



By Speed Post

OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS, ROURKELA CIRCLE,
AT/P.O. PANPOSH, ROURKELA-769 004.

Memo No. 3210 /3F-181/2021 Date: 06.11.21

To

The Additional Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act),
O/o the Principal Chief Conservator of Forests, Odisha.

Sub:- Diversion of 5.888 ha. of forest land (including 0.562 ha. of Safety Zone area) in village Oraghat of Sundargarh District for Iron & Manganese by M/s Sayed Abdul Halim under Bonai Forest Division.

Ref: - 1. Letter No.5-ORC412/2020-BHU dt.14.06.2021 of the MoEF & CC, ERO,BBSR.
2. Your Memo No.10543 Dtd. 29.06.2021.
3. Memo No.9065 Dtd. 30.10.2021 of the DFO, Bonai Division.

With reference to the aforecited Memos on the captioned subject, the DFO, Bonai Division vide his Memo No. 9064 Dtd.30.10.2021 addressed to this office and copy endorsed to you in the next Memo of even date has submitted the compliance with the observations made by the MoEF & CC, Integrated Regional Office, Bhubaneswar vide their Letter No.5-ORC412/2020-BHU dt.14.06.2021 which may kindly be perused.

The point wise compliance submitted by the DFO, Bonai Division is as follows:-

- 1. Whether the penalties paid by the User Agency under MMDR Act as per Hon'ble Supreme Court order dated 02.08.2017 in WP(C) No.114 of 2014 (Common Cause Vrs Union of India) and penalties paid under OPLE Act includes the penalties on account of Forest (Conservation) Act, 1980 also?**


As reported by the DFO, Bonai Division, the DDM, Koira was requested vide his office Letter No.5373 Dtd.07.07.2021 to submit necessary compliance in this regard. But, the compliance report has not yet been received from the DDM, Koira as reported by him. In the meantime, the Director Mines, Odisha, Bhubaneswar has submitted the compliance with the above said observation to the Forest, Environment & Climate Change Department, Govt. of Odisha vide his Letter No.5805/DM Dtd.03.08.2021 as intimated by the User Agency vide their Letter dated 21.10.2021 to the DFO, Bonai Division. In the said compliance, the Director of Mines has reported that penalties paid by the User Agency, M/s Sayed Abdul Halim under MMDR Act as per Hon'ble Supreme Court Order dated 02.08.2017 in W.P.(C) No.114/2014 (Common Cause) includes the penalties on account of FC Act,1980. In this regard, the DFO, Bonai Division has submitted a copy of the letter dtd.21.10.2021 of the User Agency alongwith a copy of Letter No.5805/DM Dtd.03.08.2021 of the Director of Mines which is enclosed herewith as **Annexure-I**.

Besides, as reported by the DFO, Bonai Division, the Collector, Sundargarh was requested vide his office Letter No.5369 Dtd.07.07.2021 & No.7485 dtd.23.09.2021 to submit necessary compliance with regard to additional information as to whether the

penalties paid by the user agency under OPLE Act includes the penalties on account of FC Act, 1980. In response to the same, the Addl. District Magistrate, Sundargarh has intimated the office of the DFO, Bonai vide his Letter No.9531 dtd.11.10.2021 (copy enclosed as **Annexure-II**) that the Tahsidar, Koira has reported him that as per joint verification report of the Revenue Officials and Range Officer, Koira Range, the User Agency has already deposited an amount of Rs.46,05,469/- for unauthorized working in DLC land in Oraghat Iron & Manganese Ore Mines of M/s Sayed Abdul Halim. The copy of Letter No.1985 dtd.18.11.2020 of Tahasildar, Koira submitted by the DFO, Bonai Division is enclosed herewith as **Annexure-III**.


This is for favour of your kind information and necessary action.

Encl :- As above.

 Regional Chief Conservator of Forests
Rourkela Circle
6/11/2021


Memo No. 3211 / Date: 06.11.2021

Copy forwarded to the Divisional Forest Officer, Bonai Division for information and necessary action with reference to his Memo No. 9064 dtd.08.10.2020.

