.595 Ha.	Or	1.470 Acre
II	K.F.	Nil		Nil
III	DLC	11.970 Ha.		29.58 Acre
	Total	12.565 Ha.		31.05 Acre

b Non Forest land 5.435 Ha. 13.43 Acre

Grand Total 18.000 Ha. 44.48 Acre

7 Total Surface Right Area 13.366 Ha. or 33.03 Acres granted vide Collector Letter No. 308 Date 20.05.1997

8 Broken up Land

a PRF

b K.F.

c DLC

d Non-Forest

Total

9 Date of Joint Verification of the broken up land 22.06.1998
[Plot No. 1(p) & 57(p) | The total Area 31.05 Acre is broken up]

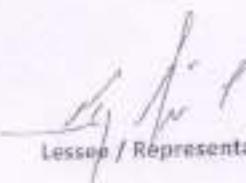
10 Date of Joint Verification and finding of PRF Area 26.07.2021

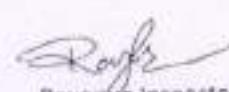
11 Remarks

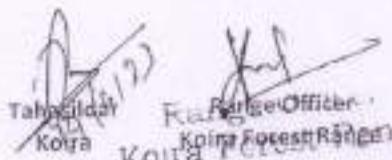
1 Encroachment of Forest Land During Joint verification of the above said lease on Dt.01.05.2023, It was found that the user agency has worked in side the PRF area 0.5951 ha. without prior approval. Which is a violation as F.C. Act. 1980.

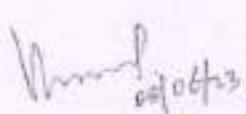
2. Mining beyond the permitted area
partial doings have been made on plot no. 01, 53, 55, 66 & 68(88)
by the lessee which are coming outside the lease area.

3. Any other Violation

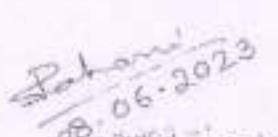

Lessor / Representative


Revenue Inspector
Koira Tahasil


Tahsildar
Koira
Range Officer
Koira Forest Range


Jr. Mining Officer
Office of the DDM, Koira


Deputy Director Of Mines
Koira Circle, Koira


Old Deputy Director
Jr. Mining
Koira Circle, Koira
Dist. - Sundargarh

In the court C.S.T.D. Bargarh

CS 3/07

and before the same Petition



Misc. Case No. 1.A.4/07

19.1.08 Sri Jitendra Patnaik, aged about 53 years,
s/o Late Bansidhar Patnaik, At/PO:-Baneikela,
P.S:-Joda, Dist:-Keonjhar, Munsifi:-Barbil.

...Petitioner

-Vrs-

Divisional Forest Officer, Bonai, At/PO/PS:-
Bonaigarh, Dist:-Sundargarh, Munsifi:-Bonai.

... O.P.

The learned counsel for the petitioner
and learned counsel for the O.P. have filed
lawyers hazira. T:

The petitioner (the plaintiff) has filed
this interim application U/G 39 Rule 1 and 2
read with Sec. 151 C.P.C. seeking temporary
injunction against the O.P. (Deft. No. 6 of the
suit) till disposal of the suit.

The brief facts of the case run thus:-

- That the plaintiff/petitioner has taken
lease over an area of Ac. 44.480 decs.
from villages Bhanjapali & Koira under Bonai
Sub-Division for extraction of iron ores. This
lease area consists of part & full plots of
46 plots which has been described in details
in the mining lease deed executed on 1.4.97
between the plaintiff and the Collector, Sundar-
garh, on behalf of Govt. of Orissa. Out of the
said 46 plots, 51 Nos. 45 & 46 relate to Khata
No. 47 of village Bhanjapali consisting of plot
Nos. 1 & 54 which are having areas Ac. 44.640 decs.



and Ac. 46.990 decs respectively. But out of these two full plots, the plaintiff/petitioner has got lease of part plots i.e. Ac. 8.75 decs. from plot No.1 and Ac. 22.30 decs. from Plot No. 54. Thus, from these two plots, the plaintiff/petitioner has taken lease of total Ac.31.05 decs.

It is averred that, after execution of lease deed, the Forest Ranger verified the area and submitted report No.189 dt. 28.2.97 to the D.F.O., Bonai Division stating that "he inspected the lease area granted to J.N.Patnaik (i.e. the petitioner) and found that THERE WAS NO FOREST LAND WITHIN THE LEASE HOLD AREA of the petitioner". Also the Tehsildar, Bonai, gave a report vide letter No.1439 dt. 28.4.97 to the Collector, Sundergarh stating that "the area applied for surface operation are being JUNDURI PARANDA AND GUARDARI KISAM AND COVERED IN ABADAJOGIA ANABADI KHATTA NO.46, PLOT NO.89/p" and there is no objection from revenue point of view to grant permission for surface operation over the area". Thereafter, the Collector, Sundergarh by his memo No.308 dt. 20.5.97 accorded permission to the petitioner for operation of mining over these part plots of No. 1 & No.54. Thereafter the Dy. Director of Mines visited the spot and as per his letter No. 2671/Mines dt. 27.5.97 and document dt. 6.6.97 handed over surface right over the above said plots to the petitioner for operation of work. The Dy. Director of Mines also intimated this fact of accordaning permission to the petitioner to the D.F.O., Bonai Division by letter No.3485 dt. 22.6.98. With reference to letter No.2360/6 F dt. 18.4.98 and No. 3305/6 F dt. 6.6.98 of the D.F.O., Bonai. The letter of Dy. Director of Mines reveals that MAP AND STATEMENT SHOWING BROKEN OF NON FOREST LAND IN RESPECT OF THE CASE LAND have been supplied to the

D.F.O., Bonai Division. This indicates that the D.F.O., Bonai was all along remaining in touch about the lease of land to the petitioner as well as about operation and areas of disputed land.

It is in the above premises, the petitioner being legally empowered by proper documents & having taken possession, started digging the ores and continued the work all along peacefully without any interruption or disturbance from any quarter whatsoever.

However, it is alleged by the petitioner that the O.P. without any rhyme or reason has issued letter No. 4999 dt. 1.11.07 to the petitioner and has demanded the petitioner to comply certain things which the petitioner is not bound by law to comply. Further it is alleged that the O.P. has also directed the petitioner to stop working in the District Level Committee (D.L.C) area which has been pointed out during joint verification by Forest & Mining officials on 24.2.07. Also, the O.P. has instructed the petitioner to post pillars differentiating the forest and non-forest area.

It is averred that, the above being the position, the petitioner has been put to unnecessary harassment and his work is being seized unduly for which he is sustaining heavy loss towards electric, labour and machinery charges daily. Hence the petitioner filed this case seeking the reliefs already stated above.

The O.P. has filed its objection and was averred as follows :-

That the case of the petitioner is false, vague, frivolous and that the petitioner is required to prove that the allotted land is non-forest land.

That the Apex court while deciding the Writ Petition (C) No. 202/95 have directed all the State Governments including State of Orissa for constituting a District Level Committee (DLC) for identification of forest land. The District Level Committee for Sundargarh district was constituted under the Chairmanship of District Collector and the D.L.C. report was prepared in terms of the order dt. 12.12.96 in W.P. No. 202/95. The suit lands were found with sizeable forest growth and as such the same was treated as forest land. In view of the above, the D.L.C. report averred that the joint verification report dtd. 4.6.98 made in presence of the petitioner was communicated vide letter No. 3485 dt. 22.6.98 of the Dy. Director of Mines (Deft. No. 3) that the lease hold area is having forest growth. This being the position, as the D.L.C. found forest growth over the lease hold area, therefore the O.P. asked the petitioner to stop work relying on the rulings dt. 12.12.96 of the abovesaid writ petition.

Further it is stated that the petitioner was carrying on mining operation without prior permission of the Central Government as required u/s 2 of the Forest Conservation Act, 1980.

On the whole, it is stated that, in view of the facts and circumstances stated above, the O.P. was obliged to direct the petitioner to stop excavation and should demarcate area and the direction given by the O.P. is just & right. Hence it is stated that the injunction petition is liable to be dismissed as meriteless and baseless with costs.

3. The points for determination are:-
1) Whether the petitioner has got a prima facie case or not ?

ii) In whose favour the balance of convenience lies in this case?

iii) Whether petitioner will suffer irreparable loss if temporary injunction is not granted?

4. The documents which have been referred to above and discussed in details go to show that the petitioner is legally entitled to extract iron ores from 46 plots which includes part of plot No.1 and part of Plot No.54 under Khata No.47 of Govt. land of Bhanjapali village vide mining lease executed on 1.4.97 between the petitioner and the Collector of Sundargarh on behalf of Govt. of Orissa. Not only the lease deed was executed but also the Dy. Director of Mines visited the spot and handedover possession of the lease hold land to the petitioner on 6.6.97. This fact was intimated by the Dy. Director of Mines to the D.F.O (O.P.) on 22.6.98. The Range Officer also earlier on 28.2.97 had intimated to D.F.O., Bonai that the lease area does not include forest land. All the above facts leads to clear, cogent and unconvincing proof that the petitioner is legally entitled to extract iron ores from the lease hold areas. In para-2 of the objection, the O.P. has also referred to above said letter No.3485 dt. 22.6.98 of Deft No.3 (DDM) and has also stated that the defendant intimated that the lease hold area is having forest growth. Perusal of the above said letter reveals that the case land was non-forest land and not forest land. Thus, it is found that the O.P. has wrongly written its objection that the Deft. No.3 (DDM) intimated that the case land contained forest growth. Once forest growth is found, the judgment of Hon'ble Apex Court will come to operation and the District Level Committee would come to action and question of forest conservation Act would come to play. When, in joint verification letter No. 3485/Mines dt. 22.6.98,

it is specifically written that intimation is given to the Divisional Forest Officer (O.P.) about EXTENT OF BROKEN & NONFOREST LAND, it is strange to note that the O.P. is fighting tooth and nail to show that the above letter stated that the lease hold area is having forest growth. Thus, the stand taken by the O.P. has been falsified from the document itself referred to by him. Moreover, the Collector is the Chairman of the D.L.C. for Sundargarh District and he is the representative of the Govt. of the State to represent case matters and also he is a signatory to the lease on behalf of the Govt. but no action has been initiated by him. Thus the petitioner has got a strong and prima-facie case in his favour.

