

Statement of Production, Despatch, Domestic Consumption and Export (Metric Tonne) Year: 2008-09, Iron Ore

Sr. No (1)	Bal. of 2007-08 (2)	Production (3)	Despatch (4)	Domestic Consumption (5)	To whom sold of Col.3 (6)	Qty. of Col.6 (7)	Export Qty. (8)	To whom sold of Col.8 (9)	Quantity (10)	Total Royalty paid (in Rs.) against col.4 (11)	Fe grade of Col.4 (12)	Name of the Export Port (13)	Country Name Exported (14)	Bal. after Despatch (for next year) (15)
	408,527.00	2,486,430.00	2,203,182.55	1,795,593.07	A.B. Commercial	67.93	367,554	STEMCOR SEA PTE LTD	314,142	53,629,151		PARADIP PORT	Singapore	691,774.45
					A.T.C. Steel Pvt. Ltd.	1,070.08		STEMCOR SEA PTE LTD	23,935			YIZAGI PORT	Singapore	
					A.M.C.D. Transport	6,262.77		STEMCOR SEA PTE LTD	29,478			HALDIA PORT	Singapore	
					A. Prasad Rao	20.00								
					Abhishek enterprises	9,682.82								
					Adani Enterprises Ltd.	1,151.00								
					Adhunik Alloys & Power Ltd.	3,634.05								
					Adhunik Metaliks Ltd.	9,936.03								
					AMCD Transport & Minerals Pvt. Ltd.	529.89								
					Ankit Metals & Power Ltd	7,985.00								
					Annapurna Enterprise	8,157.83								
					Apex exports	2,487.27								
					Apical Exim Pvt. Ltd.	47,806.11								
					Arya Iron & Steel Company Pvt. Ltd.	14,564.76								
					Ashutosh Minerals	474.61								
					B.T.M. Exports Ltd.	10,738.11								
					Bedi Construction	4,990.89								
					Bhushan Steel Ltd.	17,238.91								
					Bimaldeep Minerals	344.29								
					Bisco steel udyog	47.46								
					BOB Trading Pvt. Ltd.	438.35								
					C.N.N Minerals (P) Ltd.	2,511.49								
					Crackers India Alloys Ltd.	205.72								
					Dev Carriers & Minerals Pvt. Ltd.	12,333.73								
					Dev Minerals	9,758.95								
					Dev Purl Iron	4,756.42								
					Devansh Exports	461.19								
					Electrosteel Casting Ltd.	21,494.68								
					Fahmida International Pvt. Ltd.	985.22								
					Fairdeal supplies	117,265.63								
					Gayatri Associates	8,508.44								
					Gimpex Ltd	43,713.21								
					Global Associates	1,764.99								
					Godavari Power & Ispat Ltd.	681.12								
					Gopal Sponge & Power Ltd	7,399.95								
					Gran overseas	2,201.22								
					GSAL India Pvt. Ltd.	568.23								
					Haldia steel (satguru)	2,366.00								
					Hallpark Consultancy	4,724.44								
					Inter Ocean Impex Pvt. Ltd.	1,375.07								

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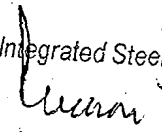
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Interlink Pvt.Ltd.	203.28
Iron Cementric	273.91
J.B Industries	14,345.27
Jai Maa Valmiki Devi Minerals	4,049.50
Jainco & Co.	8,935.71
Jharkhand Ispat (P) Ltd.	3,382.52
K.N. Ram & Co.	9,167.27
Kabra Brothers	1,555.40
Kalinga Allied Industries	1,029.79
Kandoi & Sons	7,369.40
Krishna traders	5,000.65
Kuber Extraction	8,613.53
L.N.Minerals	1,403.96
Lata Industries	842.67
Legend Steels Pvt Ltd	52,473.04
Lords Polymers I Pvt.Ltd.	1,619.42
Lucky Coke(Indian Minerals)	1,963.06
Lucky Minerals(Sales)	28,086.12
M.B. Ispat Corporation	25,707.70
Maa Shakambari Steel	374.17
Maa Valshnovi Sponge Ltd.	4,951.72
Mahakali International	6,399.16
Maheswari Ispat Ltd.	3,549.27
Mangalam Metals & Ore	118,266.62
Mani Vyapaar (P) Ltd.	6,154.67
Map Mines & Minerals Ltd.	6,307.00
Mata Dadhimati Metal & Minerals	7,043.73
Million Minerals Trading Co.	542.25
MMTC Ltd	10,314.62
Monnet Ispat & Energy Ltd.	21,972.81
MSP Steel & Power Ltd.	3,715.50
Nandighosh Infrastructures	7,816.15
O.C.L. Iron & Steel Ltd.	11,163.10
Omar & Sons	2,582.74
Orecoat(india)	27,053.69
Orex Minerals Ltd.	1,539.97
Orind Steel Ltd.	10.92

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Orissa Minerals	8,000.77
Orissa Motors (P) Ltd.	78,421.39
P & P Minerals Trading Pvt. Ltd.	101.01
P.K.S. Ltd.	9,412.41
P.M. Minerals	1,052.41
Padma Logistics & Khanij (P) Ltd. (ARYA)	9,990.22
Padma Logistics & Khanij (P) Ltd. (Mangalam)	1,994.56
Padma Logistics & Khanij (P) Ltd.	139,504.68
Padma Logistics & Khanij (P) Ltd. (Bhushan)	7,999.93
Padma Logistics & Khanij (P) Ltd. (Bramha Mines)	4,519.41
Padma Logistics & Khanij (P) Ltd. (Electrosteel)	6,523.22
Padma Logistics & Khanij (P) Ltd. (Gayatri)	3,503.13
Padma Logistics & Khanij (P) Ltd. (Jai Balaji)	3,577.39
Padma Logistics & Khanij (P) Ltd. (Jai Hanuman)	7,107.90
Padma Logistics & Khanij (P) Ltd. (Kandol & Son)	15,550.34
Padma Logistics & Khanij (P) Ltd. (Maheswari)	718.22
Padma Logistics & Khanij (P) Ltd. (O.C.L.)	5,018.02
Padma Logistics & Khanij (P) Ltd. (Orissa Minerals)	1,200.86
Padma Logistics & Khanij (P) Ltd. (Sab Metaliks)	1,993.03
Padma Logistics & Khanij (P) Ltd. (Sri Virangana)	3,653.06
Presidency Exports	1,929.80
Pushpa International	1,075.51
R.K. Behuria	3,355.28
R. Pyralal Iron & Steel Pvt. Ltd.	1,382.25
Rajesh Jaiswal & Co.	2,435.51
Ramsarup Ioha udyog Ltd.	6,576.88
Ranisati Minerals	1,963.01
Rashmi Cement Ltd.	113,839.26
Rashmi Metaliks Ltd.	94,221.59
Ratnam Industries	693.79
Reliable Sponge (P) Ltd.	19,994.41
S.K.S. Tspat & Power Ltd. (Padma Logistics)	9,167.68
S.M. Niryat Pvt. Ltd.	2,827.55
S.P.S. Steel & Power	134.73
Sara International	6,619.66
Satguru Minerals & Steels	19,440.70
Savitri Sponge Iron Pvt. Ltd.	369.18

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Sl. No (1)	Sl. No (2)	Production (3)	Dispatch (4)	Domestic Consumption (5)	To whom sold (6)	Quantity (7)	Particulars (8)	To whom sold (9)	Quantity (10)	Particulars (11)	To whom sold (12)	Quantity (13)	Particulars (14)	To whom sold (15)	Quantity (16)	Particulars (17)	To whom sold (18)	Quantity (19)	Particulars (20)
					Besidev Exports Pvt.Ltd.	1,089.28													
					Shakti Mines & Minerals	2,388.66													
					Shiv Lord(Lokannath trading)	22.20													
					Shiv Shakti Steel Pvt.Ltd.	6,280.14													
					Shree Balaji Metals & Industries	107.00													
					Shree Balaji Mining Pvt.Ltd.	11,927.83													
					Shree Jagannath Associates	409.11													
					Shree Jagannath enterprises	6,992.26													
					Shree shyam minerals	28,097.13													
					Shubham Enterprise	6,897.27													
					Shyam Sel Ltd.	9,764.72													
					Shyama Minerals	824.33													
					Singhanla & Sons	22,012.12													
					Skylark Fiscal Services Pvt.Ltd.	289.81													
					Soorya Ore & Mining (P) Ltd.	196.35													
					Steer overseas(Padma)	1,539.61													
					Stemcor India Pvt.Ltd.	12,431.66													
					Stemcore India(Padma)	6,395.51													
					Surya Khanij	1,415.65													
					T.S.P.Exim & Trading Co.	193.60													
					Tarini Minerals	1,273.44													
					Tarini supply agency(Padma)	1,399.36													
					Taurion iron & steel	50,551.25													
					The Liberty Marine Syndicate Pvt.Ltd.	4,218.16													
					Tirupati Balaji Enterprises	50,361.71													
					Tirupati Balaji Transport & Minerals Pvt.Ltd.	5,723.61													
					Unison Logistics	20,156.15													
					United Minerals & Logistics	3,849.52	367,554.09												
					Utkal Ispat Pvt. Ltd.	15,777.99													
					Vardhman Axles & Wheels (P) Ltd.	9,170.47													
					Verdhaman International	3,326.42													
					Vinesh Trading Pvt.Ltd.	3,555.30													
					Visa Steel Ltd.	16.75													
					Yazdani International(P) Ltd	718.68													
					Transfer to Plant	107,961.82													
408,527.00	2,466,430.00	2,203,182.55	4,795,593.07			1,795,593.07		367,554.09		53,629,151.00		691,774.45							

For Mideast Integrated Steels Ltd.

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Statement of Production, Despatch, Domestic Consumption and Export (Metric Tonne) Year 2009-10 Iron Ore


Sr. No (1)	Bal. of 2008-09 (2)	Production (3)	Despatch (4)	Domestic Consumption (5)	To whom sold of Col.3 (6)	Qty of Col.6 (7)	Export Qty (8)	To whom sold of Col.8 (9)	Quantity (10)	Total Royalty paid (in Rs.) against col.4 (11)	Fe grade of Col.4 (12)	Name of the Export Port (13)	Country Name Exported (14)	Bal. after Desp. (For next year) (15)
	691,774.45	2,622,117.53	1,989,113.92	1,859,937.05	A.B. Commercial	23,934.73	142,880	STEMCOR SEA PTE LTD	113,980	255,976,958.00		PARADIP PORT	Singapore	1,324,778.06
					AMCD Transport & Minerals Pvt.Ltd.	57,874.78		STEMCOR SEA PTE LTD	21,800			VIZAG PORT	Singapore	
					Ankot Metals & Power Ltd.	526.29		STEMCOR SEA PTE LTD	5,100			GANGAVARAM	Singapore	
					Annapurna Enterprise	8,611.06								
					Apex Exports	16,466.18								
					Apex Trading Co.	5,582.93								
					Apical Exim Pvt.Ltd.	55,096.17								
					Arya Iron & Steel Company Pvt.Ltd.	4,995.38								
					Aryani Ispat & Power Pvt.Ltd.	916.86								
					B.T.M.Exports Ltd.	29,061.28								
					Baba Baidyanath Minerals	972.41								
					Bagadiya Brothers Pvt.Ltd.	30,905.36								
					Balaji Industrial Products Limited	940.13								
					Balaji Metals & Sponge Pvt.Ltd.	3,135.10								
					Beekay Steels & Power Ltd.	1,990.74								
					Bhushan Steel Ltd.	60,060.11								
					BRG Iron & Steel Co.(P) Ltd.	1,978.10								
					Commet Minerals & Metaliks Pvt.Ltd.	13,028.89								
					Deepak Steel & Power Ltd.	31,440.06								
					Dev Cartiers & Minerals Pvt.Ltd.	61,125.22								
					Dev Puri Iron	1,457.63								
					Divya Jyoti Sponge Iron Pvt.Ltd.	9,298.59								
					Dudani Fuels Pvt.Ltd.	3,375.00								
					Electrosteel Casting Ltd.	21,293.25								
					Emars Mining & Construction Pvt.Ltd.	4,449.29								
					Fairdeal Supplies Pvt.Ltd.	26,047.95								
					Falgun Export Pvt.Ltd.	50,942.68								
					Gimpex Ltd.	15,988.44								
					Global Associates	18,644.76								
					Global Marketing Company	3,486.74								
					Gopal Sponge & Power Pvt.Ltd	3,590.38								
					Haldia Steels Ltd.	6,491.58								
					Hallpark Consultancy	2,753.50								
					Indicast Ore & Minerals	2,342.11								
					J.B.Industries	2,999.89								
					J.B.S.Minerals	4,984.69								
					J.D.R.Minerals & Exports	1,790.83								
					K.I.C.Metaliks Ltd.	23,380.36								
					K.I.P.P Mining & Minerals	2,040.55								
					K.P.Shaw & Company	18,769.89								
					Kabra Steels Ltd.	4,906.13								
					Kalinga Allied industries	1,144.93								

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Kandari & Sons	8,889.72
Kuber Extrusion	200.04
Kujum Powermet Pvt.Ltd.	8,889.70
L.O.Minerals	5,762.66
L.M.J.International Ltd.	40.37
L.N.Minerals	18,526.27
Lata Industries	777.78
Legend steel	28,450.28
Lords Polymer (I) Pvt.Ltd.	2,927.48
Lucky Minerals	11,258.06
M.B.Ispat Corporation Ltd.	3,624.73
Maa Samleswari Sponge Iron Ltd.	6,579.27
Maheswari Ispat Ltd.	7,407.32
Mangal Sponge & Steel Pvt.Ltd	2,207.55
Mangalam Metals & Ore	33,610.79
Map Mines & Minerals Ltd.	62,035.01
Mata Dadhimati Metal & Minerals	323.35
Mayuri Mines & Minerals	2,999.98
MMTC Ltd	3,209.19
Monnet Ispat & Energy Ltd.	76,737.61
Nandighosh Infrastructure & Logistics	6,595.30
Narsingh Ispat Ltd.	12,513.38
Odessey Minerals Pvt.Ltd.	6,186.91
Orecoat India	34,976.27
Orind Steel Ltd.	91.12
Orissa Minerals	1,828.81
Orissa Motors Pvt.Ltd.	21,587.91
Orissa Sponge Iron Ltd.	37,878.98
P & P Exim Pvt.Ltd.	5,252.52
P.K.S.Ltd.	3,499.15
P.K.Traders	10,914.63
Padma Logistics & Khanij (P) Ltd.	173,700.16
PRS Metaliks Ltd.	3,200.00
R.Pyarilal Iron & Steel Pvt.Ltd.	599.24
Radhika Enterprise	18,942.29
Rahul Iron & Steel Pvt.Ltd.	126.54
Raipur Power & Steel Ltd.	15,597.63
Rashmi Cement Ltd.	15,421.64
Rashmi Metaliks Ltd.	131,055.28
Ratnam Industries	15,021.35

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Sr.No(1)	AMT 2009 10(2)	Production(3)	Dispatch(4)	Demand Consumption(5)	To Whom sold (6)	(7) Price (₹)	Export (₹)(8)	To Whom sold (9)	(10) Price (₹)	Total Revenue (₹) (11) = (7) x (6) + (8) x (10)	To Whom sold (12)	Name of the Export (₹)(13)	Country Name (14)	Port Name (15)
					Shree Jagannath Metals Industries Ltd.	7,990.55								
					Shree Ganyell Sponge & Alloys Pvt.Ltd.	1,441.01								
					Shree Shyam Minerals (Kazla) Sales	4,713.05								
					Sri Ambika Ispat Pvt.Ltd.	998.25								
					Sri Balaram Power & Steel Ltd.	8,244.88								
					Siddhi Cargo Carrier	5,559.30								
					Singhania & Sons	1,555.46								
					Singhania & Co Pvt.Ltd.	1,242.43								
					Singhania Sponge Ltd.	7,670.07								
					Sri Lakshmi Constructions	2,517.64								
					Stemco India Pvt.Ltd.	68,438.15								
					Sudama Export Pvt.Ltd.	3,032.89								
					Surya Khanij	949.17								
					Sushila Sponge Pvt.Ltd.	3,981.45								
					Tathagat Exports Pvt.Ltd.	7,397.02								
					Taurian Iron & Steel Co.	6,970.73								
					The Liberty Marine Syndicate Pvt.Ltd.	6,349.88								
					V.S.P.Exports	7,763.75								
					Vijaya Sponge & Ispat (P) Ltd.	405.67								
					Visa Steel Ltd.	16,927.86								
					Westwell Iron & Steel Pvt.Ltd.	8,848.50								
					Yazdani International Pvt.Ltd.	359.34								
					Transfer to Plant	102,104.88								
						1,198,774.59				165,902.00				
										165,902.00				
										357,796,184.00				

For Mideast Integrated Steels Ltd.

