

Date:.....

To

**The Principal Chief Conservator of Forests (PCCF) & Head of Forest Force
Government of Chhattisgarh
Aranya Bhawan, Raipur, Chhattisgarh**

The Collector

Korba District, Chhattisgarh

The Divisional Forest Officer (DFO)

Forest Division, Korba, Chhattisgarh

Subject : Complaint regarding the continued non-recovery of ₹1,22,14,27,395/- (Rupees One Hundred Twenty-Two Crore Fourteen Lakh Twenty-Seven Thousand Three Hundred Ninety-Five Only) payable by Bharat Aluminium Company Limited (BALCO), Korba towards Net Present Value (NPV) and Compensatory Afforestation, despite the orders of the Hon'ble High Court of Chhattisgarh, the communication dated 23.02.2023 issued by the Divisional Forest Officer, Korba, and the Recovery Certificate (RRC) proceedings initiated by the Collector, Korba; seeking departmental inquiry, fixation of responsibility and initiation of appropriate legal action.

References :

1. Judgment dated 06.02.2009 passed by the Hon'ble High Court of Chhattisgarh in Writ Petition No. 5328 of 1996.
2. Judgment dated 25.02.2009 passed by the Hon'ble High Court of Chhattisgarh in Writ Appeal No. 69 of 2009.
3. Letter No. 1380/Tech./2023 dated 23.02.2023 issued by the Divisional Forest Officer, Korba.
4. Letter No. 5072/R.A./2023 dated 19.04.2023 issued by the Collector, Korba directing the concerned Tahsildar to recover the outstanding amount through a Revenue Recovery Certificate (RRC).

Respected Sir/Madam,

I most respectfully invite your kind attention to a matter of grave public importance concerning Bharat Aluminium Company Limited (BALCO), Korba, involving recovery of statutory forest dues payable to the Government.

The Divisional Forest Officer, Korba, vide Letter No. 1380/Tech./2023 dated 23.02.2023, has specifically recorded that, in compliance with the judgments of the Hon'ble High Court of Chhattisgarh, the following amounts are recoverable from Bharat Aluminium Company Limited (BALCO):

Particulars	Amount (₹)
Net Present Value (NPV)	₹54,82,58,977
Compensatory Afforestation	₹67,31,68,418
Total Amount Recoverable	₹1,22,14,27,395

The Divisional Forest Officer forwarded the matter to the Collector, Korba for recovery of the above amount.

Subsequently, the Collector, Korba, vide Letter dated 19.04.2023, directed the concerned Tahsildar to recover the aforesaid amount through proceedings under the Revenue Recovery Certificate (RRC).

However, the available records indicate that, till date, there is no public record showing that the aforesaid amount has been recovered and deposited into the Government account. If the amount remains unpaid, it raises serious concerns regarding compliance with the orders of the Hon'ble High Court, enforcement of statutory obligations under the Forest laws, and protection of Government revenue.

GROUND OF COMPLAINT

1. Non-compliance with the Orders of the Hon'ble High Court

The recovery of the above amount was required in compliance with the judgments of the Hon'ble High Court. If the amount has not yet been recovered, it raises serious questions regarding implementation of the judicial directions.

2. Determination of Liability by the Forest Department

The Divisional Forest Officer, Korba, after due examination, determined the liability of BALCO at ₹1,22,14,27,395/-, thereby establishing the statutory dues payable by the company.

3. Failure to Recover Despite Issuance of Revenue Recovery Certificate (RRC)

Even after issuance of recovery proceedings through the Collector, Korba, the amount appears to remain unrecovered, indicating serious administrative lapses.

4. Financial Loss to the Government

Delay in recovery of approximately ₹122.14 crore may have caused substantial financial loss to the State Government, including possible loss of interest on the recoverable amount.

5. Adverse Impact on Compensatory Afforestation

Non-recovery of the NPV and Compensatory Afforestation amount may adversely affect implementation of afforestation, forest conservation and ecological restoration works under the CAMPA framework.

6. Need to Fix Responsibility

If recovery has not been effected despite judicial orders and departmental directions, responsibility of the concerned officers and authorities deserves to be examined and fixed.