4.1. The petitioner would suffer a heavy loss if his work is stopped. He would suffer daily loss towards labours, electric and machinery charges which amounts to Rupees one crore per month approximately as estimated by the petitioner. This being the position, if ultimately it would be found that petitioner work should not have been stopped and he should have continued with work, then the petitioner would undoubtedly sustain a great loss. Of course, it is a monetary loss but the loss being so heavy, it can be treated as an irreparable loss. Thus it is held that ~~petitior~~ the petitioner would suffer from irreparable loss if temporary injunction would not be granted in his favour. If O.P. or Govt. will sustain any loss, that can be realized from the petitioner.

4.2. The petitioner has taken 46 plots on lease and has been extracting ore from those plots since 1998 peacefully and uninterruptedly. The boundary area of lease plots has been described at pages 4 & 5 of the lease deed dtd. 1.4.97. In the Letter no. 3485 dt. 22.6.98 of

10

D.D.M. relied on by the O.P., the map of the case land has been given. Moreover, though part plots are there, the boundary has been given for proper identification of the lease area, the lease area has been also given possession to the petitioner. If the O.P. is finding that the petitioner has extended his extraction work beyond the leased area, then he has every right to direct the petitioner to stop his work. For this purpose, the O.P. if so likes, can verify the same provided to him by the D.D.M. Without doing so, directing the petitioner to stop work from within lease hold area would amount to flouting the agreement executed by the government. The petitioner cannot be stopped by the O.P. from executing his work i.e. extraction of iron ore from the lease hold land. This concludes that the balance convenience is in favour of the petitioner not in favour of the O.P.

Hence the order

◎ 人物志

That the Misc. case (I.A.No.4) is disposed of on contest against the O.P. but in the circumstances without costs. That the O.P. is hereby temporarily injunction from prohibiting the petitioner to continue in his(petitioner) mining work i.e. extraction of ore from the mining area as per lease document executed on 1.4.97 between the petitioner and the Collector, Sundargarh on behalf of Government of Orissa. This order stands valid till disposal of the suit or as per order of the Appellate court if any appeal is filed against this order. It is out and out made clear that the petitioner cannot extend his area of operation of extraction of iron ore beyond the leased area.

Dictated & corrected by me.

CHIPS TO BE A FORT

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FORM OF ORDER SHEET

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Blindfold versus Off-the-Cube Versus

Jitendra Nath Pattnaik

33 [14.2.2005]

This appeal is directed against the order dated 19.1.2008 passed by the learned Civil Judge (Sr. Division), Bonai in C.M.A. No. 4 of 2007 under Order 39, Rule 1 and 2 C.P.C. read with Section 151 C.P.C. arising out of C.S. No. 3 of 2

Serial number	Date of order or proceeding	Order with Signature of the Court	Office action taken with date
1	2	3	4
		<p style="text-align: center;">-2-</p> <p>temporarily injuncting the appellant, from prohibiting the respondent to continue his mining work i.e. extraction of iron ore from the mining area as per lease agreement executed on 1.4.97, between the respondent and the Collector, Sundergarh on behalf of the Government of Odisha.</p> <p>2) Admittedly on 1.4.97, a lease has been granted in favour of the respondent by virtue of a lease agreement executed between him and the Collector, Sundergarh on behalf of the Government, in respect of <u>Ac. 44.48 decimals of lands belonging to Forest Department situated at village Bhanjapali and Keira under Bonda sub-division for extraction of iron ore which includes 46 plots including part of Plot No. 1 measuring Ac. 8.75 decimals and part of plot No. 54 measuring Ac. 72.33 decimals of Khata No. 87</u></p>	

Serial number	Date of order or proceeding	Order with Signature of the Court	Office action taken with date
1	2	3	4
		<p>3 of village Bhanjapali. In course of adjudication of the Writ petition (Civil) No.202 of 1995 alongwith Writ petition (Civil) No.171 of 1996, copy of which is filed vide Annexure-1 Their Lordships of the Supreme Court issued general direction to all the State Government vide order dated 12.12.96 to constitute a Expert Committee for identification of different kinds of various lands. Accordingly, it is alleged that the a District Level committee headed by Collector as the Chairman, Divisional Forest Officer, Soil Conservation Officer, Asst. Director Sericulture and Tahsildar was formed for identification of forest lands and during their inspection part of Plot No.1 measuring area Ac.8.75 dec and part of Plot No.54 measuring an area 0.22.30 dec in Khata No.47 of village Bhanjapali was identified as</p>	

Serial number	Date of order or proceeding	Order with Signature of the Court	Office action taken with date, if any
1	2	3	4
		<p>having forest growth.</p> <p>3) The Forest Conservation Act, 1980 came into force with effect from 25.10.1980. Their Lordships of the Apex Court in <u>T.N. Godavaram Thirumukpad Vrs. Union of India and others, AIR 1997 S.C. 1228</u> held that the provisions of Forest Conservation Act, 1980 must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'forest' covers all statutorily recognised forest, whether it is designated reserved, protected or otherwise for the purpose of 2(1) of the Forest (Conservation) Act. It is therefore, obvious that prior ^{approach} of the Central Government is required to any non-forest activity within the area of any 'forest' and all activities within any forest in any state through out the country, without the approval of the Central Government.</p>	

Serial number	Date of order or proceeding	Order with Signature of the Court	Office action taken with date
1	2	3	4
		<p style="text-align: center;">-5-</p> <p>must cease forthwith.</p> <p>4) In an earlier judgment in State of Bihar Vrs. Banshi Ram Modi and others, A.I.R. 1983 SC 814 have held that the forest area which has been cleared by way of carrying out mining operation prior to the coming into force of the Forest (Conservation) Act, 1980 shall not be considered as forest.</p> <p>5) Analysing the ratio decided by Their Lordships of the Apex Court, the Hon'ble Court in <u>Suresh Chandra Padhre Vrs. State of Orissa and others</u> 2004 (1) OLR- 513 have held that the mining operation cannot be continued over which no compensation had carried on prior to the promulgation of the Forest (Conservation) Act, 1980 (virgin forest), and that the mining operation can be allowed to continue in respect of the mining area which was taken up prior to 25.10.1980 when</p>	

ORDER-SHEET FOR MAGISTRATE'S RECORDS—Concl.

Serial No. of order	Date of order	Order with initials of the Magistrate	Office note as to action taken on order (if any) and date
1	2	3	4
		<p style="text-align: center;">6</p> <p>The Forest Conservation Act, 1980 came into force. Hence, conflicting question of law is involved in deciding the issue in hand.</p> <p>6) In view of the principles of law decided by Their Lordships of the Apex Court and the Hon'ble High Court, in my view this is a fit case for grant of interim stay of the order dated 10.1.2008 passed by the learned lower court in C.M.A. No.1 of 2007 in respect of part plot No.1 measuring Ac.8.75 decimals and part of plot No.54 measuring Ac.22.30 decimals of Khata No.47 of village Bhanjapali of Bonai-Subdivision. Accordingly, interim stay is granted till appearance of the respondent.</p> <p>Call on 14.3.2008 for S.H. The appellant to take steps within 3 days. Call for the L.C.R. in the meanwhile.</p> <p>Dictated & corrected by me, District Judge, Sundargarh.</p>	



IN THE HIGH COURT OF ORISSA : CUTTACK

W.P.(C). No. 5058 of 2008

Code: 250400

In the matter of :

An application under Article 226 and 227 of the Constitution of India

And

In the matter of :

An application challenging the legality of the order dated 14.02.2008 in F.A.O No.3 of 2008, passed by the learned District Judge, Sundergarh.

And

In the matter of :

Sri Jitendra Nath Patnaik

S/o : Late B.D. Patnaik

Aged about 53 years

A/M.P.O: Banaikala, Via : Jorda

Dist. : Keonjhar

Petitioner

- VRS -

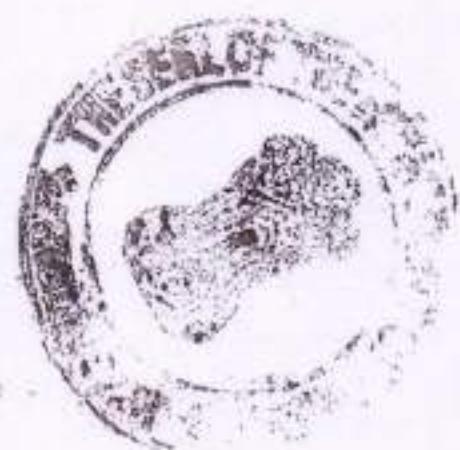
Divisional Forest Officer

A/M.P.O: Bonai

Dist. : Sundergarh

Opp. Party

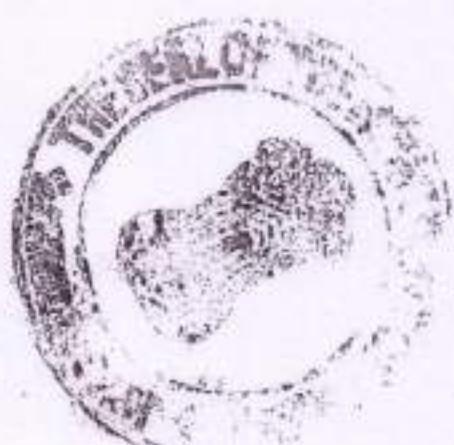




Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order
2.	08.04.2008	<p>Heard Mr.Umesh Patnaik learned counsel for the petitioner and Mr.Das, learned Addl.Government Advocate for the State.</p>	<p>In this writ application, the petitioner seeks to challenge the order dated 26.3.2008 passed by the learned District Judge, Sundargarh in FAO No.3 of 2008 pending adjudication of the appeal and directing stay of operation of the order dated 19.1.2008 passed by the learned Civil Judge (Jr. Divn.), Bonai in C.M.A. No.1 of 2007.</p>

Mr.Patnaik, learned counsel for the petitioner submits that the petitioner was granted Mining Lease by the State of Orissa in the Department of Steel and Mines with due approval by the Central Government under section 5 of the Mines and Minerals (Development and Regulation) Act, 1957. It further appears that the description of the land which has been leased out to the petitioner has been shown as "Abad Ajogya Anabadi" and the nature of the land has been described as "Dunguri". Mr. Patnaik submits that the Range Officer, Koida also inspected the lease area and found that there is no forest land within the Mining Lease area. In this respect reference has been made to Annexure-5, the R.O.R. issued by the Tahasildar, Bonai in which description of the land in question has been given as " Abada Ajogya Anabadi" and the nature of that land has been shown as

