

GOVERNMENT OF ODISHA

FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

No.FE-DIV-FLD-0095-2021- 14877 /FE&CC, Date 24.08.2022

10F (Cons) 18/2020

From

Sri Lingaraj Otta,

OSD-cum-Special Secretary to Government

To

The Deputy Director General of Forests (Central),

Government of India, Ministry of Environment, Forests & Climate Change,

Integrated Regional Office, A-3, Chandrasekharapur, Bhubaneswar

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 Mines by M/s Sayed Abdul Halim under Bonai Forest Division.

Sir,

I am directed to invite a reference to your office letter No.5-ORC412/2020-BHU dtd.11.02.2022 on the subject cited above and to inform that the copy of your aforesaid letter was sent to the PCCF & HoFF, Odisha vide this Department Memo No.3904/FE&CC dtd.23.02.2022 with request to furnish the required information as sought for by Govt. of India, MoEF&CC, IRO, Bhubaneswar. In response, the Chief Conservator of Forests (Forest Diversion & Nodal Officer), FC Act, O/o the PCCF & HoFF, Odisha vide his letter No.11463 dtd.04.06.2022 has submitted the compliance as received from the DFO, Bonai Forest Division and RCCF, Rourkela Circle as follows:

Whether the violation of the Forest (Conservation) Act, 1980 (i.e. use of forest land for non-forestry purpose since 1998) is attributable to the user agency?

The RCCF, Rourkela Circle has reported that on verification of relevant records by the DFO, Bonai Forest Division, violation of the FC Act, 1980 and the User Agency's attributability may be concluded as follows:-

- (i) Executing a mining lease on DLC land without following the provisions of the FC Act, 1980 on 06.04.1998 is a violation, for which the User Agency may not be held liable.
- (ii) Unauthorized occupation of 1.183 ha of land in a mining lease for which no surface



rights/ approval under FC Act, 1980 has been obtained by the lease holder is a violation for which the User Agency is attributable.

(a) ***If yes, then to specify the amount of penalty to be levied.***

The RCCF, Rourkela Circle has reported that on verification of available records by the DFO, Bonai Forest Division, the violation mentioned at Point (ii) above was observed during the Site Inspection while processing the diversion proposal in the year 2017 & 2018 and the user agency has already deposited an amount of Rs.46,05,469/- as penalty towards unauthorized working in DLC land in Oraghat Iron and Manganese Mines of M/s Sayed Abdul Halim as per the report of the Tahasildar, Koira.

Hence, the penalty may be imposed on the lessee in accordance with the Rules/ Guidelines under the FC Act, 1980.

(b) ***If no, then who can be attributable to this violation (identification of 5.888 ha DLC forest land after the mining lease was granted in the year 1998 to the user agency as non-forest land).***

The RCCF, Rourkela Circle has reported that regarding the violation mentioned at point (i) above, the User Agency may not be attributable, however the attributability and context of granting mining lease on DLC land without following FC Act, 1980 provisions may be fixed by the Higher Authority. It is pertinent to mention that the land in question is a DLC land, which is borne in records of Revenue Department and being administered by revenue authorities in the District. The Director of Mines, Odisha, Bhubaneswar has also informed the Govt. of Odisha, FE&CC Department that the demand compensation amount has been paid by the user agency in full along with the applicable interest thereon in violation of E (P) Act, 1986/ F.C Act, 1980 i.e. Rs.9,68,08,288/- and towards MP/CTO of Rs.21,12,599/- respectively.

In enclosing herewith the copy of the letter No.11463 dtd.04.06.2022 of CCF (FD&NO), FC Act, O/o PCCF & HoFF, Odisha containing the point wise information as required by MoEF&CC, IRO, Bhubaneswar, it is requested that the Govt. of India, MoEF&CC, IRO, Bhubaneswar may kindly take further necessary action on the matter.

Yours faithfully,

22/8/2022
OSD-cum-Special Secretary to Government

Memo No. 14878 /FE&CC Date 24.08.22

Copy forwarded to the Principal Chief Conservator of Forests & HoFF, Odisha/ Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha/ Chief Conservator of Forests (FD&NO), FC Act, O/o PCCF & HoFF, Odisha for information and necessary action with reference to letter No.11463 dtd.04.06.2022 of CCF (FD&NO), O/o PCCF & HoFF, Odisha.

22/8/2022
OSD-cum-Special Secretary to Government

Memo No. 14879 /FE&CC Date 24.08.22

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle/
Divisional Forest Officer, Bonai Division for information and necessary action.

d_{24/8/2022}
OSD-cum-Special Secretary to Government

Memo No. 14880 /FE&CC Date 24.08.22

Copy forwarded to Steel & Mines Department/ Director of Mines, Odisha/ Collector,
Sundargarh for information and necessary action.

d_{24/8/2022}
OSD-cum-Special Secretary to Government

Memo No. 14881 /FE&CC Date 24.08.22

Copy forwarded to M/s Sayed Abdul Halim, At/Po-Barbil, Dist-Keonjhar, Odisha for
information and necessary action.

d_{24/8/2022}
OSD-cum-Special Secretary to Government



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023
E-mail:- nodal.pccfho@odisha.gov.in

No. 11463 /9F (MG) - 33/2018
Dated, Bhubaneswar the 04th June, 2022

From

Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Additional Chief Secretary to Government
Forest, Environment & Climate Change Department
Government of Odisha, Kharavel Bhawan
Bhubaneswar

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 Mines by M/s Sayed Abdul Halim under Bonai Forest Division – Compliance to Gol observations regarding.

