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**Government of India**  
**[कृषि विभाग];**  
**Ministry of Mines**

**[कृषि विभाग] विज्ञापन**  
**[क.म.37] खंड 1**  
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**INDIAN BUREAU OF MINES**

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## SECTION-1

### 1. MINERAL LEGISLATION

#### A. Amendments/ Notifications:

**1) Ministry of Mines, F. No. M.I-4/1/2019-Mines I.** — In continuation of this Ministry's Resolution No. 4(2)97-M.I dated 12.03.2009, 08.06.2009, No. 4(6)/2013-M.I dated 07.05.2013 and No. M.I-4/1/2017-Mines I dated 10.12.2018 regarding reconstitution of the Central Geological Programming Board (CGPB) and its twelve committees, it has been decided that the National Mineral Exploration Trust (NMET) under Ministry of Mines has been included in the Board and its following five Committees:

- i. Committee-I: Ferrous Minerals (Iron, Manganese & Chromite, etc.)
- ii. Committee-II: Precious Metal & Minerals (Gold, Platinum Group of Elements, Diamond & Precious Stones)
- iii. Committee-III: Non-Ferrous and Strategic Minerals (Basemetal, Tin, Tungsten, Bauxite, etc.)
- iv. Committee-IV: Industrial & Fertilizer Minerals
- v. Committee-V: Energy Minerals & Resources (Coal, Lignite & Geothermal)

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*Source: The Gazette of India, Extraordinary, Part I Sec.1, dated 17<sup>th</sup> May. 2019*

**2) Ministry of Mines, G.S.R. 570(E).** — In exercise of the powers conferred by section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules to amend the Mineral Conservation and Development Rules, 2017, namely:-

2. (1) These rules may be called the Mineral Conservation and Development (Amendment) Rules, 2019.  
(2) They shall come into force on the date of their publication in the Official Gazette.
3. In the Mineral Conservation and Development Rules, 2017, in rule 35,
  - (i) for sub-rule (4), the following sub-rule shall be substituted, namely:-

“(4) The Regional Controller or the authorised officer of the Indian Bureau of Mines may suspend the mining operations in those mines where at least three star rating has not been achieved within a period of four years with effect from the 27th February, 2017 or four years from the date of commencement of mining operations, as the case may be, after giving a show cause notice of forty-five days, to qualify for star rating”;
  - (ii) In sub-rule (5), for the words “four star rating”, the words “three star rating” shall be substituted.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 13<sup>th</sup> August, 2019*

**3. Ministry of Mines, G.S.R. 595(E).** — In exercise of the powers conferred by section 35 of the Offshore Areas Mineral (Development and Regulation) Act, 2002, the Central Government hereby makes the following rules to amend the Offshore Areas Mineral Concession Rules, 2006, namely:—

1. (1) These rules may be called the Offshore Areas Mineral Concession (Amendment) Rules, 2019.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Offshore Areas Mineral Concession Rules, 2006, after rule 3, the following rule shall be inserted, namely:—

**“3A. Prohibition on grant of permit, licence or lease in respect of atomic minerals.—**  
No reconnaissance permit, exploration licence or production lease of atomic minerals shall be granted to any person, except the Government or a Government Company or a Corporation owned or controlled by the Government”.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 23<sup>rd</sup> August, 2019*

**4) Ministry of Mines Notification, G.S.R. 621(E).** — In exercise of the powers conferred under sub-section (3) of section 9 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following amendments further to amend the Second Schedule of the said Act, namely:-

2. In the Mines and Minerals (Development and Regulation) Act, 1957, for the Second Schedule, the following Schedule shall be substituted, namely:-

## SECOND SCHEDULE

(See section 9)

### RATES OF ROYALTY IN RESPECT OF MINERALS

Sl. No.	Name of mineral with grade	In Rs. per tonne (where applicable for auctioned mines)	Advalorem in percentage of average sale price except where otherwise stated (for auctioned mines)	In Rs. per tonne (where applicable for mines allotted without auction)	Advalorem in percentage of average sale price except where otherwise stated (for mines allotted without auction)
(1)	(2)	(3)	(4)	(5)	(6)
1	Apatite and Rock Phosphate  (i) Apatite (ii) Rock Phosphate (a) Above 25% P <sub>2</sub> O <sub>5</sub> (b) Up to 25% P <sub>2</sub> O <sub>5</sub>		4.5%  11.5% 5.5%		5%  12.5% 6%
2	Asbestos  (a) Chrysotile  (b) Amphibole	Rs. 786/- per tonne	13.5%	Rs. 880/- per tonne	15%

3	Bauxite (i) Bauxite dispatched for use in alumina and aluminium metal extraction		0.54% of London Metal Exchange Aluminium metal price chargeable on the contained aluminium metal in ore		0.60% of London Metal Exchange Aluminium metal price chargeable on the contained aluminium metal in ore
	(ii) Bauxite dispatched for use other than alumina and aluminium metal extraction		22.5%		25%
4	Brown Ilmenite (Leucoxene) Ilmenite, Rutile and Zircon		2.0%		2.0%
5	Cadmium		13.5%		15%
6	Chromite		13.5%		15%
7	Columbite-tantalite		9.0%		10%
8	Copper		4.13% of London Metal Exchange Copper metal price chargeable on the contained copper metal in ore produced		4.62% of London Metal Exchange Copper metal price chargeable on the contained copper metal in ore produced
9	Diamond (a) Gem variety		10.5% of Average sale price on ad valorem basis		11.5% of Average sale price on ad valorem basis
	(b) Industrial Variety		10.5% of the average sale price on ad valorem basis		11.5% of the average sale price on ad valorem basis
10	Fluorspar (also called fluorite)		7.5%		8%
11	Garnet (a) Abrasive		4%		4%
	(b) Gem		9.0%		10%

12	<p>Gold</p> <p>(a) Primary</p> <p>(b) By-product gold</p>		<p>3.58 % of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the gold metal in ore produced.</p> <p>2.95% of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the by-product gold metal actually produced</p>		<p>4% of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the gold metal in ore produced.</p> <p>3.3% of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the by-product gold metal actually produced</p>
13	<p>Graphite</p> <p>(a) With 80% or more fixed carbon</p> <p>(b) With 40% or more fixed carbon but less than 80% fixed carbon</p> <p>(c) With 20% or more fixed carbon but less than 40% fixed carbon</p> <p>(d) With less than 20% fixed carbon</p>	<p>Rs. 201/- per tonne</p> <p>Rs. 134/- per tonne</p> <p>Rs. 59/- per tonne</p> <p>Rs. 23/- per tonne</p>		<p>Rs. 225/- per tonne</p> <p>Rs. 150/- per tonne</p> <p>Rs. 65/- per tonne</p> <p>Rs. 25/- per tonne</p>	



<b>14</b>	Iron Ore				
	(a) Hametite Ore- 45% Fe (Min.)		13.5%		15%
	(b) Hematite Siliceous Ore-35% Fe (Min.)		9 %		9 %
	(c) Magnetite Ore – 15% Fe (Min.)		9 %		9%
	(d) Concentrate prepared by beneficiation and /or concentration of low grade ore containing 40% Fe or less		3%		3%
<b>15</b>	Kyanite		11%		12%
<b>16</b>	Lead: (a) Contained lead metal in ore produced		7.59% of London Metal Exchange Lead metal price chargeable on the contained lead metal in ore produced		8.5% of London Metal Exchange Lead metal price chargeable on the contained lead metal in ore produced
	(b) Contained lead metal in concentrate produced		12.95% of London Metal Exchange Lead metal price chargeable on the contained lead metal in ore produced		14.5% of London Metal Exchange Lead metal price chargeable on the contained lead metal in ore produced
<b>17</b>	Limestone (a) L.D. Grade (less than 1.5 percent silica content)	Rs. 81/- per tonne		Rs. 90/- per tonne	
	(b) Others	Rs.72/- per tonne		Rs.80/- per tonne	
<b>18</b>	Limeshell	Rs. 72/- per tonne		Rs. 80/- per tonne	
<b>19</b>	Magnesite		3%		3%
<b>20</b>	Manganese Ore (a) Ore of all grade		4.5%		5.0%
	(b) Concentrates		1.55%		1.7%
<b>21</b>	Marl	Rs. 54/- per tonne		Rs. 60/- per tonne	
<b>22</b>	Monazite	Rs. 112/- per tonne		Rs. 125/- per tonne	

23	Nickel		0.11 % of London Metal Exchange Nickel metal price chargeable on the contained nickel metal in ore produced		0.12 % of London Metal Exchange Nickel metal price chargeable on the contained nickel metal in ore produced
24	Perlite		11 %		12%
25	Pyrites		2%		2%
26	Ruby		9%		10%
27	Selenite		11%		12%
28	Sillimanite		2.5%		2.5%
29	Silver: (a) By-product  (b) Primary Silver		6.5% of London Metal Exchange price chargeable on by-product silver metal actually produced.  4.5% of London Metal Exchange Silver metal price chargeable on the contained silver metal in ore produced.		7% of London Metal Exchange price chargeable on by-product silver metal actually produced.  5.0% of London Metal Exchange Silver metal price chargeable on the contained silver metal in ore produced
30	Tin		6.7% of London Metal Exchange Tin metal price chargeable on the contained tin metal in ore produced		7.5% of London Metal Exchange Tin metal price chargeable on the contained tin metal in ore produced
31	Tungsten	Rs.18/- per unit percent of contained WO <sub>3</sub> per tonne of ore and on pro rata basis.		Rs.20/- per unit percent of contained WO <sub>3</sub> per tonne of ore and on pro rata basis.	
32	Uranium		1.8% of annual compensation amount received by M/s. Uranium Corporation of India Limited, to be apportioned among the States on the basis of data provided by the Department of Atomic Energy		2.0% of annual compensation amount received by M/s. Uranium Corporation of India Limited, to be apportioned among the States on the basis of data provided by the Department of Atomic

33	Vanadium		18%		20%
34	Vermiculite		4.5%		5%
35	Wollastonite		13.5%		15%
36	Zinc		8.49% of London Metal Exchange Zinc metal price on ad valorem basis chargeable on contained zinc metal in ore produced  8.93 % of London Metal Exchange Zinc metal price on ad valorem basis chargeable on contained zinc metal in concentrate produced		9.5% of London Metal Exchange Zinc metal price on ad valorem basis chargeable on contained zinc metal in ore produced  10% of London Metal Exchange Zinc metal price on ad valorem basis chargeable on contained zinc metal in concentrate produced
37	All other minerals not herein before specified		11% of the sale price on ad valorem basis		12% of the sale price on ad valorem basis
38	Coal including lignite	*	*	*	*
39	Sand for stowing	**	**	**	**

1. \*Rates of royalty in respect of item at Sl. No. 38 relating to coal including lignite as revised vide notification number G.S.R. 349(E), dated the 10th May, 2012 read with vide corrigendum number G.S.R. 525(E), dated the 14th June, 2012 of the Government of India in the Ministry of Coal shall remain in force until revised through a separate notification by the Ministry of Coal.
2. \*\*Rates of royalty in respect of item at Sl. No.39 relating to Sand for stowing revised vide notification number. G.S.R. 214(E), dated the 11th April, 1997, shall remain in force until revised through a separate notification by the Ministry of Coal".

