



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.pccfodisha@gmail.com](mailto:nodal.pccfodisha@gmail.com)

No. /9F (MG) -- 368/2016  
Dated, Bhubaneswar the September' 2024



To

The Deputy Inspector General of Forests (Central)  
Government of India, Ministry of Environment, Forest & Climate Change  
Regional Office, A/3, Chandrasekharpur  
Bhubaneswar-751023

Sub: Diversion of 23.80 ha of forest land (as per Sabik records as on 25.10.1980) including 2.240 ha of 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 – Compliance to GoI observations regarding.

Ref:- Letter No.5-ORC288/2016-BHU dated 23.03.2023 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar.

Sir,

In reference to GoI, MoEF & CC, Integrated Regional Office, Bhubaneswar letter cited above on the captioned subject, the compliance/information basing on the reports of the DFO, Cuttack division, RCCF, Angul Circle and the User Agency is furnished below:-

**Observation 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?*

**Compliance:-** (a) In compliance to the above, it is to inform that the earlier lease held by TISCO Ltd. was granted Forest Clearance over 73.697 ha by the GoI, MoEF, New Delhi vide letter No. 8-78/96-Fc dated 27.01.1998 and mining lease was granted over 1813 hectares of area by Raja Sukindagarh for a period of 20 years w.e.f. 22.10.1952. Subsequently, it was ratified with Orissa Estate Abolition Act-1952 for a period of 20 years w.e.f. 12.01.1953. In the first renewal of mining lease, TISCO has been granted 1261.476 ha of reduced mining lease area in village Kalarangiatta of Jajpur District for a period of 20 years w.e.f. 12.01.1973 to 11.01.1993. Before the aforesaid lease could expire by efflux of time, TISCO Ltd on 03.10.1991 had applied for second renewal of the mining lease over 1261.476 ha for 20 more years under Section 8(3) of the MMDR-Act 1957.

Meanwhile M/s. Ferro Alloys Corporation Ltd. (FACOR) along with other mining lease holders of Odisha claimed for the mining lease area of TISCO indicating that Second Renewal of lease of the entire chromite mining area in favour of TISCO once again would not be in the interest of development of mineral in the State and also would not be in national interest. As such Ferro Alloys Corporation Ltd. has applied for mining lease in the village Kalarangiatta of Jajpur District Odisha on dated 19.10.1993 out of the 1261.476 ha mining lease area of TISCO. The Central Government, in compliance with the order of the High Court dated 10.05 1995 in the case of SLP (C) No. 10830/95 and as a follow up action, appointed a High Power Expert Committee under the Chairmanship of Shri S.D. Sharma, Joint Secretary in the Ministry of Mines, to consider the submissions filed before the Central Government by various parties.

As per the said Sharma Committee Report, the Second Renewal of TISCO lease was recommended for a reduced area of 406.0 ha and the balance area of 855.476 ha to be released by TISCO, on the basis of proportionate requirements of the chrome ore for these parties as assessed by the committee, in a fair, just, equitable and contiguous manner in consultation with Indian Bureau of Mines. Finally out of 1261.476 ha of TISCO Land, an area of 855.476 ha was retrieved and granted in favour of M/s Jindal Strips Ltd (89.00 ha), M/s Ispat Alloys Ltd (64.463 ha), M/s IMFA (116.76 ha) and 39.318 ha in favour of M/s Ferro Alloys Corporation Ltd (M/s FACOR).

M/s FACOR vide its representation dated 18.06.2004 has prayed before the Govt. of Odisha to split the granted 39.318 ha lease area into two Blocks i.e Block No 1 for 23.80 ha Non-forest land and Block No. 2 for 15.512 ha which consists both forest and non-forest land. Further, FACOR has surrendered Block No.2 of 15.512 ha area to the Government.

The aforesaid representation of FACOR has been accepted by the Government on 10.06.2005 and Department of Steel and Mines vide Proceedings No.6177 dtd. 17.07.2007 has granted 23.80 ha of non-forest land to FACOR for 30 years. Pursuant to the said grant order, the lease deed has been executed by Collector Jajpur on dated 18.04.2008. Subsequently, Surface Right has been granted by Collector Jajpur vide its letter dated 05.05.2010 and mining operation of Kalarangiatta Chromite Mines of M/s. FACOR has commenced w.e.f 01.11.2011. Copies of the Surface right order and notice intimating commencement of mining operation are enclosed as **Annexure-1 & 2**.

(b) The Forest Clearance over 73.697 ha granted to TISCO Ltd on 27.01.1998 has not been transferred to M/s. FACOR Ltd because the mining lease area of 23.80 ha of Kalarangiatta Chromite Mines is located outside of the mining lease area of TISCO lease area of 406.0 ha. Further, the mining lease granted to FACOR was non-forest land up to the time of execution of lease deed in the year 2008, hence forest clearance was not required for Kalarangiatta Chromite

Mines at that time. As far as the forest land of 73.697 ha of TISCO Ltd. is concerned, Forest Clearance was granted for the said area in the year 1998 during Second Mining Lease (406 ha) Renewal period.

Subsequently, TISCO has also submitted before MOEF for re-diversion of the same forest area vide its proposal No. FP/OR/MIN/3817/2011 on dated 07.01.2011. Upon superimposing the forest clearance map of TISCO Ltd. certified by ORSAC, over the mining lease area of Kalarangiatta Mines (23.80 ha) of FACOR, it is evident that the forest area of TISCO is outside of mining lease area of Kalarangiatta Mines. of FACOR.

(c) The total area held by earlier lessee i.e. TISCO Ltd was 1813 ha.

(d) In the instant case transfer of Forest Clearance is not required as Kalarangiatta Chromite Mines is a Non-auctioned Mine. In this context, it is pertinent to mention here that the provision of transfer of forest clearance to the subsequent lessee has been inserted in the MMDR Act-1957 vide Gazette Notification dated 10.01.2020 as Section-8B of Act. This provision is applicable only for those mines which have been allotted through Auction process. Copy of the Gazette Notification is enclosed herewith as **Annexure-3**.

***Observation 2:- 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.***

***Because of the final order of Hon'ble High Court of Orissa, 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.***

**Compliance:-** The RCCF, Angul Circle has reported that the mining lease of Kalarangiatta Chromite Mines over 23.80 ha was granted by Department of Steel & Mines vide proceeding No. IV(CR)SM6/2006/6177/SM dated 17.07.2007 as non-forest land (HAL Settlement). Subsequently, 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 has applied for diversion of Forest land as per provisions of the Forest (Conservation) Act,1980 vide **Proposal No FP/OR/MIN/16453/2015** (State SI No OR-012/2016 dated 01.03.2016). The State Government vide their letter No 10F (Cons) 228/2016- 13769/F&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 **Annexure-4**.

The User agency has filed Writ Petition vide W.P. (C) No 19486 of 2016 dated 07.11.2016 i.e. after the State Govt. recommended 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 Government, compliance and the copy Writ Petition No.19486/2016 is enclosed as **Annexure-5, 6 & 7 respectively.**

The DFO, Cuttack Forest division has also reported that it is a fact that the Kalarangiatta Chromite Mines of M/s FACOR Ltd. was on operation from 31.12.2016 to 25.01.2023 by virtue of interim stay order granted by Hon'ble High Court in consideration of WP (C) No.19486/2016 vide order No.03 dt.20.12.2016 & No.04 dt. 16.01.2017. Finally, vide order No.05 dt.25.01.2023 (enclosed as **Annexure-8**) in Para 7 & 8 the Hon'ble High Court denied interim stay order & opined that, "7. **Having heard learned counsel for the parties and after going through the records, this Court finds that though the petitioner has sought permission for environmental clearance, but it has not received the same. Consequentially, it cannot operate the quarry. Therefore, in absence of forest clearance certificate if any order has been passed by the Divisional Forest Officer, Cuttack Forest Division, vide letter dated 11.03.2016 under Annexure-15, to submit the proposal for diversion of forest land for onward transmission, no illegality or irregularity has been committed by the authority so as to warrant interference of this Court. Furthermore, a similar matter was considered by the apex court in M/s Balasore Alloys Ltd. (Supra) which was withdrawn by the petitioner therein. Similarly, relying upon the order of apex Court in the aforesaid case, W.P. (C) No.12830 of 2016 filed by M/s TATA Steel Ltd. and W.P.(C) No.3996 of 2016 filed by M/s Indian Metal and Ferro Alloys Ltd. have already been withdrawn by the respective parties.**

**8. In the above view of the matter, 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".**

It is worthwhile to mention here that the Hon'ble High Court of Orissa has "not inclined to entertain this writ petition" in consideration of W.P. (C) No.19486/2016 as the quarry is going on without any forest clearance which is the mandatory requirement for operation vide order No.05 dated 25.01.2023. In this context the interim order granted by Hon'ble High Court, Orissa vide order No.03 dated 20.12.2016 and No.04 dated 16.09.2017 have no merit.

The User Agency i.e. M/s Ferro Alloys Corporation Ltd. (FACOR) has admitted in their letter dated 17.04.2023 addressed to DFO, Cuttack Forest Division that the Mining Operation from 31.12.2016 up to 25.01.2023 was continuing. So, it is clearly evident that the User Agency



has violated the Forest (Conservation) Act, 1980 from 31.12.2016 up to 25.01.2023 for which he is liable pay Penal NPV and Penal CA over 23.80 ha for mining without forest clearance.

Further, in course of compliance to EDS the applicability of WP(C) No.114/2014 (Common Cause vs. Union of India) in the instant case i.e. working of Kalarangratta mines from 31.12.2016 to 25.01.2023 which attract the provision for violation, the matter has been referred by PCCF (FD & NO) FC Act, O/o PCCF & HoFF, Odisha, Bhubaneswar to Director of Mines & Geology vide letter no.8711/9E (MG)-368/2016 dt.06.05.2023 & letter no.20507/9E (MG)-368/2016 dt.16.10.2023 are enclosed as **Annexure-9 & 10 respectively**.

In the meantime, the user agency has submitted an undertaking dt.05.08.2024 wherein the user agency has furnished their commitment to pay any legal demand if so arrived out of violation if any in light of WP (C) No.114 of 2014 (Common Cause vs. Union of India). The undertaking is enclosed as **Annexure-11**.


**Observation 3:- Whether mining operation is still continuing or not after the order of High Court of Orissa.**

**Compliance -:** In compliance to the above, the Hon'ble High Court vide order dated 25.01.2023 (Copy enclosed as **Annexure-8**) have dismissed the Writ Petition as the quarry was going on without any forest clearance which is the mandatory requirement for its operation. Accordingly, the Deputy Director of Mines, Jajpur Road Circle has submitted the report vide letter No.928/Mines dated 17.04.2023 which is enclosed as **Annexure-12**.

In this context, the compliance to the observations dated 23.03.2023 issued vide Letter No. 5-ORC288/2016-BHU dated 23.03.2023 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar is sent herewith for consideration and grant of "Stage-I/in Principle approval" for diversion of 23.80 ha of forest land (as per Sabik records as on 25.10.1980) including 2.240 ha of 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.

**Encl: Compliance in one set**

Yours faithfully

  
19/09/24  
Principal Chief Conservator of Forests  
(Forest Diversion and Nodal Officer, FC Act)

Memo No.


19481

/Dt.

25.09.2024

Copy alongwith the compliance report forwarded to the Additional Chief Secretary to Government, Forest, Environment and Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Letter No.5-ORC288/2016-BHU dated 23.03.2023 of the Deputy Inspector General of Forests (Central), Gol, MoEF & CC, IRO, Bhubaneswar.


**Encl: Compliance in one set**

  
Chief Conservator of Forests (Nodal)

Memo No.

/Dt.


Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle for information and necessary action with reference to his Memo No.3394 dated 06.09.2024.

  
Chief Conservator of Forests (Nodal)

Memo No.

/Dt.


Copy forwarded to the Divisional Forest Officer, Cuttack Forest Division for information and necessary action with reference to Memo No.3395 dated 06.09.2024 of RCCF, Angul Circle to his address.

  
Chief Conservator of Forests (Nodal)

Memo No.

/Dt.

Copy forwarded to the Authorised Signatory, Kalarangiatta Chromite Mines, M/s FACOR Ltd., At/Po-Kalarangiatta, Dist-Jajpur for information and necessary action.

  
Chief Conservator of Forests (Nodal)

Annex

**DISTRICT OFFICE**  
**MINING SECTION, JAJPUR ROAD**

Date: 5/5/10

Order No. 4/904

From :  
The District Magistrate & Collector,  
Jaipur.

