



ଓଡ଼ିଶା ସରକାର

GOVERNMENT OF ODISHA

ବନଖଣ୍ଡ ଅଧିକାରୀ ତଥା ବନ୍ୟପ୍ରାଣୀ ଉଦ୍ଭାବଧାରକଙ୍କ କାର୍ଯ୍ୟାଳୟ, କଟକ ବନଖଣ୍ଡ , କଟକ

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Memo No.3045/5F (Forest Diversion) 107/2019

Dated, Cuttack the 21th April, 2023.

To

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

Sub: -

Diversion of 23.80 of forest land (as per Sabik records as on 25.10.1980) including 2.240ha forest land in safety zone area for Chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR) in Cuttack Forest Division coming under jurisdiction of Sukinda Tahasil of Jajpur District, Odisha-Gol observations regarding.

Ref:

Memo No. 6749 dt.05.04.2023 of Conservator of Forests (Nodal), O/o the PCCF & HoFF, Bhubaneswar, Odisha to your address.

In inviting a kind reference to the memo cited above on the captioned subject, it is to inform you that, the point-wise compliance to the observations raised by Govt. of India, MoEF & CC is furnished below.

Sl. No.	Observations raised by Govt. of India, MoEF & CC	Compliance
1	Whether, the earlier lease held by TISCO Ltd was granted forest clearance? If granted whether forest clearance has been transferred to M/s FACOR Ltd and when? What is the total area held by the earlier lessee? Whether in the instant case transfer of forest clearance is required or not?	In compliance to this condition, it is to mention here that, the total mining lease area over 1261.476 ha was issued to M/s TISCO Ltd. during 1953 whereas the Forest (Conservation) Act, 1980 come into force w.e.f. 25.10.1980. After 25.10.1980, the mining lease holders were allowed to continue mining activities on non-forest land and broken up forest land as on 25.10.1980. Hence No forest clearance was granted to TISCO Ltd till retrieving of 855.476 ha of erstwhile mining lease area. As per the letter No.III-S-7/99 13199/DM dt.24.12.2004 of Director of Mines, Orissa indicate that the earlier lease Renewal Mining Lease in favour of TISCO Ltd. on dt.12.01.1973. It is observed that, the lease was granted during 1953.The copy is enclosed as <b>Annexure-A1</b> . When Forest Clearance was not granted, transfer of Forest Clearance to M/s FACOR didn't arise.

		<p>Forest Clearance granted to any mining project was coterminous with the Mining Lease till MMDR (Amendment) Act, 2015.</p> <p>The total area held by earlier lessee i.e., M/s TISCO was 1241.476 ha.</p> <p>The instant case pertains to the year 2007 (Grant Proceeding No IV (CR) SM 6/2006/ 6177/SM dated 17.07.2007 i.e., prior to MMDR (Amendment) Act, 2015. The copy of letter No.9414/SM. Bhubaneswar dt.01.12.2014 of Govt. of Odisha, Deptt. of Steel &amp; Mines is enclosed as <b>Annexure-A2</b>. The above annexures are enclosed as <b>Annexure-A Series</b>.</p>
2	<p>The Hon'ble High Court of Orissa on 25.01.2023 has passed order that "this court is not inclined to entertain this writ petition, as the quarry is going on without any forest clearance, which is the mandatory requirement for its operation. Accordingly, the writ petition stands disposed of". The State Government has recommended the proposal when the case was pending in the High Court and the user agency was doing mining operation as per the Interim order of the Hon'ble High Court.</p> <p>Because of the final order of Hon'ble High Court of Odisha, the state Govt. may state their views with respect to mining beyond 31.12.2016 as per Ministry's letter No 8-78/1996-FC (Pt.) dated 30.09.2016 without prior approval of the Central Govt. and accordingly Penal NPV, Penal CA and applicability of WP (C) No 114/2014 (Common Cause vrs. Union of India in the instant case</p>	<p>In compliance to this condition, it is to mention here that, the mining lease of Kalarangiatta Chromite Mines over 23.80 ha was granted by Deptt. of Steel &amp; Mines vide proceeding No. IV(CR)SM6/2006/6177/SM dt.17.07.2007 as non-forest land (As per HAL Settlement). As per regulation came later that Sabik Status of the land i.e status of the land as on 25/10/1980, would attract the FC Act for non-forest use over the forest land if found forest, in the year 2015 the lessee came to know that, the entire land under mining lease (23.80ha) was of Forest kissam as on 25.10.1980 (Sabik Settlement). The Lessee applied for diversion of Forest land as per provisions of the Forest (Conservation) Act,1980 vide <b>Proposal No FP/OR/MIN/16453/2015</b> (State SI No OR-012/2016 dated 01.03.2016). The State Government vide their letter No 10F (Cons) 228/2016- 13769/ F&amp;E dated 27.07.2016 has recommended for diversion of 23.80 ha forest land under provisions of the Forest (Conservation) Act,1980. The copy is enclosed as <b>Annexure-B1</b>.</p> <p>To get justice, the User agency filed Writ Petition vide W.P. (C) No 19486 of 2016 dated 07.11.2016 i.e. after the State Govt. recmended for diversion of forest land. Subsequently the state Govt. has furnished compliances / clarifications on issues raised after recommendation. Hence, it is not a fact that the State Govt. has recommended the diversion proposal during subjudice period of Hon'ble High Court. The recommendation letter of State</p>



		Government and the copy Writ Petition No.19486/2016 is enclosed as <b>Annexure-B2</b> . Further, it is to intimate that the user agency has continued the mining operation with out forest clearance from 2015 to dt.25.01.2023 as per the interim order of Hon'ble High Court which is as per provision law. The above annexures are enclosed as <b>Annexure-B Series</b>
3	Whether mining operation is still continuing or not after the order of High Court of Odisha.	The Hon'ble High Court has dismissed the Writ Petition with direction, as the query going on without any forest clearance which is the mandatory requirement for its operation. Accordingly, the Deputy Director of Mines, Jajpur Road Circle has suspended mining operation vide his letter No.598 dt.09.03.2023. The Copy is enclosed as <b>Annexure-C</b> .

In this context, the user agency has submitted their compliance against the EDS raised by Govt. of India, MoEF & CC vide his letter No. FACOR/ Bhadrak / Legal/ 048/ 2023 dt.17.04.2023. (Copy enclosed)

This is for favour of kind information and necessary action.

Encl: As above.

  
2/4/23  
Divisional Forest Officer,  
Cuttack Forest Division.

Copy for kind information to:

- (i) The Conservator of Forests (Nodal), O/o the PCCF & HoFF, Bhubaneswar, Odisha.
- (ii) The Authorized Signatory, Kalarangiatta Chromite Mines, M/S FACOR Ltd., At/Po – Kalarangiatta, Dist- Jajpur