L.C. 98]
J. No. / Date -
of Order

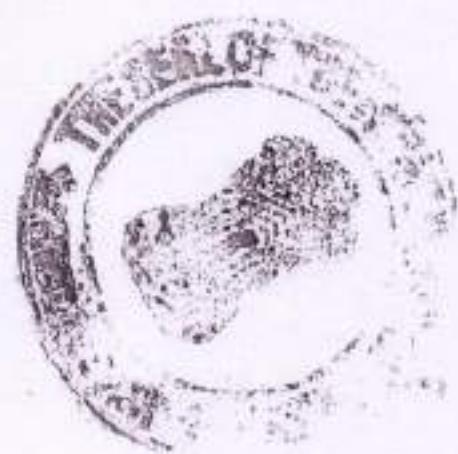


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Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
		<p>"Dunguri". Thereafter, the Collector, Sundargarh appears to have granted sanction for execution of the lease over the said area. From Annexure-9 it appears that by the letter dated 8.5.1997, the D.F.O., Bonai Division has intimated the Addl. District Magistrate, Sundargarh that there is no objection from forest point of view for grant of surface right over the lease area and from Annexure-10 it appears that the D.F.O., Bonai Division allowed the petitioner to take up mining operation.</p>	<p>Mr. Patnaik, learned counsel for the petitioner submits that on consideration of all the facts, learned Civil Judge (Jr. Divn.) has been pleased to allow the application for injunction filed before him in I.A.No.4 of 2007 by his order dated 19.1.2008. According to Mr. Patnaik, the learned District Judge has failed to appreciate the facts of the case in its proper manner, for which he has indicated in paragraph-2 of the order dated 26.3.2008 "Undisputedly, the respondent has been granted lease in respect of the Ac.44.48 decimals of land belonging to forest department." He asserts that there is no such land belonging to Forest Department since the Settlement authorities have described the land as "Abad Ajogya Anabadi" and the nature of the land has been described as "Dunguri" which means, in English "barren hillock" which can never be termed as forest land.</p>



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Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE 3	Office note as to action (if any) taken on Order
		<p>Mr. Das, learned Addl. Government Advocate, on the other hand, submits that these are essentially matters of fact which would be best gone into in appeal and this writ petition may be disposed of by directing disposal of the pending appeal by the District Judge.</p> <p>Mr. Patnaik submits that unless the order passed by the District Judge which is impugned in this writ application is quashed, that would cause great injury to the petitioner if he is prevented from carrying out mining operations since it not only involves huge investments made by the petitioner, but is also the only source of livelihood for over 250 families working in the mines.</p> <p>Considering the submissions advanced by the learned counsel for both the parties, I am of the view that <u>no real purpose will be served by stalling the mining operation when the lease of the land in question has been granted by the State on 13.12.1996 in favour of the petitioner, only after the clearance was given by the Forest and Revenue Departments that there is no forest growth on the land in question, obviously i.e. after coming into force of the Forest Conservation Act, 1980.</u></p> <p>In view of the above, the writ application is allowed and order dated 26.3.2008 (Annexure-16) is quashed and the appellate authority is directed to fix</p>	

J. H. C. 981
Sl. No. 1



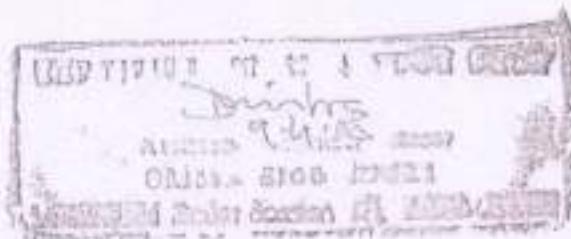
[O. H. C. 98]

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
		<p>an early date of hearing of the appeal and dispose of the same on merits in accordance with law. Urgent certified copy of this order be granted on proper application.</p> <p>Set- 1. Mahanty. 1/</p>	



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Date of Application 9.4
 Date of Registration C-0
 Date of Receipt 19.4 / 08
 Date of Issue 9.4
 Date of Collection 9/10/08



C.A. No. - 18997/08

MEMO OF COSTS

	Rs.	P.
Application Fee	5-	50
Searching Fee		
Extra Fee for urgency	3-	00
Filing, Patas	12-	50
Other Items, if any	3-	25
Total	24-	75

(Rupees Twenty four & 75 Paise Two & five only)

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DISTRICT: SUNDARGARH.

REHEARING OF DECISION OF THE APPEAL JURISDICTION.

IN THE COURT OF THE DISTRICT JUDGE: SUNDARGARH.

Plaintiff:

Smt. Shagrinath Panda, I.L.S.,
District Judge, Sundargarh.

Date of Argument: 20.11.2008

Date of Judgment: 20.11.2008.

C.S. No. 3 of 2008.



Divisional Forest Officer,

Sonai, P.O./P.S., Sonai, District

Sundargarh.

... Appellant.

-Versus-

Uttendra Nath Pattnaik, son of Late Banashri Chandra Pattnaik, A.I.F.P.O., Sonai, P.S., Joda, District-Keonjhar.

... Respondent.

For the appellant: Smt. D. Banohit, Advocate,
Govt. Pleader.

For the respondent: Smt. U.C. Pattnaik, Advocate
and P.K. Patel, Advocate.

Appeal against the order dated 19.1.2008 passed by the Civil Judge (Jr. Division), Sonai in C.S. No. 4 of 2007 arising out of C.S. No. 3 of 2007.

JUDGMENT

This appeal is directed against the order dated 19.1.2008 passed by the Civil Judge (Jr. Division), Sonai in C.S. No. 3 of 2007.



-2-

Bonal in Misc. case No. 4 of 2007 under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C. disallowing out of C.S.No.3 of 2007 temporarily infusing the application of Rule prohibiting the petitioner to continue his mining work i.e. extraction of ore from the mining area as per the lease agreement executed on 1.4.97 between the respondent and the Collector, Sundergarh on behalf of the Government of Orissa.



2. The case of the petitioner-respondent is that on 1.4.1997 a lease has been granted in his favor by virtue of a lease agreement executed between him and the Collector, Sundergarh on behalf of Government of Orissa in respect of 66.48 acres of land situated at Manjapali and Koira under Sonai Sub-division for extraction of iron ore which consists of 46 plots including part plot No.1 measuring 8.75 acres and part plot No.54 measuring 22.30 acres of Khata No.47 of Manjapali. After execution of the lease deed the Forest Ranger verified the area and submitted report No.189 dated 23.2.97 to the D.F.O., Bonai that there was no forest land within the lease held area of the petitioner-respondent. The Tahsildar, Bonai also gave a report vide letter No.1439 dated 23.4.97 to the

-3-

Collector, Sundargarh apprising him that the area applied for surface operation are being DINGARI PAIADA and gharabani khasa and covered in ABADA 700YA AVASADI Khata No.45 appertaining to plot No.89/p and there is no objection from the revenue side to



grant permission for surface operation over the area.

Upon getting the report the Collector, Sundargarh vide

Letter memo No.308 dated 20.5.97 accorded permission to

the petitioner-respondent for operation of mining

over plot Nos.1 and 54 (Part). Thereafter the Deputy

Director of Mines visited the spot and handed over

surface right over the above plots to the petitioner-

respondent for operation of work vide his letter no.

2571/Mines dated 27.5.97, and document dated 6.6.97.

He also intimated this fact of accoring permission

to the petitioner- respondent, M.F.O., Mineral Division

vide letter No.3485 dated 22.6.98. After taking

possession the petitioner-respondent started digging

out and continued the work all along peacefully

without any interruption or disturbance from any

quarter. It is on 1.11.2007 the D.P.Z.A. issued

a letter No.4919 directing the petitioner to stop

mining in the area pointed out by the District Level-**

committee making joint verification by Forest and Mining officials on 24.2.97 and to post pillars demarcating the forest and non-forest area, due to this direction the operation work was stopped for which he sustained heavy loss. So, he was compelled to file the suit alongwith his case seeking temporary injunction.

3. The J.P.-appellant entered into appearance and contested the case by filing his cause. His case is that in SP/5 No.202/95 (T.N. Mudavarao Thimmapuram v/s Union of India) reported in (1997) Supreme Court at page 1228, the Landships v/s order dated 12.12.1996 directed for constituting a District Legal Committee for identification of forest lands and accordingly the District Legal Committee headed by Collector as Chairman, D.F.O., Soil Conservation Officer, Asst. Director Saniculture and Tahsildar was formed and during their joint verification it was found that the part of plot No.1 and 54 in Bhata No.47 of village Dhanjapalli was having forest growth. The joint verification report dated 4.6.98 was made in presence of the petitioner-respondent and was communicated to him v/s letter No.3985 dated 22.6.98.





-5-

of 32. In view of this, in response to that letter the petitioner-respondent vide reference No. 8/117/26 2007-08 dated 4.4.07 had applied for equivalent non-forest land for compensatory afforestation in respect of plot No. 1 and 5 measuring 8.75 acres and 22.25 acres respectively to the Collector, Sambhar. Since he (petitioner-respondent) was carrying on mining operation on the said area without prior permission of the Central Government as required under Section 2 of Forest Conservation Act, 1980, the O.P.-appellant was compelled to direct to stop mining activity on these grounds it is prayed for dismissal of the injunction petition.

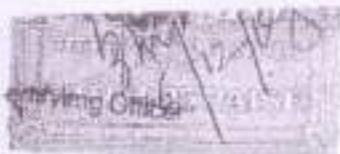
4. After hearing both sides the learned lower court allowed the injunction petition filed by the petitioner-respondent. Being aggrieved by that order the present appeal is filed.

5. Now it is to be seen whether the petitioner-respondent has been able to fulfill these ingredients in order to obtain the order of injunction.

These are:

(i) The petitioner-respondent has a prima facie case,

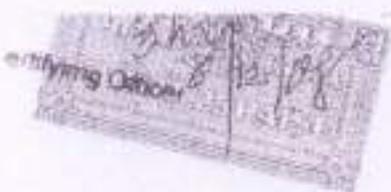
(ii) He would suffer irreparable loss if injunction is not granted.



-6-

(iii) The balance of convenience lies in his favour.

