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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 / nodal.pccfodisha@gmail.com

Memo No. 6748 /9F (MG) - 368/2016
Dated, Bhubaneswar the 05th April 2023



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05/4/23

To
The Divisional Forest Officer
Cuttack Forest Division

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 - 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. P-439

Enclosed, please find herewith a copy of Letter No.5-ORC288/2016-BHU dated 23.03.2023 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar on the captioned subject which is self-explanatory..

In this context, I am directed to request you to comply the observations pointed out in respect of Point (1), (2) & (3) of the above mentioned letter and furnish the required compliance alongwith the required documents in 3(three) sets to this office through RCCF, Angul Circle for onward transmission to the GoI, MoEF & CC, IRO, Bhubaneswar.

Encl-As above

Memo No. 6749 /Dt. 05.04.2023
Conservator of Forests (Nodal)

Copy alongwith its enclosure forwarded to the RCCF, Angul Circle for information and necessary action.

Encl-As above

Memo No. 6750 /Dt. 05.04.2023
Conservator of Forests (Nodal)

Copy forwarded to the Authorised Signatory, Kalarangiatta Chromite Mines, M/s FACOR Ltd., At/Po-Kalarangiatta, Dist-Jajpur with reference to Letter No.5-ORC288/2016-BHU dated 23.03.2023 of the Deputy Inspector General of Forests (Central), GoI, MoEF & CC, IRO, Bhubaneswar.

Conservator of Forests (Nodal)

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भारत सरकार / Government of India
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
 एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
 ए/3, चंद्रशेखरपुर / A/3, Chandrasekharpur
 भुवनेश्वर - 751 023, ओडिशा / Bhubaneswar - 751 023, Odisha



Telephone: 0674 - 2301213, 2302432, 2301248, 2302452, 2302453. E-mail: foez.bsr-mef@nic.in

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.

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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, Chandrasekharapur, 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.

Dy. Inspector General of Forests (C)