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Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 2<sup>nd</sup> September, 2019

**5) Ministry of Mines, G.S.R. 622(E).** — In exercise of the powers conferred under sub-section (2) of section 9A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following amendments to further amend the Third Schedule of the said Act, namely:-

2. In the Mines and Minerals (Development and Regulation) Act, 1957, for the Third Schedule, the following Schedule shall be substituted, namely:-

**“THIRD SCHEDULE  
(See section 9A) Rates of Dead Rent**

Concept of charging of dead rent shall not be applicable in cases of mines which are granted through auction mechanism. The following rates and structure for dead rent shall be applicable for the mines which are granted other than auction route, namely:-

1. Low value minerals:

(In Rs. Per Hectare Per

Annum)

From 4th Year of Lease	5th and 6th Year of Lease	7th Year of lease
800	2000	4000

2. Two times the rate specified in paragraph 1 above in case of medium value minerals.

3. Three times the rate specified in paragraph 1 above in case of lease granted for high value minerals.

4. Four times the rate specified in paragraph 1 above in case of lease granted for precious metals and stone.

**Note :** For the purpose of this notification:-

- (a) “precious metals and stones” means gold, silver, diamond, ruby, sapphire and emerald;
- (b) “high value minerals” means semi-precious stones (agate, gem, garnet), corundum, copper, lead, zinc, and asbestos (chrysotile variety);
- (c) “medium value minerals” means chromite, manganese ore, kyanite, sillimanite, vermiculite, magnesite, wollastonite, perlite, diaspore, apatite, rock phosphate, fluorite (fluorspar), barytes, and iron ore;
- (d) “low value minerals” means the minerals other than precious metals and stones, high value minerals and medium value minerals”.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 2<sup>nd</sup> September, 2019*

**6) Ministry of Mines G.S.R. 634 (E).** — In exercise of the powers conferred under sub-section (3) of section 9 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Mines, published in the Gazette of India, Part II, Section 3, Sub-section (i), vide number G.S.R. 621(E), dated the 2nd September, 2019 with effect from 2nd September, 2019.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 5<sup>th</sup> September, 2019*

**7) Ministry of Mines, G.S.R. 635 (E).** — In exercise of the powers conferred under sub-section (2) of section 9A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Mines, published in the Gazette of India, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 622(E), dated the 2nd September, 2019 with effect from 2nd September, 2019.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 5<sup>th</sup> September, 2019*

**8) Ministry of Mines G.S.R. 674 (E).** — In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, namely:—

1. (1) These rules may be called the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, in rule 44, (a) in clause (i), under sub-heading Average sale price of metal,—

(A) for the words “and Zinc”, the words “Zinc, and such other metals” shall be

substituted;

(B) after the words “Reserve Bank of India” the words “or any agency authorised

by the Reserve Bank of India” shall be inserted.

(b) in clause (ii), for the words “and Silver”, the words “Silver and such other metals” shall be substituted.

(c) in rule 45, under the sub-heading Formula for calculating average sale price of metallurgical grade Bauxite to be used in alumina and aluminium extraction, Limestone, Tungsten, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) The State Government shall arrive at the average sale price of metallurgical grade Bauxite in the following manner:

**Average Sale Price** = 52.90% X Percentage of Al<sub>2</sub>O<sub>3</sub> in bauxite on dry basis X Average Aluminium price in Indian rupees for the month as published by IBM X Conversion factor as notified by the Central Government.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 20<sup>th</sup> September, 2019*

**9) Ministry of Mines, G.S.R. 675 (E).** — In pursuance of sub-rule (1) of rule 45 of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, the Central Government hereby notifies the Conversion factor for calculation of Average Sale Price of metallurgical grade Bauxite as under, namely:—

**“Conversion factor = 6.40%”**

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 20<sup>th</sup> September, 2019*

**10) Ministry of Mines, Notification, G.S.R. 695(E).** — In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules to amend the Mineral (Mining by Government Company) Rules, 2015, namely:-

1. (1) These rules may be called the Mineral (Mining by Government Company) Amendment Rules, 2019.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Mineral (Mining by Government Company) Rules, 2015,
  - (a) in rule 3, in sub-rule (2), for the words “may, for reasons to be recorded”, the words “shall, for reasons to be recorded” shall be substituted;
  - (b) in rule 4, in sub-rule (3), for the words “may, for reasons to be recorded”, the words “shall, for reasons to be recorded” shall be substituted.

*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 27<sup>th</sup> September, 2019*

**11) Ministry of Mines Notification, G.S.R. 697 (E).**—In exercise of the powers conferred by sub-section (1A) of section 17A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government, after consultation with the State Government of Chhattisgarh hereby reserves an area of 646.596 hectares in Bailadila reserve forest, Deposit No. 4, District South Bastar, Chhattisgarh for mineral iron ore for undertaking prospecting or mining operations through M/s National Mineral Development Corporation – Chhattisgarh Mineral Development Corporation Limited (NCL), a joint venture of National Mineral Development Corporation Limited (a Central Government Public Sector Undertaking under the administrative control of Ministry of Steel), and Chhattisgarh Mineral Development Corporation Limited (a Government of Chhattisgarh Public Sector Undertaking), for a period of five years lying within the boundary (demarcated by latitude and longitude) of such reserve area as specified below:-

Name of Mineral	Location	Area	Pillar	Longitude	Latitude
Iron ore	Bailadila reserve forest, deposit No. 4, District, South Bastar, Chhattisgarh	646.596 hecets	A	81° 12' 10.40"	18° 43' 45.70"
			B	81° 13' 10.80"	18° 43' 40.90"
			C	81° 13' 08.80"	18° 43' 05.90"
			D	81° 13' 05.50"	18° 43' 05.80"
			E	81° 12' 57.30"	18° 41' 27.70"
			F	81° 12' 28.80"	18° 41' 52.90"
			G	81° 11' 57.70"	18° 41' 58.70"

*Source: The Gazette of India, Extraordinary, Part II Sec. 3(i), dated 30<sup>th</sup> September, 2019*

**12) Ministry of Commerce and Industry (Department of Commerce) S.O. 1547(E).**—

In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Mitra S.K. Private Limited, Office - 12, 1<sup>st</sup> Floor, Chase Chambers, Swanatra Path, Vasco Da Gama, Goa – 403802, (hereinafter referred to as the said Agency) as an agency for a period of three years from the date of publication of this notification in the official Gazette, for the inspection of Iron Ore specified at serial number 2 under the heading Minerals and Ores - Group – I, in the Schedule to the notification of

the Government of India in the Ministry of Commerce published in the official Gazette vide number S.O. 3975 dated the 20<sup>th</sup> December, 1965, prior to export of the said Ores at Mormugao Port, subject to the following conditions, namely: -

- (i) the said agency shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of Inspection followed by them in carrying out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965; and
- (ii) the said agency shall, in performance of its function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

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*Source: The Gazette of India, Extraordinary, Part II Sec. 3(ii), dated 2<sup>nd</sup> April, 2019*

**13) Ministry of Commerce and Industry (Department of Commerce) (Directorate General of Trade Remedies) Initiation Notification Case No. (O.I.) 04/2019 —**

**Subject: Initiation of Anti-dumping investigation on the imports of “Aluminium and Zinc coated flat products” originating in or exported from China PR, Vietnam and Korea RP.**

**F. No. 6/4/2019-DGTR.**—M/s. JSW Steel coated Products Limited, (hereinafter referred to as “petitioner/Applicant”) has filed an application before the Designated Authority (hereinafter also referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped articles and for Determination of injury) Rules, 1995 as amended from time to time (hereinafter also referred to as the Rules) for initiation of anti-dumping investigation and imposition of antidumping duty concerning imports of flat rolled product of steel, plated or coated with alloy of Aluminum and Zinc, from China PR, Vietnam and Korea RP (hereinafter also referred to as the ‘subject countries’).

**Product under consideration**

2. The product under consideration (PUC) for the purpose of present investigation is :  
“Flat rolled product of steel, plated or coated with alloy of Aluminium and Zinc. This alloy of Aluminium and Zinc may contain one or more additional elements which in individual or in combination shall not exceed 3% by weight.”
3. The PUC may be in coil form or not in coil form whether or not plain, corrugated or in profiled form. The PUC may be skin-passed / processed on temper-mill or non-skin-passed whether or not surface treated with or without additional non-metallic coating. PUC may be supplied in various trade names including but not limited to Alu-Zinc, Al-Zn, Zinc Aluminum, Aluminum Zinc, Zinalume, Galvalume etc.
4. The PUC offers resistance to corrosion, and is used in many applications and sectors including but not limited to infrastructure projects, solar power projects, roofing, walling decking, cladding and framing, white goods and appliances, furniture and substrate for colour coated steel.

5. PUC does not include the following products: -
  - i. Flat rolled steel products coated with Zinc without addition of Aluminium;
  - ii. Flat rolled colour coated steel products.
6. The PUC falls under tariff items 72106100, 72125090, 72259900 and 72269990 of the Customs Tariff Act, 1975. The PUC is also being imported under other Customs Tariff Items 72101290, 72103090, 72104900, 72106900, 72107000, 72109090, 72121090, 72122090, 72123090, 72124000, 72169910, 72255010, 72259100, 72259200, 72269930 etc. The customs classification is indicative only and is in no way binding on the scope of the present investigation.