6. Admittedly the lease to extract iron ore from 46 plots including part Plot No.1 and 54 under Khata No.47 of the Government land of Mouza Bhanjipat was granted to the petitioner-respondent on 1.4.97 by the Collector, Sundargarh on behalf of Govt. of Orissa, pursuant to the alleged deed by Director of Mines hundred per cent possession of the leased-hold land to the petitioner-respondent on 5.6.97 and that fact was also intimated by the Dy. Director of Mines to the D.F.O. (appellant), Bonai on 22.6.98. In the R.O.R. the description of the land which has been leased out to the petitioner has been shown as ABADAGYAD B/13/11 and the nature of land has been described as DONGRIKI (Barren hilltop). The documents available on record show that Range Officer inspected the lease hold area and found there was ~~was~~ no forest growth within mining lease area and intimated that fact to the D.F.O. Bonai on 28.2.1997. Thereafter the collector, Sundargarh granted lease over the said area. It also appears from the letter dated 8.5.97 that the D.F.O., Bonai had intimated to the A.O.A., Sundargarh that there is no objection from the forest point of view for grant of



-7-

surface right over the lease hold area. The D.F.O. has also allowed the petitioner-respondent to take up mining work. Therefore, there are sufficient materials on record to show that the lease hold lands are not forest lands and the petitioner-respondent was given authority to extract iron area from those lands.



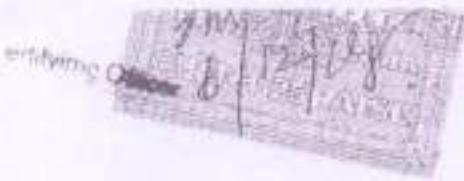
7. The government pleader on behalf of the appellant contended that the District Level Committee constituted pursuant to the direction of the Hon'ble Apex Court in T.M.Udavasam Thimmapad's case comprising Collector as Chairman, Divisional Forest Officer, Soil Conservation Officer, Asst. Director Irrigation and Tahsildar as members made joint verification of lease hold area and found part plot No.1 and 54 of Khata No.47 of village Bhongapatti was having forest growth and the petitioner-respondent who was a signatory to the verification report has accepted it and vide his letter No.8/3&P dated 4.1.2007 (Annexure-11) requested the D.F.O.-appellant for grant of non-forest land for compensatory afforestation. In view of such facts



-8-

in circumstances, the Learned Loren court should have followed the direction of the Apex Court issued in Godavarman's case and should not have granted injunction, but his aforesaid contention is not acceptable. The nature of land is determined by the Revenue Department initially nature of the lease hold land has not been challenged. The settlement authority has described the land as ABUDOGYA ANBAL and the Kisan ~~and~~ of land has been described as sugar which seems barren hillock. That barren hillock cannot be treated as forest land as there is no proof of existence of any tree thereon, simply because the District Level Committee has given report that there are forest growth on the lease hold land and respondent accepted the report of the committee. Is not a ground to stop the mining work. In T.N. Godavarman's case the Apex Court has directed that no eviction can be made from any land or building containing machinery and equipments or any other facilities for housing, etc, on the basis of the court's order dated 12.12.96. This being the direction of the Hon'ble Apex Court, the District Level Committee report that there is forest growth over the land in question is





-7-

not a bar for the respondent-petitioner to continue his work. That apart the petitioner was given mining lease by the State of Orissa with due approval of the Central government under Section 5 of the Mines and Minerals (Development and Regulation) Act, 1957. The Collector, Sundargarh is the representative of the State. He is also a signatory to the lease deed on behalf of the State of Orissa, but surprisingly he has not initiated any action on behalf of the State for cancellation of the lease deed nor eviction. Since the lease of the land in question has been granted by the State on 13.12.1996 in favour of the petitioner-respondent after the clearance given by the Forest Department that there is no forest growth on the land in question and since there is direction of the Apex Court, as referred above, that no eviction nor any disturbance on existing status can be made, the learned locca court has correctly held that the petitioner-respondent has got a strong *prima facie* case in his favour.

8. The petitioner-respondent has already invested ^{crores} of rupees for extraction of iron ore from the lease hold land and if the mining operation is



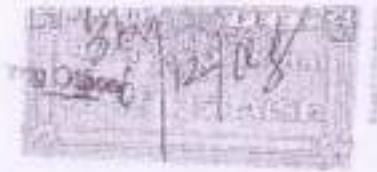


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stopped, he will suffer irreparable loss. The contention of the learned S.P. that such loss of the petition-respondent can be compensated in terms of money is not acceptable. It appears from the pleadings of the petitioner that it is his only source of earning. He must have borrowed substantial amount from the Bank and other financial institutions. If the work is stopped, then he will not only sustain monetary loss but also suffer mental agony and other injuries which cannot be compensated in terms of money.

9. The balance of convenience is also in his favour. The appellant who is the D.F.O., Dornak is the servant of the State Government. His employer i.e. State of Orissa has given lease to the petitioner-respondent with an authority to extract from acres on receipt of the required royalty. It (State) has not disturbed his existing place. So, D.F.O. being the employee who is not authorised by his employer has no jurisdiction to stop the mining operation. The learned lower court has thus rightly granted injunction after being satisfied that three conditions have been fulfilled.

No infamy or illegality is noticed in the impugned order so as to differ with the findings of the lower



United Kingdom Property Court Order
Court.

10. In the result, the appeal is dismissed on
merit but in the peculiar circumstances of the case,
without any cost and the impugned order of the learned
Lover court dated 19.1.2008 is confirmed.

pronounced in open court this the 29th day of
November, 2008.

Sd/-B.Panda,
29.11.08

District Judge, Sundargarh.

Dictated and corrected by me.

Sd/-B.Panda,
District Judge, Sundargarh.

Typed by me.

Certified to be a true copy
Bh.Kar: B.L.Choudhury
Authenticated 6/12/08
H.C. 2008

RECORDED AND INDEXED
IN THE JUDICIAL RECORDS
SUNDARGARH DISTRICT
11.12.2008
RECORDED
RECORDED

Office Order No. 20264 /Mines, DT./3/116

Bhanjapali Iron Ore Mines of Sri Jitendra Nath Patnaik over an area of 18,000 Hects. is hereby suspended forthwith on ground of non-maintenance of Environmental Clearance as required under EIA Notification, 2006 and valid consent order of SPCB, Orissa to operate the said mines beyond Dt. 31.3.2010.

The lessee is allowed to remove iron ore extracted from the mines and available as on date subject to payment of royalty in advance.

Deputy Director of Mines,
Koira Circle.

Memo No. /Mines, Dt.

Copy to concerned S.I.M. Koira for information. He is directed to comply to the above instructions latest by Dt. 14.8.2010.

Deputy Director of Mines,
Koira Circle.

Memo No. /Mines, Dt.

Copy to Sri S K Sahu, Mining Officer, Koira for information and necessary action.

Deputy Director of Mines,
Koira Circle.

Memo No. 20267 /Mines, dt. 13/8/11

Copy to the Mines Manager, Bhanjapali Iron Ore Mines of Sri J.N. Patnaik, A/PQ, Koira, Dist: Sundargarh for information and necessary action.

Deputy Director of Mines,
Koira Circle.

- 6 -

- 6 -

- 6 -

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- 6 -



Annexum - 3A

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA), ODISHA

(Constituted vide order No. S.O. 1899 (E) Date 17th August, 2012
Ministry of Environment & Forest, Govt. of India, Under Environment Protection Act, 1986.)
Qr. No. 5RF-2/1, Unit - IX, Bhubaneswar - 751022
Tele / Fax : 0674 - 2540669, E-mail : seiaaorissa@gmail.com

Dt. 14.05.15

Ref. No. 3212/SEIAA

From

Shri S.B. Samant, IFS
Member Secretary,
State Environment Impact Assessment Authority, (SEIAA) Odisha,
Bhubaneswar

To

Sri J.N Patnaik, Mines Owner
M/s Bhanjapali Iron Ore Mines
Baneikela, Joda
Dist-Keonjhar-758038

Sub: Enhancement of production of Iron Ore upto 260000 TPA of M/s Bhanjapali
Iron Ore Mines, At-Bhanjapali, Koira Bonai, Dist-Sundargarh of
Sri J.N. Patnaik.- Environmental Clearance regarding

Sir,

This has reference to your application no. 269/JNP/10-11 dated 18.11.2010 and subsequent letters no. 62/JNP/11-12 dated 26.06.2011, no. 63/JNP/11-12 dated 20.07.2011, no. 49/JNP/2012-13 dated 24.05.2012, no. 148/JNP/12-13 dated 11.10.2012, no. JNP/SEIAA/12-13/235 dated 18.01.2013, no. 114/JNP/2013-14 dated 29.11.2013, no. JNP/03/2014-15 dated 03.04.2014, no. 73/JNP/2014-15 dated 30.10.2014, no. 77/JNP/2014-15 dated 04.11.2014, no. 112/JNP/14-15 dated 24.12.2014, no. 120/JNP/14-15 dated 27.01.2015 and no. nil dated 23.04.2015 giving clarifications on the subject mentioned above seeking environmental clearance for the above project under EIA Notification 2006. The proposal has been appraised as per the provisions under the EIA Notification 2006 and on the basis of the documents enclosed with the application and clarifications furnished in response to the observations of the State Expert Appraisal Committee, and State Environment Impact Assessment Authority, Odisha.

The mining proposal is for enhancement of production capacity of Iron ore from 55,994 TPA to 2,60,000 TPA. The mining lease area is 18 ha. Out of total mining lease area, 12.565 ha is DLC forest and the rest is non forest land. The present lease was granted to Sri. J. N. Patnaik on 29.02.1996 for a period of

30 years. The mining operation commenced on 01.10.1997. The mine working will be opencast semi mechanized involving drilling, blasting, excavation and transportation. The water requirement is 80 KLD and the source of water is groundwater. The mining method will be open cast semi-mechanized mines with crushing unit (30 TPH) and screening unit (150 & 200 TPH). Life of the mine is 14 years. TOR was given by SEAC vide letter NO. 116 dt. 29.9.09. The public hearing was conducted on 15.10.2010. The proposal was placed in the SEAC meeting held on 9th & 10th February, 2011 and the committee opined that "the proposal might be recommended for grant of EC. But, in the mean time the MoEF, Govt. of India has issued a circular No. J-11015/200/2008-IA.II (M) dt. 31.03.11 for consideration of projects for grant of environmental clearance under EIA Notification, 2006 which involve forestland. The circular stipulates that the EC will be considered only after receipt of the stage-I forest clearance for the forestland involved in the project. Accordingly the proponent was asked to furnish the copy of Stage-I Forest Clearance. The proponent also intimated that there is litigation pending in the court regarding involvement of DLC forest land in the ML area."