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Statement of Production, Dispatch, Domestic Consumption and Export (Metric Tonne) Year 2011-12 Iron Ore

Sl. No. (1)	Roll No. (2)	Production (3)	Dispatch (4)	Domestic Consumption (5)	Name of the Unit (6)	Qty. (7) (T)	Export Qty. (8)	Name of the Unit (9)	Qty. (10) (T)	Total Royalty paid (in Rs.) against col. 4 (11)	Fe grade of Col. 4 (12)	Name of the Export Port (13)	Country Name Exported (14)	Balance For next year (15)
1	1876,000.55	11,262,562.00	11,111,520.59	4,054,830.40	Adhunik Alloy & Power Ltd.	23,828.08	67,381	ATEMCOOR SEA PTE LTD	28,800	\$44,392,375.00		PARADIPOR	Singapore	1,527,727.56
					Adhunik Metalika Ltd.	3,388.43		ATEMCOOR SEA PTE LTD	28,551			VIZAG PORT	Singapore	
					AMCO Transport & Minerals Pvt.Ltd.	1,679.55								
					Apical Exim Pvt.Ltd.	3,767.35								
					Ardent Steel Ltd.	4,912.20								
					Arihant Tiles & Marbles (P) Ltd.	4,992.65								
					Arya Iron & Steel Company Pvt.Ltd.	26,126.62								
					Automation Engineers	659.39								
					Bagadiya Brothers Pvt.Ltd.	2,303.54								
					Bhagwati Power & Steel Ltd.	7,001.28								
					Bhagwati Sponge Pvt.Ltd.	8,400.17								
					Bhusan Power & Steel Ltd.	101,838.21								
					Bhushan Steel Ltd.	27,831.22								
					Bihar Sponge Iron Ltd.	3,722.12								
					Deepak Steel & Power Ltd.	1,096.68								
					Dhanbad Fuels Ltd.	3,384.23								
					Eastern Steel & Power Ltd.	2,355.12								
					Essar Steel Limited	18,845.58								
					Gallantt Ispat Ltd.	7,085.38								
					Ganesh Sponge Pvt.Ltd.	2,994.29								
					Gimpex Ltd.	14,819.85								
					Global Associates	6,974.34								
					Global Marketing Company.	1,155.61								
					Gopal Sponge & Power Pvt.Ltd.	7,332.62								
					Haldia Steels Ltd.	3,697.76								
					Hind Metals & Industries Pvt.Ltd.	5,973.39								
					Jagwani Projects Pvt.Ltd.	4,568.29								
					Jai Balaji Industries Ltd.	3,635.65								
					Jay Jagannath Steel & Power Ltd.	1,984.28								
					K.I.C.Metaliks Ltd.	26,040.88								
					K.N.Ram & Co.	2,775.75								
					Kalinga Allied Industries	22,681.45								
					Kalinga Enterprises (P) Ltd.	7,520.72								
					Kashvi Power & Steel Pvt.Ltd.	15,249.21								
					Kunj Bihari Steel Pvt.Ltd.	9,234.15								
					Lata Industries	3,261.59								
					Laxmi Enterprises	3,999.86								
					Logan Minerals Pvt.Ltd.	3,659.07								
					Maa Samleswari Sponge Iron Ltd.	5,061.98								
					Mahendra Sponge & Power Ltd.	7,283.48								
					Maithan Ispat Ltd.	7,964.27								

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Sl. No.	Company Name	Particulars	Amount	Remarks	Sl. No.	Company Name	Particulars	Amount	Remarks	Sl. No.	Company Name	Particulars	Amount	Remarks	Sl. No.	Company Name	Particulars	Amount	Remarks
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	Mellian Steel & Power Ltd.	6,896.10	
	Mangal Sponge & Steel Pvt.Ltd	3,820.85	
	Mangalam Metals & Ore	86,474.83	
	Map Mines & Minerals Ltd.	18,863.28	
	Margal Mines Pvt.Ltd.	1,272.41	
	Mohini Ispat & Energy Ltd.	104,927.90	
	MSP Metals Ltd.	12,447.13	
	MSP Steel & Power Ltd.	21,886.52	
	Nartheram Power and Steel Pvt.Ltd.	1,699.22	
	Narsingh Ispat Ltd.	1,070.09	
	Oreca India	3,988.10	
	Orissa Motors Pvt.Ltd.	1,229.82	
	Orissa Sponge Iron Ltd.	16,946.50	
	Parth Ispat India Pvt.Ltd.	994.56	
	Pioneer Combines Pvt.Ltd.	3,416.45	
	Ramgarh Sponge Iron Pvt.Ltd.	239.64	
	Rana Sponge Iron & Power Ltd.	336.02	
	Rashmi Cement Ltd.	3,009.71	
	Rashmi Metaliks Ltd.	9,821.80	
	Rathi Steel & Power Ltd.	1,325.17	
	Real Ispat & Power Ltd.	3,672.46	
	Royalline Resources Ltd.	1,999.92	
	Sadashiva Tripathy	842.05	
	Savitri Sponge Iron Pvt.Ltd.	4,348.45	
	Scan Steel Ltd.	3,167.50	
	SDR Exports (P) Ltd.	7,502.52	
	Shivom Minerals Ltd.	20,922.98	
	Shree Balaji Mining Pvt.Ltd	9,865.72	
	Shree Jagannath Metalik Industries Ltd.	5,947.57	
	Shree Shyam Minerals(Kasia) Sales	1,706.53	
	Shree Siridi Sai Minerals & Exports Pvt.Ltd	1,698.36	
	Shri Bajrang Power & Steel Ltd.	14,277.57	
	Shri Venkatesh Iron & Alloys(I) Ltd.	7,066.69	
	Shyam Metaliks and Energy Ltd.	2,987.85	
	Singhal Enterprises Pvt.Ltd.	7,431.42	
	Singhania & Sons	8,967.73	
	Sri Lakshmi Constructions	1,175.48	

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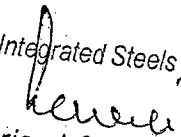
Sl. No.	Particulars	Jan to Mar 2010 Rs. in Lakhs	Production (1)	Dispatch (2)	Domestic Consumption (3)	To whom sold/Cols (5)	Qty/Chgs (7)	Import Qty (8)	To whom sold of Cols (9)	Quantity (10)	Total Qty/Chgs (11)	Value (12)	Export Qty (13)	Value (14)	Nett Value Export (15)	Quantity Exported (16)	Value Exported (17)
							53,636.62										
						Slemcor India Pvt.Ltd.											
						The Liberty Marine Syndicate Pvt.Ltd.	3,760.98										
						Tripani Resources Pvt.Ltd	7,122.61										
						Udupeta Metals Pvt.Ltd	3,895.03										
						Uthmaniyah International (Ud)	1,629.84										
						W S P Exports	3,162.61										
						Westwell Iron & Steel Pvt.Ltd.	14,805.34										
						Transfer to Plant	361,570.65										
							1,054,830.48			67,350.97		544,393,376.00					

Statement of Production, Dispatch, Domestic Consumption and Exports (Metric Tonne) Year 2012-13 (upto Dec 13) Iron Ore

Sl. No. (1)	AMC No. (2)	Production (3)	Domestic Consumption (4)	Domestic Consumption (5)	Excess Stock at End of Year (6)	Quantity (7)	Export Qty (8)	Excess Stock at End of Year (9)	Quantity (10)	Total Quantity (11)	Rate (12)	Name of the Exporter (13)	Country Name (14)	Sl. No. (15)
1,877,777.06	1,951,838.41	965,833.93	973,806.34	Adhunik Alloys & Power Ltd.	7,690.69					825,896,969.49				1,914,032.44
				AMOD TRANSPORT & MINERALS PVT. L.	2,204.17									
				Adinola Traders & Investments Ltd.	3,817.95									
				Adhunik & Steel Company Pvt. Ltd.	26,666.96									
				B.T.M. Exports Ltd.	30,903.61									
				Bhagwati Sponge Pvt. Ltd.	11,321.29									
				Bhusan Power & Steel Ltd.	69,138.66									
				Bhushan Steel Ltd.	21,751.00									
				Brand Alloys Ltd.	1,496.84									
				Concast Steel & Power Ltd.	5,817.54									
				Essar Steel India Ltd.	48,488.19									
				Godawari Power & Ispat Ltd.	11,409.92									
				Jagwani Projects Pvt. Ltd.	3,656.83									
				Jay Jagannath Steel & Power Ltd.	9,648.10									
				Jupiter Spun Pipes & Castings Ltd.	3,837.55									
				K.I.C. METALIKS LTD.	3,841.17									
				Kalinga Allied Industries	19,338.52									
				Kalinga Enterprises Pvt. Ltd.	19,432.14									
				Kashvi Power & Steel Pvt. Ltd.	8,576.81									
				Kunj Bihari Steel Pvt. Ltd.	3,752.42									
				Logan Minerals Pvt. Ltd.	15,113.25									
				M.B. Sponge & Power Ltd.	3,606.83									
				Maa Tarini Industries Ltd.	3,588.93									
				Maa Tarini Transport Pvt. Ltd.	4,992.20									
				Mahendra Sponge & Power Ltd.	3,771.10									
				Maithan Ispat Ltd.	10,858.99									
				Mangalam Metals & Ore	21,902.01									
				Monnet Ispat & Energy Ltd.	68,690.49									
				MSP Metals Ltd.	27,898.68									
				MSP Steel & Power Ltd.	30,226.40									
				Noble Resources & Trading India (P) Ltd.	4,676.61									
				Orissa Ferrotechs	15,136.27									
				Orissa Manganese & Minerals Ltd.	11,623.64									
				Orissa Ores & Minerals Export Pvt. Ltd.	3,774.59									
				Orissa Sponge Iron Ltd.	898.51									
				Pradeep Mining & Construction Pvt. Ltd.	4,939.33									
				RB Sponge Iron Pvt. Ltd.	2,998.47									
				Rexon Strips Ltd.	2,385.70									
				Savitri Sponge Iron Pvt. Ltd.	561.68									
				SDR Exports Pvt. Ltd.	5,716.10									

For Mideast Integrated Steels Ltd.  
Man  
 Authorised Signatory

(1) Sl. No.	(2) Particulars	(3) Domestic Consumption	(4) To whom sold Col. 3 (5)	(5) Qty of Col. 3 (7)	(6) Export Qty (8)	(7) To whom sold of Col. 3 (9)	(8) Quantity (10)	(9) Total Royalty paid (in Rs.) against col. 4 (11)	(10) Fe grade of Col. 4 (12)	(11) Name of the Export Port (13)	(12) Country Name Exported (14)	(13) Sl. After Desp. (For next year) (15)
			Beela Integrated Steel & Energy Ltd.	3,740.18								
			Shivom Minerals Ltd.	5,058.59								
			Shree Balaji Mining Pvt. Ltd.	24,670.43								
			Shri Balrang Power & Ispat Ltd.	14,731.84								
			Shri Venkatesh Iron & Alloys (I) Ltd.	3,615.23								
			Shyam Metaliks & Energy Ltd.	38,065.68								
			Shyam Sel & Power Ltd.	3,782.02								
			Stemcor India Pvt. Ltd.	50,950.55								
			Swastik Ispat Pvt. Ltd.	4,939.38								
			Times Steel & Power Ltd.	2,901.26								
			Tirupati Resources Pvt. Ltd.	4,812.14								
			Uday Sponge & Power Pvt. Ltd.	993.98								
			Uttam Galva Metaliks Ltd.	26,543.73								
			Venkateswar Sponge & Iron Co. Pvt. Ltd.	997.32								
			Zenith Steels	11,910.32								
			Transfer to Plant	250,437.64								
				973,808.34				525,896,969.49				

For Mideast Integrated Steels Ltd.  
  
 Authorised Signatory

By Regd. Post

OFFICE OF THE DEPUTY DIRECTOR MINES, JODA, DIST: KEONJHAR.

No 730 /Mines, dt.3.1.11

80 ✓

From,

The Deputy Director Mines,  
Joda, Keonjhar.

To,

The Managing Director,  
M/s. Mideast Integrated Steel Limited,  
At: Mesco Tower, H-1, Zamrudpor, Community Centre,  
Kailash Coloney, New Delhi-110048.Sub: Sale of iron ore from Roida-I Iron Mines over 104.68 Hectrs in  
village: Tanta and Sidhamatha R.F. of Keonjhar District.

Sir,

It is to inform you that the aforesaid Mining Lease was transferred in your favour vide proceeding No. 8475/SM, dt. 30.08.1996 of the Govt. in department of Steel & Mines, Orissa for captive use of the ores in your Steel plant in the state of Odisha. But it is noticed that instead of captive consumption, you are selling iron ore produced from your aforesaid mining lease area to others.

This act of yours tantamount to gross violation of the orders. Therefore you are directed to show cause why Govt. shall not be moved for appropriate action for such violation within 7 days of the receipt of this letter.