To  
The Director (Mines),  
M/s. Ferro Alloys Corporation Ltd.,  
Laxmi Bhawan, Kuansa,  
Bhadrak.

**Subj: Grant of Surface Operation Permission over an area of 56.19 Acres or 22.739 hectors of non forest land of Bhimtangar Chromite Mines under Sukinda Tahasil, Jaipur district.**

Sir,  
With reference to your letter dated 03.08.2009 on the subject indicated above I am to say that, the Surface Right operation, is hereby accorded over an area of 56.19 Acres or 22,739 hectors of non forest land which has been approved environmental clearance by M.O.E.F. Govt. of India, Vide Order J-11015/183/2007-IA.II(M), Dated 13.05.2009 within the total lease hold are over 23,800 or 58.81 Acres in respect of Bhimtangar Chromite Mines of M/s. Ferro Alloys Corporation Ltd. as marked in the map and land scheduled detailed delineated below.

This Surface Right Permission is granted as per clause 2 of part III of the mining lease deed executed on 18.04.2008 and subsequently rectified lease deed executed on 03.08.2009, subject to the following conditions and observance of the term and conditions of lease covenants, Mines and Mineral (D & R) Act 1957 and relevant rules made there under.

- i. Surface Right area within the mining lease shall be demarcated in the field before handing over possession to the lessee.
- ii. The public road shall not be disturbed.
- iii. All the conditions stipulated by M.O.E.F. Govt. of India Vide Order No. J-11015/183/2007-IA.II(M), Dated 13.05.2009 shall be observed by the lessee in respect of the non forest area.

Contd.....P/2...





- iv. Forest growth if any within the surface right granted area shall not be disturbed without obtaining permission from the concerned Forest Authority.


**GRANTED AREA LAND SCHEDULE**  
**As per Hal Settlement**

Sl	Village	Khata No.	Plot No.	Kisam	Right of Tenant	Area in Acres	Remarks
1.	Kalarangiatta	✓ 116	47	Patharabani	Abada Ajogya Anabadi	7.49	Part
2.	-do-	116	214	-do-	-do-	0.40	Part
3.	-do-	116	215	-do-	-do-	14.05	Part
4.	-do-	116	258	-do-	-do-	3.85	Part
5.	-do-	116	259	-do-	-do-	20.00	Part
6.	-do-	116	260	-do-	-do-	0.18	Part
7.	-do-	116	266	-do-	-do-	9.89	Part
8.	-do-	116	303	-do-	-do-	0.08	Part
9.	-do-	116	304	-do-	-do-	0.25	Part

56.19 Acres or  
22.739 hectares


Total Lease Area - 58.81 Acres or 23.800 hectares  
Surface Right Granted Area - 56.19 Acres or 22.739 hectares

Yours faithfully,

  
District Magistrate & Collector  
Jajpur

Memo No. \_\_\_\_\_ /Date \_\_\_\_\_

Copy forwarded to the Divisional Forest Officer, Cuttack Forest Division, Cuttack/The Tahasildar, Sukinda for information and necessary action.

  
District Magistrate & Collector  
Jajpur

**FERRO  
ALLOYS  
CORPORATION  
LIMITED**

**Laxmi Bhawan, Kuans**  
Bhadrak - 756100  
Dist. Bhadrak, Orissa, India.  
Phone : 251312, 250598, 250311  
Fax : 06784 - 251782  
E-mail : facormines@dataone.in  
facormines@facor.in

**FACOR**  
CHROME ORE MINING DIVISION

BHF / F-1 / 287 / 2011

November 16, 2011

Speed Post

The Regional Controller of Mines  
Indian Bureau of Mines  
Mahani Complex, 2<sup>nd</sup> Floor  
308, District Centre, Chandrasekharpur  
Bhubaneswar-751 016

Sub : Reopening of Kalarangiatta (Bhimtangar Chromite Mines) of  
M/s. Ferro Alloys Corporation Ltd.

Dear Sir,

We would like to bring to your kind notice that the above said mine for an area of 23.8 Hecter was granted in our favour and upon execution of lease deed and grant of Surface Right the mining work was started with effect from 4<sup>th</sup> October, 2010, but the work could not be continued due to disturbances created by a few anti-social elements of the nearby area. However, after interference of the district administration and mining authorities, the mining work has restarted with the help of local villagers with effect from 1<sup>st</sup> November, 2011.

This is for your kind information.

Thanking you,

Yours faithfully,  
For Ferro Alloys Corporation Limited

  
Senior Manager (Admn.)

Cc : Bhimtangar Chromite Mines



# भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1] नई दिल्ली, शुक्रवार, जनवरी 10, 2020/ पौष 20, 1941 (शक)  
No. 1] NEW DELHI, FRIDAY, JANUARY 10, 2020/PAUSHA 20, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 10th January, 2020/Pausha 20, 1941 (Saka)

THE MINERAL LAWS (AMENDMENT)  
ORDINANCE, 2020

No. 1 OF 2020

Promulgated by the President in the seventieth year of  
the Republic of India.

*An Ordinance further to amend the Mines and  
Minerals (Development and Regulation) Act, 1957 and to  
amend the Coal Mines (Special Provisions) Act, 2015.*

WHEREAS Parliament is not in session and the  
President is satisfied that circumstances exist which  
render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred  
by clause (1) of article 123 of the Constitution, the  
President is pleased to promulgate the following  
Ordinance:—

## CHAPTER I

## PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Mineral Laws (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

## CHAPTER II

## AMENDMENTS TO THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957.

Insertion of new section 4B.

2. In the Mines and Minerals (Development and Regulation) Act, 1957 (hereafter in this Chapter referred to as the principal Act), after section 4A, the following section shall be inserted, namely:—

67 of 1957.

Conditions for efficiency in production.

“4B. Notwithstanding anything contained in section 4A, the Central Government may, in the interest of maintaining sustained production of minerals in the country, prescribe such conditions as may be necessary for commencement and continuation of production by the holders of mining leases who have acquired rights, approvals, clearances and the like under section 8B.”.

Amendment of section 5.

3. In section 5 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the previous approval of the Central Government shall not be required for grant of reconnaissance permit, prospecting licence or mining lease in respect of the minerals specified in Part A of the First Schedule, where,—

(i) an allocation order has been issued by the Central Government under section 11A; or

(ii) a notification of reservation of area has been issued by the Central Government or the State Government under sub-section (1A) or sub-section (2) of section 17A; or



11 of 2015.

(iii) a vesting order or an allotment order has been issued by the Central Government under the provisions of the Coal Mines (Special Provisions) Act, 2015.”

4. In section 8A of the principal Act, in sub-section (4), the following proviso shall be inserted, namely:—

Amendment of section 8A.

“Provided that nothing contained in this section shall prevent the State Governments from taking an advance action for auction of the mining lease before the expiry of the lease period.”

5. After section 8A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 8B.

“8B. (1) The provisions of this section shall apply to minerals, other than the minerals specified in Part A and Part B of the First Schedule.

Provisions for transfer of statutory clearances.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years:

Provided that subject to such conditions as may be prescribed, such new lessee shall apply and obtain all necessary rights, approvals, clearances, licences and the like within a period of two years from the date of grant of new lease.

(3) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease.”

6. In section 10C of the principal Act, in sub-section (2), the following shall be inserted, namely:—

Amendment of section 10C.

“Provided that the holder of non-exclusive reconnaissance permit who carries out the prescribed level of exploration in respect of deep seated minerals or such minerals as may be notified by the Central Government, may submit an application to the State Government for the grant of any prospecting licence-cum-mining lease as per the procedure laid down under section 11 or a mining lease as per the procedure laid down under section 10B and with a view to increase the reconnaissance and prospecting operations of such minerals, the Central Government shall prescribe such procedure, including the bidding parameters for selection of such holders.

*Explanation.*—For the purposes of this sub-section, the expression “deep seated minerals” means such minerals which occur at a depth of more than three hundred meters from the surface of land with poor surface manifestations.”

Amendment of  
section 11A.

7. In section 11A of the principal Act,—

(i) in the marginal heading, after the words “or mining lease”, the words “or prospecting licence-cum-mining lease in respect of coal or lignite” shall be inserted;

(ii) in sub-section (1)—

(a) in the opening portion, for the words “in respect of an area containing coal or lignite”, the words “or prospecting licence-cum-mining lease in respect of coal or lignite” shall be substituted;

(b) for the long line, the following long line shall be substituted, namely:—

“to carry on coal or lignite reconnaissance or prospecting or mining operations, for own consumption, sale or for any other purpose as may be determined by the Central Government”;

(c) the following proviso shall be inserted, namely:—

“Provided that the auction by competitive bidding under this section shall not be applicable to coal or lignite—

(a) where such area is considered for allotment to a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, for own consumption, sale or for any other purpose as may be determined by the Central Government;

(b) where such area is considered for allotment to a company or corporation that has been awarded a power project on the basis of competitive bid for tariff (including Ultra Mega Power Projects).”;

(iii) in sub-section (3),—

(a) after the words “mining lease”, the words “or prospecting licence-cum-mining lease” shall be inserted;

(b) for the words “competitive bidding or otherwise”, the words “competitive bidding or through allotment” shall be substituted.

8. In section 13 of the principal Act, in sub-section (2),—

Amendment of section 13.

(i) after clause (a), the following clauses shall be inserted, namely:—

(aa) the conditions as may be necessary for commencement and continuation of production by the holders of mining leases, under section 4B;

(ab) the conditions to be fulfilled by the new lessee for obtaining all necessary rights, approvals, clearances, licences and the like under the proviso to sub-section (2) of section 8B;

(ac) the level of exploration in respect of deep seated minerals or such minerals and the procedure,



including the bidding parameters for selection of the holders under the proviso to sub-section (2) of section 10C;

(ii) for clause (d), the following clauses shall be substituted, namely:—

(d) the terms, conditions and process of auction by competitive bidding and allotment in respect of coal or lignite;

(da) the regulation of grant of reconnaissance permit, prospecting licence, mining lease or prospecting licence-cum-mining lease in respect of coal or lignite;

(db) the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal or lignite reconnaissance, prospecting or mining operations;

(dc) utilisation of coal or lignite including mining for sale by a company;".

Amendment of section 17A.

9. In section 17A of the principal Act, in sub-section (2A), in the proviso, the words and letter "Part A and" shall be omitted.

### CHAPTER III

#### AMENDMENTS TO THE COAL MINES (SPECIAL PROVISIONS) ACT, 2015

Amendment of section 4.

10. In section 4 of the Coal Mines (Special Provisions) Act, 2015 (hereafter in this Chapter referred to as the principal Act),— 11 of 2015.

(i) in sub-section (2),—

(a) in the opening portion, for the words "in respect of any area containing coal", the words "or prospecting licence-cum-mining lease in respect of coal" shall be substituted;

(b) for the long line, the following long line shall be substituted, namely:—



“to carry on coal reconnaissance or prospecting or mining operations, for own consumption, sale or for any other purpose as may be determined by the Central Government, and the State Government shall grant such reconnaissance permit, prospecting licence, mining lease or prospecting licence-cum-mining lease in respect of Schedule I coal mine to such company as selected through auction by competitive bidding under this section.”;

(ii) sub-section (3) shall be omitted.

11. In section 5 of the principal Act, in sub-section (1),—

Amendment of section 5.

(i) for the words, brackets and figures “sub-sections (1) and (3)”, the words, brackets and figures “sub-sections (1) and (2)” shall be substituted;

(ii) for the words “or mining lease in respect of any area containing coal”, the words “, mining lease or prospecting licence-cum-mining lease in respect of such Schedule I coal mine” shall be substituted;

(iii) in the first proviso, for the words “in accordance with the permit, prospecting licence or mining lease, as the case may be”, the words “as may be determined by the Central Government” shall be substituted.

12. In section 8 of the principal Act,—

Amendment of section 8.

(i) in sub-section (4), in clause (d), for the words “a mining lease”, the words, “prospecting licence, mining lease or prospecting licence-cum-mining lease, as the case may be” shall be substituted;

(ii) in sub-section (8), for the words “a prospecting licence or a mining lease”, the words, “prospecting licence, mining lease or prospecting licence-cum-mining lease” shall be substituted;

(iii) in sub-section (9), for the words “a prospecting licence or a mining lease”, the words, “prospecting licence, mining lease or prospecting licence-cum-mining lease” shall be substituted;

(iv) after sub-section (12), the following sub-sections shall be inserted, namely:—

“(13) The vesting order or allotment order may be terminated by the nominated authority in such manner as may be prescribed.

