



STATE FOREST HEADQUARTERS
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, ODISHA,
BHUBANESWAR

No. 19495 /9F (MG) - 33/2018
Dated, Bhubaneswar the 17th November, 2021

To

The Special Secretary to Government
Forest, Environment and Climate Change Department
Government of Odisha, 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 GoI observations regarding.

Ref: (i)GoI, MoEF & CC, IRO, BBSR Letter No. 5-ORC412/20200BHU dated 14.06.2021.
(ii)FE&CC Department Memo No. 11475/FE&CC dated 02.07.2021.

Sir,

In inviting a reference to the GoI, MoEF & CC, IRO, BBSR letter cited above on the captioned subject, the compliance to the observations pointed out by the GoI, MoEF & CC, IRO, BBSR as received from the DFO, Bonai Forest Division and RCCF, Rourkela Circle is furnished below:-

1) 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. 114/2014 (Common Cause Vrs Union of India) and penalties paid under OPLE Act includes the penalties on account of Forest (Conservation) Act, 1980 also?

Compliance:- In compliance to the above, the RCCF Rourkela Circle has reported that DFO, Bonai Forest Division vide his Letter No. 5373 dated 07.07.2021 (Copy enclosed as Annexure-I) had requested the DDM, Koira to submit necessary compliance to the GoI observations. But till date, no compliance has yet been received from the DDM, Koira. However, in the meantime, the Director of Mines, Odisha, BBSR vide his Letter No. 5805/DM dated 03.08.2021 (Copy enclosed as Annexure-II) addressed to the Special Secretary to Govt. of Odisha, Forest, Environment and Climate Change Department has reported that the penalties paid by the user agency i.e 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 Vrs Union of India) includes the penalties on account of FC Act, 1980. 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 alongwith 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/-

etc

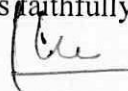
respectively. The user agency vide his Letter dated 21.10.2021(Copy enclosed as Annexure-III) has also informed the same to the DFO, Bonai Forest Division.

Further, DFO, Bonai Forest Division vide his Letter No. 5369 dated 07.07.2021 (Copy enclosed as Annexure-IV) and 7485 dated 23.09.2021(Copy enclosed as Annexure-V) has requested the Collector, Sundargarh to furnish additional information regarding penalties paid by the user agency under OPLE Act. In response to the said letter, the Addl.District Magistrate, Sundargarh vide his Letter No. 9531 dated 11.10.2021(Copy enclosed as Annexure-VI) addressed to the DFO, Bonai Forest Division has informed that as per joint verification report by the Revenue Officials and Range Officer, Koira Range, the user agency has already deposited an amount of Rs 46,05,469/- 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. The copy of Letter No. 1985 dated 18.11.2020 of the Tahsildar, Koira alongwith the joint verification Report are enclosed as Annexure-VII for kind reference.

In view of the above, the Government in FE&CC Department is requested to kindly forward the compliance to the Government of India, MoEF & CC, Integrated Regional Office, Bhubaneswar for according approval under Section 2(ii) of FC Act, 1980 for diversion of 5.888 ha of DLC 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.

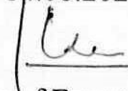
Encl: As above(in two sets)

Yours faithfully,


16/11/2021
Conservator of Forests (Nodal)


Memo No. 19496 / Dated. 17-11-2021

Copy forwarded to the Deputy Director General of Forests(Central), Govt. of India, MoEF & CC, IRO, BBSR for information and necessary action with reference to GoI, MoEF & CC, IRO, BBSR Letter issued vide No. 5-ORC412/20200BHU dated 14.06.2021.


16/11/2021
Conservator of Forests (Nodal)

Memo No. 19497 / Dated. 17-11-2021

Copy forwarded to the RCCF, Rourkela Circle, for information and necessary action with reference to his memo no. 3210dated 06.11.2020.


16/11/2021
Conservator of Forests (Nodal)

Memo No. 19498 / Dated.

17-11-2021

Copy forwarded to the DFO, Bonai Forest division for information and necessary action with reference to memo no. 3211 dated 06.11.2021 of RCCF, Rourkela Circle to his address.

[Signature] 16/11/2021

Conservator of Forests (Nodal)

Memo No.

19499

Dt.

17-11-2021

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. 3212 dated 06.11.2021 of RCCF, Rourkela Circle to his address.

[Signature] 16/11/2021

Conservator of Forests (Nodal)



Annexure - I
By E-mail

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ବନଖଣ୍ଡ ଅଧୀକାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟ : ବଣାଇଁ ବନଖଣ୍ଡ I
OFFICE OF THE DIVISIONAL FOREST OFFICER: BONAI DIVISION.

Phone / Fax – 06626-244434: E-mail

At- dfobonai.od@gov.in

No. 5373 /6F-(Mg.) Dt: 07.07.2021

To The Deputy Director of Mines,
Koira.

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.

