

Government of Odisha
Forest & Environment Department

-0-

No.10F (Con) 123/2013 10787/F&E, Bhubaneswar, dated the 23.05.17

ORDER

Sub: Diversion of 1.23ha. of forest land as per sabik record in village Diajharan in Angul district, Odisha for setting up Railway siding by M/s Global Coal and Mining Private Ltd.

WHEREAS, M.s Global Coal & Mining Private Ltd. Plot. No. 23 &24, Industrial Estate, PO. South Balanda, Talcher Dist. Angul, Odisha, Pin 759116 had applied for diversion of 1.23ha. of forest land as per sabik record in village Diajharan in Angul district, Odisha for setting up Railway siding by them.

And whereas, the Ministry of Environment, Forests and Climate Change (hereinafter referred to as MoEF&CC), Government of India, Eastern Regional Office had accorded 'in-principle' approval for diversion of 1.23ha. of forest land as per sabik record in village Diajharan in Angul district for setting up Railway siding by M/s Global Coal and Mining Private Ltd. vide its letter No. 5-ORB184/2013-BHU dt. 29.1.2014(ANNEXURE-1).

And whereas, the MoEF&CC , Government of India, Eastern Regional Office in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded final approval for diversion of said 1.23ha. of Sabik kisam forest land in village Diajharan in Angul district in favour of M/s Global Coal and Mining Private Ltd. for setting up Railway siding vide its letter No.5-ORB184/2013-BHU dt. 13.5.2017 (**Annexure-2**) under Section 2 of the Forest (Conservation) Act, 1980;

Now therefore, the Government of Odisha, do hereby allow diversion of above mentioned 1.23ha. of Sabik kisam forest land in village Diajharan in Angul district in favour of M/s Global Coal and Mining Private Ltd. as per approved land use pattern, detailed land schedule of said forest land duly authenticated by Tahasildar, Talcher as received earlier from PCCF, Odisha vide his letter No. 13377 dt.18.9.2013 appended herewith as **Annexure-3**, subject to fulfillment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Government of India, Eastern Regional Office.

The Collector of Angul district is authorized to handover the forest land, as has been diverted, to the user agency following due procedure of law. Before handing over the forest land to the user agency, it shall be ensured that Net Present Value for forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer of Angul Division is also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/Wildlife clearance order and to report violations, if any, to the Nodal Officer, O/O Pr. CCF, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Act/Rules for this mining project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor

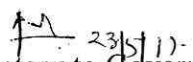

(Debidutta Biswal)

Special Secretary to Government

Memo No. 10788 /F&E, Dated: 23.05.17

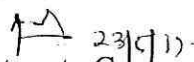
Copy along with the copy of Annexure 1, Annexure-2 and Annexure-3 above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer of Angul Division and user agency may be imparted for required follow up action at their end. It may be ensured by the Divisional Forest Officer that Net Present Value for the forest land involved in this project of user agency as well as for any other projects of the same user agency, is deposited by them in appropriate head of account in Adhoc-CAMPA in full, at applicable rates. The user agency may also be instructed to furnish compliance to the conditions of forest/Wild life clearance pertaining to the project in every quarter to the Divisional Forest Officer of Angul Division for facilitating monitoring of compliances.


Special Secretary to Government

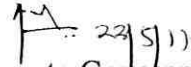
Memo No. 10789 /F&E, Dated: 23.05.17

Copy along with the copy of annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF&CC(FC Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi, Pin-110003/Addl. Principal Chief Conservator of Forests(Central), MoEF&CC, Government of India, A/3, Chandrasekharpur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dt. 7.11.2012 in Appeal No. 7/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.


Special Secretary to Government

Memo No. 10790 /F&E, Dated: 23.05.17

Copy along with the copy of annexures as above forwarded to the Pr. CCF(WL)&CWLW, Odisha/Director, Environment, F&E department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.

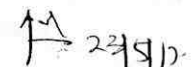
 23/5/17
Special Secretary to Government

Memo No. 10791 /F&E, Dated: 23.05.17

Copy along with the copy of annexures as above forwarded to the Regional Chief Conservator of Forests, Angul/ Collector, Angul /Divisional Forest Officer, Angul Division for information and immediate necessary compliance.

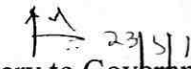
It may be ensured by the Divisional Forest Officer that Net Present Value for the forest land involved in this project of user agency as well as for any other projects of the same user agency, shall be deposited by them in full at applicable rates in appropriate head of account in Adhoc-CAMPA before handing over of the forest land to user agency. Besides, funds, if any, due to be deposited by the lessee in this project shall also be deposited by the lessee before the forest land is handed over to him. The user agency may also be instructed to furnish compliance to the conditions of forest/Wild life clearance pertaining to the project in every quarter to the Divisional Forest Officer concerned for facilitating monitoring of compliances by them.

