



By E-mail

ବନଖଣ୍ଡ ଅଧୀକାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟ: ବଣାଇଁ ବନଖଣ୍ଡ I

OFFICE OF THE DIVISIONAL FOREST OFFICER: BONAI DIVISION.

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Memo No. 5821 /6F-(Mg.)Dt: 17 - 9.2019

To

The Regional Chief Conservator of Forests,  
Rourkela Circle, Rourkela.

Sub:-

Proposal for diversion of 5.888 ha. of DLC forest land (including 0.562 ha. of Safety Zone area) in village Oraghat by M/s Sayed Abdul Halim

Ref: -

1. Proposal No.FP/OR/MIN/15807/2015 dt.16.3.2017
2. Memo No.10187 dt.9.5.2018 of the Dy. Conservator of Forests, (Nodal), Bhubaneswar addressed to this office.
3. Your Letter No.1301 dt.10.5.2018.
4. Letter No.Nil dt.12.9.2019 of M/s S.A. Halim.

With reference to above, the point-wise compliance of the deficiencies in the above diversion proposal made by the Addl. Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer, F.C. Act' O/O the P.C.C.F., Odisha Bhubaneswar vide his Letter under reference is furnished below.

1. **In the diversion proposal, the User Agency has not furnished the land schedule in details for DLC forest land, which should be submitted by concerned Tehsildar duly signed by the forest staff.**

The Land Schedule of total ML area of 25.847 ha. out of which 5.888 ha. is DLC Forest land which is authenticated by the Tehsildar, Koira, Range Officer, Koira and countersigned by the undersigned which is enclosed in the diversion proposal (Page-86-90/DP).

2. **As per DP, total non-forest land is 19.959 ha. and forest land (DLC) 5.888 ha. but at Page-87-90/DP the non-forest land scheduled submitted is 25.847 ha. which is contradictory.**

At Page-87-90/DP, it is mentioned that the Plot No.91 & 225 of Khata No.39, Kisam-Pahada, total area of both plots-14.55 Ac, (Or, 5.888 ha.) is DLC Forest land, which is again authenticated by the Teshildar, Koira, Range Officer, Koira and countersigned by the undersigned which is enclosed in the diversion proposal (Page-86-90/DP).

3. **FRA certificate for 0.562 ha. for Safety Zone wanting.**

The Collector, Sundargarh has been requested vide this office Letter No.3163 dt.22.4.2017 for issue certificate under Forest Right Act'2006 over balance forest area of 0.562 ha. and reminded vide this office Letter No.8736 dt.10.11.2017, No.3804 dt.11.5.2018 and No.200 dt.5.1.2019.

Contd.2...

Further, the Collector, Sundargarh has intimated vide his Letter No.195 dt.8.1.2019 that the BDO and Tehsildar, Koira have already been requested to conduct Gram Sabha and submit relevant documents for issue of Certificate under FRA for balance forest area of 0.562 ha. vide his Office Letter No.1881 dt.23.10.2017 and Letter No.586 dt.12.3.2018 respectively. **(Annexure-1)**.

**4. SDLC and DLC resolution are not enclosed.**

In compliance to above observation, the Collector, Sundargarh was requested vide this office Letter No.796 dt.29.1.2019 to submit SDLC and DLC resolution of the Certificate issued earlier over 5.326 ha. Further, the Collector, Sundargarh has intimated vide his Letter No.574 dt.16.2.2019 that the Certificate under FRA for diversion of 5.326 ha. of forest land for Oraghat Iron & Mn. Mines of M/s Sayad Abdul Halim has been issued in the prescribed format basing on the D.O. No.17593 dt.24.10.2009 of the Chief Secretary and Chief Development Commissioner, Odisha, Bhubaneswar. As clarified in F. No.11-623/2013-FC dt.9.10.2013 of the MoEF, Govt. of India that all those proposals where certificate in respect of settlement of rights under the FRA Act and where certificate has already been issued prior to the Notification dt.5.7.2013 of the MoEF fresh certificate will not be insisted upon. In the instant case the FRA Certificate has been issued to Oraghat Iron & Mn. mines of M/s S.A. Halim for 5.326 ha. of forest land in the prescribed format of F&E Deptt. where there was no instruction for submission of SDLC / DLC resolution and the issue of FRA Certificate is correct and genuine **(Annexure-2)**.

