



## STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII  
Bhubaneswar – 751 012, INDIA

No 946 /

IND-I-Con (M)1603

Date 21.01.2021

### OFFICE MEMORANDUM

**Guidelines regarding grant of Consent to Operate under provisions of the Water (PCP) Act,1974 and Air (PCP) Act,1981 to the mines to whom vesting orders have been under the provisions of MMDR Act, 1957 and the Mineral Auction Rule,2015.**

This is regarding Consent to Operate (CTO) to the mining leases of Iron ore, Manganese ore, Chromite ore and other major minerals taken over through the process of e-auction, as per the provisions of MMDR Act, 1957 and the Mineral Auction Rule, 2015 as amended from time to time (the "Auction Rule") to the successful bidders.

State Government in Steel & Mines Department through its Nominated Officers of the State nominated under rule 9A(1) of Mineral (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules,2016 has issued vesting order to some auctioned mines, in respect of all the valid rights, approvals, clearances, licences which were with the previous lessee in respect of the respective mining lease, pursuant to provisions contained in rule 9A(2) of the above said Rules,2016.

The Minerals (Other than Atomic and Hydro Carbon Energy Minerals) Concession (Amendment) Rules, 2020 stipulates that the application for the statutory clearances like Mining Plan, Environmental Clearance, Forest Clearance, Consent to Establish, Consent to Operate, Surface Right, Permissions from DGMS, Ground water clearances etc. be made afresh before respective Competent Authority, immediately, but not later than one hundred twenty days from the date of execution of mining lease. The vesting order is valid for two years from the date of the execution of new lease deed or till the date of getting all fresh approvals, clearances, permissions and the like, whichever is earlier.


State Pollution Control Board, Odisha regulates the mining activity and other ancillary activities such as, ore processing, beneficiation, transportation etc. of a mining lease through consent administration, under the provisions of Water (PCP) Act, 1974 and Air (PCP) Act, 1981. The consent is granted to the lessee for carrying out all the above activities. The consent to operate is also issued to these above mines up to the valid lease period.

For seamless transfer of mining leases to successful bidders and to commence mining operation, Board has earlier issued *Guidelines regarding Consent to Operate under provisions of the Water (PCP) Act, 1974 and Air (PCP) Act, 1981 to the mines to whom vesting orders have been under the provisions of MMDR Act, 1957 and the Mineral Auction Rule, 2015* vide Board's Letter No. 6181 dated 16.07.2020 with certain conditions. In continuation to these guidelines, the Board is hereby pleased to issue the following additional guidelines regarding Consent to Establish and Consent to Operate under the provisions of Water (PCP) Act, 1974 and Air (PCP) Act, 1981, for mining operations by the successful bidders to whom the CTE and CTO have been vested by the competent authorities.

1. The CTO applications filed beyond 120 days from the date of execution of lease deed, may be processed within the validity period of vesting order. However, the concerned lessees shall apply and obtain CTO immediately in order to avoid stoppage of mining operation after expiry of the vesting order.
2. The consent fees for the year of commencement shall be determined on the basis of quantity of production from the effective date of vesting order till the end of the financial year on a monthly pro-rata basis or the leasehold area, whichever is higher.
3. The quantity of production shall be determined on monthly pro-rata basis from the effective date of issue of the vesting order. If the date of issue is before 15th of the month, then the entire month will be considered for calculation, otherwise the quantity shall be determined from the next month on pro-rata basis.
4. Until the vesting order is issued and new lease deed is executed, application for Consent to Operate (CTO) shall be treated as incomplete.

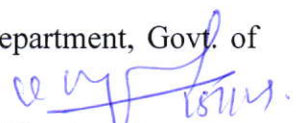
This order is issued without prejudice to provisions of any other relevant laws for compliance and subject to outcome of any relevant matter pending before Honourable Court/ Competent legal forum.

**By order of the Chairman**

  
**Member Secretary**

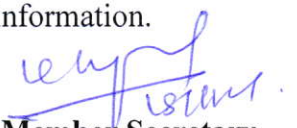
Memo No. 947 /Dt. 21.01.2021

Copy forwarded to the Addl. Chief Secretary, Steel and Mines Department, Govt. of Odisha for kind information.

  
**Member Secretary**

Memo No. 948 /Dt. 21.01.2021

Copy forwarded to the Director of Mines, Govt. of Odisha for kind information.

  
**Member Secretary**

Memo No. 949 /Dt. 21.01.2021

Copy forwarded to the Director, Environment-cum-Special Secretary, Forest and Environment, Govt. of Odisha for kind information.

  
**Member Secretary**

Memo No. 950 /Dt. 21.01.2021

Copy forwarded to all the Branch Officers / SLO L-II / All Regional Officers, State Pollution Control Board, Odisha for information and necessary action.

  
**Member Secretary**

Memo No. 951 /Dt. 21.01.2021

Copy forwarded to the all District Magistrate and Collectors for kind information.

  
**Member Secretary**

Memo No. 952 /Dt. 21.01.2021

Copy forwarded to all the Smt. Mamata Pattnaik, Env. Engineer-cum-System Administrator for information and necessary action. She is requested to upload the letter in Board's website for public view.

  
**Member Secretary**