 Regional Chief Conservator of Forests
Rourkela Circle
6/11/2021

Memo No. 3212 / Date: 06.11.2021

Copy forwarded to M/s S.A Halim, Plot No. 90, First Floor, Satyanagar, Near Satyanagar SBI, Bhubaneswar-751007 for information and necessary action with reference to Memo No. 9066 dtd.30.10.2021 of DFO, Bonai Division.

 Regional Chief Conservator of Forests
Rourkela Circle
6/11/2021

Syed Abdul Halim

Mines Owner

ANNEXURE - I

(218)

Date: - 21.10.2021

To,

The Divisional Forest Officer,
Bonai Circle,
Bonai, Sundargarh,

Sub: - Diversion of 5.888 ha of DLC forest land (including 0.526 ha of Safety Zone Area) in village Oraghat of Sundergarh Dist. for Iron & Mn Mines (25.847 Hect) by M/s Sayed Abdul Halim under Bonai Forest Division.

- Ref: 1. Letter No-5-ORC 412/2020-BHU, Dt.14.06.2021 of MoEF (C), IRO (Bhubaneswar).
2. Letter No-11476/F&E Dt.02.07.2021 of the F&E Dept, Govt.of Orissa.
3. Memo No-10542 Dt. 29.06.2021 of the Addl. PCCF (FD & Nodal, FC Act), Bhubaneswar.
4. Letter No- 5373/6F-(Mg.) Dt: 07.07.2021 of the DFO, Bonai Division.
5. Letter No- III (b) 24/1994/5805/DM, Dt. 03.08.2021 of the Directorate of Mines, Govt. Of Odisha, Bhubaneswar.

Dear Sir,

With reference to above letters, it is to inform you that the MoEF & CC, Integrated Regional Office, Bhubaneswar has sought following clarification vide Letter No-5-ORC 412/2020-BHU, Dt.14.06.2021 (Copy enclosed) that "Whether the penalties paid by the User Agency under MMDR Act as per Hon'ble Supreme Court Order dated 02.08.2017 in W.P.(C) No.114 of 2014 (Common Cause Vrs Union Of India) and penalties paid under OPLE Act includes the penalties on account of Forest (Conservation) Act,1980 also.

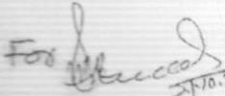
With regard to the above letters, Directorate of Mines, Govt. Of Odisha, Bhubaneswar vide letter No- III (b) 24/1994/5805/DM, Dt. 03.08.2021 (Copy enclosed) already clarified that Penalties paid by User Agency i.e. Oraghat Iron & Mn Mines of S A Halim under MMDR Act as per Hon'ble Supreme Court Order dated 02.08.2017 in W.P. (C) No.114 of 2014 (Common Cause Vrs Union Of India) includes the penalties on account of FC Act, 1980.

In view of the above submission we request your goodself to furnish the required compliance so that we are grateful to you.

This is for Information and necessary action.

Thanking you sir.

Yours Faithfully,

For 
M/s Sayed Abdul Halim
27.08.2021

Oraghat Iron & Mn Mine,
Koira, Sundergarh, Odisha.

By E-mail

DIRECTORATE OF MINES: ODISHA
BHUBANESWAR

Date 03-08-2021

No. III (b) 24/1994 5805 /DM.,

From

Debidutta Biswal, IFS
Director of Mines, Odisha,
Bhubaneswar.

To

The Special Secretary to Govt.,
Forest, Environment & Climate Change Department,
Odisha, Bhubaneswar.

Sub: - Diversion of 5.888 hecets of forest land (including 0.562 hecets of Safety Zone) in village-Oraghat of Sundargarh District for Iron & Manganese Mines by M/s S.A. Halim under Bonai Sub-Division.