The Divisional Forest Officer of Angul Division is **also instructed to ensure that the direction given to the user agency are executed immediately.**

 23/5/17
Special Secretary to Government

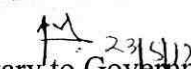
Memo No. 10792 /Dated. 23.05.17

Copy along with the copy of annexures as above forwarded to the Steel & Mines Department /Revenue & Disaster Management Department for information and necessary follow action.

 23/5/17
Special Secretary to Government

Memo No. 10793 /Dated. 23.05.17

Copy along with the copy of annexures as above forwarded to the Private Secretary to Minister of Forest & Environment Department for kind information of Hon'ble Minister.

 23/5/17
Special Secretary to Government

Memo No. 10794 /Dated. 23.05.17

Copy along with the copy of the enclosures forwarded to M.s Global Coal & Mining Private Ltd. Plot. No. 23 &24, Industrial Estate, PO. South Balanda, Talcher Dist. Angul, Odisha, Pin 759116 for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.

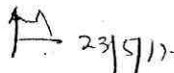
- (i) *They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government in Stage-I/II forest clearance in two widely circulated daily newspapers, one in vernacular language*

and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes .

- (ii) They shall submit the copies of forest clearance orders granted by the Central Government/State Government to the Heads of local bodies and Municipal bodies along with the relevant offices of the State Government, who in turn, shall display the same for 30 days from date of receipt.
- (iii) Detailed action taken in compliance to the above order of State Government shall be intimated to the DFO, Angul Division/RCCF, Angul /Pr. CCF, Odisha/F&E Department for reference.


Besides the above, the user agency is also asked to deposit Net Present Value of forest land for this project and for any other projects belonging to him in full, if not deposited yet, at applicable rates. Also requisite funds due for deposit by the user agency on account of this project shall also be deposited in Adhoc-CAMPA Account.

The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer of Angul Division in every quarter, for the purpose of monitoring by him.


Special Secretary to Government

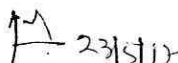
Memo No. 10795 Dated- 23.05.17

Copy with copy of enclosure forwarded to the O.I.C., State Portal, N.I.C., I.T. Department, Odisha Secretariat, Bhubaneswar/ M/s Luminous Infoways Pvt. Ltd, Sadhana, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-15 for information and necessary action. They are requested to upload this letter along with enclosed forest clearance order of Government of India, MoEF&CC, in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012. Hence this may be done unflinchingly.**


Special Secretary to Government.

Memo No. 10796 Dated- 23.05.17

Copy with copy of enclosure forwarded to the Under Secretary to Government, Office Establishment Section, F&E Department for information and necessary action with reference to their letter No.21646/F&E Dt. 22.11.2016.


Special Secretary to Government



02/15
G.S. 10
M. B. B. 1.2

Government of India/ भारत सरकार
Ministry of Environment & Forests/ पर्यावरण एवं वन मंत्रालय
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
A/3, Chandrasekharpur/ ए/३, चंद्रसेखरपुर
Bhubaneswar - 751 023/ भुवनेश्वर - ७५१ ०२३



जहाँ है हरियाली !
वहाँ है खुशहाली !!

Tel: 0674-2301213, 2301243, 2302452, 2302453. Telefax: 0674-2302452, E-mail : mef.or@nic.in

No.5-ORB184/2013-BHU

29th January, 2014



The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.



Handwritten signature and initials.

State - I approval order

Sub:- Diversion of 1.23 ha of forest land, as per Sabik record, in village Diajharan in Angul district for setting up of Railways siding by M/s Global Coal & Mining Pvt. Ltd.

Sir,

I am to refer to State Govt. letter No.10F(Cons)123/2013-21157/F&E dated 13.10.2013 on the above mentioned subject seeking prior approval of the Government of India under section 2 of Forest(Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Central Government hereby conveys 'in-principle' approval for diversion of 1.23 ha of forest land, as per Sabik record, in village Diajharan in Angul district for setting up of Railways siding by M/s Global Coal & Mining Pvt. Ltd., subject to the fulfillment of the following conditions.


