



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

No. **26391** / 9F (MG) – 368/2016
Dated, Bhubaneswar the **30th** December'2022

From

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

To

The Deputy Director General of Forests (Central)
Government of India, Ministry of Environment, Forest & Climate Change
Integrated 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 07.09.2022 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar.

Sir,

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

Query No.1: Justification for delay in submission of information/reply sought by IRO Bhubaneswar vide letter dated 18.11.2016 (The information sought was received by this office on 24.08.2022).

Compliance:

(A) Non-availability of Compensatory Afforestation land in nearby districts:

The RCCF, Angul Circle has reported that as per the observations of GoI, MoEF & CC, Eastern Regional Office, Bhubaneswar vide its letter No.5-ORC288/2016/BHU dtd. 18.11.2016, wherein it was observed in the DSS, that out of the 24 ha of total CA area, 10 ha contains MDF and balance 14 ha is open forest. The user agency thereafter had approached various Government authorities including the District Collector of Jajpur and District Collector, Dhenkanal District.

The office of Collector, Jajpur repeated their previous stand as communicated vide letter no. 5909 dated 28.12.2015 and re-confirmed that no suitable Govt. Non-Forest Land is available in Jajpur District for the purpose of compensatory afforestation against diversion of Forest Land

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pertaining to Kalarangiatta Chromite Mines. The relevant correspondences with Collector Jajpur are enclosed as **Annexure-1 series**.

That the applicant had also approached the District Collector, Dhenkanal for providing alternate land for Compensatory Afforestation purpose. The Additional District Magistrate Dhenkanal vide his letter no. 11-30/17 403/Rev dated 29.03.2017 had reiterated that there is scarcity of CA land in Dhenkanal District and instructed the user agency to purchase private land or to acquire land through acquisition mode under the relevant act for the purpose of compensatory afforestation. A copy of the said letter dated 29.03.2017 is enclosed as **Annexure-2**.

(B) Initiation of CIRP by NCLT against the company i.e FACOR, the User Agency:

The RCCF, Angul Circle has reported that M/s FACOR had to pass through a very hard time through its financial Insolvency situation that arose during last part of 2016. Hon'ble National Company Law Tribunal (NCLT) Kolkata Bench vide its order dated 06.07.2017 has initiated Corporate Insolvency Resolution Process (CIRP) and declared moratorium against M/s Ferro Alloys Corporation Ltd. (FACOR) as per the provision of Insolvency Bankruptcy Code (IBC)-2016. The CIRP process continued up to 30.01.2020 i.e. the date of approval of Resolution Plan by Hon'ble NCLT Cuttack Bench. A copy of the order dated **06.07.2017** of Hon'ble National Company Law Tribunal (NCLT) Kolkata Bench and dated **30.01.2020** Hon'ble NCLT Cuttack Bench are enclosed herewith as **Annexure-3 & 4** respectively.

After completion of CIRP and formation of new Board on 21.09.2020 as per the order of NCLT Cuttack Bench, the new management has initiated process for all the statutory compliances of the company.

(C) Covid-19 Pandemic & its consequences on the country:

The RCCF, Angul Circle has reported that as Covid-19 Pandemic broke out from 23 March 2020 and continued till 2022, the Government of Odisha / India had declared shut down/lock down from time to time and as such the official functioning was badly affected. No continuous effort could be made by the user agency to identify the CA land required. As soon as there was relaxation on COVID-19 restrictions, the user agency had submitted the compliance to the GoI, MOEF & CC, ERO, Bhubaneswar observations by 24.08.2022. Copy of Office orders relating to COVID-19, 2020 lockdown etc are enclosed as **Annexure-5 series**.

It is further reported that due to implementation of guidelines w.e.f 28.03.2019 by the GoI, MoEF & CC on CA land and acceptance of NFL as CA land irrespective of crop density, CA scheme for the above proposal in suitable site has been approved as identified earlier and communicated to GoI, MoEF & CC, IRO, Bhubaneswar vide this office letter no. 16103 dated 19.08.2022.

Query No.2: Whether the mining activity is being carried out by the user agency during this period?

Compliance: -

The RCCF, Angul Circle has reported that the Hon'ble High Court, Orissa in connection with W.P.(C) No.19486 of 2016 has passed an order dt.20.12.2016 that "*Accordingly, similar order of status quo as on date regarding mining operation shall be maintained by the parties till the next date*" and order dt.16.01.2017 that "*Interim order to continue till the next date of listing*". A copy of the order dt.20.12.2016 and 16.01.2017 of Hon'ble High Court, Orissa is enclosed as **Annexure-6 series**.

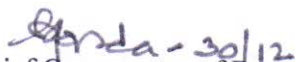
The Deputy Director of Mines, Jajpur Road Circle, Jajpur Road vide his letter No.2263/Mines dt.12.12.2022 has reiterated that *the mining operation of the above mining lease has been continuing till date*. Also, the production and despatch figures for carrying out mining operation of Kalarangiata Chromite Mines of M/s FACOR Ltd. duly authenticated by the Deputy Director of Mines, Jajpur Road Circle, Jajpur Road for the period from January, 2016 to September, 2022 is enclosed as **Annexure-7**. The DFO, Cuttack has also reported that the mining operation has also been verified by the Assistant Conservator of Forests (ACF) of his division.

Further, the DFO, Cuttack Forest Division vide his Memo No. 8512 dt.17.12.2022 (Copy enclosed as **Annexure-8**) addressed to the RCCF, Angul Circle has informed that the above W.P.(C) No.19486 of 2016 has not been listed after dated 16.01.2017 in the Hon'ble High Court, Orissa. The copy of case details of the said case is enclosed as **Annexure-9**.

In this context, the compliance to the observations dated 07.09.2022 issued vide Letter No.5-ORC288/2016-BHU dated 07.09.2022 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar is sent herewith with 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


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

Memo No. 26392 /Dt. 30.12.2022

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 07.09.2022 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar.

Encl: Compliance in one set

[Signature]
30/12
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No. 26393 /Dt. 30.12.2022

Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle for information and necessary action with reference to his Memo No. 5369 dated 20.12.2022.

[Signature]
30/12
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No. 26394 /Dt. 30.12.2022

Copy forwarded to the Divisional Forest Officer, Cuttack Forest Division for information and necessary action with reference to Memo No. 5370 dated 20.12.2022 of RCCF, Angul Circle.

[Signature]
30/12
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No. 26395 /Dt. 30.12.2022

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

[Signature]
30/12
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

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