Further, the permissions issued for removal of iron ore from your above mine vide permission No. 67002, dt. 09.12.2010, 67006, dt. 09.12.2010, 67010, dt. 09.12.2010, 67014, dt. 09.12.2010, 67018, dt. 09.12.2010, 67022, dt. 09.12.2010, 67477, dt. 13.12.2010, 69422, dt. 18.12.2010, 69418, dt. 18.12.2010, 69426, dt. 18.12.2010, 69430, dt. 18.12.2010, 69434, dt. 18.12.2010, 68438, dt. 18.12.2010, 69442, dt. 18.12.2010, 69446, dt. 18.12.2010, 69871, dt. 20.12.2010, 71132, dt. 23.12.2010, 71136, dt. 23.12.2010 and 05, dt. 01.01.2011 are hereby suspended with immediate effect until further orders.

Yours faithfully,

Deputy Director Mines, Joda  
Dist: Keonjhar.

OK



Registered postGOVERNMENT OF INDIA  
MINISTRY OF MINES

No. 22/01/2011-RCI

New Delhi, dated 21/02/2011

To

The Secretary to the Govt. of Orissa  
Department of Steel and Mines  
Bhubaneswar-751001  
(Orissa)Sub: Revision Application under Rule 34 Mineral Concession Rules, 1966 filed by  
M/s. Midcast Integrated Steel Ltd.

Sir,

I am directed to refer to the revision application dated 12.1.2011 filed by M/s. Midcast Integrated Steel Ltd. on the above subject and to enclose a copy of the interim order dated 15.02.2011 passed by the Central Government in this regard.

Yours faithfully,

  
(Rajesh Kumar)  
Special OfficerCopy with a copy of the order forwarded by Regd. Post to

1. M/s. Midcast Integrated Steel Ltd., An. Mexico Tower, H-1, Zamindpur Community Centre, Kalash Colony, New Delhi-110048
2. Guard File

DATED 15/02/2011

(IN REVISION APPLICATION FILE NO. 22(01)/2011-RO-I)

M/s Mideast Integrated Steel Ltd.

Petitioner

vs

State Government of Orissa

Respondent

INTERIM ORDER

(Under Section 30 of the Mines and Minerals (Development & Regulation) Act, 1957 (MMDR Act) and Rule 55 of the Mineral Concession Rules, 1960 (MCR))

This Revision Application has been filed by M/s Mideast Integrated Steel Ltd., the petitioner, against the State Government of Orissa's Memo No. 431/Mines dated 03/01/2011 (hereinafter referred to as the 'Impugned Order') regarding sale of iron ore from Roida-I Iron Mines over 104.68 Hects. in village Tanta and Sidhamatha R.F. of Keonjhar District.

2. The revision petitioner has stated that State Government of Orissa had granted a mining lease for mineral iron ore over an area of 104.68 Hects. in village Tanta and Sidhamatha Keonjhar District, Orissa in favour of the petitioner for a period of 30 years. The petitioner has filed this Revision Application dated 12<sup>th</sup> January, 2011 against the Government of Orissa's Memo dated 03/01/2011.





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3. The case was taken up for stay hearing on 15.02.11 against the State Government of Orissa's Memo dated 03.01.2011 vide which permissions issued to M/s Mideast Integrated Steel Ltd. for removal of iron ore from iron mines over an area of 104.68 hect. has been suspended.

4. The petitioner in this case has challenged the Deputy Director of Mines (Department of Steel & Mines) Joda Dist. Keonjhar Govt. of Orissa Memo dated 3.1.2011 suspending the permissions issued for removal of iron ore from the mines of the petitioner granted vide various permissions issued from 9.12.2010 to 01.01.2011.

5. The revisionist has filed an application for seeking ex-parte ad-interim stay against the operations of the State Government's Memo dated 3.1.2011 referred to in para 4 above on the following grounds:

- (i) The petitioner will suffer serious prejudice and injustice because the petitioner has no other source of iron ore and the reserves available with the petitioner is not enough to sustain the operation of the plant for more than a week from today.
- (ii) There is imminent apprehension that the petitioner's ongoing plant will be closed down for want of iron ore and approximately two thousand people (2000) working in the mines and the steel plant will lose their job and livelihood leading to labour unrest and tension. Apart from that the petitioner's plant and machinery will also be damaged due to disruption in the operations of the steel plant.





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- (ii) It is imperative in the interest of the justice that an ex-parte ad-interim stay granted against the operation of the impugned order and appropriate direction should be passed otherwise a grave prejudice and injustice would be caused to the petitioner and the entire proceedings under the present Revision Application would be rendered infructuous and nugatory.
- (iv) The impugned order has been passed without jurisdiction and disregarding the fact that there is no such condition in the ML Deed or transfer Deed or any of the Govt orders restricting the end-use of the minerals by the petitioner.
- (v) The impugned order is apparently violative of principles of law, natural justice as fairness and objectivity.
- (vi) Any disruption in the mining operation would cause serious irreparable loss and injury to the petitioner as the petitioner has made huge expenses and investment towards taking approval of Mining Plan, statutory clearances and NOCs.

6. The case was heard today i.e. 15.2.11. The advocates for both the parties were present. After hearing the arguments of advocates of the revisionist and the State Govt, the State Govt. is directed not to take any action on its order dated 3.1.11 suspending the permissions granted to the petitioner for removal of iron ore from his mines till the next date of hearing or till further orders, whichever is earlier.

(A.K. Patney)  
Deputy Secretary (Mines)

**Inganijharan Iron and Manganese Ore**  
**Mine of Shri M. S. Deb**  
**(114.930 ha.)**

Findings recorded in this Chapter are based upon the information supplied by the various Departments of the State and Central Governments, lessee, MoEF, IBM, etc. It is for the competent authority to issue appropriate notices to the concerned party/lessee for taking action in accordance with law.

Pursuant to the notices dated **27.09.2011** and **29.01.2013**, voluminous records have been submitted by the lessee and the same have been taken into consideration, while preparing this report. The lessee was also heard through his Ld. Counsel, Mr. Debasish Das with Mr. Yogesh Das, exhaustively during the hearing held on **28.02.2013** at Bhubaneswar.

Admittedly, in the present case, lease period expired on 19.11.1973. The lessee remained in possession up to 12.05.1977 on the strength of working permissions granted by the State Government from time to time. Renewal application was rejected on 12.05.1977. The possession thereof was taken over by the District Collector on 12.05.1977.

Thereafter, the possession of the lease area was handed over to M/s. Manganese Ore (India) Ltd. to work the area for iron and manganese ores. The said company continued in possession up to 31.01.1985 by virtue of an Order of status-quo granted by the Hon'ble Supreme Court of India and rejection of renewal application of Shri M. S. Deb.

No lease or renewal of lease for this area was granted in favour of anyone till date under the provisions of MM(DR) Act, 1957 and the Rules therein. Despite this, the State Government issued instructions to hand over possession to Shri Bikash Chandra Deb on 18.02.1994 to prepare mining plan, etc. and allowed to operate the mine.

**Without granting any lease, the person who is in possession, has extracted 11,62,253 MT of iron ore and 36,726 MT of manganese ore in violation of MM(DR) Act, 1957 and the Rules therein and also in violation of FCA, 1980 and EP Act, 1986, as discussed hereinafter.**

1. A mining lease was originally granted in favour of Shri M. S. Deb for manganese ore over an area of 284 acres or 114.930 ha. which consist of forest and non-forest land vide G.O. No.134/Mines, dated 17.01.1953 and the lease period commenced with effect from 20.11.1953 for 20 years.

2. The leased area is comprised of 32.703 ha. reserved forest, 4.370 ha. revenue forest, 21.054 ha. DLC and 56.803 ha. non-forest lands.
3. Permission for inclusion of iron ore extraction was granted with effect from 31.12.1962 taking the period as co-terminus to the lease period which was expired on 19.11.1973.
4. Renewal application was filed by Shri M. S. Deb, the lessee on 22.07.1972.
5. The lease area was in possession of the lessee till 12.05.1977 on the strength of the working permission granted by the State Government from time to time. Though, during that period, there was a provision of deemed refusal under the MCR, 1960.
6. The renewal application dated 22.07.1972 for iron and manganese ores was rejected vide State Government proceeding No.5006/MG, dated 12.05.1977.
7. The said area was taken over by the District Collector in pursuance of Government Order No.5016/MG, dated 12.05.1977.

8. Later, Government, in its letter No.5018/MG, dated 12.05.1977, allowed M/s. Manganese Ore (India) Ltd. (MOIL), a Government of India Undertaking to work the area for iron and manganese ores.
9. Against the Order of rejection of RML dated 12.05.1977, the lessee, Shri M. S. Deb preferred Writ Petition in the Hon'ble High Court vide OJC Nos.784 and 785 of 1978.
10. The Hon'ble High Court quashed the Orders of rejection of the renewal application and the revisional orders sustaining such rejection with **a directive to the State Government to decide the renewal application afresh within two months** in accordance with law in its final order dated 12.12.1979.
11. Against the order passed by the High Court of Odisha, M/s. MOIL preferred two Civil Appeals before the Hon'ble Supreme Court of India. Pending hearing, the Supreme Court passed an interim status-quo order on 21.12.1979 in Civil Misc. Petition Nos.19234 and 19235 of 1979 filed by it and MOIL worked the area till 31.01.1985. **Pending hearing, Shri M. S. Deb expired on 22.02.1982.**



- 12.** The status-quo order granted by the Hon'ble Supreme Court of India was vacated on 01.04.1985. On 20.6.1985, the State Government directed the Sr. Mining Officer, Joda to take possession of the area and the possession of the area was taken over by the District Collector on 31.07.1985.

Thereafter, the appeal of MOIL has been disposed of on 19.07.1990 by the Supreme Court by stating as under:-

- “1. That the Appeals above-mentioned be and are hereby dismissed as not pressed but the said order shall not affect the rights of the State of Orissa as well as the claim of Respondent No.1 herein, if any, to be determined in accordance with law.*
- 2. That there shall be no Order as to costs of these Appeals in this Court;”*

- 12(a)** The possession of the area was handed over to Shri B. C. Deb on 18.02.1994 and the State Government granted working permission to Shri B. C. Deb for a period of six months i.e. till 11.11.1994. The State Government granted further working permission for a period of three months from 12.11.1994. The State Government rejected renewal application dated 01.11.1994 **by order dated 12.02.1999.**

**12(b)** That order was challenged by filing OJC No.3121 of 1999 before the Hon'ble High Court of Odisha.

**12(c)** The Hon'ble High Court quashed the rejection order and directed the State Government to reconsider the renewal application by order dated 07.04.2004. The Court also ordered to grant working permission, if applied for by the lessee pending consideration of renewal of mining lease application and by order dated 23.12.2004, the State Government allowed to undertake mining operation. On 06.01.2006, working in the area was allowed by the Dy. Director of Mines, Joda, though there is no grant of lease in favour of Shri B. C. Deb.

Finally, after the long delay, on 06.11.2009, DDM ordered for suspension of mining operation for want of **various statutory approvals like approved mining plan, environmental clearance, forest clearance, etc.** The DDM is silent on renewal or grant of lease. The State Government had also issued Show Cause Notice on 08.11.2011 for refusal of RML application.

The State Government also issued Show Cause Notice for recovering an amount of **Rs.243,48,48,107/-** u/s. 21(5) of MM(DR) Act, 1957 on the ground that Shri B. C. Deb has raised iron and manganese ores from the area which is outside the lease area. Against the said demand, Shri B. C. Deb has filed Writ Petition No.20637/2011 before the Hon'ble High Court of Odisha.

**13.** From the facts stated hereinabove, it appears that:-

**(i)** The applied period of 20 years, as provided under Section 8 (2) of the MM(DR) Act, 1957, expired on 19.11.1973. For this, the application for renewal of mining lease, which was filed on 22.07.1972, had been rejected. No second renewal application was filed in time and it comes under the provisions of deemed refusal.

Meanwhile, Shri M. S. Deb died in the year 1982.

**(ii)** One Shri Liladitya Deb, vide his letter dated 27.05.1991, submitted an order dated 16.05.1991 passed in OJC No.2553 of 1991 filed by him before Hon'ble High Court, Odisha. The Court, by order dated 16.05.1991

in MC No.2867 of 1991, ordered that renewal of mining lease shall not be granted in favour of OP No.7 (Liladitya Deb).

Further, by order dated 17.05.1991, the Hon'ble High Court of Odisha passed an order, staying grant of renewal of mining lease in favour of OP No.3 (Shri B. C. Deb) instead of OP No.7 (Liladitya Deb). Subsequently, the Hon'ble Court, by order dated 24.02.1993, dismissed the OJC No.2553 of 1991 (Liladitya Deb Versus B. C. Deb and Others) as withdrawn.

- (iii) Pursuant to the orders dated 26.05.1991 of the State Government, Shri B. C. Deb was served with a notice under Rule 26(3) of MCR, 1960 to furnish the requisite statutory documents including the succession certificate for consideration of grant of a fresh mining lease vide Steel and Mines Department's letter No.3056/SM, dated 20.03.1993; No.5631/SM, dated 28.05.1993; No.7043/SM, dated 08.06.1993 and No.9208/SM, dated 05.08.1993. Shri Deb, vide his letters dated 15.05.1993 and 31.05.1993, submitted some documents, **except MDCC and succession certificate.**

**It is pertinent to state that the issue of succession/legal heir, of this mining lease, has not been inquired / investigated at all and it remains undecided till date.**

- (iv) Thereafter, the State Government had issued instructions to hand over possession to the applicant Shri B. C. Deb to prepare mining plan and initiate diversion proposal of forest land for non-forest purpose under FCA, 1980 vide letter No.1356/SM, dated 05.02.1994 only. The possession of the area was handed over to Shri Bikash Chandra Deb on 18.02.1994 for the said purpose only and not for working.
- (v) The State Government issued working permission for a period of six months with effect from 12.05.1994 and three months with effect from 12.11.1994 vide Department of Steel and Mines's letter No.5388/SM dated 12.05.1994 and No.14006/SM dated 19.11.1994 respectively for transporting already mined minerals and subject to **submission of the approved mining plan and proposal of diversion of forest land and not otherwise.**

- (vi) Shri Bikas Chandra Deb filed second renewal application on 01.11.1994 i.e. after one year of expiry of the lease instead of filing the application at least 12 months before the due date of expiry, as provided under Rule 24(A) (1) of the MCR, 1960. As per the record, nor there is condonation of delay.
- (vii) The earlier lease period expired on 19.11.1993 and the renewal application filed by the applicant on 01.11.1994. During the said period, except one working permission granted for a period of six months with effect from 12.05.1994 for a specific purpose, **no legal status is found for the lease area because concept of deemed extension would not be applicable.**

**Apart from this, the working permission of transportation of old stocks was granted subject to submission of approved mining plan and diversion of land under FCA, 1980 which was not complied with by the lessee.**

- (viii) Next temporary permission for a period of one year was allowed with effect from 10.07.1995 by the Government of India, MoEF subject to condition for submission of proposal for

diversion of forest land within a period of three months and limiting the working only over the forest land broken prior to 25.10.1980.