(14) Upon termination of vesting order or allotment order, the nominated authority may auction the coal mine under section 4 or allot the coal mine under section 5 as may be determined by the Central Government.

(15) The successful bidder or allottee of the coal mine whose vesting order or allotment order has been terminated shall be deemed to be the prior allottee for the purposes of immediate next auction or allotment of the said coal mine.”.

Amendment of section 9.

13. In section 9 of the principal Act,—

(i) in the opening portion, for the portion beginning with the words “The proceeds arising out of land” and ending with the words “as may be prescribed.”, the following shall be substituted, namely:—

“The compensation for land and mine infrastructure in relation to a Schedule I coal mine as valued in accordance with section 16 shall be deposited by the successful bidder or allottee with the nominated authority and shall be disbursed maintaining, *inter alia*, the following priority of payments and in accordance with the relevant laws and such rules as may be prescribed—”;

(ii) in clause (b), for the words “compensation payable”, the words “amount payable” shall be substituted.”.

Amendment of section 18.

14. In section 18 of the principal Act, in sub-section (1), for the words and figure “allotment of Schedule I coal mines is not complete”, the words and figures “allotment of Schedule II coal mines is not complete, or vesting order or allotment order issued under this Act has been

terminated in case of a coal mine under production," shall be substituted.

**15. In section 20 of the principal Act,—**

Amendment of section 20.

(i) in sub-section (1), for the words "A successful bidder or allottee or coal linkage holder shall", the words "A successful bidder or allottee shall" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A successful bidder or allottee may also use the coal, mined from a particular Schedule I coal mine, in any of its plants or plant of its subsidiary or holding company engaged in same specified end-uses in such manner as may be prescribed."

**16. In section 31 of the principal Act, in sub-section (2),—**

Amendment of section 31.

(i) in clause (b), for the words "prospecting licence or mining lease", the words "prospecting licence, mining lease or prospecting licence-cum-mining lease" shall be substituted;

(ii) after clause (l), the following clause shall be inserted, namely:—

"(la) the manner of termination of vesting order or allotment order under sub-section (13) of section 8;"

RAM NATH KOVIND,  
*President.*

DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*

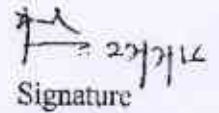
PART-V

( To be filled in by the Secretary in charge of Forest Department or any other authorized officer of the State Government not below the rank of an Under Secretary)

18. Recommendation of the State Government.

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

**“Recommended for diversion of 23.80 ha. of forest land (as per Sabik records as on 25.10.1980) including 2.240ha. of forest land in safety zone area for chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction Sukinda Tehsil of Jajpur district, Odisha .”**



Signature

Name & Designation  
(Official Seal)  
(Shri Debidutta Biswal)

Date: 27.7.2016  
Place: Bhubaneswar

**Special Secretary to GO**  
**Forest & Env. Dept.**



Annexure-5

PCCF,

Government of Odisha  
Forest and Environment Department

PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
ODISHA, BHUBANESWAR

02

10F (Cons) 228/2015/13769 /F&E dated 27.7.16

28 JUL 2016

24228

Received No.....

From  
Sri Debidutta Biswal, IFS  
Special Secretary to Government

To  
The Additional Principal Chief Conservator of Forests (Central),  
Government of India, Ministry of Environment and Forests & Climate Change,  
Eastern Regional Office, A-3, Chandrasekharapur,  
Bhubaneswar

Sub: Proposal for diversion of 23.80 ha. of forest land (as per Sabik records as on 25.10.1980) including 2.240ha. of forest land in safety zone area for chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction Sukinda Tehsil of Jajpur district, Odisha (Proposal No. FP/OR/MIN/16453/2015)

Sir,

I am directed to forward herewith a proposal received from the Pr. CCF, Odisha for diversion of 23.80 ha. of forest land (as per Sabik records as on 25.10.1980) including 2.240ha. of forest land in safety zone area for chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction Sukinda Tehsil of Jajpur district, Odisha for consideration of Govt. of India, Ministry of Environment, Forest and Climate Change, Eastern Regional office under Section 2 of the Forest Conservation Act, 1980.

1. Brief Description

M/s Ferro Alloys Corporation Ltd., a Public Limited Company, is one of the largest producers of Ferro Alloys, Charge Chrome and Chrome ore in India. The certificate of incorporation of the Company is at page 54/DP that indicates that it was incorporated as a Public Company under the Indian Companies Act, 1913 w.e.f 27.9.1955. The Memorandum of Association of the said Company is at page 55-62/DP. M/s FACOR Ltd. applied for grant of lease on 19.10.1993 for chromite ore over an area of 1261.476ha. in village Kalarangiata, Ransol etc in District of Jajpur which was earlier held by TISCO Ltd. However, the State Government in Steel & Mines Department vide their letter No. 5496 dt. 24.6.1997 had recommended the above application to Ministry of Mines, GoI for approval under Section 5(1) of MMDR Act, 1957 for grant of mining lease over an area of 39.318ha. only. Government of India, Ministry of Mines in their letter No. 5/37/97 M IV dt. 16.4.1999 had conveyed their approval to the grant of mining leases over 419.181ha. that included 39.318ha. of M/s FACOR Ltd. Thereafter the

*[Handwritten signature]*

3/ Company was asked by Steel & Mines Department vide their letter No. 12424 dt. 3.11.2001 to accept the terms and conditions under which the mining lease was proposed to be considered for grant and the Company vide their letter No. 1777 dt. 6.11.2001 accepted those conditions. Subsequently, the Company represented on 18.6.2004 to split up the proposed ML area of 39.318ha. into two separate blocks i.e. Block I of 23.800ha. and Block II for 15.518ha. State Government too vide their letter No. 6028/SM dt. 10.6.2005 had accepted the above proposal of the Company. However, the Company vide their representation dt. 4.4.2007 intimated the State Government in Steel & Mines Department that they do not require the earlier proposed Block II for 15.518ha. considering such land being non-mineral bearing and requested the State Government to restrict the area of mining lease for execution over 23.800ha. Having considered the revised request of the Company, the State Government in Steel & Mines Department vide their Proceedings No.6177/SM, dt. 17.07.2007 granted a mining lease for Chromite over an area of 23.80 ha. in village Kalarangiatta, Ransol etc of Sukinda tehsil of Jajpur District in favour of M/s FACOR Ltd(page 71-72/DP). Mining lease deed for this ML area of 23.80 ha. was executed on Dt.18.04.2008 (Copy of lease deed enclosed as Annexure-6, Page- 73/DP) for a period of 30 years for exploitation of Chromite ore for its captive consumption in their own Charge Chrome plant at Randia, Bhadrak District, Odisha and Ferro Chrome plant at Garividi, Vijayanagaram Dist, Andhrapradesh. Mining lease area was handed over to the lessee by Steel & Mines Department on 18.06.2010(Page 129/DP). As reported, the mines operation commenced from 01.11.2011 and continuing. Kalarangiatta Chromite Mines of M/s FACOR Ltd. has the following statutory clearances as follows.

- i) Environmental Clearance from MoEF-  
Vide Letter No.J-11015/183/2007/I.A. II(M) Dtd.13<sup>th</sup> May, 2009 at Page-75 to 84/DP.
- ii) Consent to Operate from SPCB, Odisha -  
Vide Letter No.2485 Ind-I-Con-6318 Dt. 06.02.2016 which is valid up to 31.03.2020 at page- 85to96/DP.
- iii) Approval of Mining Plan from IBM-  
Vide Letter No. 314(3)/2005-MCCM(c) MP-18 Dated.06.10.2005 (Separate volume)

It has been submitted that Hal Settlement was published in the year 1992-93 in which the entire mining lease area of 23.80 ha. was non-forest land. As per grant/execution of mining lease as per hal settlement record, mining operation is going on in this lease and as reported by DFO, Cuttack, entire mining lease has been broken up in course of mining. However, pursuant to MoEF&CC guidelines bearing No. 8-78/1996-FC(pt.) dt. 10.3.2015, the status of entire M.L area of 23.80 ha. of non-forest land in hal record was found to be classified as Revenue Forest land as

per Sabik Settlement record i.e as on 25.10.1980 entirely. Land schedule of mining lease in Hal as well as Sabik record as on 25.10.1980 duly authenticated by Tahasildar, Sukinda is at page 53/DP. As directed by MoEF&CC, GoI, user agency has now filed forest diversion proposal for this sabik Kisan forest land of 23.80ha. and is now under process for obtaining approval of MoEF&CC, Government of India under FC Act, 1980.

The Mining lease hold area of Kalarangiatta Chromite Mines of M/s FACOR Ltd. falls within the Revenue village of Kalarangiata in Sukinda Tahasil of Jajpur District over an area of 23.80 ha. The topographical location of Kalarangiata Chromite Mines falls in Survey of India Topo sheet No F45N/12 (Earlier 73G/12) and is bounded by Latitude 21° 00' 58.7" to 21°01' 27.5 " North and Longitude 85°44' 32.2" to 85°44' 51.5" East. The proposed lease area does not fall within any National park/Wildlife sanctuary/Biosphere Reserve/Elephant Corridor/Tiger Reserve. No archaeological monument or protected defence establishment is located inside the applied area. ( page 45/DP). The applied area comes within a distance of 9.13 from the proposed Tiger Corridor in Daitary DPF of Sukinda Range of Cuttack Division. Project area is adjoining to Mahagiri DPF and is at about 4.75km distance from Daitari DPF. This project is generating employment opportunity for 108 persons. Nearly 2000 persons of the locality are being benefited indirectly with operation of this mining project . The total cost of the project is Rs.743.49 lakhs. The project does not involve displacement of human habitation.

## 2. Maps

The User Agency has submitted the following maps .

Sl. No.	Description	Scale	Drawing No.
1	Patches of Forest Land proposed to be diverted (KML file of Surveyed Lease Area)	Google Map (Not to scale)	1
2	Patches of forest land proposed to be diverted (Outer Boundary of Lease Area)	Google Map (Not to scale)	2
3	Survey of India - Topo Sheet(F45N12(old 73G/12) indicating Boundary of Forest Land proposed to be diverted	1:50,000	3
4	Geo-referenced of the Forest Land proposed to be diverted prepared by DGPS	1:4000	4
5	15 KM & 10 KM Radius Key Plan showing Land Use Pattern	1:50,000	5
6	Plan Showing the Surveyed Patch of non-forest area for compensatory afforestation	Google Map (Not to scale)	6
7	Map of the non-forest land identified for creation of C.A. prepared by using DGPS	1:4000	7
8	Survey of India Topo Sheet indicating Location of the land Indenting for creation of C.A.	1:50000	8





9	Lease Plan Showing Outer Boundary of Mining Lease Area	16"=1 Mile	9
10	Plan Showing detailed Land Use Pattern	1:4000	10
11	Surface Plan showing Safety Zone Area	1:2000	11

### 3. Forest Land

As per MoEF&CC guidelines bearing No. 8-78/1996-FC(pt.) dt. 10.3.2015, the total ML area of 23.80ha. which was non-forest land as per Hal record, was found to be having sabik kism forest land as on 25.10.1980 entirely including 2.24ha. in safety zone. As reported by DFO, Cuttack at page 48/DP, entire applied forest area is broken up. Therefore the instant forest diversion proposal has been filed/processed.

The purpose wise land use pattern has been furnished in part-I Form-A of the D.P as follows.

Component	Sabik kism Forest Land (Ha) as on 25.10.1980
Opencast Quarry	7.819
Waste Dump	5.770
One Stack Yard	1.377
Low grade Stack yard	0.713
Nickel Dump	0.553
Top Soil Stack yard	0.454
Essential infrastructure and Colony	1.290
ETP with Settling Tank	0.687
Drain	0.591
Road	1.494
Peripheral Area	0.812
Safety Zone	2.240
<b>Total :</b>	<b>23.800</b>

### 4. Flora and Fauna

As per Site Inspection Report of DFO, Cuttack Forest Division, tree species found in the area are Sal (*Shorea robusta*), Piasal (*Pterocarpus marsupium*), Sisoo (*Dalbergia sisoo*), Kangada (*Xylia xylocarpa*), Bahada (*Terminalia bellerica*).