The matter was again discussed in the SEAC meeting held on 20th & 21st May, 2011. The SEAC vide letter no 401 dt 04.06.2011 communicated to the SEIAA, Odisha to seek a clarification from Forest Department about the involvement of forest land in mining lease area of the mine and its Stage-I forest clearance status. The SEIAA, Orissa vide letter No. 313 dt.21.06.2011 sought clarification on the above matter from the Special Secretary to Govt of Forest and Environment Department, Govt of Odisha. The Special Secretary to Govt , F & Env. Deptt. vide their letter no 12724 dt.14.07.2011 intimated that "the matter of involving DLC land in Bhanjapali-Koira Mining Lease area of Sri J.N.Pattnaik in Sundergarh district is said to be sub-judice. In view of the legal disputes involved, the forest diversion proposal filed by the user agency with the Chief Conservator of Forests(Nodal) might not have progressed as well. Hence, Stage-I forest clearance for this mining project under the Forest Conservation Act,1980 has no relevance at this point of time." The said clarification was sent to SEAC vide SEIAA letter no.426 dt.08.08.2011.

Further, the Director, Environment-cum-Special Secretary to Govt. F & E Dept communicated to SEIAA vide letter no.18292 dt. 12.10.2011 and informed that "since the lease is subsisting and NPV for the entire forest land has been deposited by the lease, there is no objection regarding working a broken up DLC land of the lease as per the CEC recommendation to the apex court thereon. However, the diversion proposal pending at the level of DFO, Bonai shall be expedited for clearance under F C Act. Therefore in view of the above mentioned fact there is no objection regarding forest point of view in according EC for production of iron ore from broken up DLC land of lease."

The said letter was also communicated to SEAC vide SEIAA letter no. 529 dt.20.10.2011 for their views. The SEAC vide their letter no.827 dt.01.11.2011 has

recommended that a decision for grant of EC for the proposal in consultation with the Forest & Environment Deptt. Govt. of Odisha as the case stands recommended by the SEAC on merit.

Since, the tenure of the SEIAA and SEAC expired by that time decision for grant of EC by the SEIAA could not be taken. The proponent vide letter no. 114/JNP/2013-14 dt 29.11.2013 made a request to the SEIAA to consider their case for grant of EC as per the clarification issued in letter no. 18292 dt.12.10.2011 of the Forest & Environment Deptt, Govt. of Odisha that "Since the lease is subsisting and NPV for the entire forest land has been deposited by the lease, there is no objection regarding working in broken up DLC land of the lease as per the CEC recommendation to the Apex Court there on". The SEIAA vide letter no 8739 dt. 19.12.2013 referred the matter to the SEAC and requested to examine the proposal from all angle and give specific recommendation on the proposal.

The SEAC examined the proposal in its meeting held on 04.01.2014 and communicated its decision. The SEAC further intimated SEIAA vide its letter no 061 dt.13.01.2014 that "Since the lease is subsisting and NPV for the entire broken up DLC land deposited the SEIAA may consider grant of environmental clearance for the proposal with stipulated conditions as recommended in SEAC meeting held on 21.09.2011 without insisting for Stage-I forest clearance."

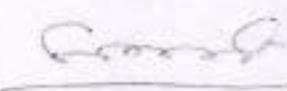
Considering the information/documents furnished and additional clarifications provided during presentation made by the consultant M/s Kalyani Laboratories Pvt. Ltd., Bhubaneswar on behalf of the project proponent, the State Expert Appraisal Committee (SEAC) after due considerations of the relevant documents submitted by the project proponent and clarification/documents furnished to it have recommended the project for Environmental Clearance with certain stipulations.

The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha and after receiving clarification sought from Principal Chief Conservator of Forest, Odisha hereby accords Environmental Clearance in favour of the project for a period of 5 (five) years under the provisions of EIA Notification 2006 and 2009 and subsequent amendments thereto subject to strict compliance to the stipulated conditions as follows

Stipulated Conditions

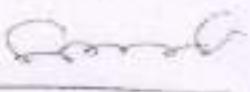
1. A final decision on the production cap would be taken on basis of the findings of the final report of the Carrying Capacity for sustainable mining of iron ore in the State of Odisha.
2. The Environmental Clearance so granted would be reviewed on the basis of the findings of the final report submitted by NEERI and decision taken thereupon on the production cap.

3. The Environmental Clearance is recommended notwithstanding court proceedings and forest diversion proposal. The environmental clearance will be subject to outcome of order in cases pending in Hon'ble NGT, Principal Bench, New Delhi, Hon'ble High Court, Cuttack and Hon'ble Supreme Court related as applicable to this project.
4. The mining shall be restricted to broken up area of DLC and non-forest area only and the EC is subject to valid mining plan.
5. The applicant (Project proponent) will take necessary measures for prevention, control and mitigation of Air Pollution, Water Pollution, Noise Pollution and Land Pollution including solid waste management as mentioned by him in Form-1, Final EIA reports and Environment Management Plan (EMP) in compliance with the prescribed statutory norms and standards.
6. The applicant will take necessary steps for socio-economic development of the people of the area on need based assessment for providing employment, education, health care, drinking water and sanitation, road and communication facilities etc.
7. The applicant will comply with the points, concerns and issues raised by the people during public hearing on 15.10.2010 in accordance with the commitments made by him thereon.
8. The applicant will take statutory clearance/approval/permissions from the concerned authorities in respect of his project as and when required.
9. For post environmental clearance monitoring, the applicant will submit half-yearly compliance report in respect of the stipulated terms and conditions of Environmental Clearance to the State Environmental Impact Assessment Authority (SEIAA), Orissa, Regional Office of MoEF, the respective Zonal office of CPCB and the SPCB on 1st June and 1st December of each calendar year.
10. The core zone should be monitored intensively with no. of stations as prescribed by CPCB, Delhi and unit of pollutant level should be expressed as NAAQ of CPCB, Delhi. The detailed methodology adopted for analysis of samples shall be clearly indicated.
11. The proponent shall submit baseline data on flora & fauna and CSR activities already carried out within three months to the SEIAA.
12. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
13. Zero waste mining concept shall be implemented either by putting up pelletisation plant or dispose of low grade ores/fines to prospective buyers.
14. The following shall be implemented viz. (a) dump-off should be diverted into setting ponds (b) adequate rain water harvesting and ground water recharging facilities should be developed in the core zone, (c) attempt should be made to achieve zero water balance.
15. Maintenance of roads through which transportation of ores are undertaken shall be carried out by the project proponent regularly at its own cost.



16. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records shall be submitted to the SEIAA, Orissa.
17. Mineral handling area shall be provided with adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
18. Transportation of ore shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of ore/ dust takes place.
19. Rain water harvesting shall be undertaken to recharge the ground water source.
20. Monitoring of ground and surface water quality shall be regularly conducted and records should be maintained and data shall be submitted regularly to the SEIAA, Orissa.
21. The proponent shall ensure that no silt originating due to mining activity is transported in the surface water course. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
22. Trenches / garland drains shall be constructed at foot of dumps to arrest silt from being carried to water bodies. Adequate number of Check Dams shall be constructed across seasonal/perennial nullahs (if any) flowing through the ML area and silts be arrested. De- silting at regular intervals shall be carried out.
23. Provision shall be made for the housing of the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. the housing may be in the form of temporary structures to be removed after the completion of the project.
24. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. The proponent shall engage a full time qualified doctor who is trained in occupational health. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures undertaken (at interval of five years or less) shall be conducted followed by follow up action where required. Occupational Health Centre shall be established near the mine site itself.

25. Shelter belt i.e. Wind Break of 15 m width and consisting of at least 5 tiers around lease facing the human habitation, school/ agricultural fields etc. (if any in the vicinity), in the safety zone/back-filled & reclaimed areas, around voids & roads shall be raised. Green belt development and selection of plant species shall be as per CPCB guidelines. Density of the trees has to be around 2500 plants per hectare. Herbs and shrubs shall also form a part of afforestation programme besides tree plantation. Help & guidance of local DFO may be sought in the matter. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the SEIAA, Orissa within six months.
26. This Environmental Clearance is subject to Forest Clearance under the Forest (Conservation) Act, 1980.
27. The mining operations shall be restricted to above ground water table and it should not interest the groundwater table.
28. The top soil shall temporarily be stored at earmarked site (s) only and it should not be kept unutilized for long (not more than 3 years). The topsoil shall be used for land reclamation and plantation.
29. The over burden (OB) generated during the mining operation shall be stacked at earmarked dump site (s) only and it should not be kept active for a long period of time and its phase-wise stabilization shall be carried out. Proper terracing of OB dump shall be carried out so that the overall slope shall not exceed 28°. Backfilling shall be done as per approved mining plan. Back-filling to start from 3rd year onwards of the mining operation & the entire quantity of waste generated shall be backfilled & liquidated within five years. There shall be no external over-burden dumps after the 6th year of the mining operation. The backfilled area shall be afforested. Back-filling has to be done in a manner that it is restored to the normal ground level. Monitoring & management of rehabilitated areas should continue till the vegetation is established & becomes self-generating. Compliance status to be reported to the appropriate authorities.
30. The funds earmarked for the environment protection measures shall be judiciously utilized. Under no circumstances this funds shall be diverted for other purposes. Year-wise expenditure for this fund should be reported to the SEIAA, Orissa.
31. The critical parameters in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, pH and Total Suspended Solids (TSS)]. The data so recorded should be regularly submitted to the Ministry including its Regional office located at Bhubaneswar and the State Pollution Control Board / Central Pollution Control Board once in six months. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. The criteria pollutant levels namely, SPM, RSPM, NO_x or critical sectoral



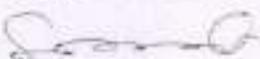
parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

32. A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the SEIAA 5 years in advance of final mine closure for approval.
33. The project proponent shall obtain necessary prior permission of the competent authorities for drawal of requisite quantity of water (surface water and ground water) required for the project.
34. The proponent shall prepare wild life conservation plan in consultation with DFO and adequate safety and mitigation measures should be incorporated to protect the wild life, flora, fauna to mitigate adverse impact.
35. The project proponent shall obtain Consent to Establish and Consent to Operate from the State Pollution Control Board, Orissa and effectively implement all the conditions stipulated therein.
36. The Project Proponent should ensure advertising in at least two local newspapers widely circulated in the region, one of which shall be in vernacular language informing the Public that, the project has been accorded environment clearance and copies of the clearance letters are available with SEIAA, Odisha and the Odisha State Pollution Control Board (OSPCB) and may also be seen on the website of the board. The advertisement shall be made within 7 (seven) days from the date of issue of the environmental clearance & a copy of the same should be forwarded to the Regional office of MoEF, Bhubaneswar.
37. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad /Municipal Corporation, urban local Body and the Local NGO, if any, from whom suggestions /representations, if any, received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
38. The environment statement for each financial year ending 31st March inform-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Offices of the Ministry by e-mail.
39. Environmental Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of the year 2004, as may be applicable to this project.
40. That the grant of this Environment Clearance is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the lease granting authority/project proponent.

41. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

The above mentioned stipulated conditions shall be complied in time bound manner. Failure to comply with any of the conditions mentioned above may result in withdrawal of this environmental clearance and attract action under the provisions of Environment protection (EP) Act, 1986

Yours faithfully,



14.05.15
Member Secretary

Memo No 3213/SEIAA/Dt. 14.05.15

Copy to

1. Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for kind information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for kind information.
3. Chairman, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for kind information.
4. Chief Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for kind information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for kind information.
6. Collector & District Magistrate, Sundargarh for kind information and necessary action.
7. Chairman/Member/Member Secretary, SEIAA for kind information.
8. Chairman, SEAC/Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for kind information.
9. Guard file for record.


14.05.15
Member Secretary

OFFICE OF THE DEPUTY DIRECTOR OF MINES, KOIRA CIRCLE
No. 5076 / Mines, Dt. 02/09/2017

Annexure- 4-A

By E-mail/
Regd. Post with AD

DEMAND NOTICE

To
Sri J.N. Patnaik
Bhanjapali Iron Mines
Boneikela, Joda, Distt.- Keonjhar

Whereas, it has been observed that Sri J.N. Patnaik, the mining lease holder of Bhanjapali Iron Mines over an area of 18.00 ha has undertaken production of Iron Ore from the above referred mining lease hold area without or in excess of the approved limit of production under Environmental Clearance during 2000-01 to 2010-11.

2. And Whereas pursuant to the interim order dt.16.05.2014 of Hon'ble Supreme Court in the matter of W.P.(C) No.114 of 2014 Common Cause Vrs. Union of India and others, the CEC has dealt among others, the issue of production without or in excess of EC and others, the CEC final report on dt.16.10.2014 before the Hon'ble Supreme Court. In the said report the CEC under Para 34 has calculated the notional value of the total quantities of iron and manganese produced without EC / beyond EC by all the lessees in the State of Odisha during the years 2000-01 to 2010-2011. The details of year wise production of Iron Ore in the Bhanjapali mining leasehold area along with the approved limit of production under EC, the excess production, price of mineral and the notional value (price of minerals) of total quantities of 1314301 MT of Iron Ore produced without E.C./beyond the EC by you during the years 2000-01 to 2010-11 as have been indicated in the said report is annexed herewith.

3. Whereas the Hon'ble Supreme Court in its Judgment dated 2.8.2017 in the W.P.(C)No.114 of 2014 has observed under para 128 that ".....the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the ERPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral".

4. Whereas, the Hon'ble Supreme Court in the said Judgment has further observed under Para 150 that "In our opinion, Section 21(5) of the MMDR Act is applicable when any person raises, without any lawful authority, any mineral from any land. In the event, the State

4-12-1960

Government is entitled to recover from such person the mineral so raised or where mineral has already been disposed of, the price thereof as compensation. The words 'on land' are not confined to the mining lease area. As far as the mining lease area is concerned, extraction of a mineral over and above what is permissible under the mining plan or under the EC undoubtedly attracts the provisions of Section 21(5) of the MMDR Act being extraction without lawful authority.

5. Whereas, the Hon'ble Supreme Court in the said Judgement has further held in Para 156 that

"Since the recommendation made by the CEC in this regard is not totally unreasonable, we accept that the compensation should be payable from 2000-2001 onwards at 100% of the price of the mineral, as rationalized by the CEC."

6. Whereas considering the above excess production as production without lawful authority, you are liable to pay a sum of Rs.123,87,49,199/- (Rupees One hundred twenty three crore Eighty seven lakh Forty nine thousand One hundred Ninety nine) only, being the price thereof towards compensation under Section 21(5) of MMDR Act, 1957 for production without/in excess of the environmental clearance as rationalized the CEC, in pursuance to the Judgement dt.02.08.2017 of Hon'ble Supreme Court in the matter of W.P. (C) No.114/14 Common Cause Vrs Union of India and Others.

Now therefore, you are hereby directed that you shall pay the compensation of Rs.123,87,49,199/- (Rupees One hundred twenty three crore Eighty seven lakh Forty nine thousand One hundred Ninety nine) only as detailed in Annexure-I on or before 31.12.2017 in pursuance to the Para 225 of the Order dt.02.08.2017 of Hon'ble Supreme Court, following the mode of payment as detailed out under Annexure II.

It is also made clear that the aforesaid demand is relatable to recovery of price of minerals produced without/beyond the EC alone under Section 21(5) of MMDR Act, 1957 as adjudicated vide Para 156 of the Judgement as referred above and does not include recoveries under Section 21(5) of the said act for violation of mining plan, consent requirements under Air/Water Act and Forest violations, for which the demands, if any would be raised separately.

Meher
21/9/2017
DEPUTY DIRECTOR OF MINES
KOIRA CIRCLE
Mata Narsi Singharpur

Memo No. _____ /DM, dt. _____ /2017

Copy forwarded Director of Mines, Odisha, Bhubaneswar for favour of kind information and necessary action.

DEPUTY DIRECTOR OF MINES
KOIRA CIRCLE

Mode of Payment of compensation under section 21(5) of MMDR Act, 1957

1. The payment is to be made through the online portal of Directorate of Steel & Mines (I3MS) and the Treasury Application (IFMS, Odisha) into the designated banking account in the Public Account of the State Government under the Account Head "8443 Civil Deposits -00- 106-Personal Deposits- 3275- Banking Account of Odisha Mineral Bearing Areas Development Corporation(OMBADC) – 91328- Compensation under Section-21(5) of MMDR Act and other provisions of MMDR Act as per orders of Hon'ble Supreme Court".
2. The Lessee will log into the portal of Directorate of Mines i.e. www.orissaminerals.gov.in and access the link to I3MS. The lessee may register him / herself to make the online payment of Compensation under Section-21(5) of MMDR Act, if not registered earlier.
3. The Lessee will access the "compensation" payment link in the login page and click the make payment option. The personal details of the lessee will be auto populated in the payment screen of I3MS. Along with the amount due to be paid in pursuance to the demand notice, She/he will provide the details about the amount of payment to be made by him/her in the current transaction.
4. The lessee will then be redirected to IFMS, Odisha (www.odishatreasury.gov.in) where she/he will choose the Bank through which he/she wants to make the payment and the mode of payment.
5. The payment can be made through the following modes: Net Banking, Debit Card or Over the Counter. In case of Net Banking and Debit Card, the system will be redirect to the portal of the concerned Bank, wherein he/she will authenticate the payment request using the credentials of the Bank. Response of successful payment will be received from the Bank in the Treasury Portal and I3MS instantaneously. In case the payment is made using Over the Counter mode, a pre-populated challan will be generated in the online portal of IFMS, Odisha. The payer will take the printout of the challan and visit the designated Bank branch to make the remittance.
6. The authorised Banks will report the receipt of the remittances to the Reserve Bank of India on T+1 or T+2 working day, as the case may be. The RBI, PAD, Bhubaneswar will report the receipt of the remittances to the Cyber Treasury electronically using the e-Kuber platform.
7. The Cyber Treasury will import the credit information from the RBI and account for the receipt in their books. The challan no. generated will be made available in the login page of the lessee in I3MS.
8. In case of any difficulty in making the online payment, the lessee may contact the Project Management Unit of Directorate of Mines through mail ID: itpmu@orissaminerals.gov.in or the Help Desk of IFMS, Odisha Tollfree No. 18003456739 or email ID: helpdesk@orissatreasury.gov.in.

Name of the Leasee : J.N. Pattnaik (Bhanjpali)

Sl. No.	Mineral	Year of Production	Production in MT	Approved limit of production in MT under EC as considered by CEC	Excess Production in MT as assessed by CEC	Price of Minerals as considered by CEC (in Rs/Tonne)	Cost of excess minerals produced in Rs. to be recovered towards compensation
1	2	3	4	5	6	7	8
1	Iron	2000-01	30125		30125	230.43	11590305.75
2	Iron	2001-02	53700		53700	241.05	12944335
3	Iron	2002-03	29068		29068	300.33	8720992.44
4	Iron	2003-04	103841		103841	487.81	30654679.21
5	Iron	2004-05	85890		85890	562.41	48305394.9
6	Iron	2005-06	119960		119960	690.93	82683962.8
7	Iron	2006-07	263200		263200	749	197136800
8	Iron	2007-08	90850		90850.000	1082.91	98362373.8
9	Iron	2008-09	172477		172477	1317.21	227188429.3
10	Iron	2009-10	229703		229703	1184.33	273044154
11	Iron	2010-11	115487		115487	1982.29	228928725.2
Total			1314301	0	1314301	8828.7	1238745199

Debba
21/9/2017

Deputy Director of Mines
Koirala, Dist. Sundargarh

(14)

OFFICE OF THE DEPUTY DIRECTOR OF MINES, KOIRA CIRCLE, KOIRA

DISTRICT: SUNDARGARH

Office Order No. 3513/Mines, dt. 26.7.2018

Whereas, the mining operation of Bhanjapali Iron Ore Mines over 18.00 ha of Sri Jitendra Nath Patnaik has been suspended vide Order No.20264/Mines, dt.13.08.2010 w.e.f. dt.13.08.2010 on the ground of non-maintenance of Environment Clearance as required under EIA Notification, 2006; and valid Consent to Operate from SPCB, Odisha. -

Whereas, in pursuance to the Judgement dt.02.08.2017 of Hon'ble Supreme Court in the matter of W.P. (C) No.114/14 Common Cause Vrs Union of India and Others; an amount of Rs.123,87,49,199/- only demanded vide this office letter No.5075/Mines, 02.09.2017 against the lessee being the price thereof towards compensation under Section 21(5) of MMDR Act, 1957 for production Iron Ore without/in excess of the environmental clearance for the period from 2000-01 to 2010-11. ✓

Whereas, the lessee has deposited Rs.123,87,49,199/- only being the price thereof towards compensation u/s 21(5) of MMDR Act, 1957 along with the applicable interest of Rs.3,14,63,641/-.