1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency at the rates as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition. (Civil) No:202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
3. Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by the State Govt. from the user agency. An undertaking from the user agency shall be obtained in this regard.
4. Compensatory Afforestation shall be raised over 1.23 ha of non-forest land identified in Plot No.542, Khata No.276 of village Khindo under Kanha Tehsil of Angul district at the cost of the user agency. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to the Forest Department.
5. The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.

Handwritten initials 'A' and 'SIR' with date '12/2/14'.

Handwritten signature.

6. The State Government shall deposit Net Present Value and all other funds with the Ad-hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in SB Account No.SB01025222 of Corporation Bank, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 003 or in SB Account No.344902010105428 of Union Bank of India, Sunder Nagar, New Delhi - 110 003, as per the instruction communicated vide letter No.12-2/2010-CAMPA dated 13.05.2011 and dated 24.06.2011.
7. The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc. The distance between any two pillars shall be kept at 50 mtr and each pillar should be clearly visible from pillars on both sides.
8. The State Forest Department/UA shall submit the surveyed sketch of 1.23 ha of non-forest land identified in Plot No.542, Khata No.276 of village Khindo under Kamina Tehsil of Angul district for C.A. and demarcate the area, giving the forward and backward bearing and DGPS reading of each demarcation pillars/station, and distance between them before Stage-II approval. The latitude and longitude of those pillars/stations shall also be marked.
9. Avenue plantation of shade bearing trees shall be raised in the entire stretch of the Railway siding project in all available land on either side at project cost.
10. Earth or any material shall not be brought from and debris resulting during construction shall not be disposed off in the adjoining forest area by the User Agency.
11. The rocks/morum excavated from work site should be utilized by the Railways/State government for various construction purposes etc. so as to minimize the extent of forest land needed for spoil banking.
12. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
13. The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment & Forests.
14. The layout plan of the proposal shall not be changed without the prior approval of the Ministry of Environment & Forests.
15. The forest area proposed for diversion shall not be used for any purpose other than those shown in the diversion proposal.
16. The user agency while executing works, shall ensure not to fell any tree or damage forest growth in the surrounding forest area in any manner.
17. No additional or new path will be constructed inside the forest area for transportation of materials for execution of the project work.
18. No labour camp shall be allowed in the forest area.

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19. The user agency shall provide fire wood preferably alternate fuel to labourers working at the site.
20. The user agency shall obtain Environment clearance under Environment (Protection) Act, 1986 if applicable.
21. The user agency will obtain the clearance under the provision of ST&OTFD (Recognition of Forest Rights) Act, 2006 before final forest clearance of the project and will submit certificate towards settlement of all claims and rights over the proposed forest land under the Act, as per the Guidelines of Ministry communicated vide letter No. 11-9/1998-FC (pt) dated 30.07.2009, 03.08.2009, read with guidelines dated 05.02.2013 and 05.07.2013.
22. Any other conditions that the Ministry of Environment & Forests may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
23. The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Ministry of Environment & Forests.**

Yours faithfully,



(S. Mohapatra)
Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests(FC), Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests, Govt. of Odisha, Aranya Bhawan, C.S. Pur, Bhubaneswar.
3. The Addl. PCCF & Nodal Officer, Forest Deptt., Govt. of Odisha, Aranya Bhawan, C.S. Pur, Bhubaneswar.
4. The Divisional Forest Officer, Angul Forest Division, Angul, Odisha.
5. M/s Global Coal & Mining Private Ltd., At/PO: Talcher, Dist: Angul, Odisha
6. Guard file.

Conservator of Forests (Central)



No.5-ORB184/2013-BHU

9th May, 2017

Annexure - 2



Final (Stage II)
Area clearance

To

The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:-

Diversion of 1.23 ha of forest land, as per Sabik record, in village Diajharan in Angul district for setting up of Railway siding by M/s Global Coal & Mining Pvt. Ltd.

Sir,

I am directed to refer to State Govt. letter No.10F (Cons)123/2013-21157/F&E dated 15.10.2013, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 1.23 ha of forest land, as per Sabik record, in village Diajharan in Angul district for setting up of Railways siding by M/s Global Coal & Mining Pvt. Ltd., was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal by the Ministry of Environment, Forest & Climate Change, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 29.01.2014, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Odisha vide their letter No.10F(Cons)123/2013-6995/F&E dated 07.04.2017 and OSD, Ad-hoc CAMPA, New Delhi letter No.1-34/2014-CAMPA dated 13.04.2017, approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.23 ha of forest land, as per Sabik record, in village Diajharan in Angul district for setting up of Railway siding by M/s Global Coal & Mining Pvt. Ltd., subject to the fulfillment of the following conditions:-

- Legal status of the diverted forest land shall remain unchanged.
- Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by State Govt. from the user agency. An undertaking from the user agency shall be obtained in this regard.
- Compensatory Afforestation shall be raised over 1.23 ha of non-forest land identified in Plot No.542, Khata No.276 of village Khindo under Kaniha Tehsil of Angul district at the cost of the user agency.
- The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be to this Ministry for information and record.