It is to be highlighted that when this TWP was accorded by MoEF, there was no subsisting lease in favour of Shri B. C. Deb. It could not have been accorded. And those, who have accorded the permission in favour of Shri B. C. Deb, acted in flagrant violation of the provisions of the laws/rules. Action against them should also be taken.

- (ix) The State Government, vide its order dated 12.02.1999, rejected the renewal application dated 01.11.1994 filed by Shri B.C. Deb. Being aggrieved with and dissatisfied by the said order, Shri B. C. Deb preferred OJC No.15764 of 1998 before the Hon'ble High Court of Odisha.
- (x) The Hon'ble Court, vide order dated 07.04.2004, quashed order dated 12.02.1999 of the State Government (rejecting the renewal application) & directed the State Government for reconsideration of the matter afresh in accordance with the law and to pass fresh order on or before 31.08.2004. The relevant part of the said order is reproduced as under:-

*“In case the petitioner applies to the State Government for operating the mining lease pending orders to be passed by the State Government on the application for renewal in accordance with the judgment, it is open for the State Government to consider the same and pass appropriate orders.”*

- (xi)** Shri B.C. Deb was served with a notice by Steel & Mines Department's letter No.13599/SM, dated 26.12.1995; No.4351/SM, dated 24.05.1997; No.5602/SM, dated 27.06.1997; No.6768/SM, dated 30.07.1997; No.8306/SM, dated 15.09.1997 and No.8906/SM, dated 26.09.1997 to attend the personal hearing fixed on 10.01.1996, 26.06.1997, 29.07.1997, 30.08.1997, 30.09.1997 and 20.10.1997 respectively for disposal of 2<sup>nd</sup> RML application dated 01.11.1994 filed by him. Subsequently, he was served with a notice by the Steel and Mines Department's letter No.11699/SM, dated 23.12.1997 to furnish the approved mining plan and approval of MoEF within six months.
- (xii)** Shri B. C. Deb filed OJC No.15764 of 1998 before the Hon'ble High Court of Odisha, praying therein to direct the State Government to grant the 2<sup>nd</sup> RML application dated



01.11.1994 in his favour and to allow him to enter into the mines.

**(xiii)** The State Government, by order dated 12.02.1999, rejected the 2<sup>nd</sup> RML application dated 01.11.1994 of Shri B. C. Deb due to non-submission of documents despite several reminders sent to him from the year 1994.

**(xiv)** Shri B. C. Deb filed OJC No.3221 of 1999 before the Hon'ble High Court of Odisha, with a prayer to quash the rejection order dated 12.02.1999 of the State Government. The Hon'ble Court, by order dated 12.03.1999, in MC No.2908/1999 arising out of the OJC No.3221/1999 directed that the petitioner shall not be dispossessed from the lease hold area until further orders.

**(xv)** The State Government, vide its letter No.11384/SM, dated 23.12.2004, has allowed Shri B.C. Deb, (to whom no lease is granted) to work the mine, pending renewal of mining lease subject to condition that:-

**(a)** entire mining activities confined to non-forest land, over which surface right permission was accorded; and also

- (b) the forest area broken up / utilized for mining operation prior to 25.10.1980 is identified and demarcated in the field through joint verification by the D.F.O., Tahasildar and DDM.

**It is to state that the permission of working the mine without renewal, which requires approval of Government of India under the then provisions of MM(DR) Act, is illegal in the eyes of law (to consider RML application filed delayed on 01.11.1994). Not only this, other statutory approvals were also not there to operate the mine.**

- (xvi) The joint verification of broken up area in forest and non-forest land was done on 27.12.2005. Surface right had been granted over the entire area during first grant. At present, there is no approval under FCA, 1980 for forest land.
- (xvii) The Hon'ble High Court of Odisha, by the combined orders dated 07.04.2004, disposed of both the OJC Nos.15764/1998 and 3221/1999 with following directions:-

*“12. We cannot possibly decide the inter-se dispute between the petitioner (BC Deb)*

*and M/s. Vijaya Minerals (P) Ltd., because the dispute in the Writ Application relates to non-renewal of mining lease in favour of the petitioner. We have disposed of the Writ Applications with a direction to the State Government to pass fresh orders on the application of the petitioner dated 01.11.1994 for the renewal of the lease. In case, the State Government passes orders renewing the lease in favour of the petitioner the rights of the petitioner and M/s. Vijaya Minerals (P) Ltd. inter-se will be governed by the aforesaid compromise decree unless the compromise decree is set aside by an appropriate court.*

*In case the petitioner applies to the State Government for operating by the mining lease pending orders to be passed by the State Government on the application for renewal in accordance with the judgment. It is open for the State Government to consider the same and pass appropriate orders.*

*All pending misc. cases and OCRMC No.296/1999 also stand disposed of by this order.”*

- (xviii)** Pursuant to the aforesaid orders dated 07.04.2004 of the Hon'ble High Court of Odisha, Shri B. C. Deb was served with a notice by Steel and Mines Department's letter

No.3787/SM, dated 27.05.2004; No.4390/SM, dated 23.06.2004; No.4958/SM, dated 12.07.2004; No.5076/SM, dated 16.07.2004 and No.5825/SM, dated 11.08.2008 to appear for personal hearing on 17.06.2004, 07.07.2004, 14.07.2004, 21.07.2004 and 22.08.2008 respectively for disposal of 2<sup>nd</sup> renewal application dated 01.11.1994.

Further, he was served with a notice, vide Steel & Mines Department's letter No.6246/SM, dated 20.08.2004 to furnish the required documents, claiming to be sole successor of late Shri M. S. Deb.

- (xix)** The Collector, Keonjhar was requested vide letter No.2134/SM, dated 12.04.2010 to complete survey and demarcation and also enquire into allegation of illegal mining in the lease of Late M. S. Deb. He submitted the joint verification report vide his letter No.2055, dated 01.01.2010, showing the unlawful mining operation to an extent of 1,46,755.848 Cubic Meter. The DDM, Joda, vide his memo No.16630, dated 23.03.2011, reported that Shri B. C. Deb has illegally raised iron and manganese ores from outside the leased area and safety zone to an extent of 5803094 MT of

iron ore and 355228 MT of manganese ore valued at Rs.158,71,60,491.00 and Rs.67,48,99,832.00 respectively.

**(xx)** The Hon'ble High Court of Odisha, by orders dated 30.05.2011, disposed of the W.P. (C) No.15557/2011 filed by Shri B. C. Deb, directing to dispose of the petitioner's application dated 04.01.2011 (praying therein to survey and demarcation of leased out mining area without disturbing the boundary line over Revenue Plot No.1621 on the western boundary leasehold land) within a period of six weeks from today after giving opportunity of personal hearing to the petitioner. The Hon'ble Court further directed that if the petitioner has any other grievances, it is open to him to raise the same before OP No.1, who shall consider and dispose of the same in accordance of with law.

From the existing pits, it is observed that, *prima-facie*, there is an encroachment towards the North Western boundary of the lease at the field. The encroachment is obvious and extension of the mining pits from lease to outside the lease boundary and also in safety zone. The contention of the lessee that there is

no encroachment and boundary was fixed by the State Government is unsound and not acceptable.

- (xxi)** The Collector, Keonjhar, vide letter No.4721, dated 18.08.2011, forwarded the enquiry report dated 31.03.2011 in which the cost of illegally raised minerals has been calculated as Rs.243,48,48=017.
- (xxii)** Further, the Collector, Keonjhar, vide letter No.2093, dated 26.09.2012, has intimated that in response to the obedience of the order dated 18.11.2011 of the Hon'ble High Court of Odisha in W.P (C) No.17640 of 2011 and reply of show cause notice as submitted by Shri B. C. Deb dated 05.12.2011, it is required to resurvey the lease boundary by IBM or Survey of India in presence of both the parties along with representative of adjacent lessees to determine the unlawful excavation of mineral from outside the leasehold area and safety zone area.
- (xxiii)** The Special Secretary to Government of Odisha, Steel and Mines Department submits that:-

- (a) the mining lease granted to late M. S. Deb has not been changed to Shri B. C. Deb;
  - (b) the mining lease, granted to late M. S. Deb, has not yet been executed in favour of Shri B. C. Deb. The possession of the mining lease area over 284 acres was handed over to Sri Bikash Chandra Deb as the legal representative of late M. S. Deb on 18.02.1994 and 28.05.1994. The mining operation has been suspended with effect from 31.10.2009; and
  - (c) the 2<sup>nd</sup> RML application dated 01.11.1994 of Shri B. C. Deb is under consideration by the State Government, as per combined orders dated 07.04.2004 of the Hon'ble High Court of Odisha passed in OJC Nos.15764 of 1998 and 3221 of 1999.
- (xxiv) With the submission made by the State Government, the lessee and from all the documents in hand, the following inferences are drawn for further action:-
- (a) The mining lease has a long chequered history of protracted litigation.

- (b) Till date, there is no lease granted in favour of Shri B. C. Deb under the provisions of MM(DR) Act, 1957 and MCR, 1960. The closing of mine by the Mines Department is a proof in hand that the lease was operated illegally. The issue of succession / legal heir of this lease is not yet inquired / investigated and still pending.
- (c) It is pertinent to note that the lessee was dispossessed from the leased mine after first renewal application which was filed by Late Shri M. S. Deb, was finally rejected by the State Government. Hence, to allow Shri B. C. Deb to carry out mining operation without grant of lease under the provisions of MM(DR) Act and Rules framed therein, is apparently illegal.

Despite the fact that no lease is granted in favour of Shri B.C. Deb, the mine has been operated and is allowed to illegally extract **11,85,345 MT** of iron ore and **36,726 MT** of manganese ore from the year 2005-06 to 2009-10.



**(c-1) Further, Environmental Clearance under the EIA Notification is not obtained.**

**(c-2) Not only this, but before operating the mine, prior FC approval is also not obtained which is must. It is to be stated that at no point of time, the Hon'ble High Court has directed that the person should be permitted to operate the mine without obtaining EC, FC and renewal of lease under MM(DR) Act, 1957.**

Hence, the said extraction has been done without any lawful authority and it attracts the provisions of Section 21(5) of MM(DR) Act, 1957 for recovery of the cost of the minerals equivalent to the market value.

<b>Production of Iron &amp; Manganese Ores</b>				
<b>Sr. No.</b>	<b>Years</b>	<b>Iron Ore (MT)</b>		<b>Mn. Ore (MT)</b>
		<b>Dept.</b>	<b>Lessee</b>	<b>Lessee</b>
1	2005-06	39,755	45,469	10,003
2	2006-07	4,45,995	4,48,663	2,668
3	2007-08	3,14,155	3,20,933	6,775
4	2008-09	3,21,500	3,34,525	13,025
5	2009-10	36,500	35,755	4,255
	<b>Total</b>	<b>11,57,905</b>	<b>11,85,345</b>	<b>36,726</b>

- (d) The lease has been operated through the raising contractors, namely, **M/s. Technoblast Corporation and M/s. Sri Jyoti Resources Pvt. Ltd.** in violation of Rule 37 of MCR, 1960.
- (e) It is stated that Shri B. C. Deb has been allowed to work / worked without having the approval of first and second renewals of mining lease from Government of India, the then prevailing law (during the filling of 1<sup>st</sup> RML and delayed filing of second renewal application in the year 1994). The competent authority has not condoned the delay. Hence, the officers at State Government and the District level officers are responsible for their commissions and omissions for pecuniary loss to the State exchequer due to illegal extraction of ores as stated above. Action should be initiated against them under the relevant laws. There is a *prima facie* encroachment by Shri B. C. Deb in safety zone and outside the leased area.
- (f) The mining plans are approved subject to approval under the FCA, 1980 and other statutory approval for the entire area

including the forest land. It is to state here that no such approval under FCA has been obtained. Hence, the approval of mining plan is of no effect, as it is null and void.

- (g) It is stated here that the mine has been operated in flagrant violations of MM(DR) Act, 1957, MCR, 1960, FCA, 1980, EP Act, 1986 and EIA Notification, 1994 and the order of the Hon'ble Supreme Court dated 12.12.1995 in W.P. No.202 of 1995.
- (h) It is pertinent to note here that the operation of mining lease has been allowed during the period of "China boom", when the illegalities in the State were at peak.
- (i) **As recommended by the Commission in other likewise cases, this matter should also be handed over to Central Bureau of Investigation as per law.**

\* \* \*

**M/s. Essel Mining and Industries Ltd.**

M/s. Essel Mining and Industries Ltd. ("EMIL") is holding five leases, namely,

- (i)** Jhilling Langolota Mines;
- (ii)** Kasia Mines;
- (iii)** Koirra Mines;
- (iv)** Unchabali Mines (Non-working); and
- (v)** Surkunda Mines (Non-working).

- 1.** At the outset, it is stated that findings recorded in this Chapter are based upon the information supplied by the various Departments of the State and Central Governments, lessee, MoEF, IBM, etc. It is for the competent authority to issue appropriate notices to the concerned party/lessee for taking action in accordance with law.
- 2.** Pursuant to the notices issued by the Commission in August, 2011 and February, 2013, voluminous records have been submitted by the lessee and the same have been taken into consideration. The lessee was heard through its Ld. Counsel at Bhubaneshwar during the hearing held in February/March, 2013.

It is to state that Ld. Sr. Counsel, Dr. Mr. Abhishek Manu Singhvi made detailed submissions on 23.03.2013 and 13.04.2013 which have been taken into consideration, while making following observations with regard to the aforesaid mining leases.

### 3. Law on the subject:-

Mere approval of the mining plan by Government of India, Ministry of Mines would not absolve the lease holder from complying with the other provisions. That is made clear in the case of **M. C. Mehta v/s. Union of India [2004 (12) SCC 118]**, the Apex Court, *inter-alia*, held that:-

*“52. The grant of permission for mining and approving mining plan and the scheme by the Ministry of Mines, Government of India by itself does not mean that mining operation can commence. It cannot be accepted that by approving Mining Plan and Scheme by Ministry of Mines, Central Government is deemed to have approved mining and it can commence forthwith on such approval. Section 13 of the MMRD Act and the Rules made in exercise of powers under the said section, deal, inter alia, with the aspect of grant of mining of lease and not commencement of mining operations. Rules*

*made under Section 18, however, deal with commencement of mining operations and steps required to be taken for protection of environment by preventing or controlling any pollution which may be caused by mining operation. **A mining lease holder is also required to comply with other statutory provisions such as Environment (Protection) Act, 1986, Air (Prevention and control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, Forest (Conservation) Act, 1980. Mere approval of the mining plan by Government of India, Ministry of Mines would not absolve the lease holder from complying with the other provisions.***

Having taken into consideration the highlighted portion of the afore-quoted decision of the Apex Court and the facts found during inquiry by the Commission, it is found that the lessee has operated the mines in violation of FC & EC.

