



No.5-ORC288//2016-BHU

23rd March, 2023

To

The Addl. Chief Secretary,
Forest, Environment & CC Deptt.,
Government of Odisha,
Bhubaneswar – 751 001

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 Ltd.) in Cuttack Forest Division coming under jurisdiction of Sukinda Tehsil of Jajpur district, Odisha.

Ref: PCCF & HoFF, Odisha's letter No.26391/9F(MG)-368/2016 dated 30.12.2022.

Madam,

With reference to the above mentioned subject, it is to inform that the above proposal was again discussed in the REC meeting held on 13.03.2023. The REC deliberated upon the proposal with respect to the observation of the Ministry. State Govt. has reported that the mining operation commenced from 01.11.2011 and continuing. The user agency vide e-mail dated 09.03.2023 has informed that the mining operation of the said mines was continuing upto the year December, 2016 in accordance with the various guidelines issued by MoEF&CC, New Delhi. Subsequently, it was continuing upto 25.01.2023 by virtue of the Interim Status Quo order dated 20.12.2016 and 16.01.2017 granted by Hon'ble High Court of Orissa.

The committee also deliberated upon the judgement dated 25.01.2023 of Hon'ble High Court of Orissa in WP (C) No.19486 of 2016 (Ferro Alloys Corporation Ltd. Vrs. Union of India) which ordered 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"*.

Further, the Committee observed that State Govt. has informed that M/s FACOR Ltd. applied for grant of lease on 19.03.1993 for chromite over an area of 1261.476 ha in village Kalarangiatta, Ransol etc. in Jajpur district which was earlier held by TISCO Ltd. In this back drop, the committee decided to seek the following information from the State Govt.

- 1) Whether, the earlier lease area held by TISCO Ltd., was granted forest clearance? If granted then whether forest clearance has been transferred to M/s FACTOR 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?
- 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 Govt. 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.

- 3) Whether mining operation is still continuing or not after the order of Hon'ble High Court of Orissa.

After receipt of the above information the matter will be examined in the REC.

It is therefore requested to kindly furnish information on the above observation of REC to this office for further processing of the proposal.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:

1. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawany, Chandrasekharpur, Bhubaneswar – 751 023 for kind information and necessary action.
2. The Authorized Signatory Kalarangiatta Chromite Mines, M/s FACOR Ltd., At/PO: Kalarangiatta, Dist: Jajpur, Odisha for information and necessary action.

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Dy. Inspector General of Forests (C)