

MINUTES OF THE THIRD MEETING OF REGIONAL EMPOWERED COMMITTEE OF RO, SZ, BANGALORE HELD ON 18.05.2015 IN THE OFFICE OF THE ADDL. P.C.C.F. (CENTRAL) MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE, REGIONAL OFFICE (SOUTHERN ZONE), KENDRIYA SADAN, KORAMANGALA, BANGALORE.

The third meeting of the Regional Empowered Committee of RO, SZ, Bangalore was held on 18.05.2015 in the office of the Addl. P.C.C.F. (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Kendriya Sadan, Koramangala, Bangalore and the following members attended the meeting:-

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|---|-----|-----------------|
| (1) Shri Amarnatha Shetty, I.F.S.,<br>Addl. P.C.C.F. (Central)<br>Ministry of Environment, Forests and Climate Change,<br>Regional Office (Southern Zone), Bangalore  | ... | Chairman        |
| (2) Shri S.M. Somashekar, I.F.S<br>Chief Conservator of Forests (Central)<br>Ministry of Environment, Forests and Climate Change,<br>Regional Office (Southern Zone), Bangalore   | ... | Member          |
| (3) Shri Suhas Jagannath Godse,<br>House No.525 A, Vodlem Bhat,<br>Near Pandurang Temple, Vodle Bhat,<br>Taleigao, P.O. Caranzalem,<br>Tiswadi, Goa.  | ... | Member          |
| (4) Dr. B. Shivaraju,<br>No.4, 5 <sup>th</sup> Main, 9 <sup>th</sup> Cross,<br>Radhakrishna Layout, Padmanabhanagar,<br>Bangalore- 560 070, Karnataka.  | ... | Member          |
| (5) Shri Anur Reddy, I.F.S<br>Additional Principal Chief Conservator of Forests<br>/Nodal Officer (FCA),<br>Office of the Principal Chief Conservator of Forests,<br>Forests Department, Govt. of Karnataka,<br>Aranya Bhavan, 18 <sup>th</sup> Cross, Malleswaram,<br>Bangalore – 560 003. | ... | Special Invitee |




Initiating the discussion, the Chairperson extended warm welcome to the Members of the Regional Empowered Committee (REC). The REC examined following four proposals and the recommendations of REC are recorded in respect of each proposal, as under:-

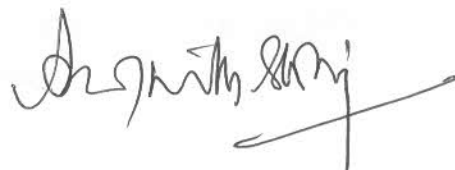
- (1) Diversion of 18.22 ha. of forest land for renewal of mining lease No. 2514 in Rajapura village D.M.Block, Sandur Taluk, Bellary District in favour of M/s. KM.Parvathamma Mines, Bellary.

The Regional Empowered Committee noted the following facts of the proposal:-

- (1) Originally the MMRD lease was granted in the name of Sri K.M. Rudraiah over an extent of 121.41 ha. (105.583 ha. of forest land and 15.927 ha. Revenue/Private land) for a period of 20 years w.e.f. 21.09.1953. Subsequently, the MMRD lease was renewed on 21.09.1973 for the same extent for a period of 20 years. The lease has been transferred in the name of Smt. K.M. Parvathamma, legal heir and wife of K.M. Rudraiah during the year 1979 vide Notification No.CI:29:MMM:1979 dated: 17.12.1979. The second MMRD renewal for a period of 20 years w.e.f. 21.09.1993 was granted in the name of Smt. K.M. Parvathamma over an extent of 15.24 ha. vide Notification No.CI:76:MMM:2002 dated 13.01.2005 for the forest land which expired on 21.09.2013. Further, in continuation of the said Notification, an area of 9.67 ha. in addition to renewal granted for 15.24 ha. measuring an overall total area of 24.91 ha. had been sanctioned under Notification No.CI:10:MMM.2006 dated 19.01.2006 for a period of 20 years w.e.f. 21.09.2003.
- (2) The User Agency applied for diversion of forest land for the first time in the year 1996 over an extent of 15.24 ha. under FC Act and approval under FC was accorded for a period of 10 years w.e.f. 03.02.2000 vide Regional Office letter dated 29.06.2001. Thus, the approval under FC had expired on 02.02.2010.