Sir,

In inviting a reference to your Memo letter No. 11477/F&E dated 02.07.2021 and on the subject mentioned above, this is to inform that penalties paid by the user agency, S.A. Halim under MMDR Act as per Hon'ble Supreme Court order dated 02.08.2017 in W.P.(C) No. 114/2014(Common Cause) includes the penalties on account of F(C) Act, 1980. In this context it is reported that in pursuance to judgement dated 02.08.2017 at para 139, 179, 186(8) & 225 Govt. have approved the modalities for implementation of the judgment vide letter no. 7052/SM dated 23.08.2017, copy enclosed for reference. As per the said modalities on item no. 3, no demand has been raised against the user agency for recovery of compensation demand under section 21(5) in violation F.C. Act, 1980. Moreover, on item no. 6 of the modalities, F & E Department has not taken any steps against the user agency in violation of F.C. Act, 1980 within the period on four weeks and in any case before 31.12.2017.

Further, in pursuant to judgment dated 02.08.2017, the demand compensation amount has been paid by the lessee/user agency in full alongwith the applicable interest thereon in violation of E(P) Act, 1986/ F.C. Act, 1980 of Rs. 9,68,08,288/- and towards MP/CTO of Rs. 21,12,599/- respectively. It is reported that as per order dated 02.08.2017 of Apex Court in para-179, 184, 186(8) & (9) concluded that in the event of any overlaps, that is illegal or unlawful mining without in F.C. or without in E.C. or without both E.C. & F.C. would attract only 100% compensation and not 200%

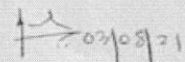
compensation. In other words, only one set of compensation would payable by the lessee to the State Govt. As such the lessee/user agency, S.A. Halim paid the compensation demand amount including the penalties on account of F.C. Act, 1980. Further with regards to additional information regarding penalties paid by the user agency under OPLE Act, includes the penalties on account of Forest (Conservation) Act, 1980 may be confirmed from the competent authority i.e. concerned Tahsil & Collector, Sundargarh.

This is for information & necessary action.

Yours faithfully,

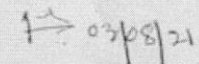
Encl: - As above

Memo No. 5806 /DM


DIRECTOR OF MINES, ODISHA

Date 03-08-2021

Copy forwarded to the OSD-cum-Spl. Secy. to Govt., Steel & Mines Deptt., Odisha, Bhubaneswar for kind information & necessary action with reference to Memo letter No. 11477/F&E dated 02.07.2021.


DIRECTOR OF MINES, ODISHA

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, SUNDARGARH
(Revenue Section)

No. 9531 VIII- 27/2021/ Dt. 11-10-2021/

To
The Divisional Forest Officer, Bonai.

Sub-
Diversion of 5.888ha of forest land (including 0.562 ha of Safety zone area) in village Oraghat for Iron & Manganese Mines by M/s Sayed Abdul Halim.

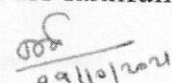
Ref:
Your letter No. 7485 dt. 23.09.2021

Sir,

With reference to the letter on the subject cited above, I am to intimate that the Tehsildar, Koira has reported that as per joint verification report by the Revenue Officials and Range Officer, Koira Forest Range, the user agency has already deposited the amount of Rs 46,05,469.00 for unauthorized working in DLC land in Oraghat Iron & Manganese Ore Mines of M/s Sayed Abdul Halim. The copy of Letter No. 1985 dt. 18.11.2020 of Tehsildar, Koira is enclosed herewith for reference.

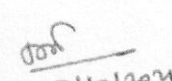
This is for favour of kind information and necessary action.

Yours faithfully,


09/10/2021
Addl. District Magistrate,
Sundargarh

9532
Memo No. Dt 11-10-2021

Copy to M/s Sayed Abdul Halim, Plot No. 90, First Floor, Satyanagar, Near Satyanagar SBI, Bhubaneswar 751007 for information.


09/10/2021
Addl. District Magistrate,
Sundargarh

OFFICE OF THE TEHSILDAR: KOIRA

Ph No.06625-235380, E.mail ID- tah.koida-od@nic.in

Letter No. 1985 / Dt. 18-11-2020 /

To

The Addl. District Magistrate,
Sundargarh.

Sub: - Submission of joint verification report for unauthorized working in D L C Land in Oraghat Iron & Manganese Ore Mines of M/s Sayed Abdul Halim.

Ref: - Dist. Office Letter No.185 dated- 04.04.2018.