#### **4. Lease-wise brief note:--**

##### **4.1 Jhilling Langolota Mine:--**

- (1)** A mining lease of land admeasuring 630.09 ha. was granted on 01.10.1954 to S. Lal & Company. The lease deed was executed on 08.10.1956 for 30 years for iron ore and for 20 years for manganese w.e.f. 01.10.1954. The manganese lease was renewed on 01.10.1974 for period coterminous with the iron ore mining lease period. S. Lal & Co. changed its name to “M/s. Essel Mining & Industries Ltd.” on 31.10.1990 and the State Government accepted the claim of the lessee.

The 1<sup>st</sup> renewal for 20 years has been granted from 01.10.1984 for 20 years for a reduced area of 456.1 ha. The lease was renewed in violation of Section 2 of Forest (Conservation) Act, 1980 (hereinafter referred to as “FCA, 1980”) (the lease comprised of revenue forest and reserve forest). It is to state that it was not only a mere renewal of lease but the lessee was operating lease in forest land. The present status of the remaining surrendered land is not known and requires further verification.

The 2<sup>nd</sup> renewal has been applied on 11.09.2003 and the lease is running under deemed extension provisions under Rule 24A of Mineral Concessions Rules, 1960 (hereinafter referred to as “MCR, 1960”).

The leased land area is comprised of:-

- (i) 106.682 ha. Reserve Forest;
- (ii) 20.81 ha. Revenue Forest;
- (iii) 242.089 ha. DLC (29.08.1998);
- (iv) 45.248 ha. non-forest Govt. land; and
- (v) 41.260 ha. tenant land.

The first diversion of forest land to an extent of 75.489 ha. was obtained under the FCA, 1980 for a limited period of two years, subject to Para (vi) of the Order dated 17.11.2000 of MoEF which reads as under:-

*“In first place, this renewal permission will be valid for only two years during which reclamation of mined areas will be taken up by the user agency as per the reclamation plan in time bound manner in consultation with State Forest Department. The progress of reclamation shall be assessed by the Regional Office, Bhubaneswar / State Forest Department within a period of one year and after receipt of the monitoring report further renewal may be considered by this office.”*

From the record, it is apparent that the lessee has not submitted any further renewal order of MoEF for the remaining period as stated in the aforesaid para. There is no record, in this regard.



Hence, **two years period i.e. from 17.11.2000 to 16.11.2002 is taken for consideration.**

It is further observed here that there were temporary working permissions obtained by the lessee (under FCA, 1980):–

- (i) for one year from 29.08.1998 for broken up area of 29.129 ha.;
- (ii) for six months from 16.02.2005 for broken up area of 75.489 ha. of forest land;
- (iii) for one year from 02.03.2009 for broken up area of 186.229 ha. of forest land;
- (iv) for three months from 24.05.2010 in continuation to the earlier approval; and
- (v) for one year from 13.01.2012 for already broken up forest land.

In total, the TWPs were obtained for 3 years and 9 months which are against the guidelines of the MoEF itself. This is a serious matter for which note is to be taken.

Further, taking into consideration the TWPs at various points of time and corresponding break up areas, it is clear that the lessee was working in the

forest land without obtaining TWP and/or FCA approval.

It is observed that the TWP granted by MoEF for 186.229 ha. for forest land, vide letter dated **02.03.2009** for a period of one year, has been reissued by the Divisional Forest Officer, Keonjhar (DFO) on **29.08.2009** for a period of one year with effect from the date of issue of his letter (dated 29.08.2009). With such illegal delayed act of DFO, the period for TWP has been extended to another six months for which there is no approval of MoEF. This is not within his power and authority under the FCA, 1980. It is observed that many such letters have been issued by the DFO. Hence, action should be initiated against him for his omissions, commissions and misconduct.

Further, during the inquiry, it is observed that the DFO, Keonjhar vide his Memo No.7639, dated 28.08.2010, has granted permission for operation in non-forest land and DLC broken up land without any authority under the FCA, 1980. Hence, for that also, action should be initiated against him.

- (2) It is pertinent to note here that the lessee was working during the deemed extension period from 01.10.2004 to 13.01.2012 illegally in violation of the

provisions of FCA, 1980, except for the period where TWP was obtained which grant was again not legal as discussed above. The provisions of FCA were violated for mining iron ore at a time, when demand of iron ore was at the peak because of “China boom” in the State (for export of iron ore) and super profit in the domestic market. **Hence, all the production during the aforesaid period is illegal and without lawful authority under Section 21(5) of the MM(DR) Act, 1957.**

- (3) It is observed that there is a heavy working and production from the years 2004-05 to 2011-12, as observed from the data submitted by the IBM, the Mines Department and the lessee.

It is also observed from Google Imagery of 2010 that the location of the pits from where the mining was going on, are mostly located either in the reserve forest, revenue forest and the DLC (the DLC is taken into consideration from 01.10.2004 onwards). Leaving the period of TWP, the mining operations for rest of the period have been taken place in violations of the provisions of FCA, 1980 to a large extent. While estimating illegal production, 25% to 50% of the total produced quantity is taken based on the period for which TWP was obtained.

- (4) It is stated here that the mining activities were stopped in the State in forest land after the order of Hon'ble Supreme Court dated 12.12.1996 in **Writ Petition No.202/1995**. But the lessee has repeated the same in violation under Section 2 of FCA, 1980, after 01.10.2004 (in the Reserved Forest + Revenue Forest + DLC). Hence, it is not only the violation of FCA, 1980 but also the contempt of the aforesaid order of the Hon'ble Supreme Court.
- (5) Further, upon submission of second time proposal under FCA by the State Government, the Government of India (MoEF) has accorded Stage-I approval on 13.01.2012 with a condition amongst others that *“State Government shall realize funds for creation and maintenance of penal compensatory afforestation over the degraded forest land double in extent to forest land used in violation (i.e. 2 X 11.0477 = 22.0954 ha.).”*

This is contrary to the law, as there is no provision under FCA & Rules framed thereunder to charge Penal Compensatory Afforestation (PCA) for offence. The lessee was heavily operating the lease with very heavy production since 01.10.2004 in the forest area of 143.623 ha. as per the proposal of Regional Office, MoEF, Bhubaneswar dated 21.11.2011 (broken up area) in flagrant violation of

the provisions of the FCA, 1980. This should be considered as undue favour extended to lessee for imposing PCA and also favouring officials without invoking Sections 3A and 3B of FCA, 1980. Hence, action should be initiated for recovery of market value of the iron ore which was produced in violation of FCA and the order of the Hon'ble Supreme Court dated 12.12.1996.

- (6) Further, when a proposal under FCA, 1980 was submitted by Regional Office (MoEF) to MoEF, New Delhi on 04.06.1998, it has been emphasized that mining operations continued uninterrupted in broken up forest area of 29.129 ha. after 01.10.1984 till the year 1997. It has also been reported that safety zone area of 29.598 ha. has also been disturbed. Most of this safety zone is worked in violation of FCA, 1980. The aforesaid proposal establishes that the lessee has operated the lease in violation of FCA, 1980.

However, the lessee submits that he has not worked in the forest land after 12.12.1996, but production figures establishes otherwise. The production has increased, after the claim of stopping mining in forest land after the order dated 12.12.1996. How is it possible the more production from less area? Hence, the production for the said

years (before TWP given in, 1998) is taken as violation of FCA.

- (7) It is to state here that Indian Bureau of Mines (IBM), Government of India has sanctioned mining plans for Jilling-Langalota Iron & Mn. Mines on 06.06.2005, 23.01.2007 and 17.04.2009. All the mining plans/schemes have been approved subject to the following conditions.

*“It is further clarified that this approval of the scheme of **mining is subject to the provision of Forest (Conservation) Act, 1980, Forest (Conservation) Rules, 1981** and other relevant statues, order and guidelines as may be applicable to the lease area from time to time.”* (Both conditions are same in all the approvals).

- (8) From the above, it is clear that mining plans were approved subject to their approvals under the FCA and the **order of the Hon’ble Supreme Court dated 12.12.1996**. Despite this, there is no approval obtained during this period, as stated above.
- (9) The production of iron ore in violation of FCA, 1980 is given as under:–

<b>Name of lessee and lease (Total area)</b>	<b>Illegal production in violation of FCA (MT)</b>
M/s. Essel Mining & Industries Ltd. Jilling-Longalota Iron Ore Mines (456.100 ha.)	1994-95 : 4,42,127 1995-96 : 5,58,432 1996-97 : 6,22,382 1997-98 : 9,22,105 1998-99 : 0 1999-00 : 0 2000-01 : 0 2001-02 : 0 2002-03 : 4,72,345 (25%) 2003-04 : 20,54,898 2004-05 : 33,78,059 2005-06 : 19,28,227 (50%) 2006-07 : 35,60,232 2007-08 : 40,76,000 2008-09 : 50,90,370 2009-10 : 0 2010-11 : 29,49,590 2011-12 : 1,74,350
<b>TOTAL:-</b>	<b>2,62,29,117</b>

(Figures are not available from 01.10.1984 to 1993-94. They should also be included as violation of FCA, 1980).

Hence, action should be initiated under Sections 3A & 3B of FCA, 1980 and also under the provisions of Environment (Protection) Act, 1986 (to initiate action under EPA).

- (10) Further, action should also be initiated for recovery of mineral value equivalent to market value (domestic and export) under Section 21(5) of the Mines and Mineral (Development and Regulation) Act, 1957. Section 21 (5) of the MM(DR) Act, 1957 provides for penalty for illegal mining. Since there was no approval obtained under the FCA, 1980 which is a condition for approval of the mining plan, mining plan cannot be considered to be approved for the relevant period. Section 21(5) of the MM(DR) Act, 1957 reads as under:-

*“Whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during **which the land was occupied by such person without any lawful authority.**”*

- (11) The iron ore extracted during this period wherein there was no approval under the FC Act, the price equivalent to market value with rent, royalty and tax, etc. as the case may be, should be recovered from the lessee for the quantity of **2,62,29,117 MT**, as stated in the aforesaid Table.



- (12) Further, it is observed that there is an excess unlawful production without EC approvals, which is dealt with in the **first report of the Commission for the State of Odisha**. What is the base taken for increase of production from 0.75 to 4.2 million ton on 17.03.2006 is not known. As per the guidelines, the production as base line, should have been the production of the year 1993-94 or before, whichever is maximum. Such production was **3,90,000 MT** as per records submitted by the Department. It is to note here that the lessee is supposed to take EC, if the production is increased from the year 1993-94 or before, which he failed to do so. **The illegal production without lawful authority (without EC and excess of EC limit) is approximately 1,86,26,340 MT.**

#### **4.2 Kasia Iron Ore Mine:--**

A mining lease for an area of 297.44 ha. was granted on 14.09.1955 for a period of 30 years. The lease period expired on 13.09.1985.

The lessee claims that he has filed first renewal application for mining lease on 27.05.1984 for lease area of 194.196 ha. But the State Government have granted the mining lease for 134.773 ha. on 09.09.2002 with retrospective effect from 14.09.1985.

No lease deed is executed. It is alleged that the lease is running under deemed extension provisions. However, it is to be stated that as per the law which was prevailing at the relevant time, once the renewal application is not decided within one year, renewal application stands rejected.

The lease area of 194.196 ha. consists of:--

- (i)** 103.148 ha. Reserve forest; and
- (ii)** 69.891 ha. Revenue forest
- (iii)** 12.869 ha. non-forest Govt. land; and
- (iv)** 08.88 ha. non-forest tenant land.

It may be true that the lessee might have filed renewal application for 194.196 ha. but the State Government has not accepted it and granted

renewal application with retrospective effect on 09.09.2002 for the land admeasuring for 134.733 ha. This order itself is bad in eye of law. The lease renewal application was not granted within stipulated time and therefore it stood rejected and the lease expired. On 09.09.2002, lease did not exist and renewal for an area of 134.733 ha. was therefore a fresh grant of lease without following requisite procedure. The renewal was therefore bad in eye of law. Assuming that it was not illegal, then also the order has become final, as it has not been challenged before the Revisional Authority or before the Court.

The lessee could not have occupied more than 134.733 ha. of land. But as per the survey done by the State Government, the lessee has fixed boundary for 194.196 ha. and was in illegal possession of the excess land.

It is to state that Ld. Sr. Counsel, Mr. Dr. Abhishek Manu Singhvi appearing for the lessee made detailed submissions on 13.04.2013. He vehemently submitted that lessee has applied for renewal of 194.196 ha. but by sheer mistake or typographical error, instead of 194.196 ha., it is mentioned as 134.733 ha. For this contention, he submitted as under:–

*“20.08.2002 – because the letter of state Government dated.16.05.1988 and the corresponding acceptance by the noticee of the same was for the period of 10 years, whereas the lease period subsequently got extended to 20 years. State Government, as a formality, issued another letter in the same terms as the said earlier letter dated 16.05.1988. Unfortunately, it seems that by sheer mistake / omission, the figure of the lease area in the said letter was mentioned as 134.733 ha. instead of 194.196 ha. in favour of lessee on the basis of the application dated 25.07.1994.”*

He further contended that:-

*“21.08.2002 – The noticee without noticing the said discrepancy, accepted the terms and conditions enumerated in the said letter. Pertinently, the said letter of acceptance mentions the lease area as 194.196 ha. and not 134.733 ha.”*

The aforesaid contention requires serious consideration and, therefore, the entire file of the Steel and Mines Department was examined, since filing of 1<sup>st</sup> RML application till date. Some relevant facts are stated hereunder for finding out the correct facts:-

- (1)** A mining lease was granted on 14.09.1955 for an area of 297.44 ha. for thirty years. The lease period had expired on 13.09.1985.

- (2) 1<sup>st</sup> RML application was filed by lessee on 25.07.1984 for a reduced area i.e. 194.196 ha. instead of 297.44 ha. for the reason that the total area held by the lessee was in excess of what is prescribed under Section 6(i)(b) of MM(DR) Act, 1957.

The Department as well as the lessee were fully aware that the lease area was exceeding to 10 sq. kms. prescribed under Section 6(i)(b). This would be clear from the fact that Mining Officer, Joda, recommended for renewal on 22.10.1984 as under:-

*“An area of 476.54 Acres or 192.849 ha. is recommended for grant of 1st RML in favour of the applicant as they have already applied for surrender 256.46 acres for modification of the mining lease, so that total holding in conformity with Section 6(i)(b) of MMDR Act, 1957.”*

The renewal application was not disposed of in stipulated time, hence, the lease ceased to exist under deemed refusal provisions of the then Rule 24A of MCR, 1960.

- (3) M/s. S. Lal & Co. filed a Revision Application to Ministry of Mines, Government of India, on 26.02.1985 against deemed rejection of their application dated 25.07.1984.

