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INDIAN BUREAU OF MINES

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Mineral Economics Division
Indian Bureau of Mines

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CONTENTS

SECTION- 1

Mineral Legislation and Policy on Export and Import of Minerals/Ores

MINERAL LEGISLATION

A. Amendments/Notifications:

1	Ministry of Mines, G.S.R. 744(E).	1
2	Ministry of Mines, G.S.R. 784(E).	3
3	Ministry of Mines, No. T-43010/CGBM/2017	4
4	Ministry of Mines, No. T-43010/CGBM/2017	5
5	Ministry of Mines, G.S.R. 775 (E)	7
6	Ministry of Mines, G.S.R. 776 (E).	14
7	Ministry of Mines, G.S.R. 777 (E)	15
8	Ministry of Mines, G.S.R. 778 (E)	16
9	Ministry of Mines, G.S.R. 780 (E)	17
10	Ministry of Mines. G.S.R. 856 (E)	25
11	Ministry of Mines, G.S.R. 857(E).	28
12	Ministry of Mines, G.S.R. 860 (E)	29
13	Ministry of Mines, S.O. 414 (E)	30
14	Ministry of Mines, G.S.R. 100 (E)	31
15	Ministry of Mines. G.S.R. 137 (E)	32
16	Ministry of Mines. G.S.R. 204 (E)	33
17	Ministry of Mines. G.S.R. 205 (E)	34

B. Court Decisions:

1	M/s Haryana Mining Company, Petitioner v. State of Haryana, Respondent, AIR 2021 Punjab & Haryana 184, Vol. 108, Part 1295, November, 2021.	35
2	M/s Kamlesh Metacast Pvt. Ltd., Petitioner v. State of Rajasthan, Respondent, AIR 2021 Rajasthan 153, Vol. 108, Part 1296, December, 2021.	38
3	Sangharsh Seva Samiti, Bhilwara, (Raj) Petitioner v. State of Rajasthan and others, Respondents, AIR 2021 Rajasthan 148, Vol. 108, Part 1296, December, 2021.	40

4	Gambhirsinh Rathod, Petitioner v. State of Gujarat, Respondent, AIR 2022 Gujarat 9, Vol. 109, Part 1297, January, 2022.	46
5	State of Gujarat, Petitioner v. Kalusinh Parbatsinh Devda, Respondent AIR 2022 Gujarat 26, Vol. 109, Part 1298, February, 2022.	48
6	Ferro Alloys Corporation Ltd, Petitioner v. State of Odisha and others, Respondents, AIR 2022 Orissa 17, Vol. 109, Part 1298, February, 2022.	50
7	Abdurahiman Karattuchali, Petitioner v. District Geologist, Department of Mining and Geology, Respondents, AIR 2022 Kerala, Vol. 109, Part 1299, March, 2022.	54

SECTION – 2

2. Trend in Mining, Prospecting and Reconnaissance

2.1 Trend in Mining

(A)	Mining Leases Granted	57
(B)	Mining Leases Executed	58
(C)	Mining Lease Period Extended	58
(D)	Mining Leases Terminated	60

SECTION – 3

Highlights

(A)	Domestic	61
(B)	Abroad	64

SECTION-1

Mineral Legislation and Policy on Export and Import of Minerals/Ores

1. MINERAL LEGISLATION

A. Amendments/Notifications:

1.



सी.जी.-डी.एल.-अ.-16102021-230445
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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सं. 601] नई दिल्ली, बृहस्पतिवार, अक्टूबर 14, 2021/आश्विन 22, 1943
No. 601] NEW DELHI, THURSDAY, OCTOBER 14, 2021/ASVINA 22, 1943

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 14th October, 2021.

G.S.R. 744(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 156.80 Sq. Kms. for mineral diamond in Baloda-Belmundi diamond block (Deposit No. 4 and 13) in Tehsil Saraipali, District Mahasamund, Chhattisgarh for undertaking prospecting or mining operations through M/s National Mineral Development Corporation Limited – Chhattisgarh Mineral Development Corporation, a joint venture of National Mineral Development Corporation Limited (a Central Government Public Sector Undertaking under the administrative control of Ministry of Steel), and M/s Chhattisgarh Mineral Development Corporation Limited (a Government of Chhattisgarh Public Sector Undertaking), lying within the boundary (demarcated by latitude and longitude) of such reserve area as specified below:-

Name of Mineral	Location	Area	Point ID	Longitude	Latitude
Diamond	Baloda-Belmundi diamond block (Deposit No. 4 and	156.80 Sq. kms.	A	83°5'25.1196"	21°22'13.2096"
			B	83°07'22.4184"	21°22'11.7372"
			C	83°07'20.8056"	21°20'19.8204"

	13) in Tehsil Saraipali, District Mahasamund, Chhattisgarh	D	83°08'15.0900"	21°20'19.1328"
		E	83°08'13.5312"	21°18'16.2072"
		F	83°11'01.2336"	21°17'52.1016"
		G	83°10'24.1392"	21°16'17.2956"
		H	83°08'11.7348"	21°17'01.6512"
		I	83°08'09.0060"	21°13'18.0912"
		J	83°07'06.4128"	21°13'18.8796"
		K	83°07'02.6580"	21°08'55.3344"
		L	83°04'38.8920"	21°08'57.1164"
		M	83°03'35.1288"	21°10'11.2116"
		N	83°03'35.3572"	21°12'51.7068"
		O	83°01'37.5456"	21°12'53.1576"
		P	83°01'39.2880"	21°15'00.8244"
		Q	83°05'18.9636"	21°14'58.1424"

2. The notification is subject to the following condition:-

“State Government before granting Prospecting License or Mining Lease in the subject area in favour of M/s National Mineral Development Corporation Limited – Chhattisgarh Mineral Development Corporation [NMDC-CMDC-LIMITED] shall comply all the provisions of Mines and Minerals (Development and Regulation) Act, 1957 and rules framed thereunder.”

2.


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-08112021-230977
CG-DL-E-08112021-230977

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
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सं. 635]
No. 635]

नई दिल्ली, सोमवार, नवम्बर 8, 2021/कार्तिक 17, 1943
NEW DELHI, MONDAY, NOVEMBER 8, 2021/KARTIKA 17, 1943

MINISTRY OF MINES
CORRIGENDA

New Delhi, the 8th November, 2021.

G.S.R. 784(E).—In the notification of the Government of India, Ministry of Mines number G.S.R. 744(E), dated the 14th October, 2021, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 14th October, 2021 omit “(Deposit No. 4 and 13)” at both the places where they occur.