Ref:- 1. Letter No.5ORC412/2020-BHU dt.14.6.2021 of the MoEF, IRO, Bhubaneswar.
2. Letter No.11475/F&E dt.02.7.2021 of the F&E Deptt. Govt. of Odisha.
3. Memo No.10542 dt.29.6.2021 of the Addl. PCCF (FD & NO FC Act), Bhubaneswar.

Sir,
With reference to above, it is to inform you that the MoEF & CC, Integrated Regional Office, Bhubaneswar has sought following clarification vide Letter No.5ORC412/2020-BHU dt.14.6.2021 (Copy enclosed).

"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.

Hence, you are requested to please submit necessary information / documents in the above said observation to this office for taking further action.

Encl:- As above.

Yours faithfully,


Divisional Forest Officer,
Bonai Division.

Memo No. 5374 /6F-Dt: 07.07.2021

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.10542 dt.26.6.2021.


Divisional Forest Officer,
Bonai Division.


Memo No. 5375 /6F-Dt: 07.07.2021

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle, Rourkela for favour of kind information and necessary action with reference to Memo No.10543 dt.29.6.2021 of the Addl. PCCF (FD & NO FC Act), Bhubaneswar.


Divisional Forest Officer,
Bonai Division.

Memo No. 5376 /6F-Dt: 07.07.2021

Copy forwarded to M/s S.A Halim, Plot No.90, First Floor, Satyanagar, Near Satyanagar SBI, Bhubaneswar-751007 for information and necessary action.


Divisional Forest Officer,
Bonai Division.

By E-mail

DIRECTORATE OF MINES: ODISHA
BHUBANESWAR

No. III (b) 24/1994 5805 /DM.,Date 03-08-2021

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%

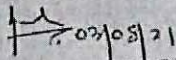
compensation. In other words, only one set of compensation would payable by the lessee to the State Govt. As such the lessee/user agency, S.A. Halim paid the compensation demand amount including the penalties on account of F.C. Act, 1980. Further with regards to additional information regarding penalties 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,

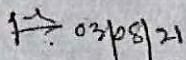
Encl: - As above

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

Syed Abdul Halim

Mines Owner

Annex

Page III

Date: 21.10.2021

To,

The Divisional Forest Officer,
Bonai Circle,
Bonai, Sundergarh.

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 Agency, 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 WP(C) No 111 of 2014 (Common Cause Vrs Union Of India) and penalties paid under OPLF Act includes the penalties on account of Forest (Conservation) Act, 1980 also.

1

Plot No. 90, First Floor, Satya Nagar, Near SBI, Bhubaneswar-751007, Odisha Ph.: 0674-255572220
E-mail sayedabdul.halim@gmail.com

With regard to the above letters, Directorate of Mines, Govt. Of Odisha, Bhubaneswar vide letter No III (h) 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 2017 (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,



M. Sayed Abdul Halim

Oraghat Iron & Mn Mine,

K. No. Sundergarh, Odisha.



ବନଖଣ୍ଡ ଅଧୀକାରୀଙ୍କ କାର୍ଯ୍ୟ
 OFFICE OF THE DIVISIONAL FORE
 Phone / Fax – 0662
 At- dfobonai.
 No. 5369/6F-(Mg)

By E-mail
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 ବନଖଣ୍ଡ I
 BONA I DIVISION.
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To The Collector,
 Sundargarh.
 Sub- Diversion of 5.888 ha. of fo
 area) in village Oraghat of Su
 Mines by M/s Sayed Abdul H
 Ref.- 1. Letter No.5ORC412/2020-BH
 Bhubaneswar.
 2. Letter No.11475/F&E dt.02.7
 3. Memo No.10542 dt.29.6.202
 Bhubaneswar.
 4. Letter No.1985 dt.18.11.2020
 Sundargarh.

esding 0.562 ha. of Safety Zone
 dpt for Iron & Manganese
 in Forest Division.
 Id of the MoEF, IRO,
 Deptt Govt. of Odisha.
 of CF (FD & NO FC Act),
 Koirā addressed to the ADM,

Sir,
 With reference to above, it is
 Regional Office, Bhubaneswar has sought following
 dt.14.6.2021 (Copy enclosed).

o hat the MoEF & CC, Integrated
 ar Letter No 5ORC412/2020-BHU

"Whether the penalties paid
 Hon'ble Supreme Court Order dated 02.08.2017 in
 Union of India) and penalties paid under OPLE Ac
 (Conservation) Act,1980 also.

Agency under MMDR Act as per
 of 2014 (Common Cause Vrs
 penalties on account of Forest

Hence, you are requested
 documents on penalties paid under OPLE Act
 (Conservation) Act,1980 to this office for taking furthe

to submit necessary information /
 penalties on account of Forest
 ad

Encl:- As above.

urs faithfully,

Memo No. 5370 /6F-Dt:07.07.2021
 Copy forwarded to the Addl.
 Diversion & Nodal Officer, F.C. Act' O/O the P.C.
 information and necessary action with reference to his

al Forest Officer,
 nai Division.

Conservator of Forests, Forest
 Bhubaneswar for favour of kind
 M dt 26.6.2021.