- (4) Revisional Authority, Government of India set aside the deemed rejection provision and issued order directing the State Government to pass final order on merits within a period not exceeding two hundred days from the order dated 30.03.1985, No.185/85. If State Government fails to pass order, then he may seek orders in an appropriate Court of law.
- (5) The lessee worked its lease for six month, as per Rule 28(6) of MCR, 1960, i.e. up to 13.03.1986.
- (6) The Director (DMG) recommended by letter dated 24.02.1986 for grant of 185.549 ha. stating that total area of five leases held by lessee is exceeding to 10 sq. kms. i.e. 1,008.647 ha.
- (7) S. Lal & Co. Ltd., applied for interim working permission (WP) on 12.03.1986 and 1<sup>st</sup> WP was granted for six months on 14.03.1986, valid up to 13.09.1986. This WP was in violation of FCA, 1980 without having prior approval under the Act.
- (8) The State Government further extended WP for six months on 04.09.1986.

(9) A report of IBM (year 1986 comments on performance of S. Lal & Co. in connection with the first renewal application in village Kasia) throws further light on violation of Section 6(i)(b) of MM(DR) Act, 1957:-

(i) The lessee held 5 leases in the State. The total area of five leases held was **1,182.643 ha.** and lessee had applied for surrender of **194.304 ha. at the time of renewal** in Jilling and Koira leases.

**From this report, it is clear that at that point of time, the lessee was holding additional 182 ha. area in violation of Section 6(i)(b) of MM(DR) Act, 1957.**

Major environmental problems are land degradation and deforestation. No effort has been made for the protection of environment by the Company. Large scale deforestation has been made in the leased area while mining but no compensatory afforestation has been done. Nothing has been done towards protection of topsoil and for restoration of worked out portions.

- (ii) Further, the IBM report reveals that:-
- (a) Mining operations were carried out in a haphazard manner, as a number of pits/quarries were opened up. Overburden/waste rock has been dumped near working quarries over mineralize zone;
  - (b) A number of raising contractors were engaged (as many as 13 in the mines which is not conducive to healthy practice for systematic mining);
  - (c) Large scale deforestation has been done in both areas i.e. retained and to be surrendered. But no compensation for deforestation has been made.
  - (d) Past performance of lessee, “Not satisfactory”.

**Hence, this was not a case of deforestation alone (as a violation) but lessee was intentionally doing mining in violation of the Section 2 of the FCA and Orissa Forest Act, 1972.**



**Despite the adverse report of IBM, the State Government went on extending the working permission. In fact, legally, no working permission can be given in a lease which does not exist.**

- (10) WP was further extended for six months on 13.03.1987. [in utter disregard and violation of FCA, 1980 and deemed refusal provision of Rule 24A of MCR, 1960].
- (11) Though the IBM's report was quite adverse for violations and non-satisfactory performance, Director (DMG) has recommended for renewal of lease on 16.05.1987 for 10 years.
- (12) WP was further extended for six months on 11.09.1987 (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (13) The Ministry of Mines, Government of India vide its letter dated 26.10.1987 had accorded approval for renewal of lease for 10 years subject to a condition that if any forest area is involved, then it requires **prior approval of the MoEF, Government of India under FCA.**

**Since the lessee did not obtain approval under FCA within 10 years from the approval accorded by Ministry of Mines on 26.10.1987, the approval became null and void by 13.09.1995.**

**(14)** In the meeting headed by the Chief Secretary, on 05.02.1987, following decisions were taken.

**A.** In case of an application for prospecting licence involving forest areas, prospecting licence can be granted by the State Government, as it does not involve diversification of forest area for non-forest use.

**This stand of State Govt., taking during meeting, is contrary to the provisions of FCA and norms fixed by MoEF.**

**B.** In case of an application for mining lease for an area covering part forest and part non-forest, the mining lease can be granted by State Government and necessary clearance from forest conservation angle will have to be obtained before the forest part of the area is taken up for actual mining. This will

facilitate the grantee to get surface rights and start mining operations in non-forest land.

**The aforesaid decision was not in conformity with the provisions of Section 2(iii) of FCA, 1980.**

**(15)** WP was further extended for six months on 11.03.1988 (in violation of FCA, 1980 and Rule 24A of MCR, 1960).

**(16)** Letter of MoEF, New Delhi, dated 01.04.1987 clarifies the following:-

**(i)** The Ministry of Agriculture in the Central Government in its **Circular No.2-1/82-FRY(CONS) dated 26.03.1982** to all the State Governments/Union Territories had clarified that **prior approval of the Central Government is essential not only for grant of fresh mining lease** but also for renewal of an existing mining lease in a forest area.

**(ii)** The Supreme Court pronounced judgment in the case of **M/s. NSCPL V/s. State of Bihar** on 19.08.1986. The Hon'ble Supreme Court dismissed the petition of M/s. NSCPL.

- (iii) In the light of the dismissal of Special Leave Petition of M/s. NSCPL by the Supreme Court, the order of the Bihar High Court (Ranchi Bench) is now final in the matter. **Hence, prior approval of the Central Government in terms of Section 2 of the FCA, 1980 is necessary in case of renewal of mining lease in forest area granted before the commencement of this Act.** This may kindly be borne in mind, while dealing with the request for renewal of mining lease in forest areas which were granted before the commencement of FCA, 1980.

**From the above letter, it is clear that in renewal cases of mining leases, prior approval under FCA is mandatory.**

- (17) Letter of terms & reference was issued by State Government on 16.05.1988 with the condition that lessee shall obtain forest diversion under FCA, 1980.
- (18) The D.O. letter dated 05.05.1988 of Shri T. N. Seshan, the then Secretary, MoEF to Shri N. K. Panda, Chief Secretary, Orissa which is a part

of the file is relevant to report here in this matter:–

*“We have come to know that the Mine and Geology Department of Orissa have renewed various mining leases in Athagarh, Dhenkanal & Keonjhar Forest Divisions without obtaining prior approval of the Central Government as required under the provisions of the F.C. Act, 1980. Few specific cases are quoted below:*

1. *M/s. S. Lal & Co. Ltd. were granted working permission for iron, dolomite, limestone mining over 194.196 ha. of forest area in Keonjhar District vide DMG letter No. 3841/MG dated 14.03.1986. This permission was further extended by six months on 11.09.1987.*
2. ***The objections of the Forest Department against issue of work permit for operating the mines have not brought any result and the mining works were allowed to be continued in utter disregard to the law.***
3. *It has also been brought to our notice that the Forest Department is auctioning quarry sites in forest areas every year on realisation of royalty.*
4. ***Therefore, it is requested to get the above cases of violations of the provisions of F.C. Act, 1980 investigated so as to fix the***

***responsibility on the person responsible and that violation of the Act are not continuing any further.”***

As per the records no action has been taken. Now time has come to relook in this entire matter by an Independent Central Agency for proper investigation preferably CBI and follow up action.

**(19)** DFO, vide letter dated 25.06.1988, highlighted the following points:-

- (i)** The present position of working in the lease hold area it is observed that the entire lease hold area is left with deep ditches and worked out quarries are left unfilled and unreclaimed.
- (ii)** Working in the mines is going on in most un-scientific way. Quarries are made scatterly almost all over the lease hold area leaving small patches undisturbed. Even these small patches have become devoid of forest cover. **Unexpected damage has been caused to the surrounding forest areas. The boundary lines of the lease hold are not properly maintained. As boundary pillars and line of Sidhamath Reserved**

**forest falls within the lease hold area, pillars of reserved forest boundary and demarcation lines have been disturbed and destroyed by the lessees due to quarrying and dumping of overburden and other activities.**

- (iii)** The first term of lease expired since 13.09.1985, since that date, neither the lessees nor the Mine Department has taken any substantial step to regularise the lease under the provisions of the FC Act, 1980. **As the lessee is being favoured with working permission since expiry of lease period, and mining work is continuing without hindrance, the lessee does not feel it necessary to take the task of regularisation of his lease hold area under the provisions of FC Act, 1980.**
- (iv)** From the comparative statement given above and the present position of the lease hold area, it has become evident that **within a gap between the date of expiry of lease i.e. 13.09.1985 and June, 1988, working permission issued to the lessee has helped him to disturb almost major portion of the lease hold**

**area in order to escape the provisions of the F.C. Act, 1980 to justify that the forest area was worked prior to 25.10.1980.**

The DFO further writes that:-

*“in view of the fact cited above and the judgment pronounced by the Hon’ble Supreme Court of India in case of **NSCPL V/s. State of Bihar** on **19.08.1986**, I would request the Government not to accord any further extension of working permission in case of all such cases, so that provisions of the F.C. Act, 1980 could be implemented properly.”*

**The letter of Divisional Forest Officer (DFO) dated 25.06.1988 states the pathetic status of lease and helplessness against the repeated working permissions in violation of FCA and other violations by the mighty lessee and Steel and Mines Department. It is further stated that the lessee was holding 297.44 ha. of lease land at that point of time, since no renewal was granted for working in the entire area.**

- (20)** Acceptance of terms and conditions by lessee by his letter dated 11.07.1988.



**(21)** WP was granted on 14.09.1988 for six months and further extended to six months on 13.03.1989 (in violation of FCA, 1980 and Rule 24A of MCR, 1960).

**(22)** It is relevant to state the note of Chief Secretary for this lease in particular and others for general. The Chief Secretary's note dated 28.05.1988, regarding the discussion took place in Chief Secretaries conference of Prime Minister, is *inter-alia* as under:-

*“The Prime Minister took view that the center is now very strict because of the past mistakes and the lack of cooperation from States. He indicated that if better cooperation is forthcoming, then in the future a compromise situation would arise. It is therefore incumbent on us to try and do our best in regard to the forest land involved.”*

**(23)** Chief Secretary specifically asked in this matter by initiating a note about approval of Forest Land in case of S. Lal and Company file on 24.05.1989.

**(24)** WP was extended for six months on 14.09.1989 (in violation of FCA, 1980 and Rule 24A of MCR, 1960).

(25) D.O. letter No.8/251/86 – FC dated Nil, of Shri A. G. Oka, I.G. Forests, MoEF, GoI, states that:-

“1. *Department of Legal Affairs, Ministry of Law and Justice, GoI, has been consulted and it's views are as follow:*

*'In the line of the opinion of the Department of Legal Affairs, Ministry of Law and Justice, GoI, it is requested that all the concerned departments may be requested to seek the approval of the GoI under the FC Act, 1980 in case of involving of renewal of mining leases.'*

2. *In reference to the above letter Noddle Officer (office of PCCF, Orissa) has written a letter on 16.10.1989 to the Secretary, Govt. of Orissa stating that '... it may be seen that Hon'ble Supreme Court have held that it is open to the Central Government to insist upon the State Government to approach it for sanction under Section 2 of the FC Act, 1980 even where the forest land has been broken earlier since the continuation of the activity is likely to disturb the ecological balance further.'*

*In view of the position explained above, I am directed to request you to move the Government in M&G Department to **cancel the working permission orders issued in favour of M/s. S. Lal & Co. Ltd.***”

**(26)** After Law Department's opinion, a note was initiated by the Secretary, Mines Department with special reference to:-

- (i)** There is no provision to issue working permission under MM(DR) Act, 1957 or in MCR, 1960.
- (ii)** F.C. Act, 1980 is applicable in renewal lease cases.
- (iii)** In **10 cases of Private lessees** and 18 cases of public undertaking, working permissions were issued in violation of the FCA and Rules.
- (iv)** In some cases, till execution of lease deed, W.P. were issued.

This note is further submitted to:-

**Addl. Chief Secretary** ✍ **Minister**  
**(Mines)** ✍ **Chief Minister.**

**(27)** WP was extended for six months on 20.03.1990 (in violation of FCA, 1980 and Rule 24A of MCR, 1960).

**(28)** PCCF, vide his letter (May, 1990), informed the Secretary regarding lease of M/s. S. Lal & Co. as under:-

- (i) A compensation for the damage done was assessed by DFO, after site inspection during 1984 for Rs.95,315/- **towards illicit felling**, which has not been paid by the party.
  - (ii) The extension of working permission from **13.09.1985 till date as alleged by DFO resulted in allowing the lessee to disturb almost major portion of the Forest Area (defunct lease hold area to escape Forest Conservation Act, 1980).**
  - (iii) The lessee did not pay the cost of compensatory afforestation for the **already disturbed, and new disturbed** forest area amounting to Rs.2,15,315.35 as calculated during 25.06.1988 by the DFO.
  - (iv) GoI, Secretary, MoEF issued a letter addressed to Chief Secretary, **also raised objection to such violation of F.C. Act, 1980** owing to issue of temporary working permission to the mine owner.
- (29) I.G., MoEF wrote a D.O. letter to Chief Secretary in which he stated that:-

*“In the light of the opinion of the Department of Legal Affairs, Ministry of Law and Justice, GoI, it is requested to seek the approval of GoI, MoEF under the F.C. Act, 1980, in case of involving of renewal of mining lease.”*

- (30)** Gist of a meeting dated 20/21.07.1990 at State Government reveals the following point amongst others:-

Point No.6

*“DIG of Forest mentioned that the renewal of mining lease is treated as fresh grant and hence proposal for diversion of forest land should be processed a fresh.”*

- (31)** WP was extended for six months on 30.08.1990 which expired on 13.03.1991 (in violation of F.C. Act, 1980).

- (32)** First time, the lessee has used a letter head in the name of Essel Mining and Industries Limited, asking for extension of working permission.

- (33)** WP was further extended for six month on 11.03.1991 to the Essel Mining and Industries Limited (in violation of F.C. Act, 1980 and Rule 24A of MCR, 1960).