सत्यमेव जयते

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The Gazette of India

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असाधारण
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भाग III—खण्ड 1
PART III—Section 1
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सं. 11]	नई दिल्ली, बृहस्पतिवार, अक्तूबर 14, 2021/ आश्विन 22, 1943
No. 11]	NEW DELHI, THURSDAY, OCTOBER 14, 2021/ASVINA 22, 1943

MINISTRY OF MINES

NOTIFICATION

Nagpur, the 17th September, 2021

No. T-43010/CGBM/2017.—By virtue of powers vested in me under Rule 10(1) of Mineral Conservation and Development Rules, 2017 and in supersession to earlier notification vide No. T-43010/ CGBM/ 2014 dated 11.05.2017 published in Govt. of India Gazette on 31.05.2017 to authorize officers of Indian Bureau of Mines as “Competent Authority” to perform functions under Mineral Conservation and Development Rules, 2017, I hereby authorize the following officers of Indian Bureau of Mines as “Competent Authority” to take action in respect of Mineral Conservation and Development Rules, 2017 and the matters relating to rule/rules as mentioned below:-

Sl. No.	Competent Authority	Rule(s) under MCDR, 2017
1	Chief Controller of Mines and Controller of Mines (In-charge of Office of Chief Controller of Mines)	10(1), 10(2), 32(2), 32(6), 32(7)
2	Controller of Mines and Regional Controller of Mines (In-charge of Office of Controller of Mines)	10(1) , 10(2), 26(2), 30(1), 32(1)(d), 32(7)
3	Chief Mining Geologist	10(1), 10(2), 32(7)
4	Regional Controller of Mines	10(1) , 10(2), 11(2), 11(4), 21(4), 23, 24(1), 24(2), 25(1), 25(2), 26(1), 26(2), 31, 32(7)
5	Deputy controller of Mines (In-charge of Regional Office).	10(1) , 10(2), 11(2), 11(4), 21(4), 23, 24(1), 24(2), 25(1), 25(2), 26(1), 26(2), 31, 32(7)

This order shall come into force with immediate effect



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CG-DL-E-14102021-230398

असाधारण
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भाग III—खण्ड 1
PART III—Section 1
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सं. 12] नई दिल्ली, बुध्स्पतिवार, अक्तूबर 14, 2021/ आश्विन 22, 1943
No. 12] NEW DELHI, THURSDAY, OCTOBER 14, 2021/ASVINA 22, 1943

MINISTRY OF MINES

NOTIFICATION

Nagpur, the 17th September, 2021

No. T-43010/CGBM/2017- By virtue of powers vested in me under Rule 3(1)(c) of Mineral Conservation and Development Rules, 2017 and in supersession to earlier notifications viz (i) T-43010/ CGBM/ 2014 dated 11.05.2017 published in Govt. of India Gazette on 31.05.2017 and (ii) T-43010/ CGBM/ 2017 dated 22.03.2018 published in Govt. of India Gazette on 06.08.2018, to authorize officers of Indian Bureau of Mines as "Authorized Officer" to perform functions under Mineral Conservation and Development Rules, 2017, I hereby authorize the following officers of Indian Bureau of Mines as "Authorized Officer" to take action in respect of Mineral Conservation and Development Rules, 2017 and the matters relating to rule/rules as mentioned below:-

Sl. No.	Authorised officer	Authorised for Rule(s) under MCDR, 20.....
1	Chief Controller of Mines and Controller of Mines (In-charge of Office of Chief Controller of Mines)	5(1), 5(2), 8(1), 8(2), 19(3), 48(1), 54(d), 59, 63(2), 64, 65(3), 67, 74
2	Controller of Mines and Regional Controller of Mines (In-charge of Office of Controller of Mines)	5(1), 5(2), 8(1), 8(2), 19(3), 30(2), 30(3), 30(4), 54(d), 59, 67, 74
3	Chief Mining Geologist	5(1), 5(2), 6, 7, 8(1), 8(2), 9(1), 9(3), 9(5), 19(3), 35 (2), 47, 48(1), 54(d), 59, 63(2), 67, 74
4	Chief Mineral Economist	49, 50, 51, 52

5	Regional Controller of Mines	8(1), 8(2), 9(3), 9(5), 19(3), 20(1), 21(1), 21(2), 21(3), 21(4), 27(2), 27(3), 27(4), 27(5), 27(6), 28(1), 28(2), 29, 30(2), 30(3), 33, 35(3), 46(c), 47, 49, 50, 54(d), 59, , 67, 74
6	Superintending Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
7	Deputy Controller of Mines (In-charge of Regional Office).	4, 5(1), 5(2), 6, 7, 8(1), 8(2), 9(1), 9(3), 9(5), 19(3), 20(1), 21(1), 21(2), 21(3) , 21(4), 27(2), 27(3), 27(4), 27(5), 27(6), 28(1), 28(2), 29, 30(2), 30(3), 33, 35(3), 35(2), 35(4), 45(5), 46(c), 47, 49, 50, 51, 52, 54(d), 59, 67
8	Deputy Controller of Mines	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
9	Regional Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
10	Senior Assistant Controller of Mines	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
11	Senior Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
12	Assistant Controller of Mines	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
13	Junior Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
14	Assistant Mining Engineer	8(1), 8(2), 19(3), 54(d), 59, 74
15	Assistant Mining Geologist	8(1), 8(2), 19(3), 54(d), 59, 74

This order shall come into force with immediate effect.

5.



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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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सं. 627]
No. 627]

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NEW DELHI, TUESDAY, NOVEMBER 2, 2021/KARTIKA 11, 1943

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 2nd November, 2021

G.S.R. 775(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 Mineral) Concession Rules, 2016, namely:—

1. (1) These rules may be called the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession (Fourth Amendment) Rules, 2021.

(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 Mineral) Concession Rules, 2016 (hereinafter referred to as the said rules), for the words “prospecting licence-cum-mining lease”, wherever they occur, the words “composite licence” shall be substituted.