Faunal species like Ratel, Sloth bear, Migratory elephants, Pangolin, Mongoose, Jackal, Wild boar, Fox, Porcupine, Barking deer, Hyena, Squirrel, Hare are noticed in the area. Avi-fauna like Peacock, Jungle fowl, Ringed dove, Parakeet are also noticed in the area. Also reptiles like King cobra, Python, Banded krait, Viper, Wild lizard are found in the area.



## 5. Tree Enumeration

As reported by DFO, Cuttack, the entire applied forest area in the M.L. area has been broken up in course of mining during the existing mining lease period. However, 48 numbers of trees of different species above 30cm girth and 6500 numbers of saplings under 30cm girth have been enumerated in the proposed area. The detail enumeration list of trees is enclosed with diversion proposal as (P-101-105/DP). The density of vegetation found in the area of below 0.4(Eco class I)(page 45/DP). Since entire applied forest area in the mining lease has been broken, the DFO, Cuttack shall examine the bare necessity of felling of the enumerated trees if any before allowing the same for felling.

## 6. Wildlife Management Plan

The M.L area of Kalarangiata Chromite Mines of M/s FACOR Ltd. does not form part of any National Park/Wildlife Sanctuary/Elephant corridor. However, due care is to be taken for conservation of wildlife available in the area. The User Agency is therefore required to contribute proportionately towards implementation of Regional Wildlife Management Plan revised rate @Rs. 43,000/- per ha. over the lease hold area of 23.80ha.. As reported by PCCF, Odisha, an amount of Rs. 4,76,000/- so far been deposited by the user agency towards proportionate cost of Regional Wildlife Management Plan in Adhoc-CAMPA Account at pre-revised rate of 20,000/- per ha. on ML area basis. Therefore the user agency is required to deposit the differential cost of Regional Wildlife Management Plan for this mining project. In addition to contributing towards Regional Wildlife Management Plan, a Site specific wildlife Conservation Plan duly approved by CWLW, Odisha is required to be executed in the mining as well as mining impact area at project cost.

## 7. Compensatory Afforestation

23.80ha. of sabik kisam forest land is proposed for diversion under this proposal that includes 2.24ha. of sabik forest land to be maintained as Safety zone. Hence 21.56ha (23.80ha - 2.24ha) is being used for non-forest purposes. In lieu of 21.56ha. of sabik kisam forest land proposed to be used for mining and other allied activities, 59.50acres(24.089ha) of non- forest Government land has been identified by the district Administration of Dhenkanal for the purpose of raising Compensatory Afforestation in village Kerajodi under Kankadahad Tehsil of Dhenkanal district. The Compensatory Afforestation area has been jointly verified by Forest and Revenue Department officials and the site maps of non -forest

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land identified for Compensatory Afforestation are enclosed as Drawing No. 7. The land schedule for the Non-forest land identified in village Kerajodi is indicated below.

Tehsil	Village	Khata No.	Plot No.	Area in ac.	Kisam
Kankadahad	Kerajodi	155	315(P)	27.25	Parbata-I
			318(P)	32.25	Parbata-I
Total				59.50 acres or 24.089ha.	

The land suitability certificate of DFO, Dhenkanal, non-encroachment, and non-encumbrance certificate issued by the Tahasildar, Kankadahada in Dhenkanal District have been furnished at Page-126 and 114 of DP respectively. Compensatory Afforestation Schemes in Bald-hill plantation in block mode have been prepared by DFO, Dhenkanal i.e. over 23.80ha in Kerajodi village with a total financial forecast of Rs.91,96,900/- @ current wage rate of Rs. 200/- per manday with maintenance cost of 10 years. The species selected to be planted under the scheme are Bamboo, Sisoo, Gambhar, Neem, Asana, Arjun, Simaruba, Mango etc etc. The Addl. Pr. CCF(Forest Diversion)& Nodal Officer, FC Act has accorded technical approval to the CA schemes. Copy of duly approved CA scheme is appended to the DP at page 131-143. The user agency has furnished an undertaking to pay cost of compensatory afforestation (Page-12/ DP).

#### 8. Cost Benefit Analysis

As submitted by the User Agency, the total benefit of this project comes to Rs. 49.16 crores. The loss on forest including environmental loss, N.P.V cost and other mandatory payment like proportionate cost of wildlife management plan, Compensatory Afforestation cost comes to Rs. 2.358 crores. Hence, the Cost Benefit Ratio is reported to be 1:21. (Page No. 106 - 109/ DP).

#### 9. Safety Zone

It is submitted by the User Agency that Kalarangiatta Chromite Mines of M/s FACOR Ltd. was an operating mines of M/s TATA Steel Ltd. As such it is part of mining lease over 1261.476 ha. earlier worked by M/s TATA Steel. Considering a width of 7.5mt all along the mining lease boundary, the requirement of total safety zone area of the project is assessed at 2.24 ha. which is required to be maintained at project cost. The same has been depicted in the safety zone plan (Drawing sheet No. 11) enclosed with the D.P. Besides, the lessee is required to undertake afforestation over an area of 1.5 times of safety zone in degraded forest land elsewhere at their cost. The undertaking furnished by the user agency in this context is furnished at page 150/DP.

## 10. Environmental Clearance

The Ministry of Environment Forest vide their letter No.J-11015/183/2007/L.A.II (M) 13.05.2009 have accorded Environment clearance for this project for production of 0.05MTPA of chrome ore by opencast mechanized method involving total ML area of 23.80ha(page 75-84/DP). The SPCB, Odisha has accorded Consent to Operate vide their letter dt. 6.2.2016 which is valid till 31.3.2020(page 85-96/DP).

## 11. Phased reclamation plan:

The Reclamation and afforestation scheme and biological reclamation for this Mining project has not been provided by the user agency. This is required to be submitted by the lessee and implemented at their cost.

## 12. Resettlement and Rehabilitation

The project does not involve displacement of human habitation. Hence R&R Plan is not necessary(page 48/DP).

## 13. Mining Plan with Progressive Mining Closure Plan

The Mining Plan with Progressive Mines Closure Plan has been approved by IBM for Kalarangiata Chromite Mines over 23.80 ha. of M/s FACOR Limited in Jajpur Dist. vide letter No.314(3)/2005-MCCM(C )/MP-18 dated.6.10.2005. Copy of Mining Plan with PMCP is enclosed to the DP in a separate volume. As reported by the lessee in Part I of the application form, the Mining lease has estimated mineral reserve of 3.125Million tonnes. Considering 0.05MTPA of chrome ore production, the life of mines is estimated at 50 years(page 44/DP).

## 14. Violation

No violation has been reported in the project area as per the Site Inspection Report of the DFO, Cuttack Forest Division (Page-48/DP).

## 15. Others

Net Present Value is applicable to this project. As per stipulation of MoEF&CC guidelines vide F. No.8-78/1996-FC (pt.) dated.10.03.2015, lessee has deposited an amount of Rs.1,73,74,000/- towards NPV for 23.80 ha. of forest land (as per Sabik record) in Adhoc-CAMPA Account through RTGS @ Rs.7,30,000/- per Ha. in Corporation Bank, Lodhi Complex Branch-New Delhi vide UTR No.SBINR52015062516780059 on. dt.26.6.2015. The lessee has furnished undertaking to pay towards additional cost of NPV if any. The Basic Information in respect of Cuttack Forest Division, Jajpur district and State of Odisha duly authenticated by

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Addl. PCCF(Nodal) have been furnished at page 151-153/DP. The Site Inspection report of the Divisional Forest Officer, Cuttack is at page 48/DP..

**16. Certificate Under Forest Right Act**

The Collector, Jajpur has not yet furnished the certificate and other documents like Gram Sabha resolutions pertaining to diversion of forest land under this proposal as per MoEF&CC guidelines dt. 3.8.2009 and subsequent guidelines issued thereafter. Detailed compliance of FRA guidelines are required to be furnished by Collector, Jajpur/user agency before the proposal is considered for Stage-II forest clearance.

**17. Geo-referenced digital map**

Ministry of Environment and Forests, Government of India in the letter F. No. 11-9/98 dated 8<sup>th</sup> July, 2011 have issued guidelines that all applications seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose must be accompanied with Geo-referenced boundary in shape file. It has also been stipulated that to ensure accurate delineation of the forest area to be diverted, the application should also contain authenticated copy of digital map along with a hard copy prepared by using Total Station or differential G.P.S. Accordingly, the user agency has submitted the Geo-referenced digital data and digitalized map verified by ORSAC and authenticated by DFO, Cuttack along with coordinates of latitude and longitude concerning the sabik kisam forest land of mining lease area. The soft copy of the DGPS map in CD form is also furnished.

The Principal Chief Conservator of Forests, Odisha has recommended the proposal.

All parts of the statutory proforma have been duly filled in and all relevant maps and undertakings have been enclosed

In view of the above, it is requested that Government of India, Ministry of Environment, Forest & Climate Change, Eastern Regional Office may kindly examine this proposal for diversion of 23.80 ha. of forest land (as per Sabik records as on 25.10.1980) including 2.240ha. of forest land in safety zone area for chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction Sukinda Tehsil of Jajpur district, Odisha and convey their approval under Section-2 of Forest (Conservation) Act, 1980 in favour of the User Agency to this department subject to the following stipulation.

- A) The Site specific Wildlife Conservation Plan for this project to be prepared by lessee, shall be approved by CWLW, Odisha. The User Agency shall pay the approved cost of



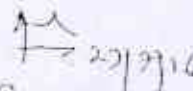
24

duly approved Site specific Conservation plan with Adhoc-CAMPA Account for execution of activities by DFO, Cuttack in project impact area. The lessee shall also undertake that they will implement the approved components of Plan within the leasehold area.

- B) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Cuttack for his reference before commencement of work on final forest clearance.
- C) User agency shall maintain and protect the safety zone as per para 4.7 of FC Act guidelines.
- D) Detailed compliance of FRA guidelines are required to be furnished by Collector, Jajpur/user agency before the proposal is considered for Stage-II forest clearance.
- E) The lessee shall deposit the differential cost of proportionate contribution towards Regional Wildlife Management Plan at revised rate of Rs. 43,000/- in Adhoc-CAMPA Account.
- F) Reclamation and afforestation scheme and biological reclamation for this Mining project shall be provided by the user agency. Map indicating Phased Reclamation Plan duly authenticated by all concerned, shall be furnished.
- G) Since entire applied forest area in the mining lease has been broken, the DFO, Cuttack shall examine the bare necessity of felling of the enumerated trees if any before allowing the same for felling.
- H) Map showing existing land use plan and proposed land use plan duly signed by all concerned shall be furnished.

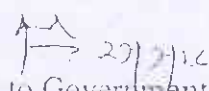
Encl: Forest Diversion Proposal  
and approved Mining scheme with PMCP in two sets

Yours faithfully

  
Special Secretary to Government

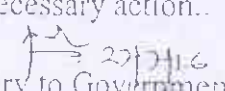
Memo No. 13770 /F&E., Dated- 27.7.16

Copy forwarded to the Pr.C.C.F., Odisha /Principal Chief Conservator of Forests(WL) & CWLW, Odisha for information & necessary action with reference to letter No. 13567 dt. 14.7.2016 of the Principal Chief Conservator of Forests, Odisha.

  
Special Secretary to Government

Memo No. 13771 /Dated. 27.7.16

Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle/ Divisional Forest Officer, Cuttack Forest Division/DFO, Dhenkanal for information and necessary action..

  
Special Secretary to Government

B

Memo No. 13772 /Dated. 27.7.16

Copy forwarded to the Steel & Mines Department/ Collector, Jajpur for information and necessary action.

↑  
Special Secretary to Government

Memo No. 13773 /Dated. 27.7.16

Copy forwarded to the Director(Mines), M/s FACOR Ltd, Laxmi Bhawan, Kuans, Bhadrak 756100, Odisha for information and necessary action..

↑  
Special Secretary to Government

Government of Odisha  
Forest and Environment Department

-0-

10F (Cons) 228/2016/ 17975/F&E dated 28.9.16  
From

Sri Debidutta Biswal, IFS  
Special Secretary to Government

To

The Additional Principal Chief Conservator of Forests (Central),  
Government of India, Ministry of Environment and Forests & Climate Change,  
Eastern Regional Office, A-3, Chandrasekharpur,  
Bhubaneswar

Sub: Proposal for diversion of 23.80 ha. of forest land (as per Sabik records as on 25.10.1980) including 2.240ha. of forest land in safety zone area for chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction Sukinda Tehsil of Jajpur district, Odisha (Proposal No. FP/OR/MIN/16453/2015)

Sir,

I am directed to invite reference to letter No.5-ORC288/2016-BHU dt. 12.8.2016 of Eastern Regional office, MoEF&CC, Government of India on the above mentioned subject and to say that Eastern Regional Office after receipt of the above forest diversion proposal, had made some observations and sought for information from the State Government for further processing the proposal. The PCCF, Odisha was requested for required compliance in this context vide this department Memo No.15388 dt. 20.8.2016. The Addl. PCCF(Forest Diversion) & Nodal Officer, FC Act, O/O PCCF, Odisha vide his letter No.17724 dt. 17.9.2016 has furnished point wise compliance, details of which are as under.