### **Like Article**

7. Rule 2(d) with regard to like article provides as under: -

*"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;*
8. The petitioner has submitted that the PUC produced by the petitioner company and the PUC imported from the subject countries are like articles. There is no known difference between the PUC exported from subject countries and that produced by the petitioner. PUC produced by the petitioner and imported from subject countries is comparable in terms of essential product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. Consumers can use and are using the two interchangeably. The two are technically and commercially substitutable, and hence, should be treated as 'like article' under the Rules.
9. Therefore, for the purpose of the present investigation, the subject goods produced by the petitioner in India are being treated as 'Like Article' within the meaning of the Rule 2 (d) to the subject goods being imported from the subject countries.

### **Domestic Industry & standing**

10. The Application has been filed by M/s JSW Steel Coated Products Limited, as domestic industry of the product under consideration. According to the Petitioner, they are the major producer of the PUC in India, account for more than 60% of the total production in India. The petitioner has certified that there are no imports of the product under consideration by the petitioner or any of its related party from the subject countries and they are not related either to any exporter or producer of the PUC in the subject countries or any importer of the PUC in India.
11. Apart from the petitioner, there are three other producers of the PUC in India, namely, M/s. Tata BlueScope Steel Private Limited, M/s. Tata Steel BSL Limited and M/s. Asian Colour Coated Ispat Limited. M/s. However, M/s. Asian Colour Coated Ispat Limited has not produced the PUC from 2017 onwards.
12. The Authority, therefore, determines that the petitioner who presently holds a "major proportion" of the total domestic production, constitutes an eligible domestic industry in



terms of Rule 2 (b) and also satisfies the criteria of standing in terms of Rule 5 (3) of the Rules.

### **Countries involved**

13. The countries involved in the present investigation are China PR, Vietnam and Korea RP.

### **Normal Value**

14. The petitioner has claimed that China PR and Vietnam should be treated as a non-market economy countries and normal value in case of China PR and Vietnam should be determined in accordance with para-7 of Annexure I of the Rules. The petitioner has claimed normal value for the two countries on the basis of cost of production in India, duly adjusted.
15. The Petitioner has also submitted that there are significant market distortions prevailing in the steel industry in China PR due to significant state influence, etc. The petitioner has requested the Authority not to accept the costs and prices prevailing in China PR for determining the normal value unless producers/ exporters in China PR are able to demonstrate that their costs and prices are not distorted. The Petitioner has also submitted that European Commission in its recently published report has examined the market distortions that exist in specific sectors in China PR and has found that there exists countrywide market distortions related to land, energy, capital, raw materials and labour in China PR.
16. Accordingly, while submitting the questionnaire response producers/exporters from China PR and Vietnam have to demonstrate prevalence of market condition related to manufacturing, production, and sales of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter from China PR and Vietnam, may clarify and provide sufficient information on the following:
  - a) Decision in regard to price, cost, input including raw material, cost of technology and labour, output, sales and investment, are without significant state interference and whether cost of major inputs substantially reflect market value.
  - b) Production costs and financial situation does not suffer from any distortion.
  - c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
  - d) Exchange rate conversions are carried out at the market rate.
17. Further, the petitioner has constructed the normal value for Korea RP based on the domestic price of Hot Rolled Coil prevailing in Korea RP and other raw material cost, conversion cost and other expenses as incurred by the Applicant in India duly adjusted for reasonable profit. The Authority has, therefore, for the purpose of the initiation, decides to proceed with the normal value as constructed by the petitioner.

**Export Price**

18. The applicant has computed the export price on the basis of data published by DGCI&S, Kolkata. Price adjustments have been claimed on account of ocean freight, marine insurance and port handling expenses, inland freight, bank charges, commission/traders profit, and non-refundable VAT (in case of China PR only). There is sufficient prima facie evidence with regard to the net export prices claimed by the petitioners.

**Dumping Margin**

19. The normal value and the export price have been compared at ex-factory level, which prima facie show significant dumping margin in respect of the subject goods from the subject countries. There is sufficient prima facie evidence that the normal value of the subject goods in the subject countries is higher than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by the exporters from the subject countries.

**Injury and Causal Link**

20. Information furnished by the petitioner has been considered for assessment of injury to the domestic industry. The petitioner has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption in India, price suppression, price underselling, capacity utilisation, profitability, cash profits and return on capital employed. There is sufficient prima facie evidence of the 'injury' being suffered by the domestic industry caused by dumped imports from subject countries to justify initiation of an antidumping investigation.

**Initiation of Anti-Dumping investigations**

21. And whereas the Authority prima facie finds that sufficient evidence of dumping of the subject goods, originating in or exported from the subject countries; injury to the domestic industry and causal link between the alleged dumping and injury exist to justify initiation of an anti-dumping investigation, the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of Rule 5 of the Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which if levied, would be adequate to remove the 'injury' to the domestic industry.

**Period of Investigation**

22. The period of investigation (POI) for the present investigation is from 1st October 2017 to 30th September 2018. The injury investigation period will, however, cover the periods April 2015-March 2016, April 2016-March 2017, April 2017-March 2018 and the POI.

**Submission of information**

23. The known exporters in the subject countries and their Government through their Embassies in India, importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time limit set out below.

24. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time limit set out below. The information/submissions may be submitted to:

**The Designated Authority,  
Directorate General of Trade Remedies,  
Ministry of Commerce & Industry,  
Department of Commerce  
Government of India  
4th Floor, Jeevan Tara Building, 5, Parliament Street,  
New Delhi-110001**

25. Any party making any confidential submission before the Authority is required to make a nonconfidential version of the same available to the other parties.

**Time Limit**

26. Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 days) from the date of the publication of initiation notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Rules.
27. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application within forty days (40 days) from the date of the publication of initiation notification. The information must be submitted in hard copies as well as in soft copies.

**Submission of information on confidential basis**

28. The parties making any submission (including Appendices/Annexure attached thereto), before the authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:
- i. one set marked as Confidential (with title, number of pages, index, etc.), and
  - ii. the other set marked as Non-Confidential (with title, number of pages, index, etc.).
29. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority and the Authority shall be at liberty to allow the other interested parties to inspect such submissions. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in four (4) sets of each.
30. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.
31. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarised depending upon the information on which confidentiality is

claimed. The non confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarisation is not possible must be provided to the satisfaction of the Authority.

32. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, it may disregard such information.
33. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
34. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

#### **Inspection of Public File**

35. In terms of Rule 6(7) of the AD Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

#### **Non-cooperation**

36. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

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*Source: The Gazette of India, Extraordinary, Part I Sec.1, dated 2<sup>nd</sup> April, 2019*

#### **B. Court Decisions:**

1. **State of Gujarat and etc., Appellants v. Jayeshbhai Kanjibhai Kalathiya etc., Respondents, AIR 2019 Supreme Court 1213, Vol. 106, Part 1264, April, 2019.**

#### **Subject:**

Appeal filed against the High Court judgment (struck down the Rule 44BB and Rule 71 of the Gujarat Minor Mineral Concession Rules, 2010 as ultra vires).

#### **Facts:**

Respondent had been awarded contract for one year to extract, collect, gather and remove ordinary sand from the river Tapi falling within certain area at village Amboli, Taluka Kamrej, Surat. The sand being a mine and mineral, it is the State Government which is empowered to grant such leases. After the excavation of sand, a part thereof was subjected to further processing by addition of fly ash and the other part was sold as sand outside the State of Gujarat. Second petition was filed by ten petitioners (respondents in the second appeal). They are in the business of processing ordinary river sand after buying it from leaseholders. The process involves washing, cleaning and mixing fly ash to convert it into IS-Zone-2S-sand, which is then sold in 50 kg bags under a brand name. These respondents supply that sand to builders in the State of Maharashtra.

It is clear from the aforesaid that sand, after processing, is sold outside the State of Gujarat. The challenge laid in the writ petitions was against the Resolution No. GMR-102010-1-S-CHH dated May 04, 2010 whereby all leaseholders, stockists, traders and exporters were prohibited from exporting ordinary sand excavated from the areas in the State of Gujarat to other States within the country or other countries by transporting such sand outside the State or the country. When these writ petitions were pending consideration, the Government of Gujarat issued a Notification on June 11, 2010 thereby amending the Gujarat Minor Mineral Rules, 1966 by making the Gujarat Minor Mineral (Amendment) Rules, 2010 with the insertion of Rule 44-BB, with immediate effect. This amendment was done in purported exercise of powers conferred under Section 15 read with Section 23-C of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the 'MMDR Act'). By way of Rule 44-BB, movement of sand beyond the border of the State of Gujarat was prohibited.

Within two months thereafter, i.e. on August 26, 2010, the State of Gujarat also notified the Gujarat Minor Mineral Concession Rules, 2010 so as to repeal the Gujarat Minor Mineral Rules, 1966. Rule 71 of the new Rules was to the same effects as Rule 44-BB.

This led the respondents to amend the writ petitions thereby incorporating challenge to Rule 44-BB of Amendment Rules as well as Rule 71 of the Concession Rules. The High Court has, vide impugned judgment, allowed the writ petitions and struck down the aforesaid Rules as ultra vires on the ground that the rule making power of the State Government does not empower and cannot be stretched to empower the State Government to make Rules directly prohibiting movement of mineral so as to impinge upon the freedom guaranteed by Article 301 of the Constitution. It may be noted here itself that a Division Bench of the Andhra Pradesh High Court in *C. Narayana Reddy and etc. v. Commissioner of Panchayat Raj and Rural Employment, Andhra Pradesh, Hyderabad and others* had taken a contrary view. Likewise, the Madras High Court had also decided this issue vide its judgment dated April 27, 2009 in *D. Sivakumar v. Government of Tamil Nadu* by taking similar view as that of the Andhra Pradesh High Court. In the impugned judgment, the Gujarat High Court has, however, differed with the Andhra Pradesh and Madras High Courts. Having regard to the conflicting opinion of the High Courts, leave was granted in this matter. This is how the instant appeals came to be heard finally by this Court.

According to the High Court, delegation of powers to the State Government under the aforesaid provisions does not include or envisage restriction on inter-State trade, commerce and intercourse which shall be free. Thus, the impugned rules are held to be ultra vires the provisions of Section 15 and 23-C of the MMDR Act. They are also held to be violative of Article 301 of the Constitution.