3. In the said rules, in rule 2, in sub-rule (1),—

(i) clause (b) and (d) shall be omitted;

(ii) in clause (j), the following provisos shall be inserted, namely:—

“Provided that if for any mineral or mineral grade, the average sale price in respect of the relevant State for any month is not published by the Indian Bureau of Mines, the average sale price for the latest month published for such mineral or mineral grade shall be deemed to be the average sale price for the said month for which average sale price is not published:

Provided further that if for any mineral or mineral grade, the average sale price in respect of the relevant State is not published for the entire period of the preceding twelve months, then the all India average sale price published for such mineral or mineral grade for the said twelve months shall be used:

Provided also that in case of auction of mineral block for composite licence for minerals and corresponding deposits as specified in Schedule II of the Minerals (Evidence of Mineral Contents) Rules, 2015, the ‘estimated quantity of mineral resources’ shall be arrived in the following manner, namely:—

(A) the estimated quantity of mineral resources as assessed under G4 level of exploration for the mineralised area in the block shall be considered the ‘estimated quantity of mineral resources’ of the block;

(B) in case the ‘estimated quantity of mineral resources’ is not possible to be assessed under clause (A), then the same shall be arrived at by multiplying,—

(i) the average of the estimated quantity of mineral resource per hectare for the same mineral available in the mineralised area of nearby mining leases or mineral blocks having similar geological features and explored upto G3 level in accordance with the said rules; and

(ii) the mineralised area of the mineral block which is to be auctioned for composite licence.

Explanation.—For the purposes of this clause ‘nearby mining leases or mineral blocks’ shall mean mining leases or mineral blocks located in the same district or in any adjacent district.”.

4. In the said rules, rule 5, 7 and 8 shall be omitted.

5. In the said rules, in rule 9A,—

(i) in sub-rule (1), for “in respect of leases expiring under the provisions of sub-sections (5) and (6) of section 8A of the Act, within one week from the date of the notification of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules, 2020” the words, figure and letter, “for the purpose of issuing vesting order for transfer and vesting of all valid rights, approvals, clearances, licences and the like in accordance with sub section (1) of section 8B” shall be substituted,

(ii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) In case the new lessee proposes any change in the conditions attached to the approvals, clearances, licences, permits, and the like, transferred under the vesting order, the lessee will obtain the approval of the same, under the laws for the time being in force.”;

(iii) in sub-rule (5), for the words and letter, “for a period of two years as provided in section 8B of the Act”, the words “till expiry or termination of mining lease granted” shall be substituted;

(iv) sub-rules (6), (7) and (8) shall be omitted.

6. In the said rules, in rule 12,—

(i) in sub-rule (1), in clause (k),—

(a) after the words “in respect of any mineral”, the words and figure “having a grade equal to or above the threshold value of such mineral, as notified by the Indian Bureau of Mines under the Mineral Conservation and Development Rules, 2017,” shall be inserted;

(b) after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that in case of overburden or the waste rock or the mineral below the threshold value, which is generated during the course of mining or beneficiation of the mineral; or any minor mineral extracted alongwith the mineral for which lease is granted, the State Government in consultation with the Indian Bureau of Mines may, by order permit the lessee to dispose of such material in such quantity and in such manner as may be specified therein, on such payment as may be decided by the State Government.”;

(ii) for sub-rule (5) and (5A) the following sub-rule shall be substituted, namely:—

“(5) The minimum area for grant of mining lease shall not be less than,—

(a) Two hectares, in respect of beach sands or placers, which are mono or multi mineral concentrations, including the dunes occurring on and off the coastal shore line deposited as a product of the ebb and flow of tides, waves and inshore currents, and at places semi-consolidated to consolidated in nature;

(b) Two hectares, in respect of limestone, bauxite, manganese, kyanite, sillimanite, marl, selenite, siliceous earth, graphite, vermiculite, wollastonite having small deposits, but not fragmented portions of larger ones, shallow in nature with depth of mineralisation upto twenty metres, isolated and not exceeding two hundred metres in strike length, which are small by virtue of either origin or mode of emplacement or dislocation due to geological disturbances; and small deposits shall also include float deposits (transported) formed due to mechanical weathering and deposition, alluvial or eluvial placers (buried or otherwise), which generally have peculiar configurations excepting beach sands or placers;

(c) Four hectares, in respect of all mineral deposits other than those specified under clauses (a) and (b).”.

7. In the said rules, after rule 12A, the following rule shall be inserted, namely:—

“**12B. Manner of Sale of mineral from the captive leases.**— (1) In any lease, where mineral is required to be used for captive purpose, the lessee may sell mineral in the following manner, namely:—

(i) lessee may sell up to fifty per cent. of total mineral produced in such captive mine in a financial year while ensuring that not less than fifty per cent. of total mineral produced in such captive mine shall be used during the financial year for meeting the requirement of the end use plant linked with the mine;

(ii) the requirement of the end use plant linked with the mine for a financial year shall be the actual quantity of mineral consumed in the said plant, in that financial year;

(iii) lessee shall pay the additional amount as specified in the Sixth Schedule of the Act for the quantity so sold;

(iv) lessee who has been allowed to sell mineral before the commencement of Mines and Minerals (Development and Regulation) Amendment Act, 2021, shall also pay the additional amount for the quantity so sold, as specified in the Sixth Schedule of the Act, only for the quantity sold after the commencement of said Act;

- (v) lessee will keep a separate record of such sale and shall report such sale in the monthly and annual returns to be submitted under the Mineral Conservation and Development Rules, 2017;
- (vi) at the end of the financial year, the lessee shall carry out the reconciliation of the quantity of mineral produced, the quantity of mineral consumed in the linked end use plant and the quantity of mineral sold in that financial year;
- (vii) in case lessee sells less than fifty per cent. of total mineral produced in a captive mine in a financial year, it shall not carry forward the deficient quantity for sale in the subsequent year.

Explanation.—This rule shall be applicable in all leases where mineral is required to be used for captive consumption, notwithstanding any order or direction to the contrary, passed by any court or authority, prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”.