**Observation (1)**

*The State Government has reported that the reclamation and biological reclamation of this mining project has not been provided by the user agency. The same may be furnished.*

In compliance to the above, the User Agency has submitted the Biological Reclamation Plan of this mining project which has been enclosed herewith as Annexure-I. The Plan prepared by user agency, has been countersigned by DFO, Cuttack. This Plan shall be implemented at project cost.

**Observation (2)**

*The FRA certificate along with Gram Sabha resolution has not been furnished.*

In compliance to the above, the Collector, Jajpur has furnished relevant certificate in prescribed format complying with provisions of FRA guidelines. Proceeding of DLC Meeting held on 12.7.2016, Proceedings of SDLC dt. 1.6.2016 deliberating upon the forest diversion proposal are also enclosed herewith. Gram sabha resolution dt. 6.5.2016 of Kalarangiatta village and English version thereof have also been furnished by the Collector, Jajpur. Copy of the FRA certificate along with copy of the Gram Sabha resolution and all other relevant documents mentioned above, are enclosed herewith as **Annexure-II**.

**Observation (3)**

*The shape files of forest area and CA area has not been submitted.*

In compliance to the above, the soft copy of shape files of forest area proposed for diversion and Compensatory Afforestation area in CD form are enclosed as **Annexure-III**.

**Observation (4)**

*Since, the entire area is now broken, thereof, the State Government may inform the basis on which the forest area has been classified as Eco-Class-I with density of 0.4.*

Based on the report of the DFO, Cuttack, it has been submitted that the entire ML area of 23.80 ha was non-forest land as per Hal Settlement record and accordingly, lease deed was executed and mining operation was continuing. But as per Sabik Settlement record as on 25.10.1980, the entire ML area was found to be of forest kisan. Since entire mining lease area has been broken up in course of mining and in order to ascertain the vegetation/density of sabik kisan forest in the ML area, the density of vegetation/ category of forest/ forest type and canopy density of adjacent mining lease areas Viz.-Sukinda Chromite Mines of M/s Tata Steel Ltd., Jindal Chromite Mines of M/s. Jindal Stainless Ltd., Kaliapani Chromite Mines of M/s Balasore Alloys Ltd., Mahagiri Chromite Mines of M/s IMFA Ltd. etc. were taken into consideration. Since the vegetation of the above mining leases in Sukinda Valley have been assessed to be of Eco Class-I type with canopy density below 0.4, the vegetation/density/forest type pertaining to Kalarangiatta Chromite Mines of M/s. FACOR Ltd. over an area of 23.80 ha has been considered to be of Eco Class-I & density below 0.4.

**Observation (5)**

*Latest compliance of the Environmental Clearance conditions granted by the Ministry also be submitted.*



In compliance to the above, the user agency has submitted latest compliance report for the period from October 2015 to March 2016 of conditions imposed in Environmental Clearance order by the Government of India, MoEF & CC which is enclosed as **Annexure-IV**.

In view of the above position of compliance of the observations of Eastern Regional office, it is requested that proposal for diversion of 23.80 ha. of forest land (as per Sabik records as on 25.10.1980) including 2.240ha. of forest land in safety zone area for chromite ore mining from their Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction Sukinda Tehsil of Jajpur district, Odisha may be considered and in-principle approval under Section-2 of Forest (Conservation) Act, 1980 in favour of the User Agency be conveyed to this department for further follow up action.

Encl: Annexure in two sets

Yours faithfully

*[Signature]*  
28/9/16

Memo No. 17976 /F&E., Dated- 28.9.16

Special Secretary to Government

Copy forwarded to the Pr.C.C.F., Odisha /Principal Chief Conservator of Forests(WL) & CWLW, Odisha for information & necessary action with reference to letter No. 17724 dt. 17.9.2016 of the Principal Chief Conservator of Forests, Odisha.

*[Signature]*  
28/9/16

Memo No. 17977 /Dated. 28.9.16

Special Secretary to Government

Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle/ Divisional Forest Officer, Cuttack Forest Division/DFO, Dhenkanal for information and necessary action..

Memo No. 17978 /Dated. 28.9.16

Special Secretary to Government

Copy forwarded to the Steel & Mines Department/ Collector, Jajpur for information and necessary action.

*[Signature]*  
28/9/16

Memo No. 17979 /Dated. 28.9.16

Special Secretary to Government

Copy forwarded to the Director(Mines), M/s FACOR Ltd. Laxmi Bhawan, Kuans, Bhadrak 756100, Odisha for information and necessary action..

*[Signature]*  
28/9/16

Special Secretary to Government

## IN THE HIGH COURT OF ORISSA, CUTTACK.

W.P. (C) NO. 19486 OF 2016.(CODE NO. 140100)

Ferro Alloys Corporation Ltd.

.....Petitioner.

-Versus-

Union of India and others .

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CUTTACK.

DATE: 7-11-2016

*Shyam Narayan*  
ADVOCATE FOR THE PETITIONER

**IN THE HIGH COURT OF ORISSA, CUTTACK.**

**(Original Jurisdiction Case)**

**W.P. (C) NO. \_\_\_\_\_ OF 2016.**

**(CODE NO. 140100)**

**IN THE MATTER OF:**

An application under Articles 226 and 227 of  
the Constitution of India;

**AND**

**IN THE MATTER OF:**

Article 14 and 19(1)(g) of the Constitution of  
India;

**AND**

**IN THE MATTER OF:**

An application challenging the guidelines  
issued by the Ministry of Environment, Forest  
and Climate Change (Forest Conservation  
Division) dated 10.03.2015 and dated  
09.03.2016 issued by the Ministry of  
Environment, Forest and Climate Change  
(Forest Conservation Division) and Annexure-  
12 issued by the Divisional Forest Officer,  
Cuttack Forest Division, Cuttack and intimation  
dated 06.10.2016 by the Deputy Director,  
Mines and Circular dated 13<sup>th</sup> September, 2016



2  
bearing no.F No.8-78/1996-FC (PT), Ministry of  
Environment, Forest and Climate Change  
extending the period 31<sup>st</sup> December, 2016;

AND

**IN THE MATTER OF:**

An application challenging the decision of the  
Government of India, Ministry of Environment,  
Forest and Climate Change and subsequent  
memo of Ministry of Forest and Environment;

AND

**IN THE MATTER OF:**

Ferro Alloys Corporation Limited, A company  
registered under the Companies Act, 1956  
having its registered office at Bhadrak,  
represented through Ashok Kumar Sethy, aged  
about 49 years, Son of Late Agani Sethy, at  
present working as Manager (Admn.), M/s.  
Ferro Alloys Corporation Ltd., At-Laxmi  
Bhawan, PO: Kuans, Dist. Bhadrak.

.....PETITIONER.

-Versus-

1. Union of India, represented through Secretary,  
Ministry of Environment and Forests,

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author outlines the various methods used for data collection and analysis. These include surveys, interviews, and focus groups. Each method has its own strengths and weaknesses, and the choice of method depends on the specific research objectives.

The third section provides a detailed overview of the statistical tools used in the study. It covers both descriptive and inferential statistics, explaining how they are applied to interpret the data. The author also discusses the limitations of these tools and the importance of using them correctly.

Finally, the document concludes with a summary of the findings and their implications. It highlights the key insights gained from the research and offers suggestions for future studies. The author expresses hope that the information provided will be helpful to other researchers in the field.

Paryavaran Bhawan, CGO Complex, Lodhi  
Road, New Delhi-110011.

2. State of Odisha, represented through the  
Principal Secretary, Department of Forest and  
Environment, At-Secretariat Building,  
Bhubaneswar, Dist. Khurda, Odisha.
3. Director of Mines, Directorate of Mining &  
Geology, Govt. of Odisha, Bhubaneswar, Dist.  
Khurda.
4. The Deputy Director of Mines, Jajpur Road  
Circle, At/PO: Jajpur Road, Dist. Jajpur,  
Odisha.
5. Divisional Forest Officer, Cuttack Forest  
Division, Ghatakula, Nuapada, Madhupatna,  
Cuttack-753016.
6. State Pollution Control Board, Odisha,  
represented by its Member Secretary, Paribesh  
Bhawan, A/118 Nilakantha Nagar, Unit-VIII,  
Bhubaneswar-751012, Odisha.

.....OPPOSITE PARTIES.

The matter out of which this writ petition arises was  
before this Hon'ble Court in W.P.(C) No.17234/2016,

wherein a prayer has already been made for withdrawal of the same and W.P.(C) No.25262/2014 disposed of on 15.04.2015.

To

The Hon'ble Shri Justice Vineet Saran, LL.B., the Chief Justice of Orissa High Court and His Lordship's companion Justices of the said Hon'ble Court.

The humble petition of the  
named above petitioner;

**MOST RESPECTFULLY SHEWETH:-**

- 1) That the petitioner is a company registered under the Companies Act having its registered office at Bhadrak. The representing officer is a principal officer of the company and has been duly authorized for the purpose.
- 2) That the petitioner in this writ application seeks to challenge the guidelines issued by the Ministry of Environment and Forest and Climate Change (Forest Conservation Division) dated 10.03.2015 and revised guideline dated 09.03.2016 whereby the non-forestry activities in the mines were allowed for till 30.09.2016 and Notification No.13<sup>th</sup> September, 2016 whereby the time period has been extended up to 31<sup>st</sup> December, 2016 to the extent that it provides impractical time limits for obtaining Forest Clearance of lands already put to use for non-forest purposes, but are found to have been recorded as 'Forest' in the ROR as it stood on



25.10.1980, the date of enforcement of Forest (Conservation) Act, 1980.

The facts leading to filing of this writ petition along with the sequence of events with corresponding dates are given below: -

- 19.10.1993 - Application for mining lease for the concerned area was made.
- 17.07.2007- Mining lease was granted for 23.800 Hectors. for 30 years vide proceeding no.6177/SM issued by Department of Steel and Mines, Govt. of Odisha.
- 18.04.2008- Lease was executed for the said area.
- 11.11.2015- Application for DRP vide FP/OR/MIN/16453/2015 submitted for forest clearance of the above leasehold area.
- 21.01.2016- Representation for extension of time for obtaining approval.
- 05.03.2016- Status report of the forest clearance with regard to the above mines submitted to the Director, MoEF, Govt. of India in accordance with letter no.10F/(CON)92/2015(PT)3749/F&E dated 25.02.2016.

- 18.03.2016- Submitted hard copies of proposal with relevant documents for diversion of 23.800 Hectors of forest land.
- 18.03.2016- Special Secretary, Govt. of Odisha vide letter no.10F(CON)92/2015-5328/F&E informed Conservator of Forest about the follow up actions with user agency and completion of the same process by 13<sup>th</sup> June, 2016.
- 23.03.2016- Fresh copies of DRP proposal dated 11.11.2015 was resubmitted before the Collector & District Magistrate as required.
- 28.03.2016- Reply to the queries of D.F.O. of Cuttack vide his letter dated 03.03.2016.
- 30.03.2016- DFO, Cuttack Range queries to the petitioner.
- 07.05.2016- The above queries were replied.
- 09.05.2016- The DFO, Cuttack raised queries.
- 30.05.2016- The above queries were replied.
- 04.05.2016- DFO, Dhenkanal approved the compensatory afforestation scheme for the proposed area.

- 06.05.2016- The Pallisabha was organized and resolution made relating to the diversion.
- 09.06.2016- C.F., Circle Office, Angul raised queries.
- 13.06.2016- D.F.O., Cuttack raised queries.
- 22.06.2016- Queries were replied.
- 22.06.2016- D.F.O., Cuttack raised queries.
- 22.06.2016- Queries were replied.
- 17.08.2016- Regional Office, MoEF, Bhubaneswar raised queries.
- 20.08.2016- Secretary, Govt. of Odisha, raised queries and the said queries have been replied.
- 30.09.2016- Notification has been issued by the Ministry of Environment and Forest (Climate Change) vide letter no.F No.8-78/1996 SFC(PT) dt.30.09.2016.