The Learned Counsel for the State of Gujarat submitted that scope of language used in Section 15(1) of the MMDR Act was extremely wide as per which the Parliament had delegated to the States entire power to make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith. To support the above plea, he invited the attention of this Court to the judgment in *D.K. Trivedi & Sons and Others v. State of Gujarat and Others* (AIR 1986 SC 1323) wherein this Court considered the power of the State Governments to make rules under the said Section 15 to enable them to charge dead rent and royalty in respect of leases of minor minerals granted by them and to enhance the rates of dead rent and royalty during the subsistence of such leases – a power exercised by the State to govern conditions subsequent to the grant of the lease. After tracing the legislative history in respect of minor minerals, it

was observed that by virtue of the Act the whole of the field was taken over by Parliament and thereafter all powers in respect of minor minerals had been delegated to the State Governments. The Court also observed, inter alia, that the power to regulate minor minerals under Section 15 is extremely wide; that control over minor minerals fell exclusively within the domain of the State Governments; that minor minerals have historically been viewed by the Legislature, both pre and post Independence, as being for the use of local areas and local purposes; and it is left to the State Governments 5 1986 Supp SCC 20 to prescribe such restrictions as they think fit by rules made under Section 15(1).

It is also argued that a three Judge Bench of this Court in *Uttar Pradesh Power Corporation Limited v. National Thermal Power Corporation Limited and Others* (AIR 2004 SC 3697) has reiterated the view that the power of regulation conferred upon an authority is not spent or exhausted with the grant of permission. He relied upon the judgments in *Hind Stone and K. Ramanathan v. State of Tamil Nadu and Another* (AIR 1981 SC 711) wherein this Court reiterated that the word 'regulate' must be given the widest amplitude. He submitted that in *K. Ramanathan's* case this Court was considering the validity of an order issued by the State Government under the Essential Commodities Act banning the transport of paddy outside the State. It is further submitted that the above observations and the expansive interpretation given to the power of regulation in both the aforesaid cases have been approved by a Constitution Bench of this Court in *U.P. Cooperative Cane Unions Federations v. West U.P. Sugar Mills Association and Others* (AIR 2004 SC 3697). On the basis of the aforesaid judgments, submission of The Learned Counsel was that this Court has consistently held that power to regulate was of widest amplitude and, therefore, it would encompass power to regulate the movement of minor minerals as well, including the condition not to transport the excavated sand outside the State of Gujarat in the lease itself. Another submission of the learned counsel was that power to frame such a rule can be traced to Section 15(1A)(d) of the MMDR Act. This section empowers the State Government to impose conditions in a mining lease and, therefore, would include the power to impose all such conditions as flow from the ownership of the minerals.

Learned Additional Solicitor General, for Union of India has argued that there is no such power even with the Union of India to frame rules of the nature impugned in these proceedings as these would be offensive of Article 301 of the Constitution. Therefore, under no circumstances, such a power can vest with the State Government. It is argued that Section 15 which empowers the State Government to make rules in respect of minor minerals does not extend to the regulation of already excavated minor minerals under the terms and conditions of a mining lease. This is made clear by the three Judge Bench in *M.P.P. Kavary Chetty* (AIR 1995 SC 858). The learned Additional Solicitor General further argued that a prohibition can be imposed on mining under certain circumstances or on the grant of leases under the aforesaid Act but not on transportation de hors illegal mining.

The learned Additional Solicitor General submitted that Section 23-C was inserted with specific object to curb 'illegal mining'. Therefore, the words 'transportation' and 'storage' occurring therein would take their colour from the expression 'illegal mining' on the principle of *noscitur a sociis*. That was clear from the Statement of Objects and Reasons as well. The learned counsel has submitted that the High Court rightly concluded that there was lack of power with the State Government to make such a provision which could neither be traced to Sections 15, 15(1A) or 23 of the MMDR Act.

**Point of issues:**

- (a) Whether the impugned rules framed by the State of Gujarat as a delegate of Parliament are beyond the powers granted to it under the MMDR Act? In other words, whether the impugned rules are ultra vires Sections 15, 15A and 23-C of the MMDR Act?
- (b) Whether the impugned rules are violative of Part XIII of the Constitution of India?

**Decision:**

As far as issue No. (a) is concerned, the Supreme Court has stated that the prohibiting of the leases in certain cases is part of the regulation contemplated by Section 15 of the Act. On the other hand, the prohibition on the transport or sale of the already mined minerals outside the State has no direct nexus with the object and purpose of the MMDR Act which is concerned with conservation and prudent exploitation of minerals. Insofar as Section 23-C of the MMDR Act is concerned, it was inserted by the Amendment Act of 1999 with the objective to prevent illegal mining.

As far as Issue No. (b) is concerned, the Supreme Court has opined that the impugned rules violate Part XIII of the Constitution as the effect thereof is to fetter the freedom of trade, commerce and intercourse under Article 301 of the Constitution. Under this Article, the expression 'freedom' must be read with the expression 'throughout the territory of India'. Under Article 302, Parliament may impose restrictions on the freedom of trade, commerce or intercourse between one State and another as may be required in the public interest. The expression 'public interest' may include a regional interest as well. However, Article 302 is qualified by Article 303 which prohibits Parliament and the State Legislatures from making any law that gives preference to one State over another or discriminates between one State and another. Situations of scarcity are to be dealt with by Parliament under Article 302(2). The power of State Legislature to impose reasonable restrictions on the freedom of trade, commerce or intercourse, as may be required in the public interest, requires such a Bill or amendment to be moved in the State Legislature only after receiving previous sanction from the President. The President, being the head of the State and the guardian of the federation, must be satisfied that such a law is indeed required and, thus, acts as a check on the promotion of provincial interests over national interest. Going by the aforesaid scheme of this Chapter, it becomes apparent that when there are such restrictions on a State Legislature, then the State Government could not have imposed such a prohibition under a statute whose object is to regulate mines and mineral development, and not trade and commerce per se.

The Supreme Court has stated that once the appellant State permits sand to be excavated, neither can it legally restrict its movement within the territory of India nor is the same constitutionally permissible. Likewise, there is no restriction on the State importing sand from other states. If it is the case that the demand of any State is not being met, it may purchase sand from other states. In any event, the market will dictate trade in sand inasmuch as it may make no business sense for mining company to transport and sell its sand in a far away destination after incurring large costs on transportation. The Supreme Court has stated that answer both the questions are against the appellants.

As a result, the Hon'ble Supreme Court has affirmed the impugned judgement of the Gujarat High Court and dismissed these appeals.

Appeal dismissed.

**2. Rajkumar Sahu, Petitioner v. State of Madhya Pradesh and Others, Respondents, AIR 2019, Madhya Pradesh 92, Vol. 106, Part 1265, May, 2019.**

**Subject :**

Challenging the constitutional validity of Rule 53 of the M.P. Minor Mineral Rules, 1996.

**Facts:**

This petition has been referred to a Larger Bench to reconsider the conclusions recorded by the Full Bench of this Court in the case of Nitesh Rathore and another v. State of M.P. and others, (AIR 2019 MP 11) in respect of Issue Nos. 5 and 6 framed and answered thereunder, which are as follows:-

"(5) Whether in terms of Sub-rule (2) of Rule 53 of the 1996 Rules, which deals with forfeiture of minerals in cases of illegal extraction and transportation and in terms of Sub-rule (3)(a) and (b) of Rule 53 thereof, which deals with forfeiture/discharge of the seized machines, tools and vehicles, the Competent Authority has a 2 AFR WP No.20831/2018 & others discretion for forfeiture of tools, machines, vehicles and other material so seized, without giving an opportunity to the violator to pay penalty in terms of Sub-rule (1) of Rule 53 of the 1996 Rules?

(6) Whether in view of Sub-rule (3)(b) of Rule 53 of the 1996 Rules in respect of minerals extracted or transported without any transit pass, forfeiture can be ordered in the first instance though penalty is payable in terms of Sub-rule (1) of Rule 53 of the said Rules?"

Having heard the learned counsel for the parties and having perused the judgment in the case of Nitesh Rathore (supra), it is observed that several issues have been raised and are required to be considered by this Larger Bench for determining whether question nos.5 & 6 have been rightly decided or not by the Full Bench in the case of Nitesh Rathore (supra). The following questions/issues that arise are as under:-

**Points of Issues:**

(1) "Whether the decision of the Division Bench of this Court in the case of Ram Kumar Sahu vs. State of M.P., 2018 (4) MPLJ 171, upholding the constitutional validity of Rule 53 of the M.P. Minor Mineral Rules, 1996 (hereinafter referred to as 'the Rules of 1996'), as inserted and amended by notification dated 18.5.2017, still remains good law or stands impliedly over-ruled by the Full Bench decision in the case of Nitesh Rathore (supra)?"

(2) Whether conferral of discretion upon the competent authority to pass orders of forfeiture or discharge under Rule 53(2) and 53(3) is per se violative of Article 14 of the Constitution of India, and, therefore, it is necessary to 3 AFR WP No.20831/2018 & others restrict the same by issuing guidelines to save it from the vice of arbitrariness as has been done by the Full Bench in the case of Nitesh Rathore (supra)?

(3). Whether the discretion vested in the competent authority under Rule 53(2) and 53(3) can be said to be totally unguided and uncontrolled in spite of the fact that the order passed by the competent authority under the aforesaid Rules is subject to scrutiny in appeal by a higher authority under Rule 57 of the Rules of 1996, and further revision by the State Government under Rule 58 of the Rules of 1996?



(4). Whether the power to take an appropriate decision vested in the competent authority under Rule 53(2) and 53(3) regarding forfeiture and discharge, is totally unguided, unfettered and absolute?

(5). Whether the Full Bench of this Court in the case of Nitesh Rathore (supra), after recording a finding that the complete discretion to forfeit in one case and to impose penalty in another case in the absence of any guidelines suffers from the vice of arbitrariness, has rightly restricted the exercise of powers of forfeiture under Rule 53(2) and 53(3) to only those cases where penalty in terms of Rule 53(1) is not paid?