8. In the said rules, in rule 20,—

- (i) for the words “mining operations” and “such operations” wherever they occur, the words “production and dispatch” shall be substituted;
- (ii) in sub-rule (1), for the words, “Subject to the conditions of this rule where mining operations are”, the words “Where production and dispatch has” shall be substituted;
- (iii) for sub-rule (3), the following shall be substituted, namely: —

“Where a lessee is unable to commence the production and dispatch within a period of two years from the date of execution of mining lease or discontinuation of production and dispatch for reasons beyond its control, he may submit an application to the State Government, explaining the reasons for the same and stating the further time required, at least three months before the expiry of such period of two years:

Provided that where the lessee has failed to make the application within the time stipulated above due to the reasons beyond his control but has made application before the lapse of lease under sub-rule (1), the State Government may condone the delay in making the application and in such case the State Government shall pass an order under sub-section (6) before the lapse of lease:

Provided further that where the lessee has failed to make the application within the time stipulated above or delay in making the application has not been condoned by the State Government, the lease shall lapse in accordance with sub-rule (1).”;

(iv) in sub-rule (6), —

(a) for the words “whichever is earlier, either granting or rejecting such request:”, the following shall be substituted, namely:—

“whichever is earlier, either extending the period of two year by a further period not exceeding one year or rejecting such request.”;

(b) for the proviso, the following proviso shall be substituted, namely: —

“Provided that such mining lease shall lapse on failure to undertake production and dispatch or inability to continue production and dispatch within the extended period:

Provided further that such extension shall not be granted for more than once during the entire period of lease.”;

(v) for sub-rules (7), (8) and (9) the following sub-rule shall be substituted, namely:—

“(7) Any application for revival of the mining lease submitted under the third proviso to sub-section (4) of section 4A, as it stood prior to commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, namely, the 28th March, 2021, which is not disposed of by the State Government prior to the said date, shall lapse on the said date.”;

(vi) after sub-rule (11) the following sub-rule shall be inserted, namely:—

“(12) The State Government shall intimate the Indian Bureau of Mines in writing about such lapse of a mining lease.”.

9. In the said rules, in rule 21,—

(i) In sub-rule (1),—

- (a) for the words, “the entire area”, the words “the entire or a part area” shall be substituted;
- (b) for the word “twelve”, the word “six” shall be substituted;
- (c) the proviso shall be omitted;

(ii) after sub-rule (3) the following sub-rule shall be inserted, namely:—

“(3A) The State Government may refuse to accept such surrender of the entire or a part area of the mining lease for the reasons to be communicated in writing to the lessee.”.

10. In the said rules, in rule 23,—

(i) in the heading, the words “granted through auction” shall be omitted;

(ii) in sub-rule (1), for the words, “through auction” the words “under the Act” shall be substituted;

(iii) in sub-rule (2), the words, “which has been granted only through auction” shall be omitted;

(iv) in sub-rule (5), after the words, “as the case may be” occurring at the end, the following shall be inserted, namely:—

“and the transfer will not result in change of status of captive mine to merchant mine or *vice versa*;

Provided that any change of status of mine, from captive to merchant or *vice versa* upon any transfer effected prior to the commencement of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Fourth Amendment) Rules, 2021 shall be void and the captive or merchant status of such mine, as the case may be, as it stood prior to such transfer, shall be restored.”;

(v) after sub-rule (11), the following sub-rule shall be inserted, namely:—

“(12) The upfront payment made by any transferee of mining lease under the provisions of the Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016, as it stood prior to its rescission, shall be refunded by the State Government to such transferee after adjustment against the transfer charges payable under the said rules till 27th of March, 2021:

Provided that such refund shall be made within sixty days from the date application by the transferee for such refund.”.

11. After rule 23A, the following rule shall be inserted, namely:—

“23B. Mutation of mining lease or composite licence in favour of legal heirs on death of the lessee or licensee.- (1) In case of death of the holder of a mining lease or composite licence during the currency of the lease or licence period, the legal heirs may apply to the State Government for mutation of their name in the lease or licence in place of the deceased lessee or licensee, as the case may be.

(2) The State Government within a period of ninety days from the date of receiving such application for mutation shall enter the names of such legal heirs in the records in place of the deceased lessee or licensee or reject such mutations for the reasons to be recorded in writing:

Provided further that no such mutation of name in a mining lease or a composite licence shall be made in contravention of any condition subject to which such lease or licence was granted.

(3) The State Government shall intimate the Indian Bureau of Mines in writing about any mutation under this rule.”.

12. In the said rules, rule 24 shall be omitted.

13. In the said rules, in rule 42, in sub-rule (3), after the words “the non-captive mines”, the words “and any merchant sale done by the captive mines” shall be inserted.

14. In the said rules, in rule 49, —

(i) for the words and figures “rate of 24%”, the words “twelve per cent.” shall be substituted;

(ii) for the words “the sixtieth day of” shall be omitted.

15. In the said rules, for the rule 54, the following rule shall be substituted, namely:—

“**54. Penalty.**— (1) Any contravention of rules 11, 12, 12A, 12B, 13, 15, 17 [sub-rule (1)], 21 [sub-rule 4], 22 [sub-rule (2)], 23, 25, 28 to 33, 40, 50, 51, 52, 60, 61, 64 and 65 shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to rupees five lakhs, or with both, and in the case of a continuing contravention, with additional fine which may extend to rupees fifty thousand for every day during which such contravention continues after conviction for the first such contravention.

(2) Any contravention of sub-rule (2) of rule 17 shall be punishable with fine for an amount as specified in Schedule XII.”

16. In the said rules, in rule 55, Schedule V, Schedule VII and Schedule IX, for the words, figures, “Concession Rules, 2015” the words and figures, “Concession Rules, 2016” shall be substituted.

17. In the said rules, in rule 60, for heading, the following heading shall be substituted, namely:—

“Supply of certain information to the new concession holder.”

18. In the said rules, after rule 70, the following rules and Chapter shall be inserted, namely:—

“**71. When day of completion of any requirement is a public holiday.**— When the day of completion of any requirement under these rules is falling due on a public holiday, the day of completion shall be deemed to be due on the next working day.

Explanation.—The expression “public holiday” includes Saturday, Sunday and any other day declared to be a public holiday by the Central Government or the State Government, as the case may be.

CHAPTER XVIII

MINING BY GOVERNMENT COMPANIES

72. **Period of mining lease granted to Government companies or corporations before 12th January, 2015.**— (1) All mining leases for minerals granted to a Government company or corporation before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), namely, the 12th January, 2015 shall be deemed to have been granted for a period of fifty years.

(2) The State Government, upon an application made to it in this behalf by the Government company or corporation at least three months prior to the expiry of the mining lease, shall, extend the period of the mining lease for further periods of twenty years at a time:

Provided that the State Government may condone the delay in making of such application.

(3) Subject to sub-rule (1), all applications made by a Government company or corporation for renewal of mining leases and which were pending as on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015) shall be deemed to be applications for extension of the period of the mining lease and shall be disposed of in accordance with the provisions of sub-rule (2).