- (34) The PCCF, Govt. of Orrisa, vide his letter dated 20.04.1991, raised objection as under:-

*“It is to inform that renewal of mining lease even in respect of forest areas which have been broken or worked already required prior approval of GoI under the FC Act. Government in their Forest Department letter No.654 dated 09.01.1990 have requested the Department of Steel and Mines to withhold the ad-hoc working permission issued in favour the mining lease holders where the leases have expired. But it is now seen that the Department of Steel and Mines have issued such working permission in favour of M/s. S. Lal. & Co. Ltd. vide letter dated 11.03.1991. Working permission is a way of renewal of lease, and therefore, grant of such permission without prior approval of GoI amounts to a violation of the FC Act.*

*Therefore, I request that the Department of Steel and Mines may kindly be requested to withhold the above ad-hoc working permissions and not to issue any such permission in favour of any mining lease holder in future without approval of GoI.*

*Further, the MoEF, GoI, may be intimated of such violation of the provisions of the FC Act, as required under Section 3 of the said Act and the guidelines of Government of India.”*

**This letter of PCCF indicates that no action has been taken on his letter dated 05.05.1988 of Sri T. N. Seshan to Chief Secretary.**

- (35) WP was further extended for six months on 28.08.1991 which was valid up to 13.03.1992 (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (36) WP was further extended for six months on 10.03.1992, expired on 13.09.1992 (in violation of FCA, 1980 and Rule 24A of MCR, 1960)
- (37) A letter was issued by Additional Secretary, Department of Steel and Mines on 07.09.1992 to M/s. Essel Mining and Industries Ltd. on the following issues:-

*“I am directed to invite reference to this Department’s letter dated 10.03.1992 and to say that as per para 6 of that letter you are requested to pursue the diversion proposal in respect of forest land and get the clearance from the GoI during the period of working permission expiring on 13.09.1992. You are requested to let this Department have the clearances of the GoI in respect of the proposal for the diversion of the forest lands.*

*He also requested to clarify the circumstances under which you (lessee) have engaged raising contractor in working of aforesaid mine in contravention of **Rule 37 (B) of the MCR, 1960.**”*

- (38)** WP was granted on 19.09.1992 for three months (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (39)** WP was granted on 23.12.1992 for six months (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (40)** WP was granted on 10.06.1993 for six months (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (41)** WP was granted on 17.12.1993 for six months (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (42)** WP was granted on 11.06.1994 for six months (in violation of FCA, 1980 and Rule 24A of MCR, 1960).
- (43)** The M(DR) Act, 1957 was amended on 25.01.1994. Section 8 thereof was amended for renewal period extended to 20 years in place of 10 years.
- (44)** The Government of India has further amended the MM(DR) Act, 1957 on 30.01.1997 for delegation of power under Section 8(2) to State Government i.e. **State Government empowered to grant 1<sup>st</sup> RML for ML/PL.**



- (45) The MoEF, Government of India, for the first time, granted permission** [TWP] to work already broken up area for a period of nine months, vide letter dated 22.04.1997 of in principle approval for diversion of only broken up area of 83.88 ha. of forest land for renewal of Kasia lease.

**This has been done after a blanket closing of all mines which were running in violation of FCA, 1980 by the Hon'ble Supreme Court in its order dated 12.12.1996 in W.P. No.202/1995.**

- (46)** Stage-II F.C. approval was granted by MoEF on 22.1.1998, for 83.880 ha. for forest land diversion.
- (47)** In principle, (Stage-I) approval, for the additional 30 ha. forest land diversion, was granted on 16.06.1999 (83.880 ha. + 30 ha. = 103.880 ha.).
- (48)** M/s. Essel Mining Industries Ltd. has applied for 2<sup>nd</sup> renewal of mining lease in Form "J" on 18.08.1994 (as 10 years were to be over on 13.09.1995 i.e. from 13.09.1985 to 12.09.1995).

**(49)** Director, Mines & Geology Department recommend RML application to State Government with a view that, “*on computation of area it comes to 191.778 ha. instead of 194.196 ha.*”

**(50)** From the file of Steel and Mines Department (Page 638), details of lease area granted for renewal are as under:-

**(i)** Applied area : 194.196 ha.  
(191.778 ha.)

**(ii)** Non Forest land : 20.853 ha.

(objectionable : 2.51 ha.

(i.e. 0.676 Godande + 0.275 ha. nala +  
0.611 ha. rasta + 0.959 ha. Gharabari)

**(iii) Area finally granted**

**(a)** broken up  
forest land : 83.880 ha.

**(b)** fresh forest  
land : 30.000 ha.

**(c)** non forest land : 20.853 ha.  
-----  
134.733 ha.

**File page : MO 639.**

Clarification :

Quarries of Principal Secretary pre page.

“(i) We have excluded the Safety zone area of 20.810 ha. from the applied area under M.L. The Safety zone area created ambiguity as per the discussion with the Deputy Secretary to Chief Minister in R.M.L. Case of O.M.C. (Daitary Mines). In this case, out of 194.196 ha. of applied area, we have suggested for grant 134.733 ha. comprise of Forest Land to the extent of 83.880 ha. (1st phase DRP) + 30.00 ha. (2nd phase DRP) + 20.833 ha. of Non Forest land.”

- (51) TOR was issued by Government on 20.08.2002 to lessee, for grant of renewal of area of **134.773 ha.** in village Kasia.
- (52) Acceptance of the terms and conditions was submitted by lessee on 21.08.2002 in which lessee has accepted all the terms and conditions laid down by Government in its letter No.7979/SM, dated 20.08.2002.
- (53) **A grant order to 1<sup>st</sup> RML was issued by State Government on 09.09.2002 for 134.733 ha. for 20 years with retrospective effect from 14.09.1985.**

- (54) Subsequently, the lessee has requested the Government vide his letter dated 08.10.2002 **to provide a copy of reduced area map**, since it is very difficult to prepare the survey map and description at this end.

**From the above letter, it is very much clear that lessee was well aware about reduced area granted during 1<sup>st</sup> RML i.e. 134.733 ha.**

**Hence, the contention of the Ld. Sr. Counsel was totally incorrect and misleading for which he vehemently argued as regard the typographical mistake of leased area i.e. in place of 194.196 ha., it is written as 134.733 ha.**

- (55) **The letter of Joint Secretary (S & M) to Director (Mines) dated 18.08.2002 further clarified the matter wherein further breakup of 134.733 ha. area granted for lease has been clearly stated as under:-**

<b>(i)</b>	Broken up forest land	: 83.880 ha.
	(Approved by MoEF GoI)	
<b>(ii)</b>	Fresh Forest land	: 30.000 ha.
	(Approved By Moef – GoI)	
<b>(iii)</b>	Non forest land	: 20.853 ha.
		-----
	<b>Total</b>	<b>: 134.733 ha.</b>

There is no appeal filed against the lease grant order dated 09.09.2002 of State Government by lessee before the Mines Tribunal (GoI) / Court / others till date. Hence, the renewal of lease for 134.733 ha. has reached legally to its finality.

- (56)** Forest diversion was granted by MoEF for additional 30 ha. (besides 83.88 ha. approved on 22.1.1998) vide its letter dated 27/28.05.2004. The condition Nos.13 and 14 are stated as under:-

*“13. EC shall be obtained by user agency, if applicable.*

*14. The diversion period co-terminated with lease granted under MMRD, 1957.”*

It is stated here that the lessee did not obtain EC (though it was applicable) and went on operating the mine in the virgin area. The EC was obtained on 16.06.2006. Hence, working the mine in fresh area was illegal and without lawful authority in this period. The entire production is illegal from this area.

- (57)** The Joint Secretary (Steel and Mines Department) wrote a letter to Director [DMG]

stating that an area of **134.733 ha.** was **granted vide proceeding dated 09.09.2002 to lessee.** It was stipulated in the said grant proceedings that the party should complete survey and demarcation of the area within three months time. Even though a period of two years already been passed, the steps taken by the party has not been reported to Government and also asked the Director for ascertaining the position and inform Department for immediate necessary action.

**(58)** Deputy Secretary, Forest Department, asked comments from Deputy Secretary Steel & Mines Department by letter dated 12.12.2006 on **2<sup>nd</sup> RML Application for grant of TWP purpose.** Deputy Secretary, Steel and Mines replied on **25.01.2007** but in that letter, they intentionally remained silent about **1<sup>st</sup> RML granted for 134.733 ha.**

**(59)** From the note sheet, page No.260 of the file in which 134.733 ha. area has been approved in following sequence:-

Joint Secretary (Shri A. K. Sahu) submitted note, in which following is stated:-

*“The 2<sup>nd</sup> RML application dtd. 18.08.1994 which has been forwarded by Director of Mines may be treated as infructuous since the first RML has not yet been granted.*

*So far as the forest land is concerned, MoEF, GoI have accord approval for the diversion of 83.880 ha on 22.01.1998 and 30 ha on 16.06.1999. Besides, the lessee has kept 20.810 ha as a safety zone from the lease hold area. They have not taken any step for diversion of balance forest land of 38.653 ha.*

*In view of the above, it may kindly be considered to grant the first RML for Iron, Dolomite and limestone over an area of 134.733 ha in village Kasia[ka], Kasia [kha] etc. of Keonjhar District in favour of M/s. Essel Mining & Industries Ltd. for a period of 20 years with effect from 14.09.1985 with kind order of Government.”*

This note was approved in the following sequence.

Principal Secretary ✍

Minister (Steel and Mines) ✍

Chief Minister.

It is stated here that the lessee was operating and producing iron ore continuously after the expiry of lease period under MM(DR) Act from 14.09.1985 onwards in flagrant violation of Forest (Conservation) Act, 1980. All the Temporary Working Permissions (TWPs) accorded by State Government under the MM(DR) Act for six months intervals each were illegal, without jurisdiction and in violation of the Forest (Conservation) Act, 1980 and also the then Rule 24A of MCR, 1960. In fact, there was a deemed refusal provisions during the said period. The renewal application was not decided even after 200 days granted by GoI.

As submitted by lessee on 23.03.2013, the lease deed has not been executed for want of fixing the lease boundary since no survey and demarcation has been done. If that is the case, then question arises where is the granted lease area of 134.73 ha. located and where is the lessee operating the mine? The entire area is broken as could be observed from the records and satellite images.

Under Rule 31 of MCR, 1960, lease deed is required to be executed within six months after the grant order issued. There is no lease deed executed after 1955. The only lease deed executed in Form K was for an extent of 297.44 ha. in favour of M/s. S.



Lal and Co. Ltd. No lease deed is executed in favour of M/s. Essel Mining and Industries Ltd. in this case so far. But the mining has been allowed continuously.

Rule 31 of MCR, 1960 specifically provides that if the lease is not executed within stipulated time, then the State Government may revoke the order granting the lease. **Further, the date of the commencement of the period for which a mining lease is granted shall be the date on which a duly executed deed under sub-rule (1) is registered.**

Therefore, continuously the lease is operated in flagrant violations of mining laws, forest laws and Environmental laws. This is one of the classic example of its own kind wherein lease was allowed to be operated without lease deed for more than 27 years in absence of statutorily required approvals under MM(DR) Act, MCR, FCA and EPA.

There was an approval obtained on 22.01.1998 under the F.C. Act for 83.88 ha. for only broken up areas for the period coterminous with the expiry of the “lease period” i.e. 13.09.2005. It is noted that the “broken up” area was having 899 trees along with natural regeneration. It is pointed out that it is wrong to consider such a large area having very

good vegetation as broken up area. Further, the area was broken up afresh after 25.10.1980 and then further from 14.09.1985 as per the reports of the DFO and PCCF. The Government of India has again approved diversion of 30.00 ha. fresh forest land on 27.05.2004 upto 13.09.2005 subject to Environmental Clearance.

Further, no immediate EC was obtained after the FC approval dated 27.05.2004. The first EC was obtained on 16.06.2006. Hence, legally the approval under FCA was null and void. It was obtained when there was no FC approval. It is to be noted here that there is no approval under the F.C. Act either in the form of approval or in the TWP from 13.09.2005 to 19.09.2008. The TWP has been granted for one year from 20.09.2008 to 19.09.2009. There is TWP for another three months from 23.09.2009 to 22.12.2009. There is no approval under Forest (Conservation) Act, 1980 between 13.09.2005 to 20.09.2008. Then there is no approval from 24.12.2009 to 04.11.2010 under the same Act. The mine has been operated during the deemed extension period without having approval under FC Act for the period as suggested above. Hence, the production during the non FC period is considered as completely illegal as per submissions made by the Mines Department, Government of India vide

letter dated 18.05.2011. All production carried out from 14.09.1985 to 27.01.1997, 13.09.2005 to 20.09.2008 and 19.12.2009 to 22.11.2010 by the lease is illegal as discussed and pointed out in similar case of lease in his other mine – Jilling-Langalota Mine. The letter dated 26.02.2010 of DFO, Keonjhar is issued without power and authority.

As per the information available from the Mines Department and lessee, the production from the year 1993-94 to 2012-13 carried out by the lessee is as under:-

<b>Year</b>	<b>Illegal production in violation of FCA (MT)</b>
1993-94	0
1994-95	49,007
1995-96	71,213
1996-97	54,628
1997-98	53,125
1998-99	0
1999-00	0
2000-01	0
2001-02	0
2002-03	0
2003-04	0
2004-05	0
2005-06	17,74,353 (50%)
2006-07	28,99,638
2007-08	28,53,558
2008-09	16,91,386 (50%)
2009-10	0
2010-11	5,56,658
2011-12	8,37,344 (50%)
2012-13	0
<b>TOTAL:-</b>	<b>1,08,30,910</b>

The production from the years 1985-86 to 1993-94 should also be included as illegal production and for recovery.

It is further observed that the State Government issued an order dated 09.09.2002 under the MM(DR) Act for grant of 134.733 ha. It is pointed from the Stage-I approval under F.C. Act dated 04.11.2010 that the area of 173 ha. is more than the area approved by State Government Notification dated 09.09.2002 under the MM(DR) Act i.e. 134.733 ha. How it can be done? and who are responsible for such an act of commissions and omissions? These acts and omissions are not legally permissible. Those who are responsible for it owe an explanation for that. Action against such erring officials is necessary after due proceedings.

Since 09.09.2002 onwards the lease area is confined to 134.733 ha. only by a order of competent authority. The EC approvals under EIA notification by MoEF on 16.06.2006, 25.06.2008 and 29.11.2010 for 194.196 ha., are in contravention of the lease grant order of the State Government (09.09.2002). All the ECs are based on the incorrect data and assumptions, and hence, they should be withdrawn with immediate effect. Action should be initiated against the officials who

are responsible for it. Likewise, mining plan approved for 194.196 ha. leased area by Regional Controller vide order dated 22.05.2007 and dated 05.03.2009 are also in violation of the said Government order dated 09.09.2002.

**Hence, action should be initiated against all the officers involved in this flagrant violation for their commissions and omissions.**

It is noted here that there was the over production in the year of 2005-06 to a tune of 11,32,000 M.T. as per the IBM report. The illegal production without lawful authority (without EC and in excess of EC) is given in the **first report of the Commission for the State of Odisha**. The E.C. approved by MoEF on **16.06.2006** for 3.6 million tons does not quote the base production data of 1993-94. It is noted from the data of Mines Department and IBM that in 1994-95 there was production of 45,920 M.T. and in the year of 1995-96 71,000 M.T. Hence, the lessee was supposed to take approval vide EIA Notification dated 27.01.1994.

**The inferences drawn from the above facts and circumstances are as under:-**

- A. Submissions made by Ld. Sr. Counsel, Mr. Dr. Abhishek Manu Singhvi do not find support from the facts emerging for contemptuous record and are, therefore, not acceptable so far as they relate to first renewal.**
- B. All working permissions given by Steel & Mines Department for almost 10 year after 1985 were illegal, as they were given without power and authority under MM(DR) Act, 1957 (Rule 24A of MCR, 1960) & in utter violation of FCA, 1980.** In fact, working permission can't be given for a lease where period was expired and deemed refusal under the law.
- C.** As 1<sup>st</sup> RML was granted by State Government for 134.733 ha. and the said order has not been amended challenged subsequently. So all working beyond 134.733 ha. is illegal without lawful authority and in violation of MM(DR) Act, 1957 and FCA, 1980. An assessment shall be made and follow up recover the value of the ore as per Section 21(5) of MM(DR) Act, 1957. Action should be initiated against the concerned Deputy Directors / Mines Officers for allowing the lessee to work beyond 134.733

ha. Action should also be initiated against the officials of Forest Department to submit proposal for forest land more than granted (i.e. 134.733 ha.) under the MM(DR) Act, 1957 and allowing the mining since the year 1985 onwards including the forest land beyond the extent granted.