LEGAL BASIS

1. Compliance with the judgments of the Hon'ble High Court is legally mandatory.
2. Obligations relating to forest land under the Forest (Conservation) Act, 1980 are statutory in nature.
3. Under the Compensatory Afforestation Fund Act, 2016 (CAMPA Act), payment of Net Present Value (NPV) and Compensatory Afforestation charges is mandatory in accordance with law.
4. Revenue Recovery Certificates (RRC) issued under the applicable revenue laws are legally enforceable and are required to be executed effectively.

FINDINGS OF THE CENTRAL EMPOWERED COMMITTEE (CEC)

The Central Empowered Committee (CEC), in its Report submitted before the Hon'ble Supreme Court in Writ Petition (Civil) No. 469 of 2005 - Sarthak & Others vs. Union of India, examined the issue of BALCO's alleged occupation and non-forestry use of Revenue Forest land.

Paragraph 17 of the CEC Report records the following significant findings:

- (i) Principle laid down by the Hon'ble Supreme Court (Order dated 12.12.1996)
In view of the judgment of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad, any land recorded as "Forest" in Government records is to be treated as "Forest" for the purposes of Section 2 of the Forest (Conservation) Act, 1980.

(ii) Extent of BALCO's Possession

The CEC found that:

- BALCO was in possession of approximately 1,751 acres of land.
- The land was recorded in the Revenue Records as "Bade Jhad Ka Jungle / Chhote Jhad Ka Jungle" (Revenue Forest).
- Consequently, the land is legally treated as forest under the Forest (Conservation) Act, 1980.

(iii) Position regarding 947.95 Acres

The CEC observed that:

- BALCO had paid compensation for standing trees in respect of 947.95 acres during 1971.
- Tree felling and non-forestry use on this portion had taken place before 25 October 1980, i.e., before the Forest (Conservation) Act came into force.

(iv) Position regarding the Remaining 803 Acres

The CEC further concluded that:

- Approximately 803 acres continued to be Revenue Forest.
- Prior approval under Section 2 of the Forest (Conservation) Act, 1980 was mandatory.
- Such approval was required both for diversion of forest land for non-forestry purposes as well as for allotment or leasing of the land.

(v) Compensation

The CEC specifically noted that:

- BALCO had paid compensation only for 947.95 acres.
- No compensation had been paid for the remaining 803 acres of Revenue Forest.

(vi) Legal Conclusion of the CEC

The CEC concluded that:

- Revenue Forest is forest for the purposes of the Forest (Conservation) Act.
- Without prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, non-forestry use, allotment or leasing of such forest land is impermissible under law.

RELIEFS SOUGHT

In view of the above facts and circumstances, I most respectfully request that:

1. It may kindly be verified whether Bharat Aluminium Company Limited (BALCO) has deposited the recoverable amount of ₹1,22,14,27,395/-.
2. If the amount has not been deposited, immediate steps be initiated for recovery in accordance with law.
3. An updated Action Taken Report be obtained from the Divisional Forest Officer, Korba.
4. A status report regarding execution of the Revenue Recovery Certificate (RRC) be obtained from the Collector, Korba and the concerned revenue authorities.
5. Responsibility for delay or failure in recovery be fixed and appropriate departmental proceedings be initiated against the officers found responsible.
6. If BALCO has failed to comply with the directions of the Hon'ble High Court, appropriate legal proceedings, including proceedings for contempt or any other action permissible under law, may kindly be considered.
7. The competent authority may also examine whether interest or any additional statutory dues are recoverable and ensure their recovery in accordance with law.
8. A high-level departmental inquiry may kindly be conducted into the entire matter, and the undersigned may be informed of the action taken on this complaint.

ENCLOSURES

1. Letter dated 23.02.2023 issued by the Divisional Forest Officer, Korba.
2. Letter dated 19.04.2023 issued by the Collector, Korba.
3. Copies of the Revenue Recovery Certificate (RRC) proceedings and related correspondence.

Yours faithfully,

(Laxmi Chouhan)
MIG/1-179,
Ravi Shankar Shukla Nagar
Korba, Chhattisgarh
Mobile: 9893189955