(4) If an application for extension of a mining lease made within the time referred to in sub-rule (2), including any application for extension of mining lease submitted before the commencement of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Fourth Amendment) Rules, 2021, is not disposed of by the State Government before the date of expiry of the mining lease which may take place before or after the commencement of the said Rules, the period of that lease shall be deemed to have been extended by a further period till the State Government grants extension of mining lease and the Government company or corporation may continue mining operations, production and dispatch from such mining lease:

Provided that the Government company or corporation shall pay the amounts as specified in rule 74 upon such deemed extension.

73. **Period of mining lease granted to Government companies or corporations on or after 12th January, 2015.**— (1) All mining leases granted to a Government company or corporation for minerals shall be for a period of fifty years.

(2) A mining lease granted to a Government company or corporation in accordance with the provisions of section 10B and section 11 of the Act shall expire at the end of the period of fifty years and shall not be extended.

(3) The State Government, upon an application made to it in this behalf by the Government company or corporation granted a mining lease in accordance with the provisions of sub-sections (2A) and (2B) of section 17A of the Act, at least three months prior to the expiry of the mining lease, shall extend the period of the mining lease for further periods of twenty years at a time:

Provided that the State Government may condone the delay in making of such application.

(4) If an application for extension of a mining lease made within the time referred to in sub-rule (3) is not disposed of by the State Government before the date of expiry of the mining lease, the period of that lease shall be deemed to have been extended by a further period till the State Government grants extension of mining lease and the Government company or corporation may continue mining operations, production and dispatch from such mining lease:

Provided that the Government company or corporation shall pay the amounts as specified in rule 74 upon such deemed extension.

74. Payments by a Government company or corporation.— (1) In case of a mining lease granted or extended to a Government company or corporation or a joint venture, under the provisions of the Act, otherwise than through auction; on or after 12th January 2015, shall pay an amount to the State Government as prescribed under Fifth Schedule of the Act for the mineral produced after the commencement of the Mines and Mineral (Development and Regulation) Amendment Act, 2021.

(2) A Government company or corporation, in addition to payment of additional amount as specified in Fifth Schedule, shall also pay such other amounts as may be required under any law for the time being in force to the concerned authorities, including,-

- (i) royalty or dead rent to the State Government;
- (ii) payment to the National Mineral Exploration Trust; and
- (iii) payment to the District Mineral Foundation.”.

19. In the said rules, after Schedule XI, the following schedule shall be inserted, namely:—

“**Schedule XII**

[See rule 54(2)]

AMOUNT OF FINE

Rule No.	Marginal Heading of the Rule	Amount for compounding (in Rs.)
Sub-Rule (2) of Rule 17	Modification and review of the Mining Plan	2,000/- per day, subject to maximum 5,00,000/-”.

Note : The Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 279(E) dated the 4th March, 2016 and lastly amended *vide* number G.S.R. 397(E), dated the 10th June, 2021.



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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 628]	नई दिल्ली, मंगलवार, नवम्बर 2, 2021/कार्तिक 11, 1943
No. 628]	NEW DELHI, TUESDAY, NOVEMBER 2, 2021/KARTIKA 11, 1943

MINISTRY OF MINES
NOTIFICATION

New Delhi, the 2nd November, 2021

G.S.R. 776(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 Mineral (Auction) Rules, 2015, namely:—

1. (1) These rules may be called the Mineral (Auction) Third Amendment Rules, 2021.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Mineral (Auction) Rules, 2015 (hereinafter referred to the 'said rules'), in rule 6, —
(i) in sub-rule (3), the following explanation shall be inserted, namely: —
“*Explanation.*— This sub-rule shall be applicable in all cases of auction, notwithstanding any order or direction to the contrary, passed by any court or authority, prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”
(ii) in sub-rule (4), the following explanation shall be inserted, namely: —
“*Explanation.*— This sub-rule shall be applicable in all leases where mineral is required to be used for captive consumption, notwithstanding any order or direction to the contrary, passed by any court or authority, prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”
3. In the Mineral (Auction) Rules, 2015, in rule 14, —
(i) for the words “twenty-four” the words “twelve” shall be substituted;
(ii) the words, “sixty days from” shall be omitted.

Note : The Mineral (Auction) Rules, 2015 were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 406(E), dated the 20th May, 2015 and lastly amended *vide* number G.S.R. 422 (E), dated the 18th June, 2021.


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CG-DL-E-02112021-230914

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 629]	नई दिल्ली, मंगलवार, नवम्बर 2, 2021/कार्तिक 11, 1943
No. 629]	NEW DELHI, TUESDAY, NOVEMBER 2, 2021/KARTIKA 11, 1943

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 2nd November, 2021

G.S.R. 777(E).—In exercise of the powers conferred by section 13 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 number G.S.R. 927(E) dated the 3rd December, 2015 relating to the Mineral (Mining by Government Company) Rules, 2015, published in Gazette of India, Part II, section 3, sub-section (i), dated the 3rd December, 2015.

(2) Notwithstanding such rescission, anything done or any action taken under the Mineral (Mining by Government Company) Rules, 2015, shall be deemed to have been done or taken under the corresponding provisions of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, published in Gazette of India, Part II, section 3, sub-section (i) vide number G.S.R. 279(E), dated 4th March, 2016.

Note : The Mineral (Mining by Government Company) Rules, 2015 were published in Gazette of India, Part II, section 3, sub-section (i) vide number G.S.R. 927(E) dated the 3rd December, 2015.

8.


सत्यमेव जयते

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सी.जी.-डी.एल.-अ.-02112021-230919
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
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सं. 630] No. 630]	नई दिल्ली, मंगलवार, नवम्बर 2, 2021/कार्तिक 11, 1943 NEW DELHI, TUESDAY, NOVEMBER 2, 2021/KARTIKA 11, 1943
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MINISTRY OF MINES

NOTIFICATION

New Delhi, the 2nd November, 2021

G.S.R. 778(E).—In exercise of the powers conferred by section 13 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 number G.S.R. 560(E) dated the 30th May, 2016 relating to the Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016, published in Gazette of India, Part II, section 3, sub-section (i) dated the 30th May, 2016.

(2) Notwithstanding such rescission, anything done or any action taken under the Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016, shall be deemed to have been done or taken under the corresponding provisions of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, published in Gazette of India, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 279(E), dated 4th March, 2016.

Note : The Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016 were published in Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 560(E) dated the 30th May, 2016.


भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
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No. 632]	NEW DELHI, WEDNESDAY, NOVEMBER 3, 2021/KARTIKA 12, 1943

MINISTRY OF MINES
NOTIFICATION

New Delhi, the 3rd November, 2021.