(6). Whether the Full Bench in the case of Nitesh Rathore (supra) has rightly interpreted the provisions of Rule 53, to hold that "it is only when default in terms of sub-rule 1 of Rule 53 is not paid; the question of forfeiture will arise. Such process alone will save sub-rule (2) of Rule 53 from the vice of discrimination and arbitrariness. Therefore, in question no.5 it is held that without giving an opportunity to the violator to pay penalty in terms of sub rule (1) of Rule 53 of the Rules of 1996, the 4 AFR WP No.20831/2018 & others forfeiture cannot be resorted to. Similarly, in the light of the discussion in respect of question no.5, the forfeiture of seized tools, machines and vehicle etc. in terms of clause (a) of sub rule (3) of Rule 53 can be resorted to only when penalty in terms of sub rule (1) of Rule 53 is not paid."

(7). Whether in view of the only exceptions carved out and specifically mentioned in the proviso to Rule 53(3)(b) and Rule 53(6) regarding confiscation, providing for and laying down guidelines and reading something more into the provisions of Rule 52(2) and 52(3) as has been done by the Full Bench in the case of Nitesh Rathore (supra) is justified. In other words, whether reading something more into the Rules is permissible when its language is otherwise clear and unambiguous?

(8). Whether the conclusion recorded by the Full Bench in the case of Nitesh Rathore (supra) relating to Rule 53(3)(b) and the proviso to the effect that "in respect of a vehicle carrying mineral extracted/transported without any transit pass, the violator can offer to pay penalty in terms of sub-rule (1) for the defaults three times but it is only in the case of default at the fourth time, the vehicle would be liable to be forfeited. Therefore, in the case of vehicles, transporting or extracting mineral without any transit pass, the forfeiture can be ordered after three defaults whereas, in case of other situations, the forfeiture can be ordered after four defaults, finds any basis in Rule 53 or in fact runs contrary to its clear and unambiguous language?"

**Decision:**

Issue No.1:-

The High Court has referred to the cases Nihal Khan v. State of Madhya Pradesh and other, (2018 MPLJ Online 6); Kallo Bai (AIR 2017 SC 2516) and opined that the decision in the case of Ram Kumar Sahu (supra) correctly lays down the law upholding the validity of Rule 53 of the Rules of 1996, which even otherwise, has not been assailed in the present petition or referred to this Larger Bench.

The High Court has rejected the argument of the learned counsel that Rule 53 of the Rules of 1996, being in conflict with the Rules of 2006 and the MMDR Act, cannot be invoked to order forfeiture of tools, machines, vehicles, etc.

#### Issue No. 2

Regarding the issue No. 2, the High Court has referred to the cases D.K. Trivedi & Sons and others v. State of Gujarat and others, (AIR 1986 SC 1323) Supreme Court Advocates on Record Association and another v. Union of India, (AIR 2015 SC(S) 2463); State of Rajasthan v. Union of India (AIR 1977 SC 1361) and stated that/took the view that the law laid down by the Supreme Court in the aforesaid decisions, it is apparent that mere possibility of abuse and arbitrary exercise of discretion vested in an authority cannot be a ground to invalidate the same. Similarly, in cases where discretion is vested in an authority, no assumption or presumption can be drawn that the same would be exercised arbitrarily or discriminately more so as in such cases the action taken by the authority in exercise of discretion can be assailed and can be subjected to judicial review but the provisions conferring discretion cannot be found fault with.

#### Issue No.3:-

Regarding issue No. 3, the High Court has referred to the cases Ch. Tika Ramji and others v. State of Uttar Pradesh and others, AIR 1956 SC 676; Mangalore Ganesh Beedi Works and others v. Union of India and others, (AIR 1974 SC 1832); Chaturbhai M. Patel v. Union of India and others (AIR 1960 SC 424) and stated that the exercise of discretionary powers of taking an appropriate decision conferred upon the competent authority under Rule 53(2) and 53(3) of the Rules of 1996, is subject to scrutiny in appeal under Rule 57 of the Rules of 1996, and revision by the State Government under Rule 58 of the Rules of 1996, is in itself adequate and sufficient safeguard against discriminatory, uncontrolled and unguided exercise of discretionary powers conferred upon the competent authority. As the discretion vested in the competent authority under Rule 53 of the Rules of 1996, is subject to appeal and revision under Rule 57 and 58, it cannot be held to be unguided, uncontrolled or discriminatory. The conclusion recorded by the Full Bench to the contrary in the case of Nitesh Rathore (supra) is hereby over ruled.

#### Issue No.4:-

Regarding issue No. 4, the High Court has referred to the provisions of Rule 53 of the Rules of 1996, as amended by Notification dated 18.5.2017, and opined that the scheme of Rule 53 of the Rules of 1996, which provides for initiating an offence, collecting necessary evidences, giving an opportunity of hearing, determining and taking a decision regarding imposition of penalty and, taking an "appropriate decision" in respect of forfeiture, furnish adequate and sufficient safeguards upon the exercise of discretion by the competent authority under Rules 53(4), 53(5), 53(1), 53(2) and 53(3) for the purposes of taking a decision regarding forfeiture. The discretion to pass different orders in each case has rightly been conferred upon the competent authority and merely on this ground, the discretion cannot be held to be unfettered or uncontrolled. The power or discretion to make an "appropriate decision" inherently and necessarily bestows and carried with it the power to take a decision for or against a person and cannot be said to be uncanalised or controlled only on this ground.

The High Court has referred to the decisions given by the Supreme Court in the case of Premium Granites v. State of Tamil Nadu and others (AIR1994 SC 2233) and opined that when the scheme of Rule 53 is read and understood in the backdrop of the Rules of 1996, the Rules of 2006 and the MMDR Act as well as the detailed procedure for search, seizure and investigation, opportunity of hearing and taking an appropriate decision, it is manifestly clear that there are sufficient and adequate safeguards and guidelines contained in the Rules for exercising the discretion vested in the competent authority while taking an appropriate decision and the same cannot be said to be uncontrolled, unguided and unfettered. The High

Court has further opined that even if such guidelines would have been absent in Rule 53 of the Rules of 1996, the fact that the order passed by the competent authority was and is subject to appeal and revision under the Rules of 1996, is in itself sufficient and adequate safeguard against arbitrary exercise of discretionary powers.

Issues No. 5 & 6:-

The High Court has opined that Rule 53(2) and 53(3) nowhere states or requires that order of forfeiture can be passed only in cases where penalty under Rule 53(1) is imposed by the authority. Apparently, the two powers, i.e. of penalty and forfeiture are distinct and can be exercised collectively or individually in appropriate cases. The conclusion recorded by the Full Bench in the case of Nitish Rathore (supra) to the contrary, is hereby set aside and overruled.

The High Court has further opined that orders imposing penalty and forfeiture can be passed simultaneously, collectively or in isolation depending upon the facts of each case and as the Rule does not confer any power or option upon the competent authority to invoke only one of the two i.e. either impose penalty or order forfeiture, therefore, the decisions of the Supreme Court in the case of M/s Jagdish Chand Radhey Shyam vs. State of Punjab and others, (1973) 3 SCC 428, Jiwani Kumar Paraki v. First Land Acquisition Collector, Calcutta and others, (1984) 4 SCC 612 and Managing Director, Haryana State Industrial Development Corporation and others v. Hari Om Enterprises and Another (2009) 16 SCC 208, have no applicability to the facts of the present case and have no applicability for the purpose of interpreting Rule 53 of the Rules of 1996, and have wrongly been relied upon by the Full Bench in the case of Nitesh Rathore (AIR 2019 MP 11).

Issues Nos.7 & 8:-

The High Court has stated that a bare reading of the provision of Rule 53 makes it clear that the Rule making authority was conscious of the fact that it was required to carve out an exception in respect of forfeiture only in certain cases and has, therefore, consciously done so only in respect of the two situations clearly mentioned and laid down in Rule 53(3)(b) proviso of Rule 53(6).

The High Court has further opined that a bare perusal of Rule 53 makes it clear that the very object and purpose of the Rules and the intention of the Rule Makers is to confer powers of forfeiture to prevent and prohibit a person indulging in illegal extraction or transportation of minerals to repeatedly and boldly used tools, machinery, vehicles, etc. in the commission of illegal extraction and transportation. The very object and purpose is to ensure that tools, machinery, vehicles, other materials, etc. used in the commission of illegal extraction and transportation are confiscated and kept out of circulation, preventing those indulging in illegal 36 AFR WP No.20831/2018 & others extraction and transportation from using them again and again. The provision of Rule 53 of the Rules of 1996, is apparently meant to act as a deterrent for those indulging in illegal extraction or transportation of minerals.

Accordingly the High Court has held that the power of forfeiture/confiscation can be exercised by the competent authority as and when it takes an appropriate decision in this regard under Rule 53(2) or 53(3) irrespective of the fact that the contravention is made by the defaulter for the first time.

The High Court has further opinion that in view of the clear language of the Rules, forfeiture under Rule 53(2) and 53(3) can be ordered even in case of first instance of violation by the violator and the conclusion to the contrary recorded by the Full Bench in the case of Nitesh Rathore (supra) is hereby over-ruled. It goes without saying that the power to order forfeiture would be subject to the provisions of Rule 53 itself, namely, exception and relaxation that have been mentioned in the proviso to Rule 53(3)(b) and Rule 53(6), depending upon the facts of each case.

The High Court has also opined/held that the conclusion recorded in respect of issue Nos. 5 & 6 by the Full Bench in the case of Nitesh Rathore (AIR 2019 MP 11) is overruled and modified in terms of the orders passed by this Larger Bench.

The High Court has ordered/directed that the matter be placed before the appropriate Bench as per Rules and Roster for further orders.

Order Accordingly.

**3. Pratap Singh, Appellant v. State of Uttarakhand and Others, Respondents, AIR 2019, Uttarakhand 100, Vol. 106, Part 1267, July, 2019.**

**Subject:**

Special appeal filed against the order dated 15.11.2018 passed by the learned single judge for refusing the relief of extension of lease period for 5 months.

**Facts:**

Facts, to the limited extent necessary, are that the appellant writ petitioner was given a mining lease to lift river-bed material for a period of nine months at Village Chinyali, Tehsil Chinyalisaud, Uttarkashi district, subject to payment of royalty of Rs. 35,09,775/- for the nine-month period of the lease. Contending that he was disabled, for reasons beyond his control, from lifting the river-bed material for a five-month period, the appellant-writ petitioner requested the respondents not to impose royalty on him for the said period and to extend the lease for a further period of five months to enable him to lift the river-bed material. On his request being rejected, the appellant-writ petitioner preferred an appeal to the State Government. By order dated 29.08.2017, the Additional Secretary held that the monthly royalty payable by the appellant writ- petitioner was Rs. 3,89,975/-, and that he should pay the balance royalty payable in six monthly installments.