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- v) The boundary of the diverted forest land shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc.
- vi) Avenue plantation of shade bearing trees shall be raised in the entire stretch of the Railway siding project in all available land on either side at the project cost as per approved plantation scheme.
- vii) Earth or any material shall not be brought from and debris resulting during construction shall not be disposed off in the adjoining forest area by the User Agency.
- viii) The rocks/morum excavated from work site should be utilized by the Railways/State government for various construction purposes etc. so as to minimize the extent of forest land needed for spoil banking.
- ix) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- x) The layout plan of the proposal shall not be changed without the prior approval of the Ministry of Environment, Forest & Climate Change.
- xi) The forest land shall not be used for any purpose other than that specified in the proposal and in no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate Change.
- xii) The user agency while executing works, shall ensure that no tree shall be felled and damage to forest growth in the surrounding forest area in any manner.
- xiii) No additional or new path will be constructed inside the forest area for transportation of materials for execution of the project work.
- xiv) No labour camp shall be allowed in the forest area.
- xv) The user agency shall provide fire wood preferably alternate fuel to labourers working at the site.
- xvi) The user agency shall obtain Environment clearance under Environment (Protection) Act, 1986 if applicable.
- xvii) The State Government shall complete the settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with guidelines dated 05.02.2013 and 05.07.2013, in support thereof.
- xviii) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Eastern Regional Office of this Ministry.

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- xix) Any other conditions that the Central Government or Addl. PCCF(Central) of Eastern Regional Office, Bhubaneswar may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
- xx) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
- xxi) In case of non-compliance of any of the above conditions, the State Govt. shall report to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980.

3. As has been mentioned at Para-2 of the Stage-II approval, this approval for diversion of forest land is subject to the fulfillment of stipulated conditions mentioned in this approval letter. Therefore, in the event of non-compliance of any of the conditions laid out in this approval letter, the Eastern Regional Office of MoEFCC may withdraw the said approval for diversion of the forest land and stop the non-forest activity being carried out in the forest land besides initiating the legal action as per provisions of Forest (Conservation) Act, 1980.

Yours faithfully,

R.K. Samal
12-5-17
(R.K. Samal)

Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests (FC), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
3. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
4. The Addl. PCCF & Nodal Officer (FC), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
5. The Divisional Forest Officer, Angul Forest Division, Angul, Odisha.
6. M/s Global Coal & Mining Private Ltd., At/PO: Talcher, Dist: Angul, Odisha.
7. Guard file.

Conservator of Forests (Central)

Annexure - 3

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Land Schedule

(Govt. Land)

Name of the Village: Diajharan
Name of the Police Station: Colliery No. 60
Name of the Tahasil: Talcher
Name of the District: Angul.

Sl. No.	Khata No.	Plot No.	Haul Kissam	Area (Ac.)	Remarks
1	21	1	Patita	0.04	
	-do-	2	Jungle	0.07	Jungle in Sabcic records
	-do-	3	Sarad-1	0.08	-do-
	-do-	4	Sarad-2	0.10	-do-
	-do-	5	Sarad-1	0.12	-do-
	-do-	8	Sarad-1	0.12	-do-
	-do-	13	Sarad-2	0.20	-do-
	-do-	15	Sarad-1	0.17	-do-
	-do-	28	Sarad-1	0.18	-do-
	-do-	30	Sarad-1	0.51	-do-
	-do-	32	Sarad-1	0.14	-do-
	-do-	39	Sarad-1	0.36	-do-
	-do-	41	Sarad-1	0.53	-do-
	-do-	10/131	Sarad-1	0.07	-do-
2	22	6	Patharbani	0.03	
3	24	16	Bandha	0.12	
	-do-	18	-do-	0.02	
	-do-	19	-do-	0.05	
	-do-	45/144	Gramya jungle	0.40	Jungle in Sabcic records
			Total Area	3.31 Ac.	

9/9
Talcher
TALCHER

Daloc
11-1-11
Revenue Inspector
R.I Circle, Ghantapada

For Global Coal & Mining (P) Ltd.
Kundan
Chief Executive

REVENUE
INSPECTOR
GHANTAPADA