

Show-cause Notice**REGD AD**

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भारत सरकार / GOVERNMENT OF INDIA
खान मंत्रालय/ MINISTRY OF MINES
भारतीय खान ब्यूरो/ INDIAN BUREAU OF MINES
क्षेत्रीय खान नियंत्रक का कार्यालय / OFFICE OF THE REGIONAL CONTROLLER OF MINES

No. ORI/GRP/NUP/MCDR-1/BBS

Mahani Complex, 2nd Floor
308, District Centre
Chandrasekharpur
BHUBANESWAR – 751016
Date: 24.07.2015

To,

Sri Pramod Kumar Agrawal (Mine Owner),
Gandabahali Graphite Mine,
Agrawal Graphite Industries,
Shanti Kunj, Farm Road,
Sambalpur,
Odisha-768003.

Sub: Violation of provisions of Mineral Conservation & Development Rules, 1988 in respect of your Gandabahali Graphite Mine over an area of 20.234 hectare in Nuapada District of Odisha State.

Sir,

The following provisions of Mineral Conservation & Development Rules, 1988 (hereinafter referred MCDR,1988) were found violated in your above said mine during inspection on 17.04.2015 by undersigned in presence of Shri Ramesh Kumar Mishra (Lessee representative), Sri Prabash Chandra Bag (Mining Mate), Sri Jadish Das (Surveyor) and Shri S.C Nayak (RQP, Minesketch Consultants Pvt. Ltd.) and same were communicated to you vide this office letter of even number dated 03.06.2015:

Rule	Rule position	Status and extent of violation
13(1)	Every holder of a mining lease shall carry out mining operations in accordance with the approved mining plan with such conditions as may have been prescribed under sub-rule (2) of rule 9 or with such modifications, if any, as permitted under rule 10 or the mining plan or scheme approved under rule 11 or 12 as the case may be.	Mining operations have not been carried out in accordance to Modification of approved Scheme of Mining, approved vide this office letter No MSM/OTFM/29-ORI/BHU/2013-14 dated 30.06.2014 to the extent given below: 1) It was observed that exploration proposed during year 2014-15 by 31 number of boreholes were not carried out. 2) It was approved to construct a barrier between waste dump and Sub-grade ore stack to avoid mixing of Sub-grade with waste material; during inspection it was observed that barrier as proposed was not constructed.
23(E)(2)	The owner, agent, manager or mining engineer shall submit to the regional Controller of Mines.....if there is any deviation, reasons thereof.	1) The yearly report on extent of protective and rehabilitation works carried out as envisaged in the approved mine closer plan for year 2013-14 has not been submitted to the Regional Controller of Mines, IBM, Bhubaneswar till date.

02. The compliance reported by you, vide your letter no. 'NIL' dated 10.07.2015 have been duly considered and **found unsatisfactory** for the following reasons :-

Rule 13(1): (1) In your reply, you stated that the proposed 31 exploratory bore hole could not be completed due to breakdown of your DTH machine and deployment of outside DTH drilling machine was not economically viable, but your claim is not supported with adequate evidence.

(2) In your reply, you stated that waste dump and sub-grade ore stack has been stacked separately having two meter gap in-between. However, your claim of separate stacking of waste and sub-grade material is not supported by documentary evidence and barrier between waste dump and Sub-grade ore stack as approved was not constructed.

Rule 23E(2): Report required under rule on “extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plan” was not submitted.

03. In this connection, it is brought to your notice that the above violations constitute an offence punishable under rule 58 of MCDR, 1988. Besides, inability to comply the provision of rule 13(1) is also liable for suspension of mining operation under the provision of rule 13(2) of MCDR, 1988 respectively.

04. You are therefore directed to **show cause within a period of 30 (thirty) days** from the date of issue of this letter as to why you should not be prosecuted for the above offence and /or the mining operations are not suspended in accordance to Rule 13 (2) of the MCDR, 1988.

05. Please note that no further notice will be given to you in this regard.

(DILIP JAIN)
Junior Mining Geologist,
IBM, Bhubaneswar

Copy forwarded, for kind information to:

(1) The Controller of Mines (CZ) / Indian Bureau of Mines / Nagpur-440 102.

(2) The Director of Mines / Directorate of Mines / Government of Orissa / Heads of Department Building / New Capital / Bhubaneswar-751 00- **with the information that a waste dump have encroached within safety zone of 7.5 meter and also outside of Mining Lease boundary between lease boundary pillar C and D.**

(DILIP JAIN)
Junior Mining Geologist,
IBM, Bhubaneswar