Whereas, the lessee has obtained the following valid statutory clearances:

- i. Mining Plan along with progressive mine closure plan approved by IBM, Bhubaneswar vide letter No.MS/OTFM/2009-ORI/BHU/2017-18, dt.31.08.2017, valid up to dt.31.03.2022.
- ii. Environment Clearance from the SEIAA, Odisha vide No.3212/SEIAA, dt.14.05.2015 for a period of five years.
- iii. Consent to Operate from OSPCB vide letter No.-3837/IND-I-CON-2197, Consent Order No.2680, dt.29.03.2018 valid up to dt.31.03.2019 for 0.26 MTPA of Iron Ore.
- iv. Forest Clearance vide letter No.10F(L)31/2012-1820/F&E, dt.25.01.2018 of Govt. of Odisha, Forest & Environment Department.

In view of the above and as per the Order dt.24.07.2018 of Hon'ble Supreme Court of India in the matter of IA No.86784/2018 in W.P.(C) No.114/2014 communicated vide Directorate of Mines, Odisha letter No.5782/DM, dt.26.07.2018; the lessee Sri Jitendra Nath Patnaik is hereby allowed to resume mining operation within the non-forest land and approved forest area having surface right in respect of Bhanjapali Iron Mines over 18.00 hectares under Koira Circle in Sundargarh district as per the terms and conditions of lease deed and as per the terms & conditions of statutory clearances obtained as above along with to comply the condition mentioned in St. No.(i) as laid down vide Proceeding No.1811/SM, dt.13.03.2018 of Steel & Mines Deptt., Govt. of Odisha within 60 days from the date of resumption of mining operation. ✓

17.7.2018
DEPUTY DIRECTOR OF MINES, KOIRA
Comd...
Pg.2 -

Memo No. 25/[-]

/Mines, dt. 26/7/2018

Copy to Sri Jitendra Nath Patnaik, At/Po- Bonaikela, P.S.- Joda, dist.- Keonjhar, Odisha for information and requested to comply the condition mentioned in Sl. No.(a) as laid down vide Proceeding No.1811/SM, dt.13.03.2018 of Steel & Mines Deptt., Govt. of Odisha within 60 days from the date of resumption of mining operation.

RECEIVED
25/7/2018

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 25/7/2018

Copy to Sri A.B. Jena, Mining Officer / P.K. Sahoo, Mining Officer for information and necessary action.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy to Sri Chakradhar Mallik, S.I.M. concerned of information and necessary action.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy forwarded to the Collector, Sundargarh/ Superintendent of Police, Rourkela for favour of kind information.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy forwarded to the D.F.O., Bonai for favour of kind information.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy to Member Secretary, SPCB, Odisha, Bhubaneswar/ Regional Officer, OSPCB, Rourkela for information.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy to the Regional Controller of Mines, IBM, Plot No.149, Pokhariput, Near City Bus Stand, In front of CPWD Office, Bhubaneswar-751020 for information.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy forwarded to the Director of Mines, Odisha, Bhubaneswar/ Head State IT (PMU), Directorate of Mines, Odisha, Bhubaneswar for favour of kind information with reference to Directorate of Mines letter No.5782/DM, dt.26.07.2018.

DEPUTY DIRECTOR OF MINES, KOIRA

Memo No.

/Mines, dt. 20/7/2018

Copy forwarded to the Addl. Secretary to Government, Department of Steel & Mines for favour of kind information.

DEPUTY DIRECTOR OF MINES, KOIRA

J.N. Patnaik

Mine Owner
Bonaikela, Joda,
Dist: Keonjhar (Odisha)
Pin - 758038

Annexure-5A

Phone : 272001, 272101 }
273727, 273700 } Joda
255417 - Keonjhar
2419734 - BBSR
Fax : (06767) 273807 / 272096
E-mail : jnp_joda@rediffmail.com

Ref: J.P. - 25-26/110

Date: 14/11/25

To
The PCCF(Wildlife) cum Chief Wildlife Warden
Govt. of Odisha
Bhubaneswar

Sub: Request for Certificate regarding impact of the Project on occasional movement of Elephant nearby Bhanjapali Iron Ore Mines under Bonai Forest Division of Sundargarh District of Sri JN Patnaik.

Ref: Proposal No.- FP/OR/MIN/27247/2017

Sir,

With reference to the subject cited above, it is to intimate that the Forest Clearance application of diversion of 12.565 Ha. of forest land including safety zone of 1.020 Ha. within the mining lease area of 18.00 Ha. of Bhanjapali Iron Ore Mines was submitted on PARIVESH Portal for the diversion of forest land.

On scrutiny MoEF & CC, New Delhi vide letter No- 8-09/2025-FC dated -10.11.2025 had issued some EDS . In point no (iv) they have sought the comments of PCCF (WL) & CWLW , Odisha on likely impact of the project. (copy of EDS enclosed).

Hence, we request to convey your comment for onward submission to the MoEF &CC, New Delhi.

Thanking ,
With Regards,

(D. K. Dash)
Authorized Signatory



Annexure-5-B

J.N. Patnaik

Mine Owner

Bonakela Joda,
Dist. Keonjhar (Odisha)
Pin - 756038

Phone: 272001, 272101, 273727, 273700, 255417, 2419754
Joda
Keonjhar
BBSR
Fax: (06767) 273807 / 272066
E-mail: jnp_joda@rediffmail.com

Raf _____

Out

UNDERTAKING

I do hereby undertake, to pay the amount if any demanded on account of wildlife mitigation plan by DFO, Bonai Division


Sri J. N Patnaik
(Proprietor)
Bhunjabali Iron Ore Mines
Authorized Signatory

COUNTERSIGNED

DIVISIONAL FOREST OFFICER
BONAI DIVISION

- 6 -

- 6 -

- 6 -

- 6 -

- 6 -

Annexure-6

J.N. Patnaik

Mine Owner

Bonaikele Joda
Dist. Keonjhar (Odisha)
Pin- 758038

Phone : 272001 272101 } Joda
273727 273700 }
255417 - Keonjhar
2419734 - BBSR
Fax (06767) 273807 / 272066
E-mail jnp_joda@rediffmail.com

Ref:

Date:

UNDERTAKING

I do hereby undertake, to prepare the mitigation plan as per the direction of DFO, Bonai & to pay the amount for implementation of the same. This will be communicated along with Stage-I compliance.


Sri J. N. Patnaik
(Proprietor)
Bhanjapali Iron Ore Mines
Authorized Signatory

COUNTERSIGNED


DIVISIONAL FOREST OFFICER
BONAI DIVISION

Annexure 7-A

Annexure

JOINT VERIFICATION AND SUITABILITY CERTIFICATE OF NON-FOREST GOVT. LAND IDENTIFIED FOR COMPENSATORY AFFORESTATION OVER 11.586 HA. IN VILLAGE KHARIABHAL OVER 7.853 HA. AND VILLAGE STANBAHAL OVER 3.723 HA. UNDER KOIRA TEHSIL OF SUNDARGARH DISTRICT IN LIEU OF DIVERSION OF 12.565 HA. OF FOREST LAND (INCLUDING 1.020 HA. OF SAFETY ZONE) IN BHANJAPALI FROM MINES OF SRT J.N. PATNAIK

Taluk	Village	Khata No.	Plot No.	Area in Acres		Boundary Description	West
				North	South		
Kotia	Khariabhal	100 (R&A)	420(P)	4	6	Plot No-422 of Village Khariabhal	Plot No-427 of Village Khariabhal
Kotia	Stanbhal	25 (R&A)	32(P)	19.43	19.43	Plot No-22 of Village Stanbhal	Plot No-25 of Village Stanbhal
			Total	20.43	20.43		Plot No-22 of Village Stanbhal
				20.43 Ac	20.43 Ha		Plot No-22 of Village Stanbhal

- Certified that the above non-forest Govt. land is in two subplots, plot no. 420 & 422, having adequate soil depth suitable for plantation from management point of view.
- Certified that the above non-forest Govt. land is free from encroachment and encumbrances.
- Certified that the above non-forest Govt. land is not covered under DLC report.
- Certified that the above non-forest Govt. land has not been allotted previously.

Range Officer,
Banki Range


Asst. Conservator of Forest
I/C Banki Forest Range


Divisional Forest Officer
Rourkela Division


Tehsildar
Koir
TEHSIL
KOIRA

Annexure - 7(A)

10.01. VERIFICATION AND SUFFICIENCY CERTIFICATE OF FOREST GOVT. IS ALSO IDENTIFIED FOR COMPENSATORY AFFORESTATION OVER 1,000 HA USE FOR SAFETY ZONE IN VILLAGE KHARIABHAM, TEBER KORI TELKU OF SUNDARAGANI DISTRICT TO HIN 05 DIVISION OF 12,565 HA. OF FOREST LAND (INCLUDING 1,029 HA. OF SAFETY ZONE IN BHATAPAL TELKU OF SUNDARAGANI DISTRICT).