Sir/Madam,

With reference to the letter on the subject cited above, I am to submit herewith the detail joint verification report by unauthorized working in D L C Land in Oraghat Iron & Manganese Ore Mines of M/s Sayed Abdul Halim.

Necessary action has been initiated under OPLE Act. and Lessee has paid the Assessment & Penalty amount. Kindly intimate if any further action is to be taken.

This is for favour of kind information and necessary action.

Yours faithfully,

Enclosure:-1) As above.

Memo No. 1986 / Dated, 18-11-2020 /

Copy submitted to Deputy Director of Mines, Koira for favour of information and necessary action.

Tehsildar, Koira.

Memo No. 1987 / Dated, 18-11-2020 /

Copy submitted to Sub-Collector, Bonai for favour of kind information and necessary action.

Tehsildar, Koira.

Memo No. 1988 / Dated, 18-11-2020 /

Copy submitted to Divisional Forest Officer, Bonai for favour of information and necessary action.

Tehsildar, Koira.

Tehsildar, Koira.

Joint verification report of unauthorised working in DLC Land in craghat Iron and manganese ore mines of M/s Sayed Abdul Halim at village - Aghlat P.S. Koira Dist- Surdarganjha.

Today i.e on dtl 20.10.2020 at about 11.00am we Tehsildar Koira, Rev. Supervisor Koira, Junior mining officer, Koira, Forest Officer Koira, Forest guard Koira conducted field enquiry / Joint verification regarding unauthorised working in DLC Land in craghat Iron and manganese ore mines of M/s Sayed Abdul Halim in presence of representative of M/s Sayed Abdul Halim.

On field enquiry it reveals that, as reported by DFO, Bonga vide letter no. 992 dt. 1.2.2018 & 2447 dt. 25.3.2018 the findings are as follows (Violations)

| <u>S.No.</u> | <u>Items</u> | <u>Area</u> | <u>Remarks</u> |
|--------------|---|-------------|----------------------|
| 1 | Mobile Screening unit has been installed over | - 0.1 ha | - Partly on DLC Land |
| 2 | Quarry no.2 occupies | - 0.328 ha. | - Found Correct |
| 3 | Quarry no.3 occupies | - 0.141 ha. | - Found Correct |
| 4 | Quarry no.4 occupies | - 0.174 ha. | - Found Correct |
| 5 | Installation of electric pole | - 0.01 ha. | - Found Correct |
| 6 | DA Set occupies | - 0.001 ha. | - Found Correct |
| 7 | Habitatation over | - 0.4 ha. | - (Not in DLC Land) |
| 8 | Quarry No.1 occupies | - 0.029 ha. | - Found correct |

Further, items with Serial No. 1, 2, 3, 4, 5, 6 & 8 are coming under plot No. 91 Kh. No. 99 (Abada Ajogya Anabadi) DLC Land. Though lease deed has been executed for this plot, Surface right has not been granted for this plot. This violation shall be proceeded as per OPLE Act/Rules.

Regarding unauthorised excavation related to Quarry No. 1, 2, 3 & 4 pertaining to plot No. 91 (DLC) have already been detected by the then Senior Inspector of Mines, Koira, & Senior Surveyor, Koira on dt. 18.5.2005 & 19.5.2005. For this violation the demand has raised vide letter No. 6357 dt. 31.3.2006 amounting Rs. 46,05,469/-

②

Rupees forty six lakhs four thousand four hundred & sixty nine only
And lessee has already paid the demand raised amount vide
T.C. No. 122 dt. 29.4.2006 & T.C. No. 70 dt. 20.5.2006.
Hence no need to take action for this violation.

This is for favour of your kind information and
necessary action.

[Signature]
20/10/20
Revenue Supervisor
Koira, Tehsil

[Signature]
20.10.2020
ICRATING OFFICER
THE DDM, KOIRA
WINDARGARH

[Signature]
20/10/20
ICRATING OFFICER
THE DDM, KOIRA
WINDARGARH

[Signature] 20/10/20
Range Officer
Koira Forest Range

[Signature]
Tehsil
Koira
20.10.2020