

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/IRON-MN/KJR/MCDR-83/BBS

Mahani Complex, 2nd Floor
308, District Centre
Chandrasekharpur
BHUBANESWAR – 751016
Date: 29.04.2015

To

Shri R B Das, Mine Owner
Choudhury Bazar, Cuttack
Odisha, PIN: 753 001:

Sub: Violation of provisions of Mineral Conservation & Development Rules, 1988 in respect of Dalpahar Iron & Manganese Mine of Shri R B Das, over an area of 4.84 ha in Keonjhar District of Odisha State.

Ref: (i) This office letter of even no dated 05.11.2014.

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 19.04.2015 by undersigned accompanied by Shri C K Ratha (Mines Manager) and Shri S.C Nayak (RQP, Minesketch Consultants Pvt. Ltd.).

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 mining plan, approved vide this office letter No MPM/OTFM/03-ORI/BHU/2011-12 dated 23.05.2011 to the extent given below: 1) As per the approved document, no proposal has been envisaged for stacking of Mineral fines and lumps in lease area except between boundary pillar C and D. During inspection, it was observed that Mineral fines and lumps were stacked in Northern and Southern part of the lease area without any approved proposal. 2) Iron and Manganese Ore production is approved as 120014 and 40026 tonnes respectively in year 2013-14; whereas, production achieved in year 2013-14 for Iron and Manganese is 26460 and 10227 tonnes respectively, which is at variance in comparison to approved production, resulting deviation in approved quantity of production. 3) Retaining wall, garland drain and settling tank have not been constructed around waste dump as mentioned in para 11.3.3 of above said document.
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.

42(1)(b)	Every holder of prospecting licence shall employ a whole-time geologist and mining engineer;	A whole time, Geologist required to be employed under this rule has not been appointed.
45(7)	If it is found that the owner, agent, mining engineer or manager of mine or the person or company engaged ...or false information in monthly or special or annual returns or fails to submit a return within the date specified, - (a) order suspension of all mining operations....after ensuring proper compliance; (b) take action to initiate prosecution under these rules; (c) recommend termination of the mining lease... mining;	On examination of the annual return 2013-14 (form H-1 and H-2) following discrepancies have been observed: (1). The consignee name and registration number as allotted by IBM to the buyers, as required in item (5) of Part –VI in the annual return is not furnished. (2). As per above said document, the recovery of Iron Ore and Manganese Ore are stated to be 90% and 30% respectively of total excavation. Whereas, as per annual returns, recovery of Iron and Manganese Ore is found to be 100% of total excavation, which is at variance compared to approved recovery in above said document. In view of above, the annual return for the year 2013-14 found to have incomplete or wrong or false information which is construed as suppression of misrepresentation of information gathered during mining operation as mentioned in rule 45(i)(c) of the MCDR,1988.
53	The owner, agent, mining engineer or manager of every mine ...mineral analysis reports and details of mining machinery ...Indian Bureau of Mines for inspection.	The register regarding deployment of Mining Machinery to be maintained under rule has not been maintained.

Further, the following provisions of Mineral Conservation & Development Rules, 1988 were found violated in your above said mine during inspection on 14/07/2014 by Shri N M Dey, Assistant Mining Engineer accompanied by Shri C K Ratha, Mines Manager and Shri D N Patnaik and communicated to you vide this office show-cause notice dated 05.11.2014 referred at serial number (i) giving you a period of 30 (thirty) days for rectification of same.

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 been carried out in deviation of scheme of work given in the approved modification of approved mining plan vide this office letter No MPM/OTFM/03-ORI/BHU/2011-12 dated 23.05.2011 to the extent given below: Retaining wall, garland drain, check dam and settling tank have not been constructed below the quarry No.1 along the boundary pillar nos K to J as mentioned at para 11.3.5 and 11.3.6 of the chapter – XI of the above document.
27 (4)	The plans and sections required under these rules shall be maintained up to date within twelve months in the case of A-OTFM category mine.	The plans and sections have not been updated since 21.11.2010.
29	The owner, agent, mining engineer or manager of every mine shall submit to the Controller General, Controller of Mines and the Regional Controller, a copy of the plans and sections maintained under rule 28, on or before the 30th day of June every year.	The updated plans and sections have also not been submitted to this office so far.

02. In this connection, it is brought to your notice that no reply has yet been received in this office; in respect of Show-cause notice dated 05.11.2014

03. Further, 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) and 45(7) is also liable for suspension of mining operation under the provision of rule 13(2) and 45(7)(i)(a) of MCDR, 1988.

04. You are therefor directed to show-cause within a period of 30 days from the date of issue of this letter as why you should not be prosecuted for the above violation and or the mining operation shall be suspended under rule 13(2) and and 45(7)(i)(a) of MCDR, 1988.

05. Please not that no further time will be given to you in this regard.

(DILIP JAIN)
Junior Mining Geologist,
IBM, Bhubaneshwar

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.

(DILIP JAIN)
Junior Mining Geologist,
IBM, Bhubaneshwar