That the writ application bearing W.P.(C) No.17234/2016 was filed challenging the guidelines issued by the Ministry of Forest, Environment(Climate Change) on 10.03.2015, 09.03.2016 along with the notification issued by DFO, Cuttack under Annexure-12. In the meantime the notification has been issued by the Ministry of Environment and Forest (Climate Change) vide letter no.F No.8-78/1996 SFC(PT) dt.30.09.2016 extending the period up to

31.12.2016. The petitioner begs to challenge the same also. The petitioner also wanted to incorporate the sequence of events and facts with a date chart for convenience of this Hon'ble Court. Therefore the petitioner begs to file this fresh writ application incorporating the above instead of filing amendment application for the self same purpose. Accordingly a memorandum has been already filed for withdrawal of the above mentioned writ application.

3) That the petitioner is a company incorporated under the Companies Act, 1956 and has its registered office at Bhadrak. The company is engaged in mining of chrome ore in different parts of the State as per the grant order dated 17.07.2007 issued by the Govt. of Orissa, Department of Steel and Mines which is annexed as **ANNEXURE-1** to this petition and the lease deed executed on 18.04.2008. The petitioner operating its mining activities within the jurisdiction of this Hon'ble Court with its chrome ore mining office is situated at Laxmi Bhawan, Kuans, Dist. Bhadrak and out of its mining activities, at Kalarangitta Chromites mine is one of its mines situated in the District of Jajpur. The representing officer is a principal officer of the company duly authorized to represent the company.

4) That the Forest (Conservation) Act, 1980 came into operation w.e.f. 25.10.1980. Section-2 of the said Act mandates that prior approval of the Central Government is necessary for non-forest activities in a forest area. Prior to 01.02.2013, as per the forest



guidelines, the user agency was required to take forest clearance only over such portions of forest land which was to be utilized for non-forest purposes.

5) That the Ministry of Forest and Environment issued a Circular F.No.11-362/2012-FC dated 01.02.2013, wherein it has been stated as follows:-

"(ii) All State/UT Governments shall within a period of three months submit to this Ministry details of all such mines where approval under the FC Act for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government. The State governments in all such cases shall request the concerned user agencies to submit application to obtain approval under the FC Act for diversion of the remaining forest land located within the mining lease. Mining in such leases after two years will be allowed only if the user agency either obtains approval under the FC Act for the entire forest land located within the mining lease or surrenders such forest land for which approval under FC Act has not been obtained and execute a revised mining lease for the reduced lease area."

The aforesaid circular was issued keeping in view that it is not possible to obtain Forest Clearance over the entire/part area of the mining lease in one year owing to the long and rigorous process.

Copy of the Circular F.No.11-362/2012-FC dated 01.02.2013 issued by the Opposite Party No.1 is annexed herewith and marked as **ANNEXURE-2**.

6) That after the Opposite Party No.1 received representation to increase the period of two years as stated in the Circular dated 01.02.2013 vide Annexure-1, the Opposite Party No.1 vide Circular dated 20.01.2015 directed that the phrase "two years" to be read as "three years".

Copy of the circular dated 20.01.2015 issued by the Opposite Party No.1 is enclosed herewith and marked as **ANNEXURE-3**.

7) That, since the fact that it was impossible to obtain approval under the Forest (Conservation) Act, 1980 within two years, the Ministry of Forest and Environment, Government of India issued a revised guideline on 01.04.2015 and superseded its earlier guideline dated 01.02.2013. Paragraph-2 of the said guideline is quoted hereunder wherein it is acknowledged that it is not practical to obtain approval under FC Act within two years.

"2. This ministry received representations wherein it has inter-alia been stated that it is practically not possible to obtain approval under the FC Act for diversion of the entire forest land in two years as the whole process takes more than two years. The Ministry was

requested to issue the revised guidelines to prevent disruption in the ongoing mining operations."

Copy of the guideline dated 01.04.2015 issued by the Opposite Party No.1 is enclosed herewith and marked as **ANNEXURE-4**.

8) That as matter stood thus O.P. No.1 vide its letter dated 19.02.2014 and 07.05.2014 informed the Chief Secretary, Government of Odisha inter alia stating that change in status of land in Government record, from 'forest' to 'non-forest' after 25.10.1980 i.e. after the Forest (Conservation) Act, 1980 came into force requires prior approval of Central Government under the Forest Conservation Act, 1980.

Copies of the letters dated 19.02.2014 and 07.05.2014 issued by the O.P. No.1 are enclosed herewith and marked as **ANNEXURE-5 & 6** respectively.

9) That the petitioner has reasons to believe that Chief Secretary, Odisha on 12.02.2015 directed all Collectors that a certificate to be furnished by Tahasildar as regards status of total land involved in the project (both forest and non-forest) as per the Government records as on 25.10.1980.

10) That the O.P. No.1 issued a fresh guideline on 10.03.2015 wherein it has been stated as follows:-

3. It has however, been observed that while processing and/or approving the proposals under the FC Act, substantial areas included in the mining leases which were recorded as forest in Government records on or after the day the FC Act came into force, have been treated as 'non-forest'. Prior approval of Central Government under the FC Act for use of such areas, for mining and the allied non-forest activities is required to be obtained.

4. After careful examination of the matter, I am directed to say that State Governments and Union territory administrations shall ensure that mining operations in all such virgin/unbroken areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after 25<sup>th</sup> October, 1980, but while processing and/or approving the proposals under the FC Act for use of forest land located in such mining purposes has been obtained or is obtained. However, keeping in view the peculiar circumstances under which while processing and/or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purpose, such areas were treated as "non-forest", State Governments and Union territory administrations may allow the concerned used agencies to continue, for a period not-exceeding one year from the date of issue of this letter, mining in such areas,



which have already been broken up, provided the other statutory requirements and Rules are otherwise being complied with and NPV of such broken up areas has already been realized from the user agency. After one year, even in such broken up areas mining shall be allowed only if the prior approval of Central Government under the FC Act for use of such areas for mining purposes has been obtained or is obtained."

Copy of the guideline stated above is annexed herewith and marked as **ANNEXURE-7** to this petition.

11) That it is humbly submitted that Federation of Indian Mineral Industries (FIMI) vide its letter dated 04.12.2015 has represented to the Ministry, O.P. no.1 to extend the time for complying with the requirements of the guideline dated 10.03.2015 on the ground that it is practically impossible for a user agency to obtain forest clearance within one year.

Copy of the letter dated 04.12.2015 of Federation of India Mineral Industries is enclosed herewith and marked as **ANNEXURE-8**.

12) That the Utkal Chamber of Commerce and Industry on 23.01.2016 represented to the Minister, Ministry of Environment and Forest requesting therein for extension of time for obtaining forest clearance beyond 10.03.2016.

Copy of the representation of Utkal Chamber of Commerce and Industry dated 23.01.2016 is enclosed herewith and marked as **ANNEXURE-9**.

13) That on 01.02.2016 Federation of Indian Chambers of Commerce and Industry (FICCI) gave representation to Dr. V.K. Saraswat, Hon'ble Member, Niti Aayog, New Delhi and requested that the guideline issued by Opposite Party No.1 on 10.02.2015 needs to be re-looked to avoid disruption of mining activities which can impact the supply of raw materials to the downstream industries like steel.

Copy of the representation dated 01.02.2016 submitted by Federation of Indian Chambers of Commerce and Industry is enclosed herewith and marked as **ANNEXURE-10**.

14) That the Chief Secretary, Government of Odisha communicated on 19.02.2016 to the Secretary, Government of India, Ministry of Forest and Environment requesting therein to enhance the time period to obtain forest clearance till 09.03.2018. Instead of 09.03.2016 as has been stipulated in the guideline dated 10.03.2015.

Copy of the letter dated 19.02.2016 of the Chief Secretary, Government of Odisha is enclosed herewith and marked as **ANNEXURE-11**.

15) That the O.P. No.1 while making reference to the representations received including the representation received from Chief Secretary, Government of Odisha, issued revised guideline dated 09.03.2016 and extended the said period of one year stipulated in the guideline dated 10.03.2015 till 30<sup>th</sup> September, 2016, provided the State Governments submits complete proposal to seek prior approval of the Central Government under FC Act for use of such already broken up forest land for mining and allied activities, atleast three months prior to 30<sup>th</sup> September, failing which mining in such broken up forest areas will be discontinued.

Copy of the guideline dated 09.03.2016 issued by the O.P. No.1 is enclosed herewith and marked as **ANNEXURE-12**.

The Divisional Forest Officer, Cuttack Forest Division issued a communication on 11<sup>th</sup> March, 2016 following the line as per guideline dated 09.03.2016 directing to stop mining activity by 30.09.2016.

A true copy of the communication dated 11<sup>th</sup> March, 2016 is annexed herewith and marked as **ANNEXURE-13** to this petition.

16) That the Utkal Chamber of Commerce and Industry, on 12.05.2016 represented to the Chief Secretary, Govt. of Odisha requesting to take up the concern at highest level in Govt. of India with a request to direct MoEF & CC, Govt. of India to extend the

timeline by another three years to comply with the guidelines dated 10.03.2015 & 09.03.2016.

Copy of the representation of Utkal Chamber of Commerce and Industry dated 12.05.2016 is enclosed herewith and marked as **ANNEXURE-14**.

17) That on 09.06.2016 the Chief Secretary, Odisha has already represented to the Secretary, Government of India, Ministry of Environment, Forest and Climate Change requesting that the time period allowed upto 30.09.2016 should be extended by two years beyond 30.09.2016 i.e. till 29.09.2018. The said letter was written by the Chief Secretary of the State Government keeping in view the time consuming factor at different stages while processing the application for forest diversion proposal.

Copy of the letter dated 09.06.2016 of the Chief Secretary, Government of Odisha is enclosed herewith and marked as **ANNEXURE-15**.

18) That the MoEF issued a further notification bearing No.F No.8-78/1996 SFC(Pt) dated 30.09.2016 extending the period of relation up to 31.12.2016. The petitioner begs to challenge the same as unreasonable and unsustainable.

A true copy of the notification dated 30.09.2016 issued by the MoEF is annexed with this writ application and as marked as **ANNEXURE-16**.



**GROUNDS**

- A) For that Forest Conservation Act was enacted in 1980 and subsequently, Hon'ble Supreme Court in the judgment of T N Godavarman Vs. Union of India made it clear that provisions of the Forest Conservation Act came into force (i.e. 25.10.1980) were recorded as 'forest' in the Government record irrespective of ownership but O.P. No.1 for the first time issued guideline on 10.03.2015 that Forest Clearance to be obtained under Forest (Conservation) Act, 1980 on the basis of Sabik survey record of rights and as per said guideline, for such broken up mining areas, prior approval of the Central Government will have to be obtained within one year i.e. 09.03.2016 subsequently, the same was extended by six months vide guideline dated 09.03.2016 ("the Impugned guidelines") which are unreasonable, unrealistic and wholly unworkable in view of ground realities and is in complete disregard to the practical issues being faced by the lessees.
- B) For that Forest Conservation Act was enacted by the Parliament as Act 69 of 1980 with a clear objective of checking further deforestation. This is clear from the Statement of Objects and Reasons of FC Act. The same is reproduced here in below:-

"xxx                    xxx                    xxx"

*With a view to checking further deforestation, the President promulgated on the 25<sup>th</sup> October 1980, the Forest (Conservation) Ordinance, 1980....."*

Emphasis supplied.

Further, Hon'ble Supreme Court in the Judgment of T.N.Godavarman Vs. Union of India, in para 4, emphasized the objective of FC Act in the following manner:

*"The Forest Conservation Act was enacted with a view to check further deforestation which ultimately results in ecological imbalance ...."*

In its judgment in B.S. Sandhu Vs. Government of India & Ors, Supreme Court of India, the Hon'ble Supreme Court has further explained the true spirit of its own order dated 12.12.1996 passed in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. Court held that Punjab High Court failed to appreciate the true meaning of 'Forest' and "forest land" in Section 2 of the Forest Conservation Act, 1980 as given by this Court. In para 16 of the said judgment, the Hon'ble Court has relied upon para 4 of the judgment dated 12.12.1996 and extracted it extensively and concluded as follows:-

*"The underlined portion of the order dated 12.12.1996 would show that the Forest*

*(Conservation) Act, 1980 was enacted with a view to check "further deforestation".*

It is also pertinent to note the observation of CEC in the case of B.S. Sandhu. Paragraph 8 of the recommendations dated 10.09.2003 of the CEC in I.A. No.727 is extracted herein below:-

*"8. After examining the submissions made by the applicant, affidavit filed by the State Government of Punjab and the 'No Objection' give by MoEF, the CEC is of the view that deletion of areas, which were under cultivation/habitation prior to 25.10.1980, i.e. enactment of the FC Act, would not be against the spirit of the FC Act, and this Hon'ble Court's order dated 12.12.1996, if such areas were included in the "list of forest area" on technical reasons alone....."*

It clearly establishes that the very objective of the Forest Conservation Act to check further deforestation. The Sabik survey recordings are of 1914. It is pertinent to note that deforestation did not occur merely on account of any change in the entry in Record-of-Rights during Hal survey and settlement proceedings.

