



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

Memo No. 2748 /3F-267/2019 Date: 18.09.2019

To

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

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. (Proposal No. FP/OR/MIN/15807/2015 dt.16.3.2017)

Ref: - 1. Your Memo No. 10186 Dtd. 09.05.2018.
2. Memo No.5822 Dtd. 17.09.2019 of the DFO, Bonai Division.

With reference to the aforesaid Memos on the captioned subject, the DFO, Bonai Division vide his Memo No. 5821 Dtd.17.09.2019 addressed to this office and copy endorsed to you in the next Memo of even date has submitted the point wise compliance with the deficiencies observed vide your aforesaid Memo which may kindly be perused.

The point wise compliance based on the report of the DFO, Bonai Division is as follows:-

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.

As reported by the DFO, Bonai Division, the Land Schedule of total ML area of 25.847 ha. out of which 5.888 ha. is DLC Forest land has been authenticated by the Tehsildar, Koira, Range Officer, Koira and countersigned by the him 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 schedule submitted is 25.847 ha. which is contradictory.

As reported by the DFO, Bonai Division, at Page-87-90/DP, it has been 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 has been authenticated by the Tehsildar, Koira, Range Officer, Koira and countersigned by the him which is enclosed in the diversion proposal (Page-86-90/DP).

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

The DFO, Bonai Division has reported that, the Collector, Sundargarh has been requested vide his 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 his office Letter No.8736 dt.10.11.2017, No.3804 dt.11.5.2018 and No.200 dt.5.1.2019.

Further, as reported by the DFO, Bonai Division, 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 the balance forest area of 0.562 ha. vide his office Letter-No.1881 dt.23.10.2017 and Letter No.586 dtd.12.3.2018 respectively. (Annexure-1).

4. SDLC and DLC resolution are not enclosed.

As reported by the DFO, Bonai Division, in compliance with the above observation, the Collector, Sundargarh was requested vide his office Letter No.796 dtd.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 dd.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 Sayed Abdul Halim has been issued in the prescribed format basing on the D.O. No.17593 dtd.24.10.2009 of the Chief Secretary and Chief Development Commissioner, Odisha, Bhubaneswar. As clarified in F. No.11-623/2013-FC dtd.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 dtd.5.7.2013 of the MoEF, fresh certificate will not be insisted upon. As stated by the DFO, Bonai Division, 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.

As reported by the DFO, Bonai Division, in compliance with the above observation, the Collector, Sundargarh was requested vide his 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 dtd.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 dtd.24.10.2009 of the Chief Secretary and Chief Development Commissioner, Odisha, Bhubaneswar. As clarified in F. No.11-623/2013-FC dtd.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 dtd.5.7.2013 of the MoEF, fresh certificate will not be insisted upon. As stated by the DFO, Bonai Division, 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.

As reported by the DFO, Bonai Division, the enumeration list of the non-forest land submitted by the Range Officer, Koira vide his Memo No.318 dtd.7.9.2019 is enclosed in the diversion proposal **(Page-165-181/DP)**.

7. EC issued on 16.4.2011 has already expired.

As reported by the DFO, Bonai Division, on the above observation, the User Agency was requested vide his office Letter No.3802 dtd.11.5.2018 to submit the compliance of the above point. Further, the User Agency has intimated vide his Letter dtd.12.9.2019 that, the State Environment Impact Assessment Authority, (SEIAA), Odisha has intimated vide Letter No.3066/SEIAA dtd.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.

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

9. For violation 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.

As reported by the DFO, Bonai Division, the Collector, Sundargarh has been intimated the violation carried out by the User Agency and request has been made vide his office Letter No.992 dtd.1.2.2018 (**Annexure-4**) and No.2447 dtd.28.3.2018 (**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 his office Memo No.3803 dtd.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 dtd.7.9.2019 that the above matter is under investigation.

The diversion proposal in quadruplicate alongwith requisite documents is forwarded herewith for further action at your end.

Encl :- As above.

21/8/19
Regional Chief Conservator of Forests
Rourkela Circle

Memo No. / Date:

Copy forwarded to the Divisional Forest Officer, Bonai Division for information and necessary action with reference to his Memo No. 5821 dtd.17.09.2019.

Regional Chief Conservator of Forests
Rourkela Circle

Memo No. / Date:

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. 5823 dtd.17.09.2019 of DFO, Bonai Division.

Regional Chief Conservator of Forests
Rourkela Circle