Aggrieved thereby, the appellant-writ petitioner invoked the jurisdiction of this Court by filing Writ Petition (M/S) No. 2691 of 2017 contending that, since extension of lease period was granted to some others, he should also be extended the same benefit. In his order dated 19.07.2018, the learned Single Judge, relying on the judgment of the Supreme Court in [Directorate of Film Festivals and others vs. Gaurav Ashwin Jain and others](#) (AIR 2007 SC 1640) observed that two wrongs do not make a right; and, if a benefit has been wrongly granted to one set of individuals, that would not be a ground for the same benefit being extended to the appellant-writ petitioner. While making it clear that it is always open to the appellant-writ petitioner to challenge the said order granting exemption to other persons, the learned Single Judge dismissed the writ petition holding that no relief can be granted to the appellant- writ petitioner. Aggrieved thereby, the appellant-writ petitioner filed Special Appeal No. 665 of 2018, and a Division Bench of this Court, after taking note of the contention of the appellant-writ petitioner that the documents placed on record by the appellant-writ petitioner had not been considered by the learned Single Judge, permitted the appellant-writ petitioner to withdraw the appeal with liberty to file a review petition against

the judgment dated 19.07.2018. On his review jurisdiction being invoked, the learned Single Judge, in the order under appeal, observed that the grounds for review were extremely limited, the review applicant had not been able to make out a case, and there was no error apparent on the face of record.

**Decision:**

The High Court has stated that the lease agreement does not provide any extension of lease. The learned Single Judge was justified in holding that, merely because the State Government had extended the lease period with respect to some others, it would not be a ground for extending the same benefit to the appellant-writ petitioner also, as it was always open to the appellant-writ petitioner to question the extension of the period of lease for others. The appellant-writ petitioner has not questioned the grant of extension of lease to other individuals by the State Government, but has sought parity with them; and claims that he also be granted such an extension, though the conditions of the lease-agreement do not so stipulate. We find no error in the order of the learned Single Judge refusing to grant such a relief to the appellant-writ petitioner.

The High Court has stated that it is open to the appellant-writ petitioner to avail the common law remedy of filing a suit before the competent civil Court. Accordingly, the High Court has dismissed the appeal.

Appeal dismissed.

**SECTION -2**  
**Trend in Mining, Prospecting and Reconnaissance**

**2.1 TREND IN MINING**

**A. Mining Leases Granted**

During the period under review, the information pertaining to the grant of 01 mining lease for iron ore & 01 mining lease for limestone covering an area of about 706.36 ha, was received.

Reviewing areawise, mining leases granted for iron ore & limestone are covered over an area of 706.36 ha.

Reviewing statewise, number of mining leases and area granted in Karnataka 01 with 130.53 ha & 01 in Madhya Pradesh with 575.830 ha.

The mineralwise number of mining leases granted together with lease area and details of mining lease granted are given in Tables 1 A & 1 B, respectively.

**Table – 1 A: Details of Mining Leases Granted  
(By Minerals)**

Mineral	No. of Mining Leases Granted	Area in ha
Iron Ore	01	130.53
Limestone	01	575.83
<b>Total</b>	<b>02</b>	<b>706.36</b>

**Table – 1 B: Details of Mining Leases Granted**

Mineral	State/District	Village	Area in ha	Date of Grant	Period in years	Name & Address
Iron Ore	Karnataka Ballari	Ittanahalli	130.53	28.05.2019	Not mentioned	JSW Steel Limited, JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai-400 051
Limestone	Madhya Pradesh Satna	Patarhai, Bairaha & Janardanpur	575.83	08.08.2019	50	Dalmiya Cement Ltd 11 & 12 Floor, Hansalaya, 15, Barakhamba Road, New Delhi-110 001

**B. Mining Leases Executed**

**Table – 2 A : Details of Mining Leases Executed  
(By Minerals)**

Mineral	No. of Mining Leases Executed	Area in ha
Iron Ore	1	32.89

**Table – 2 B : Details of Mining Leases Executed**

Mineral	State/District	Village	Area in ha	Date of Execution/ Registration	Period in Years	Name & Address
Iron Ore	Karnataka Ballari	Ubbalagundi	32.89	08.08.2019	50	JSW Steel Limited, JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai-400 051

**C. Mining Lease Period Extended**

During the period under review, the information pertaining to the extension of mining lease period for 10 Mining Leases covering an area of about 450.53 hectares was received.

Of these, Bauxite accounted for 06 mining leases followed by Limestone 02 and 01 each for Iron ore & Kyanite respectively.

Reviewing areawise, Bauxite accounted for 336.66ha, followed by Iron Ore 80.93 ha & Limestone 20.8 and Kyanite ore 12.14ha.

Reviewing statewise, number of mining lease period extended in Gujarat State were 8 with an area about 357.46 ha, and Karnataka State 02 with 93.07 ha.

The mineralwise number of mining lease period extended together with lease area and details of mining leases extended are given in Tables 3A & 3B.

**Table – 3A: Details of Mining Leases Period Extended (By Minerals)**

Mineral	No.of Mining Leases Extended	Area in ha
Bauxite	6	336.66
Iron Ore	1	80.93
Kyanite	1	12.14
Limestone	2	20.8
<b>Total</b>	<b>10</b>	<b>450.53</b>

**Table – 3 B : Details of Mining Leases Period Extended**

SN	Mineral	State/District	Village	Area in ha	Date of Extension	Date up to which lease period extended	Name & Address
1	Bauxite	Gujarat Devbhumi Dwarka	Lamba & Bhatia	54.08	20.09.2019	31.03.2020	Vinod J. Pandya, "Ninad", 17, Panchnath Plot, Rajkot-360001 Gujarat
2	Bauxite	Gujarat Devbhumi Dwarka	Habardi	7.08	20.09.2019	28.12.2033	Nareshkumar Prabhudas Makhech, "Vithalnivas" Station Road, Porbandar - 360577, Gujarat Gujarat)
3	Bauxite	Gujarat Devbhumi Dwarka	Nandana	188.30	20.09.2019	31.03.2030	Bombay Minerals Ltd., Jamnagar-Dwarka Highway, Jam-Khambhalia, Dist. Jamnagar - 361305 Gujarat

4.	Bauxite	Gujarat Devbhumi Dwarka	Virpur	53.61	20.09.2019	04.02.2046	Ramnikal Muljibhai Thanki, "Jivanjyot" M.G. Road, Porbandar-360575 Gujarat
5	Bauxite	Gujarat Devbhumi Dwarka	Mahadeviya	32.37	20.09.2019	16.10.2033	Harjivan P. Thanki, 424, G.I.D.C. Area, Porbandar – 360577 Gujarat
6	Bauxite	Gujarat Devbhumi Dwarka	Mewasa	1.22	20.09.2019	25.11.2046	Gujarat Calcine Bauxite & Refractories, Station Road, Bhatia, District Jamnagar- 361315 Gujarat
7	Iron Ore	Karnataka Ballari	Subbarayana halli	80.93	20.05.2019	12.04.2049	KSMCL, TTMC 'A' Block, 5 <sup>th</sup> Floor, BMTC Building,K.H. Road, Shanthinagar, Bengaluru – 560027
8	Kyanite	Karnataka Mysuru	Karigala	12.14	13.06.2019	03.06.2027	Mohammad Akram, S/o late Abdul Rashid, Marchiyhalli, Hampapura post, H.D. Kote taluk, Mysuru District – 571 125
9	Limestone	Gujarat Devbhumi Dwarka	Navadra	5.00	20.09.2019	15.02.2049	Hardas Karsan Ambaliya, Post-Navdra, Ta-Kalyanpur, Dist. Devbhumi Dwarka, Gujarat – 361315
10	Limestone	Gujarat Devbhumi Dwarka	Navadra	15.80	20.09.2019	07.01.2062	Dwarkadhish Minerals, Post-Bhatia, Ta-Kalyanpur, Dist. Devbhumi Dwarka, Gujarat-361315

#### D. Mining Leases Period Executed after Grant of Extension of Mining Lease Period

Table – 4: Details of Mining Leases Period Executed after Grant of Extension of Mining Lease Period

Mineral	State/District	Village	Area in ha	Date of Execution/ Registration	Date up to which lease period extended.	Name & Address
No such information is received during the period.						

#### E. Mining Leases Renewed

Table – 5: Details of Mining leases Renewed

Mineral	State/District	Village	Area in ha	Date of Renewal	Period in Years (From date of Execution/ Registration )	Name & Address
No such information is received during the period.						



## F. Mining Leases Revoked

**Table – 6: Details of Mining leases Revoked**

Mineral	State/District	Village	Area in ha	Date of Revoke	Name & Address
Bauxite	Andhra Pradesh Visakhapatnam	Rakthakonda	113.192	26.09.2019	Andhra Pradesh Mineral Development Corporation Ltd., Kanuru (V), Vijayawada
Bauxite	Andhra Pradesh Visakhapatnam	Chintapalli R. F Araku (M)	152.00	26.09.2019	Andhra Pradesh Mineral Development Council Ltd., Kanuru (V), Vijayawada
Bauxite	Andhra Pradesh Visakhapatnam	Galikonda	93.886	26.09.2019	Andhra Pradesh Mineral Development Council Ltd., Kanuru (V), Vijayawada
Bauxite	Andhra Pradesh Visakhapatnam	Jarrela Block-I of Chintapalli R. F	85.00	26.09.2019	Andhra Pradesh Mineral Development Corporation Ltd., Kanuru (V), Vijayawada
Bauxite	Andhra Pradesh Visakhapatnam	Jarrela Block-II & VIII of Chintapalli R. F	617.00	26.09.2019	Andhra Pradesh Mineral Development Corporation Ltd., Kanuru (V), Vijayawada
Bauxite	Andhra Pradesh Visakhapatnam	Jarrela Block-III of Chintapalli R. F	460.00	26.09.2019	Andhra Pradesh Mineral Development Corporation Ltd., Kanuru (V), Vijayawada

## G. Mining Leases Determined

**Table – 7: Details of Mining Leases Determined  
(By Minerals)**

Mineral	State / District	No. of Mining Leases Determined	Area in ha
No such information is received during the period.			