- C) For that Parliament on 12.01.2015 promulgated Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 on 12<sup>th</sup> January, 2015 in order to address many issues affecting mining industry. The same is evident from the excerpts of the statement of "Objects and Reasons":

*"3. The mining sector has been subjected to numerous litigations in the past few years. Important judgments related to the mining sector have been pronounced by the Supreme Court, besides judgments on the issue of allocation of natural resources which have direct relevant to the grant of mineral concessions.*

Further, this bill is designed to put in place mechanism for:

- (i) Eliminating discretion;*
- (ii) Improving transparency in the allocation of mineral resources;*
- (iii) Simplifying procedures;*
- (iv) Eliminating delay in administration, so as to enable expeditious and optimum development of the mineral resources of the country.*

In order to simplify the procedures, O.P. No.1 issued guideline dated 01.04.2015 whereby period of validity of approvals accorded under Section 2 of the FC Act shall be extended and shall be deemed to have been extended upto a period co-terminus with period of mining lease in accordance

with the provisions of the MMDR Act 1957, as amended, subject to the conditions mentioned therein. However, guideline dated 10.03.2015 and 09.03.2016 are contrary to very objective and spirit of Amended MMDR and guideline dated 01.04.2015. Thus, the impugned guidelines are completely inconsistent with the scheme of the MMDR Act, 1957 as well as the Rules framed there under and would render it unworkable. Therefore, the impugned guidelines deserve to be set aside by this Hon'ble Court.

D) For that it is relevant to state here that the Hon'ble Supreme Court of India vide an order dated 01.09.2014 approved the flow chart prepared by the Central Empowered Committee (CEC) dated 29.09.2014 regarding the examination of the proposals under the Forest (Conservation) Act, 1980 wherein details of various stages and the time required during each stage has been clearly depicted. The Hon'ble Supreme Court further directed that the aforesaid flow chart shall be strictly complied with. A brief examination of the aforementioned flow chart would show that, at an average, the process of obtaining a Forest Clearance takes around 35.5 months but in the present case, O.P. No.1 has whimsically and arbitrarily fixed one and half year to comply with all the procedure which is practically impossible. It is evident that the predominant part of the process is not within the control of the mining



lessee/applicant. Therefore, the timeframe as stipulated by impugned guidelines is wholly unworkable in view of the ground realities and cannot be sustained.

- E) For that it is humbly submitted that the petitioner company has taken concrete and definite steps to obtain the Forest Clearance from the Central Government. But it is a known fact that it takes well over three years to obtain a Forest Clearance. Hence even with the best of efforts from the petitioner company, the Forest Clearance could not be obtained during the last year and the process is likely to take more time. The time frame stipulated in impugned guidelines is completely unworkable and impractical. The process to obtain Forest Clearance is an extremely long, complicated and costly process.
- F) For that petitioner company is suffering due to the lack of cooperation and coordination between Govt. departments. It is observed by Hon'ble Court in Elizabeth Jacob Vs. District Collector, Idukki and Ors that all departments should function in the interest of the public and for public good. Merely because a particular department or an authority functions under a particular statute, it does not follow that they should or could ignore the provisions of other statutes. Inter departmental cooperation and coordination is vital for the smooth and successful functioning of the Government. Non-

cooperation between Revenue department and Forest department, Revenue department and Mines & Minerals department, Forest department and Mines & Mineral department, are too well known and petitioner Company should not be penalized due to the things beyond its control.

- G) For that the users, who had forest land within their mining areas ever since the granting of their mining lease but had obtained FC for a part of their mining area granted three years to get the approval for the remaining forest land under Forest (Conservation) Act, 1980 but the users like the present petitioners has been granted only one and half year in totality to obtain the forest clearance. This is highly arbitrary, discretionary and without any legal basis.
- H) For that it is to be appreciated that land records to verify the status of land on or after the date the FC Act came into force pertains to the period of sabik settlement proceedings which were conducted in the State of Odisha way back during 1914-1925. Most of the records are very old and mostly not readily available. Further, it involves field verification by both revenue and forest officials to ascertain the status of land based on records and filed verification which is time consuming and cumbersome process. Due to aforesaid reasons, considerable amount of time was spend on these activities and only after authentication of land by authorities,

petitioner company could have applied for Forest Diversion Proposal.

- I) For that based on the representations by Government authorities and by professional bodies, realizing that it is not possible to obtain FC by 10.03.2016, O.P. No.1 Ministry of Forest and Environment revised guideline dated 09.03.2016. The same is again on imaginary and unrealistic basis and serving no meaningful purpose. It is pertinent to note that guideline dated 09.03.2016 is providing conditional relief only to the lessees whose proposal is being forwarded to Central Govt. at least three months prior to 30.09.2016, failing which, mining in such broke up area will be discontinued. However, on other hand, O.P. No.1 had primarily granted "two years" to the user agencies to seek and obtain approval under Forest (Conservation) Act, 1980 for the remaining forest land located in the mining lease and further extended it to one more year but only six months has been extended to the users like the present petitioner company which is highly unfair, arbitrary, whimsical and without any basis.
- J) For that fixation of a period of one year vide guideline dated 10.03.2015 and revised guideline dated providing further period of just six months for obtaining Forest Clearance is wholly arbitrary as the petitioner company has no control over the process followed by the Government authorities. The

petitioner company has always acted with due diligence and sincerity and hence should not suffer because of the long process involving verifications and permissions, the user agency have to undertake from the Government authorities.

- K) For that even when the overall objective and purpose of the scheme of the Act is borne in mind it is clear that there is no hiatus that has been contemplated by the legislature in the mining operations. The continuance of mining operations without frequent interruptions is considered vital to ensure mineral conservation and development and scientific mining. The provisions of the mineral Conservation and Development Rules, 1988 are framed in a manner to ensure continuous mining operations for optimum excavation and utilization of resources. Further, it is also for this reason that the Hon'ble Supreme Court has developed the concept of Temporary Working Permits (TWP) in (2010) 13 SCC 740 so as to ensure that mining operations continue during the processing of forest clearance applications.
- L) For that the operation of mines are meticulously planned which cannot be stopped or started without complicated, cumbersome procedures. If a mine is required to be stopped or closed, it has to be stopped by following mine closure plan, as contemplated under the Mineral Conservation and Development Rules, 1988. If mine is closed without

strengthening benches in open-cast mines and pillars in underground mines there is every probability that mineral strata would collapse due to hydrological effects and once mine is closed it is very difficult to open that mine because of technical reasons. Thus it can be concluded that mine operations cannot be stopped at frequent intervals in case of large economically viable deposits/reserves.

- M) For that the guideline under Annexure-6 as modified on 09.03.2016 granting eighteen months time to obtain forest approval in respect of forest land in Sabik record post 1980 is wholly unworkable, in as much as per the minimum time limit fixed by the Hon'ble Supreme Court in the case of Samaj Parivartana Samudaya and others vrs. State of Karnataka and others in Writ Petition (Civil) No.562 of 2009 has clearly stated that an application for forest clearance requires 35.5 months.
- N) For that as would be evident from the letter dated 19.02.2016 of the Chief Secretary, Government of Odisha through his letter addressed to MoEF stated that the minimum time limit for processing the de-reservation proposal should be 09.03.2018 which is three years from the date of the guideline. The Central Government did not adhere to the request by modifying the guideline dated 09.03.2016. The proposal of three years as requested by the Chief Secretary is



also less than the period allowed by the Hon'ble Supreme Court of India. In all fairness, the Ministry of MoEF should have acceded to the proposal of the Chief Secretary.

- O) For that the action of the Opposite Parties is not in conformity with the mandates of Forest (Conservation) Act, 1980 and the said action suffers from non-application of mind and hit by Article 14 of the Constitution of India being illegal and arbitrary.
- P) For that in any event the guideline dated 10.03.2015, as amended on 09.03.2016, apart from being unworkable is not in consonance with the provisions of Forest (Conservation) Act, 1980. It is also not supported by any of the provisions contained therein.
- Q) For that the user agency may ensure timely application for the forest clearance as well as submission of documents and records with the relevant authorities, the ultimate grant of the final approval/clearance lies with the relevant authorities and is not in the hands of the user agency. Therefore, the stipulation to obtain the clearance for the forest land in the mining leasehold within a further period of six months, failing which the area for which clearance cannot be operated, is unreasonably, arbitrary and without any basis and is liable to be quashed.

- R) For that if at all the petitioner company will face the consequence of closure of its mines due to want of forest clearance, it will suffer day to day loss which may run crores of rupees. Further it will lead to large scale unemployment of both its employees and the machineries.
- 19) That in these premises, the guideline dated 10.03.2015 and guideline dated 09.03.2016 of the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), O.P. No.1 and letter No.2491/5F(Misc.) dated 11.03.2016 issued by the Divisional Forest Officer, Cuttack Division, O.P. No.5 is liable to be quashed.
- 20) That the petitioner company has no other alternative and efficacious remedy excepting seeking interference in the extraordinary jurisdiction of this Hon'ble Court for redressal of its grievance in the present writ petition.
- 21) That this application is made bonafide in the interest of justice.

**PRAYER,**

In the premises aforesaid, it is humbly prayed that this Hon'ble Court may graciously be pleased to issue Rule Nisi to the Opposite Parties to show cause and upon their showing no cause, false cause, insufficient cause make the said rule absolute by quashing/set-aside/modify/amend/clarify the guideline dated

10.03.2015 Annexure-6 read with the guideline dated 09.03.2016 Annexure-11 of the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), as discriminatory, arbitrary and violative of Article 14 and 19 of the Constitution of India to the extent that it provides impractical timelines for obtaining Forest Clearance of lands already put to use for non-forest purposes, but are found to have been recorded as 'Forest' in the ROR as it stood on 25.10.1980, the date of enforcement of Forest (Conservation) Act, 1980; Further the petitioner prays for quashing of Annexure-12 and Annexure-15 of the writ petition;

And direct the concerned opposite parties not to take any coercive action against the petitioner company till the forest clearance is obtained/granted;

And be further pleased to pass such other order/order, as deemed fit and proper under the facts and circumstance of the case;

And for this act of kindness the petitioner as in duty bound shall remain ever pray.

CUTTACK.

DATE: 7.11.2016

By the petitioner through

*Shyam Khera*

ADVOCATE

**AFFIDAVIT**

I, Ashok Kumar Sethy, aged about 49 years, Son of Late Agani Sethy, at present working as Manager (Admn.), M/s. Ferro Alloys Corporation Ltd., At-Laxmi Bhawan, PO: Kuans, Dist. Bhadrak, do hereby solemnly affirm and state as follows:-

- 1) That I am the Manager(Admn.), of the petitioner-company and I have been duly authorized to file this petition.
- 2) That the facts stated above are true to my knowledge as per records.

Identified by

Advocate

*Ashok Kumar Sethy*  
DEPONENT

**CERTIFICATE.**

Certified that due to non-availability of cartridge papers thick white papers are used for typing of the above matter,

CUTTACK.

DATE: 7.11.2016

*Shyam Hebbar*

ADVOCATE

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 19486 of 2016

*Ferro Alloys Corporation Ltd.* .....

.....

*Petitioner*

*Mr. S. Mohapatra, Sr. Adv.*

Vs.

*Union of India and others* .....

.....

*Opposite-Parties*

*Mr. P.K. Muduli, AGA*

*Mr. D.R. Bhokta, CGC along with*

*Mr.P.K. Parhi, DSGI*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MR. JUSTICE B.P. SATAPATHY**

**ORDER**

**25.01.2023**

**Order No.**

**05.**

This matter is taken up through hybrid mode.