Ref: (i) Letter No. 5-ORC412/20200BHU dated 11.02.2022 of Scientist 'C', Gol, MoEF & CC, IRO, Bhubaneswar.
(ii) Memo No. 3904/FE&CC dated 23.02.2022 of OSD-cum-Special Secretary to Government, FE&CC Department.

Madam,

In reference to Gol, MoEF & CC, IRO, Bhubaneswar letter cited at (i) above on the captioned subject, the compliance to the observations as received from the DFO, Bonai Forest Division and RCCF, Rourkela Circle is furnished below:-

Whether the violation of the Forest (Conservation) Act, 1980 (i.e use of forest land for non-forestry purpose since 1998) is attributable to the user agency?

The RCCF, Rourkela Circle has reported that on verification of relevant records by the DFO, Bonai Forest Division, violation of the FC Act, 1980 and the User Agency's attributability may be concluded as follows:-

- (i) Executing a mining lease on DLC land without following the provisions of the FC Act, 1980 on 06.04.1998 is a violation, for which the User Agency may not be held liable.
- (ii) Unauthorized occupation of 1.183 ha of land in a mining lease for which no surface rights/approval under FC Act, 1980 has been obtained by the lease holder is a violation for which the User Agency is attributable.

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a) *If yes, then to specify the amount of penalty to be levied.*

The RCCF, Rourkela Circle has reported that on verification of available records by the DFO, Bonai Forest Division, the violation mentioned at point (ii) above was observed during the Site Inspection while processing the diversion proposal in the years 2017 & 2018 and the user agency has already deposited an amount of Rs 46,05,469/- as penalty towards unauthorized working in DLC land in Oraghat Iron and Manganese Mines of M/s Sayed Abdul Halim as per the report of the Tehsildar, Koira.

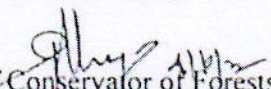
Hence, the penalty may be imposed on the lessee in accordance with the Rules/Guidelines under the FC Act, 1980.

b) *If no, then who can be attributable to this violation (identification of 5.888 ha DLC forest land after the mining lease was granted in the year 1998 to the user agency as non-forest land).*

The RCCF, Rourkela Circle has reported that regarding the violation mentioned at point (i) above, the User Agency may not be attributable; however the attributability and context of granting mining lease on DLC land without following FC Act, 1980 provisions may be fixed by higher authority. It is pertinent to mention that the land in question is a DLC land, which is borne in records of Revenue Department and being administered by revenue authorities in the district. The Director of Mines, Odisha, BBSR has also informed the Govt. of Odisha, FE&CC Department that the demand compensation amount has been paid by the user agency in full along with the applicable interest thereon in violation of E(P) Act, 1986/FC Act, 1980 i.e Rs 9,68,08,288/- and towards MP/CTO of Rs 21,12,599/- respectively.

In view of the above, the Government in FE&CC Department is requested to kindly forward the above views/compliance report as received from the DFO, Bonai Forest Division and RCCF, Rourkela Circle to the GoI, MoEF & CC, IRO, Bhubaneswar for kind information and further course of action.

Yours faithfully

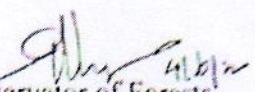

Chief Conservator of Forests
(Forest-Diversion and Nodal Officer, FC Act)

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Memo No. 11464 / Dated. 04-6-2022

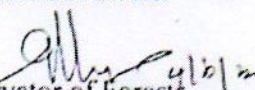
Copy forwarded to the RCCF, Rourkela Circle, for information and necessary action with reference to his Memo No. 1538 dated 09.05.2022.


Chief Conservator of Forests

(Forest Diversion and Nodal Officer, FC Act)

Memo No. 11465 / Dated. 04-6-2022

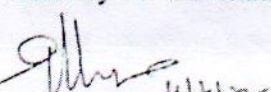
Copy forwarded to the DFO, Bonai Forest Division for information and necessary action with reference to Memo No. 1539 dated 09.05.2022 of RCCF, Rourkela Circle.


Chief Conservator of Forests

(Forest Diversion and Nodal Officer, FC Act)

Memo No. 11466 / Dated. 04-6-2022

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. 3908/FE&CC dated 23.02.2022 of OSD-cum-Special Secretary to Government, FE&CC Department.


Chief Conservator of Forests

(Forest Diversion and Nodal Officer, FC Act)