## H. Mining Leases Surrendered

**Table – 8: Details of Mining Leases Surrendered**

Mineral	State / District	Village	Area in ha	Date of Surrender	Name & Address
Limestone	Gujarat Gir Somnath	Kodinar	90.04	26.07.2019	Ambuja Cement Ltd., Ambuja Nagar, Ta Kodinar, Distt. Gir Somnath, Gujarat (India)
Limestone	Gujarat Gir Somnath	Vadnagar	85.31	26.07.2019	Ambuja Cement Ltd., Ambuja Nagar, Ta Kodinar, Distt. Gir Somnath, Gujarat (India)
Limestone	Gujarat Porbandar	Dharampur	1.47	06.08.2019	Saurashtra Chemicals Division of Nirma Ltd. Nirma House, Near Income Tax, Ashram Road, Ahmedabad

## I. Mining Leases Terminated

**Table – 9: Details of Mining Leases Terminated**

Mineral	State / District	Village	Area in ha	Date on which lease Terminated	Name & Address
No such information is received during the period.					

**J. Mining Leases Transferred**

**Table – 10A: Details of Mining Leases Transferred**

Mineral	State / District	Village	Area in ha	Name and Address		Valid upto year	Date of Transfer of Deed
				Transferor	Transferee		
Limestone	Madhya Pradesh Satna	Bhadanpur	296.956	Maihar Cement	Ultratech Cement Ltd.	31.03.2030	08.08.2019
Limestone	Madhya Pradesh Satna	Bhadanpur	217.681	Maihar Cement	Ultratech Cement Ltd.	31.03.2030	08.08.2019
Limestone	Madhya Pradesh Satna	Tillora	193.252	Maihar Cement	Ultratech Cement Ltd.	31.03.2030	08.08.2019
Limestone	Madhya Pradesh Satna	Bhadanpur	663.000	Maihar Cement	Ultratech Cement Ltd.	27.03.2022	08.08.2019

**Table – 10B: Details of Transferred Mining Leases Executed / Registered**

Mineral	State / District	Village	Area in ha	Name and Address		Period (in Yrs.)/ Dt of expiry.	Date of Execution/ Registration of transfer deed
				Transferor	Transferee		
No such information is received during the period.							

**K. Mines Opened**

**Table – 11: Details of Mines Opened**

Mineral	State/District	Name of Mine	Village	Date of Opening	Area in ha	Name & Address
No such information is received during the period.						

**L. Mines Temporarily Discontinued**

**Table – 12: Details of Mines Temporarily Discontinued**

Mineral	State/ District	Name of Mine	Village	Date of Discontin- uance	Reason	Area in ha	Name & Address
No such information is received during the period.							

**M. Mines Reopened**

**Table – 13: Details of Mines Reopened**

<b>Mineral</b>	<b>State / District</b>	<b>Name of Mine</b>	<b>Village</b>	<b>Date of Reopening</b>	<b>Area in ha</b>	<b>Name &amp; Address</b>
No such information is received during the period.						

**N. Mines Abandoned**

**Table – 14: Details of Mines Abandoned**

<b>Mineral</b>	<b>State / District</b>	<b>Name of Mine</b>	<b>Village</b>	<b>Date of Abandonment</b>	<b>Reason</b>	<b>Area in ha</b>	<b>Name &amp; Address</b>
No such information is received during the period.							

## 2.2 TREND IN PROSPECTING

### A. Composite Licences Granted

**Table – 15 : Composite Licences Granted  
(By Minerals)**

Mineral	State / District	Village	Area In ha	Date on which licences Granted	Period in Years	Name & Address
No such information is received during the period.						

### B. Prospecting Licences Granted

**Table – 16 : Prospecting Licences Granted  
(By Minerals)**

Mineral	State / District	Village	Area In ha	Date on which licences Granted	Period in Years	Name & Address
No such information is received during the period.						

### C. Prospecting Licences Executed

**Table – 17 : Details of Prospecting Licences Executed**

Village	Mineral	State / District	Area in ha	Date of Execution	Period in Years	Name & Address
No such information is received during the period.						

### D. Prospecting Licences Renewed

**Table –18A : Mineral wise details of Prospecting Licences Renewed**

Mineral	No.of Mining Leases Renewed	Area in Sq.Km
No such information is received during the period.		

**Table –18B: Details of Prospecting Licences Renewed**

Mineral	State /District	Village	Area in Ha.	Date of Renewal	Period in Years	Name & Address
No such information is received during the period.						

**E. Prospecting Licences Revoked**

**Table – 19: Details of Prospecting Licences Revoked**

<b>Mineral</b>	<b>State/District</b>	<b>Village</b>	<b>Area In ha</b>	<b>Date of Revoke</b>	<b>Name &amp; Address</b>
No such information is received during the period.					

**2.3 TREND IN RECONNAISSANCE PERMITS (R.P.)**

**Table – 20: Details of Reconnaissance Permits**

<b>Mineral</b>	<b>State/District</b>	<b>Area in sq km</b>	<b>Date of Approval of Grant</b>	<b>Name &amp; Address</b>
No such information is received during the period.				

### Section -3

#### Highlights

##### A. DOMESTIC

#### **Odisha iron ore output rises 13% to 118 million tonnes in FY19**

Iron ore production in Odisha which accounts for half of the iron ore output of the whole country rose by 12.8% to 118.5 million tonnes in FY19 riding on healthy domestic demand. In the previous fiscal the state clocked 104.98 million tonnes. The higher growth in iron ore production has boosted the overall mineral output in the state to 289.55 million tonnes in FY19 from 270.84 million tonnes in FY18.

Business Standard, 2<sup>nd</sup> April, 2019

#### **JNARDDC to help EU for economical, bulk utilisation of aluminium waste**

European Union (EU) is likely to collaborate with Jawaharlal Nehru Aluminium Research Development and Design Centre (JNARDDC), Nagpur for management of aluminium waste, in the next month. JNARDDC is a Central Government Institution working in research and development in aluminium sector. Aluminium recycling is the revolutionary work carried out by the institution and the work is getting tremendous appreciation world-wide. Impressed with this, EU approached JNARDDC to share its work based on aluminium recycling, red mud, dross and Spent Pot Lining (SPL). JNARDDC has invented the process to recycle aluminium wastes like red mud, dross and SPL and to utilise it in construction and other sectors. The unique part of their work is, the institution is capable to recycle aluminium waste at an affordable cost. The affordability is the key factor that attracted EU to join hands with JNARDDC for management of aluminium waste.

The Hitvada, 15<sup>th</sup> April, 2019

#### **India has set an ambitious target of scaling up its steel production capacity to 300 MT**

The Union Cabinet also the approved two policies, including the National Steel Policy 2017 that envisaged Rs 10 lakh crore investment to take capacity to 300 million tonne by 2030-31, to give a boost to the domestic steel sector.

The World Steel Association is one of the largest industry associations in the world. Its members represent around 85 percent of the world's steel production, including over 160 steel producers with nine of the 10 largest steel companies, national and regional steel industry associations, and steel research institutes.

The Hitvada, 6<sup>th</sup> May, 2019

#### **Expert suggests biotech solution to abate mining pollution**

Mining plays a significant role in the economic development of countries, but it also poses environmental threats, which, if not mitigated employing advanced technology, could lead to destruction of habitats. Odisha, with its vast

resources, is one of the foremost mineral-rich states, where application of advanced biotechnology could abate pollution to a large extent. said by emeritus professor in the department of materials engineering at Indian Institute of Science (IISc), Bengaluru.

The Hitavada, 21st May, 2019

### **Steel, aluminium producers want no reduction commitments under RCEP**

Steel and aluminium producers have asked the Commerce Ministry to exclude the two items from tariff reduction commitments in the on-going Regional Comprehensive Economic Partnership (RCEP) negotiations as senior officials from the 16 member- countries of the bloc prepare to meet in Bangkok this week to give a more concrete shape to the proposed pact. "Senior officials from all 16 countries will get together at the inter-sessional meeting and there will be pressure to keep the sensitive list of items, on which no reduction commitments will be taken, very short. Both steel and aluminium producers have petitioned to the government to keep several of their items out of the reduction commitments,". Most RCEP countries, which include the 10-member ASEAN, China, Japan, South Korea, Australia, New Zealand and India, are keen to conclude the pact by the year-end and take on commitments to eliminate tariffs on more than 90 per cent of traded goods.

Business Line, 23<sup>rd</sup> May, 2019

### **Three PSUs ink joint venture pact for buying rare metals**

Three public sector units — National Aluminium Company (NALCO), Mineral Exploration Corporation Ltd. and Hindustan Copper Ltd. — are set to sign by next month, a joint venture (JV) agreement for making overseas acquisition of reserves of rare metals like lithium and cobalt. The first acquisition is likely to be made within six months NALCO will hold 34% of the proposed ₹100 crore equity, with the other two companies holding 33% each. "The JV will acquire assets in overseas countries," HCL CMD Santosh Sharma said. Expert teams have already visited countries holding such deposits like Chile, Peru and Bolivia, he said, adding that the tie-ups are likely to be between the governments. These rare metals are needed in devices such as mobile phones, laptops and also for electric vehicles.

Business Line, 31st May, 2019

### **China may dump excess steel in Indian market**

India fears china could soon start flooding excess steel into its market after USA raised tariff on Chinese products due to escalating trade war between world two largest economies. As a result, the Indian steel industry has asked the Indian Government to put in so called safeguard duties as much as 25% to protect it from growing imports. These would be imposed on steel that the government determined has been dumped in India at prices below the cost of production. India, the world second largest steel producer, turned net importer in the year

ended 31st March 2019 after a gap of 03 year. This is because the country lacks the capacity to produce high quality steel and has lost some of its global client to cheaper export from China, Japan, South Korea.

The Financial Express, 15<sup>th</sup> May, 2019

### **Trade war makes India a haven for aluminium scrap dumping**

India has overtaken China as the preferred destination for aluminium scrap with imports growing 18.8% in the January-March 2019 quarter compared with the same quarter of the previous year. This, according to industry players, is hurting Indian industry and is the direct result of the trade war between China and the U.S.

