



GOVERNMENT OF ODISHA

ବନଖଣ୍ଡ ଅଧିକାରୀ ତଥା ବନ୍ୟପ୍ରାଣୀ ଉତ୍ସାହକାରକଙ୍କ କାର୍ଯ୍ୟାଳୟକଟକ , କଟକ ବନଖଣ୍ଡ ,
OFFICE OF THE DIVISIONAL FOREST OFFICER: CUTTACK FOREST DIVISION

AT: - GHATAKULA, NUAPADA, CUTTACK 753010

Tel:- 0671-2957611, Control Room:- 0671-2340343, Toll Free No.18003457473

Email: - dfo.cuttack@odisha.gov.in

Memo No 7913 / 5F/ (Forest Diversion) 107/2019

Dated, Cuttack the 23th August, 2024.

To

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

Sub: -

Diversion of 23.80ha of forest land (as per Sabik records as on 25.10.1980) including 2.240ha forest land in safety zone area for Chromite ore mining of Kalarangiatta Chromite Mines of M/s Ferro Alloys Corporation Ltd. (FACOR) in Cuttack Forest Division coming under jurisdiction of Sukinda Tahasil of Jajpur District, Odisha. - Submission of views on the representation of the User Agency dt.19.10.2023 regarding.

Ref: -

Memo No. 21250 dt.31.10.2023 of Conservator of Forests (Nodal), O/o the PCCF & HoFF, Bhubaneswar to your address.

With reference to the memo cited above on the captioned subject, it is to inform you that, in course of compliance to EDS raised by MoEF & CC, IRO, Bhubaneswar the applicability of WP(C) No.114 /2014 (Common Cause vs. Union of India) in the instant case i.e., working of Kalarangiatta mines from 31.12.2016 to 25.01.2023 which attract the provision for selected violation cases has been raised. The matter has been referred by PCCF (FD & NO), O/o PCCF & HoFF, Odisha, Bhubaneswar to Director of Mines & Geology vide letter no.8711/9F (MG)-368/2016 dt.06.05.2023.

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 in Para 7& 8 the Hon'ble High Court denied interim stay order & opened 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 the apex court in M/s Balasore Alloys Ltd. (Supra) which has 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".


As the matter is related to Forest (Conservation) Act, 1980, there is interpretation & implementation of legal provisions on case to case basis, so the corporative view among the Miner as indicated by the applicant is not tenable.

As vide the above order of the Hon'ble High Court & Order dt.06.06.2022 of apex Court in M/s Balasore Alloys vs. State of Odisha and others in SLP(C) No.10237 of 2022, the apex Court has clearly observed that in the guise of interim order.

In the mean time, 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-1**. In view of the above facts the case may be recommended for diversion of 23.80 ha of forest land under the provision of Forest (Conservation) Act, 1980.

This is for favour of kind information and necessary action.

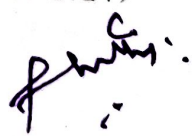
Encl: - As above.


22/8/24
Divisional Forest Officer,
Cuttack Forest Division.

Memo No. 7914

Dt. 23.08.2024

Copy forwarded to the Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer, FC Act, O/o the PCCF & HoFF, Bhubaneswar, Odisha for favour of kind information and necessary action with reference to his memo No. 21249 dt.30.10.2023.


Divisional Forest Officer
Cuttack Forest Division

FACOR / Bhadrak / Legal / 34 / 2024

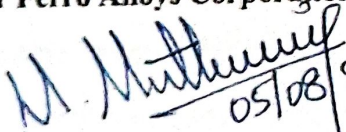
Dtd.05.08.2024

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.


05/08/2024
(Authorized Signatory)

Kalarangiatta Chromite Mines

COUNTERSIGNED


22/08/24
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.