G.S.R. 780(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 further to amend the Mineral Conservation and Development Rules, 2017, namely:—

1. (1) These rules may be called the Mineral Conservation and Development (Amendment) Rules, 2021.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Throughout in the Mineral Conservation and Development Rules, 2017 (hereinafter referred to as the principal rules), for the words “prospecting licence-cum-mining lease” and “prospecting license-cum-mining lease”, wherever they occur [except sub-rule (1) of rule 4], the words “composite licence” shall be substituted.
3. In the principal rules, in rule 3, after sub-rule (2), the following sub-rule shall be inserted, namely:—
“(3) Throughout these rules, wherever any power, function or responsibility of the Indian Bureau of Mines or its officers is specified or any information is to be submitted to the Indian Bureau of Mines or its officers, the same shall be deemed as power, function or responsibility of the Atomic Minerals Directorate for Exploration and Research or its officers or requirement of submission of information to the said Directorate or its officers in respect of minerals specified in Part B of the First Schedule to the Act where the grade of such atomic minerals is equal to or above the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016, in the following manner, namely:-
(a) any reference to the Indian Bureau of Mines, to be deemed as reference to the Atomic Minerals Directorate for Exploration and Research;

(b) any reference to the Controller General or the Chief Controller of Mines or the Controller of Mines or the Regional Controller or the authorised officer of Indian Bureau of Mines, to be deemed as reference to the Director or as the case may be, the authorised officer of Atomic Minerals Directorate for Exploration and Research.”.

4. In the principal rules, in rule 4, in sub-rule (1), for the words “prospecting license-cum-mining lease” the words “composite licence or the preferred bidder selected for grant of composite licence” shall be substituted.

5. In the principal rules, in sub-rule (1) and sub-rule (2) of rule 5, the words “and Regional Controller” shall be omitted.

6. In the principal rules, in rule 6, for the words “the Controller General and Regional Controller”, the words “Controller General” shall be substituted.

7. In the principal rules, in rule 9,—

(i) in sub-rule (1), for the words “from the date of execution of the relevant prospecting licence deed or the expiry of the prospecting licence or prospecting license-cum-mining lease, whichever is earlier”, the words “from the date of execution of the relevant reconnaissance permit, prospecting licence deed or the expiry of the reconnaissance permit, prospecting licence or composite licence, whichever is earlier” shall be substituted;

(ii) in sub-rule (3), for the words “yearly report in Form B”, the words “yearly report along with Form B” shall be substituted;

(iii) in sub-rule (4), for the words “prospecting operations”, the words “reconnaissance or prospecting operations” shall be substituted;

(iv) in sub-rule (5), for the words “prospecting licence”, the words and figure “reconnaissance permit, prospecting licence” shall be substituted.

8. In the principal rules, in rule 11, in sub-rule (3), in the proviso, for the word “below”, the words “equal to or above” shall be substituted.

9. In the principal rules, in rule 12,—

(i) in sub-rule (3), after the words “under the mining lease,” the words, brackets and figures “in the manner specified in the Minerals (Evidence of Mineral Contents) Rules, 2015 or the Atomic Minerals Concession Rules, 2016, as the case may be,” shall be inserted;

(ii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) In the case of existing mining leases, detailed exploration (G1 level) over the entire potentially mineralised area under the mining lease shall be carried out in the manner specified in the Minerals (Evidence of Mineral Contents) Rules, 2015 or the Atomic Minerals Concession Rules, 2016, as the case may be, within a period of five years from the date of commencement of these rules.”;

(iii) for sub-rule (4A), the following sub-rules shall be substituted, namely:—

“(4A) In case of mining leases covered under sub-section (6) of section 8A of the Act where the date of expiry of the period of such lease is on or before 31st March, 2022, the holders of such mining lease shall carry out general exploration (G2 level) over the entire mineralised area under the mining lease in the manner specified in the Minerals (Evidence of Mineral Contents) Rules, 2015 and prepare and submit to the State Government and the Indian Bureau of Mines, a Geological Study Report prepared in the manner specified in the said rules before the 31st March, 2022 or date of expiry of lease, whichever is earlier.

(4B) For the exploration done under sub-rule (3) and (4), the holder of mining lease shall submit to the State Government and the Indian Bureau of Mines, a Geological Study Report prepared in the manner specified in the Minerals (Evidence of Mineral Contents) Rules, 2015, within three months after the completion of the exploration work.

(4C) The State Government shall conduct technical audit of Geological Study Report as submitted under this rule for its verification and in case lease holder fails to perform his duties as so specified, the State Government may, after giving the lease holder an opportunity of being heard, take such action for enforcing compliance, as it deems fit.”.

10. In the principal rules, in rule 18, after the words “Controller General”, wherever they occur, the words “or the authorised officer of Indian Bureau of Mines” shall be inserted.

11. In the principal rules, in rule 24,—

(i) in sub-rule (1), after the words, “closure of the mine”, the words “or surrender of the entire or part area of the mining lease, accompanied by such fee as may be specified by the Indian Bureau of Mines” shall be inserted;

(ii) after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) Non-submission of final mine closure plan within the period specified under sub-rule (1) will attract the forfeiture of financial assurance, or, as the case may be, performance security as applicable for a mining lease wherein the Mine Development and Production Agreement has been signed between the lessee and the State Government and performance security has been submitted.”.

12. In the principal rules, in rule 26, in sub-rule (2), after the words “before 1st day of July every year”, the words “along with annual return” shall be inserted.

13. In the principal rules, in rule 27, in sub-rule (1),—

(i) for the words and letters “three lakh rupees for Category ‘A’ mines and two lakh rupees for Category ‘B’ mines”, the words and letters “five lakh rupees for Category ‘A’ mines and three lakh rupees for Category ‘B’ mines” shall be substituted;

(ii) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that the provisions of sub-rule (1) shall not be applicable for a mining lease wherein the Mine Development and Production Agreement has been signed between the lessee and the State Government and performance security has been submitted.”.

14. In the principal rules, in rule 31,—

(i) in sub-rule (1), in clause (b), for the words “the letter”, the word “observation” shall be substituted;

(ii) in sub-rule (4), for the words “within three months”, the words “showing also the respective proposal of approved mining plan for various activities pertaining to that year, within three months” shall be inserted.

15. In the principal rules, in rule 32, in sub-rule (1), in clause (a), for the words “grazing land and subsidence on the surface beneficiation plants”, the words “grazing land, surface beneficications plants” shall be substituted.

16. In the principal rules, in rule 33, after the words “maintained under rule 32”, the words “alongwith the annual return” shall be inserted.