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Range Officer,
Range Range

FORESTER
PANS STATION

**Divisional Forest Officer
Rourkela Division**

Wojc
Tepisdar,
KOTRA
KARAK

Q
Divisional Forest Officer
Rourkela Division

~~12/12/2012~~
12/12/2012
12/12/2012

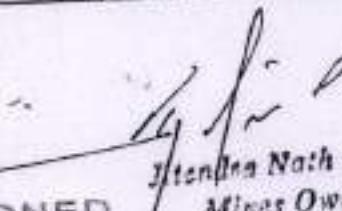
Annexure-7(b)

COST OF BENEFIT ANALYSIS

SL. NO.	PARAMETERS	REMARKS
1.	Increase in productivity attribute to the specific project.	a) Total Forest area to be diverted 12.565ha b) Total Mining Reserve = 2.41 million tones c) Rs.7,500 Lakhs
2.	Benefits to economy due to the specific project.	The total benefit to the economy will be around Rs.64,800 Lakhs. Benefit to the state Exchequer Rs.1280 Lakh as royalty, DMF & NMET.
3.	No. of population benefit due to specific project.	Besides the direct and indirect employment about 500 local people living around the area.
4.	Economic benefits due to of direct and indirect employment due to the project.	1040 lakhs
5.	Economic benefits due to Compensatory Afforestation.	147 lakhs
TOTAL:		RS. 9,967.00 Lakhs

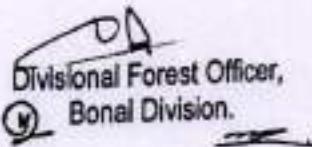
COUNTERSIGNED

DIVISIONAL FOREST OFFICER
 ① BONAI DIVISION


 Jitendra Nath Pattnik
 Mines Owner
 Bhujipoli Iron Mine

PARAMETERS FOR EVALUATION OF LOSS OF FORESTS
TABLE-B

Sl. No.	Parameters	Remark
1.	Ecosystem services losses due to proposed forest diversion. (12.565 ha. X 11,16,900/- per ha.)	₹ 1,40,33,849/-
2.	Loss of animal husbandry productivity, including loss of fodder (10% of NPV)	₹ 14,03,385/-
3.	Cost of human resettlement	-
4.	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric line, railways, etc.) on forest land, which would required forest land if these facilities were diverted due to the project	-
5.	Possession value of forest land diverted. (30% of environmental cost (NPV).	₹ 42,10,155/-
6.	Cost of suffering to oustees	-
7.	Habitat fragmentation cost. (50% of NPV)	₹ 70,16,925/-
8.	Compensatory Afforestation and soil and moisture conservation cost.	₹ 1,67,54,616/-
TOTAL :-		₹ 4,34,18,930/-


 Divisional Forest Officer,
 Bonai Division.

SUMMARY OF COST BENEFIT ANALYSIS

Total loss due to proposed forest diversion : ₹ 4.341 Crore

Total benefit to the economy : ₹ 99.67 Crore

Hence, the cost benefit ratio of the Mining Project is : 1 : 22.96

Or,

1 : 23.00


Divisional Forest Officer,
Bonai Division.

54

Annexure - 9

02 PROPOSAL FOR DIVERSION OF 12.565 HA FOREST LAND INCLUDING SAFETY ZONE (1.020 HA) WITHIN MINING LEASE AREA OVER 18.0 HA IN RESPECT OF BHANJAPALI IRON ORE MINES UNDER BONAI FOREST DIVISION Q SUNDARGARH DISTRICT BY SRI J. N. PATNAIK.
PROJECT CATEGORY: MINING / QUARRYING
FOREST AREA – 12.565 ha (DLC Forest – 11.970 ha + PRF – 0.595 ha)
PROPOSAL NO- FP/OR/MIN/27247/2017

FOREST DIVISION- BONAI FOREST DIVISION

Bhanjapalli Iron Ore project, a mining project located in village Bhanjapalli under Koira Tahasil of Sundargarh District under Bonai Forest Division. The proposal has been applied by Sri J. N. Patnaik on Parivesh 1.0 on dated 02.08.2019. The proposal has been duly processed in hardcopy by the DFO, Bonai Forest Division, RCCF, Rourkela Circle, State Nodal Officer and Govt. of Odisha, FE&CC Department and was forwarded to GoI, MoEF&CC, New Delhi for according necessary approvals under Section 2 (ii) of the Van (Sanrakshan Eevam Samvardhan) Adhiniyam, 1980. The AIGF, GoI, MoEF&CC, New Delhi (FC Division) has raised EDS on 10 points which has to be complied by the State Forest Department. The EDS No. ix has stipulated that the State Govt. shall submit the MOM of PSC with Part-IV as per the provisions of the guideline issued dated 25.01.2024.

Hence, the proposal was taken up in PSC meeting for complying the EDS stipulations of MoEF&CC, GoI dt. 10.11.2025.

In view of above observation, the PSC recommended the proposal to forward to the State Govt. for grant of Forest Clearance as per provision of Section-9 (16) of Van (Sanrakshan Eevam Samvardhan) Rules, 2023.

The meeting ended with vote of thanks from the chair.

24/11/2025
 Addl. Principal Chief Conservator of Forests
 Forest Diversion & Nodal Officer, FC Act

24/11/2025
 Addl. Principal Chief Conservator of Forests
 (Forest Diversion & Nodal Officer, F.C. Act)
 O/o the P.C.C.F, Odisha, Bhubaneswar

Minutes of the 79th Meeting of Project Screening Committee (PSC) for processing of the Forest Diversion Proposals filed online in PARIVESH- 2.0 for approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 held on 21.11.2025 at 04.00 PM through virtual mode.

The meeting was chaired by the Addl. Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer, FC Act, Odisha. The list of the members present is at *Annexure-I*.

At the outset, Addl. Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer, FC Act, Odisha and Chairman of the committee welcomed all the participants and briefed them regarding the Project Screening Committee (PSC). In the PSC, **02 (Two)** number of Forest Diversion Proposals (FDP) were discussed and following decision taken thereof:-

01	AKHARKATA GRAPHITE BLOCK BY KUNDAN GOLD MINES PRIVATE LTD. PROJECT CATEGORY: EXPLORATION & SURVEY FOREST AREA- 335.47 HA (REVENUE FOREST) PROPOSAL NO- FP/OR/SRY/536390/2025 FOREST DIVISION- ATHAMALLIK FOREST DIVISION
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Govt. of Odisha, Steel & Mines Department has issued LoI for grant of Composite License for Akharkata Graphite Block for exploration of critical mineral graphite in Akharkata, Talamaliha and Ambasaramunda villages under Athamallik Tahasil in Angul District over prospecting block 752.77 ha which includes forest land of 335.47 ha to M/s Kundan Gold Mines Private Limited on dated 28.11.2024. The User Agency has applied for preliminary exploration over the said land.

The PSC accepted the proposal vide its 73rd meeting held on dated 21.07.2025. The proposal thereafter has been scrutinized by the DFO, Athamallik Forest Division and is taken up in PSC-II meeting for recommending the proposal to State Govt.

On scrutiny of the online proposal for PSC-II meeting, following EDS raised in 73rd PSC meeting held on 21.07.2025 has not been complied and uploaded by DFO, Athamallik Forest Division.

- i. The land schedule of both forest and non-forest land involved in this project duly authenticated by the Tahasildar and DFO concerned have not been uploaded.

Now, on further scrutiny, the following observation was noticed:-

- i. In the uploaded hardcopy of Site Inspection Report and Part-II of the DFO, Athamallik Forest Division, it is found DLC Forest - 303.75 ha and Revenue Forest - 32.90 ha which comes to total 336.65 ha but in the online Form-C (Part-II), it is found DLC Forest - 302.57 ha and Revenue Forest - 32.90 ha which comes to total 335.47 ha. Please clarify for such discrepancy.

However, CCF (Nodal) has conducted Site Inspection on 20.10.2025 wherein DFO, Athamallik Forest Division and representative of the Project Proponent were present. CCF (Nodal) has reported that 335.47 ha forest land comes within the ambit of composite license granted to Project Proponent for exploration.

In view of above observation, the PSC recommended the proposal to forward to the State Govt. for grant of Forest Clearance as per provision of Section-9 (16) of Van (Sanrakshan Evam Samvardhan) Rules, 2023.

Annexure - 10



भारत सरकार
पानी की सेवा को लेना
मानव संसाधनों को बढ़ावा देना
जल संरक्षण और प्रयोग
संसाधनों का संवर्धन
Government of India
Ministry of Jal Shakti
Department of Water Resources
River Development & Ganga Rejuvenation
Central Ground Water Authority

(भूजल निकासी हेतु वनापति प्राप्ति पत्र)
NO OBJECTION CERTIFICATE (NOC) FOR GROUND WATER ABSTRACTION

Project Name	Bhanjapalli Iron Ore Mines		
Project Address	A/- Bhanjapalli, P.o - Kora, Dist - Sundargarh		
Village	Bhanjapali	Block	Koida
District	Sundargarh	State	Odisha
Pin Code			
Communication Address	Jitendrakumar Pattnaik, Mines Owner, Al- Bonakela, P.o - Joda, Dist - Keonjhar, Joda, Keonjhar, Odisha - 756036		
Address of CGWB Regional Office	Central Ground Water Board South Eastern Region, Bhulabhowan, Khandagiri Square, NH-5, Bhubaneswar, Khurda, Odisha - 751030		

1. NOC No.:	CGWA/NOC/MIN/REN/I/20/145455	2. Date of Issuance:	13/05/2024
3. Application No.:	21-423155/GR-MIN-2021	4. Category:	Safe
5. Project Status:	Existing Ground Water	6. NOC Type:	Renewal
7. Valid from:	10/01/2024	8. Valid up to:	09/01/2026
9. Ground Water Abstraction Permitted			

Fresh Water	Saline Water		Dewatering	Total	
	HR/day	m ³ /year		m ³ /day	m ³ /year
9.00	3265.00				

10. Details of ground water abstraction /Dewatering Structures

Abstraction Structure*	Total Existing No. 1						Total Proposed No. 0					
	DW	DCB	BW	TW	MP	MPu	DW	DCB	BW	TW	MP	MPu
TOW: Dig Well, DCB: dug cam box well, BW: Box Well, TW: Tandem Well, MP: Mine Pump, MPu: Mine Pump	0	0	1	0	0	0	0	0	0	0	0	0

*TOW: Dig Well, DCB: dug cam box well, BW: Box Well, TW: Tandem Well, MP: Mine Pump, MPu: Mine Pump

11. Ground Water Abstraction/Restoration Charges paid (Rs.)

7750.00

12. Environment Compensation (if applicable) paid (Rs.)

0.00

(Compliance Conditions given overleaf)

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of - ~~and~~ ~~and~~

Visitors to the RSC shall be admitted in accordance with the following conditions of admission:

18/11, ज्योतिर राम, गोपनीय टाटा न्यू विल्स - 110011, 18/11, Jyotiram House, Marginal Road, New Delhi-110011
Phone: (91) 22333561, Fax: 22338681, 22336741
Website: www.tata.com

पानी बचाओ, जीवन बचाओ
SAVE WATER, SAVE LIFE

for Env