**5. FRA certificate furnished by the Collector, Sundargarh for 5.326 ha. is not in prescribed format.**

In compliance to above observation, the Collector, Sundargarh was requested vide this office Letter No.3804 dt.11.5.2018 to submit the FRA Certificate over 5.326 ha. in the prescribed format. Further, the Collector, Sundargarh has intimated vide his Letter No.195 dt.8.1.2019 that the Certificate under FRA for diversion of 5.326 ha. of forest land for Oraghat Iron & Mn. Mines of M/s Sayad Abdul Halim has been issued in the prescribed format basing on the D.O. No.17593 dt.24.10.2009 of the Chief Secretary and Chief Development Commissioner, Odisha, Bhubaneswar. As clarified in F. No.11-623/2013-FC dt.9.10.2013 of the MoEF, Govt. of India that all those proposals where certificate in respect of settlement of rights under the FRA Act and where certificate has already been issued prior to the Notification dt.5.7.2013 of the MoEF fresh certificate will not be insisted upon. In the instant case the FRA Certificate issued to Oraghat Iron & Mn. mines of M/s S.A. Halim for 5.326 ha. of forest land is correct and genuine **(Copy already enclosed as Annexure-1)**.

**6. Tree enumeration list of non-forest land has not been enclosed.**

The enumeration list of the non-forest land submitted by the Range Officer, Koira vide his Memo No.318 dt.7.9.2019 which is enclosed in the diversion proposal **(Page-165-181/DP)**.

7. EC issued on 16.4.2011 has already expired.

In the above observation, the User Agency has been requested vide this office Letter No.3802 dt.11.5.2018 to submit the compliance of the above point. Further, the User Agency has intimated vide his Letter dt.12.9.2019 that the State Environment Impact Assessment Authority, (SEIAA), Odisha has requested vide his Letter No.3066/SEIAA dt.25.5.2017 to the User Agency that the case for revalidating the EC upto expiry of the present lease period would be considered on production of document only after grant of Stage-I forest clearance (Annexure-3).

8. ML executed on 6.4.1998 for a period of 20 years duly approved by IBM has already been expired.

In the above observation, the User Agency has been requested vide this office Letter No.3802 dt.11.5.2018 to submit the compliance of the above point. Further, the User Agency has intimated vide his Letter dt.12.9.2019 that the Mining Plan approved by the IBM has already been expired on 6.4.2018. Now, the Indian Bureau of Mines (IBM) has been approved the Mining Plan vide his Letter No.MS/OTFM/52-ORI/BHU/2018-19 dt.28.3.2019 which is enclosed in the diversion proposal (Page-117 & 119/DP).

9. For violaton of F.C. Act, as intimated by the RCCF, Rourkela, legal action, person responsible and period of violation with actual area under violation be intimated by the DFO along with action taken report.

The Collector, Sundargarh has been intimated the violation carried out by the User Agency and request is being made vide this office Letter No.992 dt.1.2.2018 (Annexure-4) and No.2447 dt.28.3.2019 (Annexure-5) for taking necessary action under relevant Revenue Laws as the violation area comes under DLC forest category. Further, the Range Officer, Koira was requested vide this office Memo No.3803 dt.11.5.2018 to intimate legal action taken, name of person responsible for violation and period of violation with actual area under violation of the F.C. Act. Besides, the Range Officer, Koira has intimated vide his Letter No.319 dt.7.9.2019 that the above matter is under investigation.

The Diversion Proposal in 5 sets is enclosed herewith.

This is for favour of kind information and necessary action.

Encl :- As above.

Memo No. 5822 /6F-Dt: 17-9.2019

Copy forwarded to the Addl. Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer, F.C. Act' O/O the P.C.C.F., Odisha Bhubaneswar for favour of kind information and necessary action with reference to his Memo No.1018 dt.9.5.2018.

 17/9/19  
Divisional Forest Officer,  
Bonai Division.

Memo No. 5823 /6F-Dt: 17-9.2019

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 his Letter dt.12.9.2019.

 17/9/19  
Divisional Forest Officer,  
Bonai Division.

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Bonai Division.