17. In the principal rules, in rule 34, after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) All plans and sections shall be prepared by using a combination of Differential Global Positioning System (DGPS) or Total Station or by the use of drone survey or as may be specified in this regard by the Indian Bureau of Mines in relation to certain or all category of leases.”.

18. In the principal rules, after rule 34, the following rule shall be inserted, namely:—

“34A. Digital aerial images of mining lease area.— (1) Every lessee having—

- (a) an annual excavation plan of one million tonne or more in a particular year; or
- (b) leased area of fifty hectare or more,

shall carry out a drone survey of the leased area and upto hundred metres outside the lease boundary in the month of April or May every year and submit the processed output [digital elevation model (DEM) and Orthomosaic] images obtained from such survey or any other format

as may be specified by the Indian Bureau of Mines in this regard to the Controller General on or before 1st day of July every year.

(2) Every lessee, other than those covered under sub-rule (1), shall submit soft copy of high resolution Georeferenced Ortho-rectified Multispectral satellite images of the leased area and upto hundred metres outside the lease boundary taken in the month of April to June of every year, to the Controller General on or before 1st day of July of the that year in the standards formats such as GeoTIFF along with metadata or any other format as may be specified by the Indian Bureau of Mines in this regard:

Provided that the lessee who has submitted images under sub-rule (3) shall not be required to submit the images under this sub-rule for the year in which images are submitted under sub-rule (3).

(3) Every lessee shall carry out a drone survey of his leased area and upto hundred metres outside the lease boundary within six months before submission of any mining plan document or modification thereto to the Indian Bureau of Mines for approval and shall submit processed output [digital elevation model (DEM) and Orthomosaic] images obtained from such survey or any other format as may be specified by the Indian Bureau of Mines in this regard to the concerned Regional Controller of Mines and the Controller General along with the application for approval or modification of mining plan:

Provided that the lessee who has submitted the images under sub-rule (1) on or before the 1st day of July falling immediately before submission of mining plan document, shall not be required to submit the same under sub-rule (3).

(4) All preferred bidders who are issued with a letter of intent for grant of a mining lease shall carry out a drone survey of the mining block granted through auction and upto hundred metres outside the block boundary and submit the processed output [digital elevation model (DEM) and Orthomosaic] images obtained from such survey or any other format as may be specified by the Indian Bureau of Mines in this regard along with the mining plan to the Regional Controller and the Controller General.

(5) The standard operating procedure for carrying out the drone survey and form of the data to be submitted shall be specified by the Indian Bureau of Mines from time to time:

Provided that the Indian Bureau of Mines may specify any alternate mechanism for survey and submission of data or images other than the mechanism specified in sub-rules (1) to (4), in case of any restriction on use of drones under any law for the time being in force regulating the use of drones.”.

19. In the principal rules, in rule 35,—

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Every holder of a mining lease shall monitor his mining and allied activities as per the template of star rating in the format specified in this behalf by the Indian Bureau of Mines from time to time, and shall submit online its self-assessment report before the 1st day of July every year for the previous financial year, alongwith the digital images of mining lease area under rule 34A, to the Regional Controller or the authorised officer of the Indian Bureau of Mines:

Provided that those mining lease holders who do not fill and submit the template as specified shall be deemed self-assessed star rating below the qualifying star rating as provided under sub-rule (4) and action shall be initiated accordingly.”;

(ii) for sub-rule (4), the following sub-rules shall be substituted, namely:—

“(4) Every holder of a mining lease shall achieve at least three-star rating 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, and thereafter maintain the same on year- on- year basis.

(4A) The Regional Controller or the authorised officer of the Indian Bureau of Mines may suspend the mining operations in those mines where,—

- (a) 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, or
- (b) at least three-star rating has not been maintained on year-on-year basis, or
- (c) where the lessee has failed to submit the star rating template,

after giving a show cause notice of forty-five days to qualify for star rating or submit star rating template, as the case may be.

(4B) In case of non-filing of template as stated in sub-rule (2), the holder of mining lease shall be liable to pay an amount of ten thousand rupees per day for such delay to the authorised officer of the Indian Bureau of Mines.”;

(iii) in sub-rule (5), for the words, brackets and figures “sub-rules (3), (4) and (5)”, the words, brackets and figures “sub-rules (3), (4), (4A), (4B) and (5)” shall be substituted.

20. In the principal rules, in rule 45,—

(i) in sub-rules (1), (2) and (4), for the words “mining lease”, wherever they occur, the words “mineral concession” shall be substituted;

(ii) in sub-rules (1), (2), (4), (6), (7), (9), (11) and (12), for the word “export”, wherever they occur, the words “export or import” shall be substituted;

(iii) in sub-rule (1), the words “mines in the country” shall be omitted;

(iv) in sub-rule (2), for the words and figure “registration of the lease deed”, the words “grant or registration of the permit, licence or lease deed, as the case may be,” shall be substituted;

(v) in sub-rule (5),—

(a) for the word “Regional Controller or any other authorised official”, the words “Regional Controller and the authorised officer” shall be substituted;

(b) clause (a) shall be omitted;

(vi) in sub-rule (7),—

(a) the words “daily or” shall be omitted;

(b) in clause (a), for the words “may advise the State Government to” the words “or the authorised officer of the State Government may” shall be substituted; and after the words “all mining operations”, the words “and dispatches” shall be inserted;

(c) in clause (c), the proviso shall be omitted;

(vii) after sub-rule (7), the following sub-rule shall be inserted, namely:—

“(7A) (i) Before taking any action specified under sub-rule (7), the relevant authority shall issue a show cause notice to the holder of a mining lease or the person or company, as the case may be, informing about the violation made under sub-rule (7) and asking reasons as to why action under sub-rule (7) shall not be taken against such holder, person or company and shall give thirty days time for reply and rectification of the violation stated in such notice;

(ii) if such holder, person or company,—

(a) rectifies the violation stated in the show cause notice and deposit within the said period of thirty days, such amount as specified in Schedule II for the period from due date of submission of return till the date of rectification of violation, no further action shall be taken;

(b) does not provide satisfactory reply or rectify the violation within the said period of thirty days, the mining operations and dispatches may be suspended and any action under sub-rule (7) may be initiated;

(iii) the suspension of mining operations may be revoked only after the rectification of violation as indicated in the violation-cum-show cause notice and after deposition of such amount as specified

in Schedule II for the period from due date of submission of return till the date of rectification of violation.”.