Memo No. 5371 /6F-Dt:07.07.2021
 Copy forwarded to the Regi
 Circle, Rourkela for favour of kind information and
 No.10543 dt.29.6.2021 of the Addl. PCCF (FD & NO

al Forest Officer,
 nai Division.

Conservator of Forests, Rourkela
 tion with reference to Memo
 eswar.

Memo No. 5372 /6F-Dt:07.07.2021
 Copy forwarded to M/s S.A H
 Satyanagar SBI, Bhubaneswar-751007 for informatio

al Forest Officer,
 nai Division.

First Floor, Satyanagar, Near
 an action.

al Forest Officer,



mail 250

ବିଭାଗୀୟ ଅଧିକାରୀଙ୍କ
OFFICE OF THE DIVISIONAL

କାର୍ଯ୍ୟାଳୟ : ବଣାଇ ବିଭାଗ
FOREST OFFICER: BONAI
06626 244434 E-mail
bonai.od@gov.in
(Mg) Dt. 23.9.2021

Phone / Fax
At- dfo
No 7486 /6F

To

The Collector,
Sundargarh

Sub-

Diversion of 5.888 ha of forest land (including 0.1 ha Safety Zone area) in village Oraghat of Sundargarh District for ironse Mines by M/s Sayed Abdul Halim under Bonai Forest

Ref-

1. Letter No 5ORC412/2020-BHU dt 14.6.2021 of the M...
2. Letter No 11475/F&E dt 02.7.2021 of the F&E Deptt. (ha...
3. Memo No 10542 dt 29.6.2021 of the Addl. PCCF (FD II), Bhubaneswar
4. Letter No. 1985 dt 18.11.2020 of the Tehsildar, Koira at the ADM, Sundargarh.
5. This Office Letter No. 5369 dt 7.7.2021
6. Letter No 7353 dt 13.8.2021 of the ADM, Sundargarh

Sir,

Please refer to this office letter No. 5369 dt 7.7.2021 you were requested to provide necessary information / documents on penalties paid under the Conservation Act, 1980 to this office as per the above said project. The above said project is in the...

Further, the Addl. District Magistrate, Sundargarh has vide his Letter No. under reference (6) that the Tehsildar, Koira has realized Rs. 8.00 as well as penalty amounting to ₹25,000/- total comes to ₹25,008/- from the User Agency vide RR No. 6782121 dt 18.11.2020 in Encorachment case No 232/2020.

But, the MoEF & CC, Bhubaneswar has sought a sum of ₹46,05,469/- which was paid by the User Agency under OPLE Act towards the working over 1.183 ha. of DLC land.

Hence, you are requested to provide necessary information to include the penalties on Forest Act, 1980 to this office for taking further action.

Yours faithfully,

Divisional Forest Officer
Bonai Division.

Abdul Halim, Plot No.90, First Floor, Near...

Divisional Forest Officer
Bonai Division.

Memo No. 7486 /6F-Dt. 23.9.2021
Copy forwarded to M/s S.A.H. Satyanagar SBI, Bhubaneswar-751007 for information.



ANNEXURE VI

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 DLU 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,

006
11/10/2021

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.

006
11/10/2021

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.

(Signature)
Tehsildar, Koira.
18.11.2020

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

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

(Signature)
Tehsildar, Koira.
18.11.2020

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

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

(Signature)
Tehsildar, Koira.
18.11.2020

(Signature)
Tehsildar, Koira.
18.11.2020

Joint verification report of unauthorised working in DLC land in Oraghat. Iron and manganese ore mines of M/s Sayed Abdul Halim M. village - Achghat P.S. Keora Dist - Sundergarh

Today i.e on dt 20-10-2020 at about 11:00am we Subdvr Keora, Rev Supervisor Keora, Junior mining officer Keora, Junior P.S. Keora forest guard Keora conducted field enquiry / Joint verification regarding unauthorised working in DLC land in Oraghat 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, Keora vide letter no 992 dt 1-2-2018 & 2447 dt 25-3-2018 the findings are as follows (Violations)

Sr	Items	Area	Remarks
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	- 0.124 ha	- Found correct
5	Installation of electric pole	- 0.01 ha	- Found correct
6	DR Set occupies	- 0.001 ha	- Found correct
7	Habitation 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 39 (Abada Ajogya Amabadi) 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, Keora, & Senior Surveyor, Keora on dt 15.5.2005 & 19.5.2005 for this violation the demand has raised vide letter no 6357 dt 31.3.2006 amounting Rs 46,05,467/-

Rs. 46,000/- four thousand four hundred & sixty nine only
And lessee has already paid the demand raised amount vide
T.C. No. 122 dt 29.11.2006 & T.C. No. 70 dt 20.5.2006
Hence no need to take action for this violation.

This is for your kind information and
necessary action.

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

[Signature]
20.10.2020
OFFICE
D.D.M. KOIRA
DISTRICT

[Signature]
20/10/20
OFFICE
D.D.M. KOIRA
DISTRICT

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

[Signature]
Tehsildar
Koira 20.10.2020