India imported 3,34,725 tonnes of aluminium scrap in the January-March 2019 quarter compared with China's 3,30,567 tonnes in the same period, according to a report by S&P Global Platts. While India's imports grew 18.8% over this period, China's declined by 32.1% "This means that the scrap is being diverted and dumped in India. Imports of scrap from the U.S. have gone up by about 148% from 2017-18 to 2.6 lakh tonnes in 2018-19.

The Hindu, 29th June, 2019

### **21 States have framed rules to curb illegal mining**

Twenty one States, including mineral-rich Jharkhand and West Bengal, have framed rules to check illegal mining. As per information provided by the Indian Bureau of Mines, 21 State governments have framed rules to curb illegal mining under Section 23C of the MMDR Act, 1957,". State governments are empowered to make rules for the prevention of illegal mining, transportation and storage of major and minor minerals. In fiscal 2018-19, there were 1.1 lakh cases of illegal mining for both major and minor minerals.

Business Line, 10th July, 2019

### **VED readies Mining Policy recommendations for GoM**

The Vidarbha Economic Development Council (VED) with the Maharashtra State Mining Corporation (MSMC) organised a two-day Mining Conclave, "MINCON – 2019 - Minerals in Maharashtra – Potential & Opportunities" in February 2019, one of the significant outcomes that the responsibility to VED and MSMC of drafting recommendations for the formulation of the State Government's Mining Policy to VED. The deadline for the same was June 2019 in time for the Assembly Session when it could be tabled.

The Hitavada, 26th July, 2019

### **Govt. set to ease norms for mining**

The Union Environment Ministry plans to provide "temporary" forest clearances to prospective bidders for mines whose leases are set to expire in March 2020. The bulk of such mines are located in Odisha and Karnataka. The Environment Ministry would enable clearances to avoid a potential drop in iron production between 2020 and 2022, and catalyse moribund mining auctions. The traditional process has been for mine developers to be responsible for obtaining necessary clearances to start work at a mine. This relaxation was necessary because



of a change in the Mines and Minerals (Development and Regulation) Amendment Act, which was amended in 2015. The key change is that, unlike the previous years when mining leases were extended every 20 years, new leases would be issued for 50 years and they would be made available via an auction.

The Hindu, 15th August, 2019

### **Plans to boost mineral output by 200% in next 7 years: Mines minister**

Aiming to boost India's mineral output by 200 per cent in the next seven years, Union Minister said about Rs 1,500 crore lying in exploration trust, could be used for accelerating this work. He said the mining industry is undergoing reforms through transformative investor friendly interventions like the Mines and Minerals (Development and Regulation) Amendment Act 2015, that introduced transparent and competitive auction process for grant of mineral concessions besides setting up of National Mineral Exploration Trust (NMET) to accelerate mineral exploration activity. "More than Rs 1,500 crore has been accumulated in the NMET fund during last three years. And as far as the information I have, today out of that around Rs 200 crores have been spent for exploration activities there is a fund to invest," he said urging geoscientists to come forward.

The Hitavada, 29<sup>th</sup> September, 2019

### **Mine auction regime to remain, says Mines Secretary**

The norm of auctioning mining leases is going to remain and is the law of the land said, Secretary, Ministry of Mines. Speaking at the 53rd Annual General Meeting of the Federation of Indian Mineral Industries, he said, "Let me make it very clear, that auction regime is the law of the land. It has been almost four years since the amended MMDR Act and introduced the auction provision instead of the original first come first serve provision. I am happy to note that since we have introduced the auction regime, the results have been very encouraging. More than 65 mines have been auctioned, nine mines have been operationalised."

Business Line, 25<sup>th</sup> September, 2019

### **GoM is looking into industry plea for extension of mine leases: Minister**

The Group of Ministers (GoM) is aware of the major concerns of the mining industry regarding extension of mining leases and the request for lifting the mining ban in Goa. Responding to queries about lifting the ban on mining in Goa, Minister for Coal, Mines and Parliamentary Affairs said, "The industry has submitted a memorandum and the GoM is seized of the matter. There are legal issues in that and we are consulting the legal experts on the issue." The GoM includes Union Ministers for Finance, Environment, Agriculture, Mining, Commerce and Industries, Petroleum and Law. It is headed by Home Minister. The FIMI AGM is being held in the backdrop of the mining sector going through its 'most sluggish growth' phase in history. In addition to the regular concerns regarding taxation and legislative hurdles, this year's AGM is grappling with the issue of the

expiry of 48 working mining leases on March 31, 2020. Another 281 non-working mining leases are expiring on the same date, and the industry has again pitched for their extension till 2030. The Ministries of Mining and Steel are convinced that there will be no shortfall of raw material once the mining leases expire given the current mine head stocks of iron ore. According to the Ministry of Mines, mine head stocks of iron ore stood at 162.845 million tonnes in August this year. Of this, mines in Jharkhand had stocks worth 43.119 million tonnes and Odisha 94.134 million tonnes. The Centre expects these stocks and imports to last through the transition period between the cancellation of the existing leases and the issue of fresh ones.

Business Line, 25<sup>th</sup> September, 2019

## B. ABROAD

### **China: Domestic iron ore production may remain stable**

According to MySteel domestic iron ore will remain stable as the present price level is not attractive, but the country's domestic iron ore mines run at 60-70% of their capacities, and when price is right, higher output can be expected. Also taking in consideration of the environmental issues which have been under close scrutiny in the past few years, for the Chinese miners, whenever there are environmental inspections or curbing, those in north China most probably are affected too.

Steel 360 India, Raipur- March, 2019

### **Brazil crisis raises demand for India's inferior Iron ore**

Iron ore fines of inferior grade accumulated at the mine head in Odisha and Jharkhand are finding their way into the export markets amid the global supply turmoil created by the shutdown of a string of mines held by Brazil-based Vale, the world's largest iron ore miners. Demand for low grade iron ore fines (Fe<58%) had evaporated as Chinese steel mills showed a proclivity to buy higher grade ore or even pellets for their blast furnaces. However, deepening iron ore deficit has swung the trade balance in favour of Indian miners. The demand trigger for low grade material might be temporary but it will help liquidate the enormous inventory in Odisha and Jharkhand for which there are no takers even in the domestic market. To overcome iron ore deficit, China has of late shown a tendency to buy even lower grade material from India. This augurs well for piled up iron ore fines in the states of Odisha and Jharkhand.

Business Standard, 14<sup>th</sup> March, 2019

### **Australia, Guinea, Indonesia to lead Bauxite Mining upto 2029**

Following a decline in global bauxite production in 2018 the global bauxite production this year is being driven by projects coming up in Guyana, Australia as well as ramp up production in India and Indonesia. Presently, Australia is the global top producer of bauxite accounting for 29% of global output in 2018 and it is expected that Australian bauxite production will grow by 25% this year compared to 4% in 2018. Indonesian bauxite production picked up after the country ended its ban on mineral ore exports. It is reported that Indonesian Bauxite production increased by 533% yoy from January 18 to August 18. Indonesian bauxite production is forecast to register a yearly average growth of 8.1% between 2019 to 2028. India bauxite production should grow from 35.5 million tonnes this year to 50.7 million in 2020. However, tightening environmental regulation and tribal tensions pose a downside risk. Meanwhile, Guyana holds the second largest number of new bauxite projects (07), its production may grow from 59 million in 2018 to 82.3 million tonnes in 2028.

Mining Weekly, Johannesburg, 07th May, 2019

### **China's planned curbs on aluminium scrap imports nettles Indian players**

China will in July embark on major steps to curb imports of aluminum scrap. In protectionist move, China the biggest producer cum export of aluminum plans to classify aluminium under restrictive import list, prelude the banning scrap imports by 2020. China's revised import priorities have rattled Indian aluminium producer. The free trade agreement (FTA's) inked with ASEAN nations and low import duty of 2.5% on aluminium scrap makes India vulnerable. Imports have caused heavy erosion of market share of domestic producer like, Vedanta, Hindalco & Nalco. As a fall out of recent global development, India aluminium industry is confronting immense threats from imports due to reciprocal tariff imposed by US & China. India is also turning out to be natural market for countries surfeited with aluminium who have started dumping their surplus output.

Business Standard, New Delhi, 27<sup>th</sup> May, 2019

### **India's steel export to US down by 35%**

India's total steel export to the US has declined by 35% during the financial year 2018-19 after Washington imposed additional tariff of 25% & 10% on steel & aluminium respectively on global basis. Industry & Commerce minister said that export of aluminium has increased by 14%. However, US exempted allies Canada and Mexico from the major due to security relationship. The move which garnered a lot of criticism from China & Europe. In retaliation, India threatened the US to suspended concession on 30 products originating from US.

Minerals & Metals Review Weekly, Mumbai 1<sup>st</sup> July, 2019

### **Iron ore output set to grow modestly upto 2028**

A Global iron ore production will grow modestly from 2.8 billion tonnes this year to 3 billion tonnes by 2028. This represents an average yearly growth rate of 0.5% during the period, which is a slowdown compared with the growth rate of 2.9% during 2009 to 2018. Fitch says iron ore supply growth will be primarily driven by India and Brazil, while miners in China that operate at the higher end of the iron ore curve will be forced to cut output, owing to falling grade. Australia's iron ore production will decline to 0.6% growth from 11.6%, that of Brazil will grow at 1.5% yearly, China's iron ore production will decline from 802 mt in 2019 to 785 mt in 2028. India's iron ore output growth will be supported by removal of export tax and re-opening of closed mines. Fitch forecasts India's iron ore output to grow at an average rate of 2% from 2019 to 2028.

Mining Weekly, Johannesburg, 19<sup>th</sup> August, 2019

### **The World's biggest diamond mine is closing**

Production at Argyle, about 2600 Kms. NE of the state capital Perth, is scheduled to end before the end of next year after finally exhausting its supply of economically viable stones. It is world's biggest diamond mine famed for coveted pink (< 0.01% of total output) and red gems is being shuttered by the Rio Tinto Group after almost four decades. The mine is biggest diamond producer by volume and that has put the operations at the centre of

global oversupply. However, more than three quarters of the Argyle's output was lower quality brown diamonds. A glut of cheap and small diamonds has eroded the profits for every miner and it has made it increasingly hard for the industry's cutters, polishers and traders to make profit.

Bloomberg, London, 12<sup>TH</sup> July, 2019

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