



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

F. No. NCST/DEV-730/MH/4/2022-ESDW

Dated: 29.03.2023

To,

The Collector & District Magistrate,
District – Chandrapur,
Collector's Office
Chandrapur District
Maharashtra -442401
Email: collector.chandrapur.maharashtra.gov.in

Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 01.03.2023 at 10:00 AM regarding Representation dated 30.06.2022 from Shri Vinod Kavduji Khobragade, Vill & Tehsil Varora, District Chandrapur, Maharashtra - Regarding the illegal Encroachment of ST land in Kusumbi Village, Rajura Taluk, Chandrapura District, Maharashtra by Manikgarh Cement Company.

Sir/Madam,

I am directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 01.03.2023 at 10:00 AM on the above mentioned subject for information and necessary action.

2. The Action Taken Report (ATR) may be submitted within 15 days from the date of receiving of the Minutes/Proceeding.

4372-B
3/3/23
जांच किया
ISSUED

Yours faithfully,

(H.R. Meena)
Research Officer

Copy for information to: -

Shri Vinod Kavduji Khobragade,
Vill & Tehsil Varora,
District Chandrapur,
Maharashtra

National Commission for Scheduled Tribes

No. NCST/DEV-730/MH/4/2022-ESDW

Minutes of the sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the matter of illegal acquisition, alienation, usurpation of tribal property by Manikgarh Cement Company.

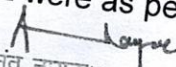
Date of the sitting: 01.03.2023; 10.00 AM

List of Participants: As per Annexure

The present case relates to usurpation, illegal acquisition, alienation of tribal property by Manikgarh Cement Company. In this matter, the complainant informed the Commission that Manikgarh Cement Company in collusion with the then District Collector, Chandrapur had alienated the property of 24 tribals in Kusumbi admeasuring 63.62 Hectares but have neither rehabilitated them, nor compensated them for the past 36 years. The company has established mines in the area without permission. The complainant submitted that by the virtue of the nature of tribal land, the said land could not be given to private parties.

Considering the gravity of the issue, the Commission issued Notice dated 29.09.2022 to the District Collector, District Chandrapur, Maharashtra seeking reply within 15 days.

A Para-wise reply/ATR dated 30.01.2023 was received from the District Collector, Chandrapur. It has been submitted that in 1979, Manikgarh Cement Company was granted a license by government order that was in force till 2001 and was again renewed for 20 years. It will expire now in 2031. He also submitted that on 19.3.1985, there was an understanding between the villagers and Manikgarh Cement Company. Accordingly, an amount of Rs 12,500 per hectare has been paid as compensation to the affected farmers. After paying the said compensation, the land was handed over to the Company. He submitted that the name of the original farmers are still there on record on 7/12 extracts, yet, when the contract was renewed in 2002, they were not compensated for the renewed lease. He submitted that out of 643.63 hectare, 493.38 hectare is with the company on lease already. Out of this, 429.76 hectare is forest and 63.62 hectare and is private land which has been compensated for. He denied the allegations of bogus registration and has stated that the Tehsildar has committed no wrong. He submitted whatever changes were made to 7/12 were as per the order of the NCLT. He submitted


अनंत नायक/ANANTA NAYAK
सदस्य/Member

राष्ट्रीय अनुसूचित जात आयोग

that the government is keeping a watch and that no tax is being withheld. He submitted that mutation entry bearing no. 248 is correct.

After careful consideration of the reply the Commission decided to hear the matter. Accordingly, Summons were issued to the Collector and District Magistrate, Chandrapur, Maharashtra to appear for a hearing before the Commission on 16th February, 2023.

On 16th February, 2023 the Collector and District Magistrate, Chandrapur remained absent and a letter dated 13.02.2023 was received from the office of Collector and District Magistrate, Chandrapur asking for an exemption from appearing before the Commission on account of G-20 Summit preparations. He also requested that Shrimati Dipti Suryawanshi, Deputy Collector (Encroachment) be allowed to attend.

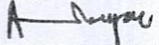
The Commission took serious note of the non-appearance of the Collector and District Magistrate, Chandrapur and issued a warrant of arrest of witness on 21.02.2023.

A letter dated 24.02.2023 was received from the office of Collector and District Magistrate, Chandrapur requesting the cancellation of warrant of arrest of witness and assured the Commission that he will be present before 02.03.2023.

The Commission considered the request of Collector and District Magistrate, Chandrapur and fixed the date of sitting on 01.03.2023 at 10:00 A.M.

The Commission asked the Petitioner who appeared in person about the facts of the case as on date. He repeated and re-iterated his earlier submissions. The Collector and District Magistrate, Chandrapur submitted that a lease deed was signed between Manikgarh Cement Company and the tribals acquiring the surface rights. Later, mining activities were started without acquiring specific rights/permission to that effect under The Maharashtra Land Revenue Code, 1966. He submitted that the land was earlier in Rajura tehsil but later Rajura was divided and the tehsil of the land became Jivati Tehsil. However, in the renewal deeds, the tehsil name was not changed. He submitted that a one-time compensation was paid for the first lease but no compensation has been paid for subsequent renewals.

The District Collector, Chandrapur, assured the Commission that he will personally ensure that basic amenities such as clean drinking water, all-weather roads and electricity is provided to the tribal people living in this area.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

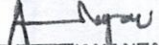
After hearing the Case, the Commission recommended the followings:-

The District Collector, Chanadrapur, Maharashtra

1. To provide a copy of the lease agreement and the subsequent renewal documents.
2. To provide documents pertaining to any communication with the tribal people/petitioner in this matter.
3. To provide the documents pertaining to the partition of Rajura Tehsil and Jivti Tehsil.
4. To provide a clarification as to why the Tehsil was not changed after the partition of the Tehsils in the renewal documents.
5. To provide details of revenue generated by the Company's plant in the area from 1979 till date.
6. To provide the details of compensation paid from 1979 till now with regards to the lease deed and subsequent renewals.
7. To provide a copy of any Memorandum of Understanding between the Company and the tribal people.
8. To provide a copy of the order of National Company Law Tribunal, Mumbai in case no. 4236/2019.
9. To provide a copy of the environmental impact assessment report since the set-up of the said plant of Manikgarh Cement Company.

After studying the documents, if the Commission finds it necessary, the Commission will make a field visit.

Action Taken Report(ATR) with compliance of the Recommendations must be submitted within a period of 15 days.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
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NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

(Annexure)

F. No. NCST/DEV-730/MH/4/2022-ESDW

List of Participants:-

National Commission for Scheduled Tribes		
S. No.	Name	Designation
1.	Shri Ananta Nayak	Hon'ble Member
2.	Dr. Jayant Sarode	Director
3.	Shri H.R. Meena	Research Officer
4.	Miss Ayushi Jain	Young Professional (Legal)
5.		
The Collector & District Magistrate, District – Chandrapur, Maharashtra		
S. No.	Name	Designation
1.	Shri Vinay Gowda G. C.	Collector
2.		
Petitioners		
S. No.	Name	Designation
1.	Shri Vinod Kavduji Khobragade	Petitioner
2.	Shri Anandrao M. Meshram	Petitioner
3.	Shri Bharat K. Atram	Petitioner