- D.** All approval of EC, Mining Plan, FC, accorded for 194.196 ha. (beyond the 134.733 ha. after grant order issued by State Government 09.09.2002) appear to be malafide and in connivance with lessee. Action should be initiated against all those who are involved in this act of omissions and commissions and their misconduct.
- E.** The production is illegal and without lawful authority with respect to FC, EC and IBM plan.
- F.** The State Government has notified 134.733 ha. leased area on 09.09.2002 but approval under FCA dated 18.11.2011 (MoEF) has been **given for 173.039 ha.** for a area which is not granted under the MMDR Act and Rules. Hence, it is more than the lease grant area. This is a serious flaw. Action should be taken

to withdraw this approval and also to initiate action against the officials responsible for their omissions and commissions for submission and recommendation of this proposal.

- G.** The lease has been operated without lease deed execution since 1985 onwards in flagrant violations of FCA, MM(DR) Act, MCR and EPA (at most of the period). No lease area has been demarcated within 297.44 ha. of original leased area on the ground. The lessee has occupied and working in 59.463 ha. of excess area without any lawful authority. The lease has been operated illegally since 14.09.1985 onwards in violation of various Statues as discussed above in this chapter.
- H.** The lease has not been executed in favour of Essel Mining & Industries Limited at all and it is in the name of M/s. S. Lal & Co. as on date.

**All are serious flagrant violations.**

It is observed from the FC proposal dated 03.09.2001 of Regional Office to MoEF New Delhi that unauthorized crushers have been installed and working in the 4.02 ha. lease area in violation of FCA either by lessee himself or other persons. No action has been taken.



It is further observed that the lessee has five leases in its name. Out of 5 leases, three leases have been worked heavily by extracting millions of tons of iron ore. There is similar nature of violations committed in the three leases by the lessee which establishes that there is flagrant violation of law and rules.

### **4.3 Koira Iron Ore Mines:-**

The 5<sup>th</sup> mining lease over an area of 90.143 ha. has been granted in favour of M/s. S. Lal and Company Ltd. for 30 years from 27.08.1971 to 26.08.2001. M/s. S. Lal and Company Ltd. has changed its name to M/s. Essel Mining and Industries Limited on 31.10.1990 and the State Government has accepted the changed name as submitted by DDM, Koira. Since 27.08.2001 the lease is running under deemed extension provisions of Rule 24A of MCR, 1960.

The leased area (90.143 ha.) consists of 59.458 ha. Revenue forest, 12.288 ha. non-forest government land and 18.397 ha. non-forest tenant land.

The lessee (M/s. S. Lal and Company Ltd.) has been granted this lease as fifth mining lease for Iron Ore in Koira, Nuagaon, Kadodihi and Harishchandrapur Villages (Sundargarh District) for an area of 90.146 ha. from 27.08.1971 to 26.08.2001 for the period of 30 years.

It is pertinent to note here that this lease for an area of 90.146 ha. has been granted in contravention of Section 6(i)(b) of MM(DR) Act, 1957 because when this lease was granted on 27.08.1971, the lessee was already holding four other leases over an extent of 1339.011 ha. This total lease area is an excess area to a limit of 10 Sq.

Kms. provided under the Section 6(i)(b) of MM(DR) Act, 1957. Since, this lease was granted in contravention of Section 6(i)(b) of the MM(DR) Act, 1957, the grant order would be void and no effect as per Section 19 of the said Act.

As stated above, the lease consists of 59.458 ha. Revenue forest is the main mineral bearing area. As per the report prepared by officials and signed by lessee on 26.12.2000, it is noticed that most of the forest land had been covered by mining activities and having large number of quarry pits. All the forest land has been operated after 25.10.1980. The lessee was asked to submit the data of production before the year 1980 in **Annexure: B** to the notice issued in **February, 2013**. The lessee submits that no data is available with him. The Department has also not provided the production data before 1980. As a result, it is inferred that in all purposes, the mining has been carried out in the forest land afresh after 25.10.1980 and considered as a violation of Section 2(ii) of FCA, 1980. The Satellite Images of the leased area also confirms workings of the lease in the forest land.

The DFO, while submitting the proposal to Conservator of Forest for diversion of forest land under Section 2 of FCA, 1980, stated that 37.721 ha. of forest land is broken prior to 25.10.1980 based on the

assessment done on 07.10.1988 and 19.02.2000 without stating any basis to assess the broken area. Since the Department and lessee both did not provide any record which could have established the fact that the area was broken before 25.10.1980, the submission of FD is unacceptable. It is also noted in other similar cases, the submission of DFO for broken area is without any data record base. Further, the proposal initiated for diversion of forest land by DFO on 02.03.2001 has been approved Stage-I clearance on 02.02.2011 by MoEF, New Delhi by taking unexpected period of 10 years. During the period, mining activities were allowed in the forest land.

Based on the above facts and circumstances, an assessment should be done to find out the illegal production without lawful authority within forest area wherein mining was done, since 25.10.1980 till FC approval accorded.

The lessee was supposed to obtain the Environmental Clearance from the year 1994-95 under the EIA Notification dated 27.01.1994 because of increased production from the year 1993-94 onwards. The lessee has failed to obtain the Environmental Clearance till 24.09.2008. Hence, all the production from the year 1994-95 to 24.09.2008 is illegal and without lawful authority and the same was given in the **first report of the Commission for the State of Odisha.**

The State Government has surveyed the area of the lease and based on that, it is found that the lessee has extended the workings of mining outside the leased area as encroachment. The details of encroachment were given in the **first report of the Commission for the State of Odisha**. The workings, outside the lease area, are uninterrupted continuous extension of working from the mine. Hence, the contention of the lessee that the encroachment is outside the leased area does not belong to him is untenable, unfounded and unacceptable.

Further, the contention of the lessee that he has confined the operations in the non-forest land after 26.08.2001 is also found illogical because there is many fold increase in the production since the year 2001 but area is equally reduced. The Satellite Images shows the extension of pit presently located in the non-forest land of 6.02 ha. towards the north-eastern side in the forest land.

Action should be taken accordingly as discussed in other leases.

**5. Grant/Renewal of the mining leases in violation of Section 6(i)(b) of the MM(DR) Act, 1957:--**

**5.1 Sarkunda Manganese Ore Mines:--**

A mining lease of an area of 160.900 ha. has been granted in favour of M/s. S. Lal and Company Ltd., Calcutta from 04.12.1942 to 03.12.1962 at Sarkunda Village for the period of 20 years for Manganese Ore. As per the records submitted by the lessee and the State Government, the lease has been subsequently renewed from 04.12.1962 to 03.12.1982 (1<sup>st</sup> renewal), 04.12.1982 to 03.12.2002 (2<sup>nd</sup> renewal) and from 04.12.2002 onwards. The lease is running under the deemed extension provisions under Rule 24A of MCR, 1960. For the entire length of the lease period, the area remains the same what it was granted i.e. 160.900 ha. in the beginning.

The lease had been renewed from 04.12.1962 to 03.12.1982 in contravention of Section 6(i)(b) of MM(DR) Act, 1957. It is stated here that on 03.12.1962, the lessee was holding an area of 1341.550 ha. in three leases (Table).

## **5.2 Unchabali Iron & Manganese Mines:--**

The same lessee (M/s. S. Lal and Company Ltd.) had been granted another lease for an area of 414.010 ha. from 01.08.1943 to 31.07.1963 at Unchabali Village for a period of 20 years for Iron and Manganese Ores. The lease was renewed (1<sup>st</sup> RML) from 01.08.1963 to 31.07.1983 for an area of 250.571 ha.

Subsequently, the lease was further renewed (2<sup>nd</sup> RML) from 01.08.1983 to 31.07.2003 for an area of 107.308 ha. The lessee has further applied for 3<sup>rd</sup> RML for the area of 80.675 ha. from 01.08.2003 to 31.07.2023 and the lease is running under deemed extension period from 01.08.2003 onwards.

The lease had been renewed in contravention of Section 6(i)(b) of MM(DR) Act, 1957 from 01.08.1963, since the lessee was already holding an area of 1088.00 ha. in three other leases (Table) on that day. Hence, it attracts the provisions of Section 19 of MM(DR) Act, 1957 and be void and of no effect.

### **5.3 Jilling – Longlota Iron & Manganese Mines:--**

M/s. S. Lal and Company Ltd. has been granted the third lease for an area of 630.090 ha. from 01.10.1954 to 30.09.1984 at Jilling – Longlota Village for the period of 30 years for Iron and Manganese Ores. The lease was renewed (1<sup>st</sup> RML) from 01.10.1984 to 30.09.2004 for an area of 456.100 ha. The lease for the 2<sup>nd</sup> term of renewal is running under deemed extension from 01.10.2004 for an area of 456.100 ha.

### **5.4 Kasia Iron, Dolomite & Lime Stone Mines:--**

The same lessee (M/s. S. Lal and Company Ltd.) had been granted fourth lease for an area of 297.450 ha. from 14.09.1955 to 13.09.1985 at Kasia Village for the period of 30 years for Iron and Dolomite minerals. The lessee has applied for renewal for an area of 194.196 ha. The State Government, vide its proceeding dated 09.09.2002, has accorded approval for 134.733 ha. with retrospective effect from 14.09.1985 to 13.09.2005. No lease deed is executed so far. The lease is running under deemed extension from 14.09.2005 onwards.



### 5.5 Koira Iron Ore Mines:--

The same lessee (M/s. S. Lal and Company Ltd.) has been granted fifth mining lease for Iron Ore in Koira Village (Sndargarh District) for an area of 90.146 ha. from 27.08.1971 to 26.08.2001 for the period of 30 years. It is pertinent to note here that this lease for an area of 90.146 ha. has been granted in violation of Section 6(i)(b) of MM(DR) Act, 1957 because when this lease was granted on 27.08.1971, the lessee was already holding four other leases for an extent of 1339.011 ha. This is an excess area to a limit of 10 Sq. Kms. provided under Section 6(i)(b) of MM(DR) Act, 1957. Since, this lease was granted in contravention of Section 6(i)(b) of the MM(DR) Act, 1957, the grant order would be void and no effect as per Section 19 of the said Act. Section 19 of the MM(DR) Act, 1957 is reproduced as under:--

***“19. Prospecting licences and mining leases to be void if in contravention of Act***

*Any [reconnaissance permit, prospecting licence or mining lease] granted, renewed or acquired in contravention of the provisions of this Act or any rules or orders made thereunder shall be void and of no effect.”*

Further, it is to state that the mining lease of an area of 160.900 ha. at Sarkunda had been renewed (1<sup>st</sup> RML) from 04.12.1962 to 03.12.1982 which is also in contravention of Section 6(i)(b) of MM(DR) Act, 1957. On this date i.e. 04.12.1962, the lessee was already holding an area of 1341.550 ha. (Table). Hence, the lease which was renewed in contravention of Section 6(i)(b) of MM(DR) Act, 1957 shall be void and of no effect under the provisions of Section 19 of the MM(DR) Act, 1957. (The renewal for the entire area would be null and void under the said provisions).

Further, the mining lease granted for an area of 414.010 ha. at Unchabali from 01.08.1943 to 31.07.1963 has been renewed from 01.08.1963 to 31.07.1983 in reduced area of 250.571 ha. in contravention of Section 6(i)(b) of MM(DR) Act, 1957 because on that day, the lessee was holding an area of 1088.44 ha. (Table). Hence, accordingly, action should be taken as per Section 19 of MM(DR) Act, 1957 for this lease by following the due process of law.

It is to state here that M/s. S. Lal and Company Ltd., Calcutta has changed its name as per the information submitted by the Department to M/s. Essel Mining and Industries Limited from

31.10.1990 and the changed name has been accepted by the State Government.

It is further stated that the lessee has of late attempted successfully to delete leased land for lesser areas during the time of renewals with the full co-operation and collaboration of the officials of State Government at all levels. Though three leases were granted or renewed in contravention of Sections 6(i)(b) and Section 19 of MM(DR) Act, 1957, the lessee in connivance with State machinery is presently holding all leases in his possession within 10 Sq. Kms. by successive deleting the leased area in utter disregard of the law of the land. Action may be initiated against all those who are responsible for it, in addition to cancellation of leases which are granted in contravention of the law as suggested above.

Subsequent reductions of the areas from the leases in successive renewals will not absolve the lessee from the provisions of Sections 6(i)(b) and 19 of MM(DR) Act, 1957 which he had contravened at a point of time in past, when new lease or renewal was granted in excess of 10 Sq. Kms. The provisions of the above said Sections would be in effect on that date of the grant and / or the renewal of the lease, taking into consideration the possession of the leased land, in total, he was holding in the State for

a mineral including the associate minerals. It is to note that iron and manganese ores are the associate minerals as per the mining rules.

All the leased land from various leases which had been relinquished by the lessee shall be identified. After identification, a Rehabilitation and Reclamation Plan should be got prepared from ICFRE (Indian Council of Forest Research and Education), Dehradun and the same should be implemented at the cost of lessee in addition to all other accountabilities and penalties which are arisen due to this investigation.

#### TABLE

**Status of leased area held by  
M/s. Essel Mining & Industries Ltd.  
(M/s. S. Lal & Co. Ltd.)**

<b>Sr. No.</b>	<b>Name of lease</b>	<b>As on Date</b>	<b>Area (ha.)</b>
1	Jilling _ Longlota	03.12.1962	630.090
2	Unchabali	03.12.1962	414.010
3	Kasia	03.12.1962	297.450
	<b>TOTAL</b>	<b>03.12.1962</b>	<b>1341.550</b>
1	Jilling _ Longlota	31.07.1963	630.090
2	Kasia	31.07.1963	297.450
3	Sarkunda	31.07.1963	160.900
	<b>TOTAL</b>	<b>31.07.1963</b>	<b>1088.440</b>
1	Jilling _ Longlota	26.08.1971	630.090
2	Unchabali	26.08.1971	250.571
3	Kasia	26.08.1971	297.450
4	Sarkunda	26.08.1971	160.900
	<b>TOTAL</b>	<b>26.08.1971</b>	<b>1339.011</b>

**6. Recommendation:--**

Since there is involvement of officials/officers all the concerned Departments of Central and State Governments and serious flagrant violations committed by the lessee under various Statues, it would be appropriate to refer the matter to the Central Agency preferably Central Bureau of Investigation (CBI) for further investigation.

**Date:      October, 2013**

**(M. B. SHAH)  
(Former Judge, Supreme Court of India)**

**Chairman  
Commission of Enquiry  
for  
Illegal Mining of Iron Ore & Manganese**