- (3) Regarding CA at the time of earlier approval, it was stipulated that CA shall be raised in 13.58 ha. of non-forest land. In this connection, User Agency has stated that they had already mutated an extent of 15.50 ha. of non-forest land though the requirement of CA at the time of initial FC approval was only 10.153 ha. (broken-up area) and as such they need not identify CA land for the additional forest area proposed for diversion.
- (4) As per the renewal proposal, the requirement of forest land for renewal is 18.22 ha as 2.98 ha of area which was earlier considered as revenue land has now found to be forest land based on the joint survey carried out with Revenue and Mines & Geology Deptt.
- (5) The User Agency has provided 15.5 ha. of non-forest land as against the stipulation of CA in 13.58 ha. of non-forest land and thus provided 1.92 ha. of additional area. The present proposal includes 2.98 ha. of additional forest land. Therefore, the User Agency has to identify 1.06 ha. of suitable non-forest land (2.98 ha. – 1.92 ha.) for CA and the same needs to be transferred and mutated in favour of Forest Department before Stage-II approval.
- (6) As per MoEF's guidelines no. 11-125/2014-FC dated 4/7/2014, safety zone area should be all along the outer boundary of the lease area. However, the R&R plans in respect of 90 mining leases in category 'A' & 'B' mines have already been approved by the Central Empowered Committee(CEC) wherein safety zone has been established all along the inner boundary of the lease area .It is reported that the CEC in its note dated 29.8.2014 submitted to the Hon'ble Supreme Court vide Para 10 (v) had stated that " safety zone as prescribed in the R & R plans for the mining leases in District Ballary, Chitradurga and Tumkuru in the State of Karnataka will be accepted by State/ MoEF" .
- (7) It is reported that Environmental Clearance from Ministry of Environment & Forests is under process.

A handwritten signature in black ink, appearing to be 'Anurag Singh', with a long horizontal stroke extending to the right.

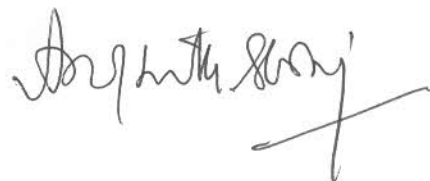
(8) The following two Court Cases are reported to be pending in the Hon'ble High Court of Karnataka:-

(a) W.P.No.16144/2010: The User Agency has filed Writ Petition against Notification dated: 16.08.2008 & Government letter dated: 23.08.2008 towards payment of FDT. The Hon'ble High Court passed an interim order to remit 5% of FDT on sale value. The case is pending in Hon'ble High Court of Karnataka.

(b) W.P.No.20086/2009 Forest Offence Case No.159/2008-09 has been booked against lessee as per the findings of Hon'ble Lokayukta. The User Agency has moved Writ Petition No.20086/2009 against this FOC. Hon'ble High Court, Bangalore directed to conduct joint survey of petitioner lease area by IBM, SOI, DMG and Forest Department. The joint survey is pending. The case is pending in Hon'ble High Court of Karnataka.

(9) The proposed area was monitored by CCF (Central) on 16/04/2015 and reported that this is an active mine for which CEC has prescribed target of 0.42 MTPA and the mine is going to last for another 30 years. It is also reported that User Agency has encroached 11.19 ha. of forest land in which pit is 1.46 ha., OB dumping area is 3.57 ha. and others 6.16 ha. Due to this, CEC has imposed penalty of Rs.10.88 crores and accordingly User Agency has made the payment. This mine has been categorised as B, in the CEC report.

The Regional Empowered Committee considered the proposal submitted by State Government and noted that the User Agency is required to provide 1.06 ha. of suitable non-forest land for CA and the same needs to be transferred and mutated in favour of Forest Department before Stage-II approval. Committee also noted that the proposed forest land is leased to User Agency since 1953, however, required certificates related RoFR Act may be produced while submitting compliance report.



Since the Central Empowered Committee (CEC) has already approved R&R plan for the mine wherein safety zone has been indicated all along the inner boundary of the lease area, the same may accepted. Considering the fact that it is an existing mine and mineral is available in the proposed area, REC decided to recommend the proposal to Govt. of India for approval subject to usual conditions.

- (2) Renewal of 37.00 ha. (17.577 ha. area utilized as per earlier approval + 19.42 ha. additional area utilized) of forest land at Guheswaraqudda State Forest, Jagalur Taluk Davangare District for already established wind farm Project in favour of M/s NSL Renewable Power Private Limited, (Formerly M/s Nuzivvedu Seeds Limited) Hyderabad.

The Regional Empowered Committee noted the following facts of the proposal:-

- (1) The Regional Office, Bangalore vide letter dated 17/03/2003 had accorded approval under Forest (Conservation) Act, 1980 for diversion of 19.94 ha. of forest land in Davangere Forest Division for establishment of 17.25 MW capacity Wind Power Project with 23 WTGs in favour of M/s Nuzivedu Seeds Limited, Hyderabad for a period of 10 years.
- (2) During the monitoring of the project by CCF (Central) in December, 2013, it was observed that the User Agency has installed 9 towers outside the approved forest area. Based on the monitoring, Regional Office vide letter dated 22<sup>nd</sup> May, 2014 had requested the State Government to take necessary action to dismantle the additional wind mills installed outside the approved area and also to initiate action under State Forest Act against the User Agency for encroachment of forest area and other connected offences. The State Government was also requested to submit renewal proposal under Forest (Conservation) Act, 1980 as the User Agency was utilizing the forest