2. Heard Mr. Shyamananda Mohapatra, learned Senior Counsel appearing along with Mr. P. Panda, learned counsel for the petitioner; Mr. P.K. Muduli, learned Addl. Government Advocate appearing for the State-opposite parties; and Mr. D.R. Bhokta, learned Central Government Counsel appearing along with Mr. P.K. Parhi, learned Dy. Solicitor General of India.

3. The petitioner has filed this writ petition seeking to quash the guideline dated 01.04.2015 under Annexure-4, guideline dated 10.03.2015 under Annexure-7, read with guideline dated 09.03.2016 under Annexure-14 and guideline dated 30.09.2016 under Annexure-18 of the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division). The petitioner further seeks to quash the communication dated 11.03.2016 issued by the DFO, Cuttack under Annexure-15, by which it has been directed to submit the proposal for diversion of forest land as soon as possible for onward transmission.

4. Mr. Shyamananda Mohapatra, learned Senior Counsel appearing along with Mr. P. Panda, learned counsel for the petitioner seeks four weeks time to address the Court on the merits of the case.



5. Mr. D.R. Bhokta, learned Central Government Counsel appearing along with Mr. P.K. Parhi, learned Dy. Solicitor General of India contended that similar matter had come up for consideration before the apex Court in *M/s Balasore Alloys Ltd. V. State of Odisha and others* (SLP (C) No. 10237 of 2022) and the said case was not entertained by the apex Court, since the mining operation was going on without any forest clearance and, as such, the Special Leave to Appeal was permitted to be withdrawn by the petitioner, by order dated 06.06.2022. Further, relying upon the said order, the matters which are pending before this Court, i.e., W.P.(C) No. 12830 of 2016 (*M/s Tata Steel Ltd. V. Union of India and others*) and W.P.(C) No.3996 of 2016 (*M/s Indian Metals and Ferro Alloys Ltd. IMFA, Khurda v. Union of India and others*), have been withdrawn, vide orders dated 26.08.2022 and 21.09.2022 respectively. Thereby, the case of the petitioner having stood in the same footing, the writ petition should be disposed of in terms of the aforesaid orders.

6. Mr. P.K. Muduli, learned Addl. Government Advocate appearing for the State-opposite parties contended that since the petitioner does not have the forest clearance certificate, the Divisional Forest Officer, Cuttack Forest Division issued the letter dated 11.03.2016 under Annexure-15 to submit the proposal for diversion of forest land for onward transmission. Thereby, no illegality or irregularity has been committed by the authority so as to cause interference with the same. As such, the claim made by the petitioner for quashing of Annexure-15 cannot be sustained in the eye of law.

7. Having heard learned counsel for the parties and after going through the records, this Court finds that though the petitioner has sought permission for environmental clearance, but it has not received the same. Consequentially, it cannot operate the quarry. Therefore, in absence of forest clearance certificate if any order has been passed by

the Divisional Forest Officer, Cuttack Forest Division, vide letter dated 11.03.2016 under Annexure-15, to submit the proposal for diversion of forest land for onward transmission, no illegality or irregularity has been committed by the authority so as to warrant interference of this Court. Furthermore, a similar matter was considered by the apex Court in *M/s Balasore Alloys Ltd.* (supra), which was withdrawn by the petitioner therein. Similarly, relying upon the order of the apex Court in the aforesaid case, W.P.(C) No. 12830 of 2016 filed by *M/s Tata Steel Ltd.* and W.P.(C) No.3996 of 2016 filed by *M/s Indian Metals and Ferro Alloys Ltd.* have already been withdrawn by the respective parties.

8. In the above view of the matter, 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.

(DR. B.R. SARANGI)  
JUDGE

(B.P. SATAPATHY)  
JUDGE

Ashok



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.pccfhoff@odisha.gov.in](mailto:nodal.pccfhoff@odisha.gov.in) / [nodal.pccfodisha@gmail.com](mailto:nodal.pccfodisha@gmail.com)]

No. 8711 /9F(MG)-368/2016

Dated, Bhubaneswar, the 06<sup>th</sup> May, 2023

From

Shri Susanta Nanda, IFS  
Principal Chief Conservator of Forests  
Forest Diversion & Nodal Officer, FC Act

To

The Director of Mines & Geology  
Odisha, Bhubaneswar

**Sub:** Diversion of 23.80 ha of forest land (as per Sabik records as on 25.10.1980) including 2.240 ha of 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 Tahsil of Jajpur District, Odisha.

Sir,

With reference to the above mentioned subject, it is to inform that the above proposal was submitted before the MoEF&CC, Govt. of India, IRO, Bhubaneswar for according approval under Section-2 (ii) of Forest (Conservation) Act, 1980. The Regional Empowered Committee (REC) in their meeting held on 13.03.2023 have sought some information from the State Govt. vide letter dated 23.03.2023 of IRO, MoEF&CC, Govt. of India, which is enclosed for your information. As observed by the Committee at Point No.2, the MoEF&CC, Govt. of India, IRO, Bhubaneswar have sought views with respect to mining beyond 31.12.2016 without prior approval of Central Government and applicability of W.P.(C) No.114/2014 (Common Cause Vrs. Union of India).

It is therefore requested to furnish views regarding applicability of W.P.(C) No.114/2014 (Common Cause Vrs. Union of India) in the instant case for compliance to the observation of REC to MoEF&CC, Govt. of India, IRO, Bhubaneswar.

Yours faithfully,

Encl: As above.

Principal Chief Conservator of Forests  
Forest Diversion & Nodal Officer, FC Act

Through E-mail



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.pccfhoff@odisha.gov.in](mailto:nodal.pccfhoff@odisha.gov.in) / [nodal.pccfodisha@gmail.com](mailto:nodal.pccfodisha@gmail.com)

No. 20507 / 9F (MG) - 368/2016

Dated, Bhubaneswar the 16 October' 2023

From

Sri Susanta Nanda, IFS  
Principal Chief Conservator of Forests  
(Forest Diversion & Nodal Officer, FC Act)  
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Deputy Secretary to Government  
Govt. of Odisha, Steel & Mines Department  
Odisha, Bhubaneswar

Sub: Diversion of 23.80 ha of forest land (as per Sabik records as on 25.10.1980) including 2.240 ha of 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 - regarding.

Ref: (i) Letter No. 8804/SM dated 29.08.2023 of Deputy Secretary to Government, Department of Steel & Mines addressed to the Director of Mines & Geology, Odisha, Bhubaneswar  
(ii) Letter No.12227/DoMG dated 04.10.2023 of Director of Mines & Geology, Odisha, Bhubaneswar addressed to this office

Sir,

In inviting a reference to the letter cited at (i) above on the captioned subject, it has been mentioned that the Forest (Conservation) Amendment Act'2023 has come into force with effect from 04.08.2023 and a new Section 1A has been introduced specifying the categories of forest land to be covered under the provision of this Act.

In this context, it is to reiterate that as per Clause 1(2) of Gazette published on 04.08.2023, "the Forest (Conservation) Amendment Act, 2023 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint".

The Notification of Forest (Conservation) Amendment Act'2023 is yet to be notified by Central Government. Thus, it is premature to examine the applicability of Forest (Conservation) Amendment Act'2023 at this stage.

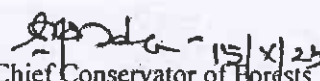
This is for favour of kind information and necessary action.

Yours faithfully

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

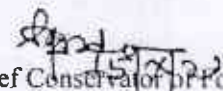
Memo No. 20508 / dated 16.10.2023

Copy forwarded to the Director of Mines and Geology, Steel & Mines Department, Govt. of Odisha, Heads of Department Building, Unit-V, Bhubaneswar-751001 for favour of kind information and necessary action with reference to his Letter No. 12227/DoMG dated 04.10.2023.

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

Memo No. 20509 / dated 16.10.2023

Copy forwarded to the Authorised Signatory, M/s Vedanta Limited for favour of kind information and necessary action with reference to his Letter No. FACOR/Bhadrak/Legal/87/2023 dated 10.10.2023.

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



FACOR / Bhadrak / Legal / 34 / 2024

Dtd.05.08.2024

**UNDERTAKING**

In compliance to the Essential Details Sought (EDS) raised by Regional Empowered Committee (REC) of MoEF & CC Bhubaneswar vide letter dtd. 23.03.2023, it is submitted that Kalarangiatta Chromite Mines of M/s. Ferro Alloys Corporation Ltd. was working for the period from 20.12.2016 upto 25.01.2023 by virtue and order granted by Hon'ble High Court of Orissa. The mining operation of the mines has been suspended w.e.f 26.01.2023. Department of Steel and Mines, Govt. of Orissa has not issued any Show Cause / Demand Notice against the Kalarangiatta Mines till date, in connection with the Common Cause order dtd. 02.08.2017 passed by Hon'ble Supreme Court of India in W.P (C) No.114 of 2014 in the matter of Common Cause Vrs Union of India & others.

In this context, we do hereby undertake and assure that in case any such valid / legalized demand will be raised by the mining department against Kalarangiatta Chromite Mines in future, we shall pay the rationalized and legally payable mining dues (if any) to the concerned mining authority in accordance with the provision and precedence of law without fail.

**For Ferro Alloys Corporation Ltd.**

*M. Muthuram*  
05/08/2024  
(Authorized Signatory)

**Kalarangiatta Chromite Mines**

**COUNTERSIGNED**

*[Signature]*  
Divisional Forest Officer  
Cuttack Forest Division

Copy submitted to :

Divisional Forest Officer, Cuttack Forest Division, Cuttack in continuation to our Letter No. FACOR / Bhadrak / Legal / 32 / 2024 dtd 05.08.2024.



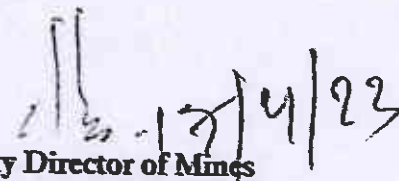
**OFFICE OF DEPUTY DIRECTOR OF MINES; JAJPUR ROAD CIRCLE.**  
**JAJPUR ROAD.**

**Email- ddm.jajpurroad@orissaminerals.gov.in**

Letter No 928 /Mines Dt 17.04.2023

**TO WHOM IT MAY CONCERN**

This is to certify that the Mining Operation of Kalarangiatta Chromite Mines of M/s Facor Ltd over an area of 23.80 hec in village Kalarangiatta, of Sukinda Tahasil under Jajpur District has been suspended w.e.f Dt. 09.03.2023 but no chrome ore has been raised w.e.f Dt. 25.10.2022 and no chrome ore has been dispatched w.e.f Dt. 10.01.2023 from the above said leasehold area as per the records available in the office and the verification report submitted by the concerned field Officer.

  
Deputy Director of Mines  
Jajpur road circle, Jajpur road.





OFFICE OF DEPUTY DIRECTOR OF MINES, JAJPUR ROAD CIRCLE,  
JAJPUR ROAD.

Email- [ddm.jajpurroad@orissaminerals.gov.in](mailto:ddm.jajpurroad@orissaminerals.gov.in)

Letter No. 597 /Mines Dt. 09.03.2023

From

The Deputy Director Mines,  
Jajpur road circle, Jajpur.

To

The Mines Manager  
Kalarangiatta Chromite Mines  
M/s FACOR Ltd

Sub- Suspension of Mining operation in Kalarangiatta Chromite Mines of M/s FACOR Ltd.

Sir,

With reference to the above cited subject this is to inform you that the Mining Operation in Kalarangiatta Chromite Mines of M/s FACOR Ltd in village- Kalarangiatta (Forest Block No-27) over an area of 23.800 hec in Sukinda Tahasil of Jajpur District is hereby suspended forthwith due to want of forest clearance from MoEF & CC, Govt. of India until further order.

Yours faithfully

*[Signature]* 9/3/23

Deputy Director of Mines.

Memo No. 598 /Mines Date: 09.03.2023

Copy forwarded to the Divisional Forest Officer, Cuttack Forest Division, Cuttack for information and necessary action.

*[Signature]* 9/3/23

Deputy Director of Mines

Memo No. 599 /Mines Date: 09.03.2023

Copy forwarded to the Director of Mines & Geology, Odisha, Bhubaneswar for kind information.

*[Signature]* 9/3/23

Deputy Director of Mines

Memo No. 600 /Mines Date: 09.03.2023

Copy to Sri I.C. Pradhan, AMO for information and necessary action. he is directed to ensure the suspension of all the activities in the mines and report compliance.

*[Signature]* 9/3/23

Deputy Director of Mines

SF  
Bm  
10/03/2023

10.3.23

FB 211

55-113-150