21. In the principal rules, for rule 49, the following rule shall be substituted, namely:—

“49. **Change in name of mine to be intimated.**— The State Government may, on its own or on receipt of an application from the lessee, change the name of a mine and upon such change it shall intimate the same to the lessee and Regional Controller within thirty days of such change.”.

22. In the principal rules, in rule 55,—

(i) in sub-rule (1),—

(a) for clause 3, the following clause shall be substituted, namely: —

“3. every holder of a mining lease shall employ, in case of—

- (i) category ‘A’ mines having leased area equal to or above twenty-five hectares, a whole-time mining engineer and a geologist;
- (ii) category ‘A’ mines having lease area below twenty-five hectares and category ‘B’ mines, a part-time mining engineer and a part-time geologist:

Provided that in the case of fully mechanised category ‘A’ mines, the mining engineers and geologist shall have minimum five years of professional experience of working in a supervisory capacity in the field of mining.”;

(b) after clause 3, the following clause shall be inserted, namely: —

“4. Notice of such appointment or termination shall be intimated in the monthly and annual return to be submitted under rule 45.”;

(ii) in sub-rule (6),—

(a) for the paragraph opening with the words “Mining Engineer: A degree in Mining” and ending with the words “or any equivalent qualification.”, the following paragraphs shall be substituted, namely:—

“Full time Mining Engineer: A degree in Mining Engineering granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956) or any equivalent qualification or diploma in mining and mine surveying granted by a duly recognised institute along with a second class certificate of competency issued by the Director General of Mines Safety.

Part time Mining Engineer: A degree in Mining Engineering granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956) or any equivalent qualification or diploma in mining and mine surveying granted by a duly recognised institute along with a second class certificate of competency or a foreman certificate of competency issued by the Director General of Mines Safety.”.

23. In the principal rules, for rule 62, the following rule shall be substituted, namely:—

“62. **Penalty.**— (1) Any contravention of rules 4 to 9, sub-rule (1), (2) and (3) of rule 11, 13 to 17, 21, 24, 26, 27, 30, 32 to 42, 44, 45, 47, 48, 50, 52 to 54, 58, 60, 63, 67 and 72 shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to rupees five lakhs, or with both, and in the case of a continuing contravention, with

additional fine which may extend to rupees fifty thousand for every day during which such contravention continues after conviction for the first such contravention.

(2) Any contravention of sub-rule (4) of rule 11, rules 12, 18, 19, 20, 23, 28, 29, 46, 51 and 55 shall be punishable with fine for an amount as specified in Schedule III.

(3) Any offence punishable under these rules may either before or after the institution of the prosecution, be compounded by the person authorised under section 22 of the Act to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government, of such sum specified in this regard by the Controller General or the Director, Atomic Minerals Directorate for Exploration and Research, in respect of minerals specified in Part B of the First Schedule to the Act where the grade of such atomic minerals is equal to or above the threshold value limits declared under Schedule-A of the Atomic Minerals Concession Rules, 2016, as the case may be:

Provided that in case of an offence punishable with fine only, such sum shall not exceed the maximum amount of fine which may be imposed for that offence:

Provided further that where an offence is compounded under these rules, no proceeding or further proceeding, as the case may be, shall be made against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith.”.

24. In the principal rules, for rule 71, the following rule shall be substituted, namely:—

“71. **Review of format, templates and manuals.**— The Indian Bureau of Mines or the Director, Atomic Minerals Directorate for Exploration and Research, as the case may be, may revise or update, at such interval as considered appropriate, after consultation with stakeholders, the formats of the scheme of reconnaissance, scheme of prospecting, mining plan, mine closure plan and the templates for Star Rating of mines provided by it.”.

25. In the principal rules, after rule 71, the following rule shall be inserted, namely:—

“71A. **Day of completion of any requirement.**— When the day of completion of any requirement under these rules is falling due on a public holiday, the day of completion shall be deemed to be due on the next working day.

Explanation.— For the purposes of these rules, the expression “public holiday” includes Saturday, Sunday and any other day declared to be a public holiday by the Central Government or the State Government, as the case may be.”.

26. In the principal rules, the Schedule shall be numbered as Schedule-I and after Schedule-I as so numbered, —

(i) in Form K, for the word, “export”, wherever it occurs, the words “export or import” shall be substituted;

(ii) after Schedule-I, the following Schedules shall be inserted, namely: —

“SCHEDULE-II

[see rule 45(7A)]

AMOUNT TO BE PAID IN CASE OF VIOLATION UNDER RULE 45

Item	Amount (in Rs.)	Explanation
(1)	(2)	(3)
Non-submission or incomplete/ wrong/ false information in monthly returns in Form F1, F2, F3; by the due date	Rs 10,000/- per day after due date of submission of return as specified in the Rule till rectification of violation	In case of referred back returns by Indian Bureau of Mines for incorporating necessary corrections, to be undertaken by the lease holder, and if corrected within the allotted time limit and accepted thereafter by the
Non-submission or incomplete/ wrong/ false information in annual returns in Form G1, G2, G3; by the due date	Rs 10,000/- per day after due date of submission of return as specified in the Rule till rectification of violation	

Non-submission or incomplete/ wrong/ false information in monthly returns in Form L; by the due date	Rs 5,000/- per day after due date of submission of return as prescribed in the Rule till rectification of violation	Indian Bureau of Mines, no amount will be payable for the intervening period for such corrections. Failure to rectify in such cases will attract the payment as specified.
Non-submission or incomplete/ wrong/ false information in annual returns in Form M; by the due date	Rs 5,000/- per day after due date of submission of return as prescribed in the Rule till rectification of violation	

Schedule III

[see rule 62(2)]

Rules whose contravention shall be punishable with fine

Rule No.	Marginal heading of the Rule	Amount of Fine (in Rs.)
(1)	(2)	(3)
Sub-rule (4) of rule 11	Mining operations under mining lease	2,000/- per day, subject to maximum 5,00,000/-
12	Prospecting and mining operations	5,00,000/-
18	Beneficiation studies to be carried out	5,00,000/-
19	Machinery and plant	5,00,000/-
20	Notice for opening of mine	5,00,000/-
23	Submission of progressive mine closure plan	5,00,000/-
28	Notice of temporary discontinuance of work in mines and obligations of lease holders.	5,00,000/-
29	Intimation of reopening of a mine	5,00,000/-
46	Notice of certain appointments	2,000/- per day, subject to maximum 1,00,000/-
51	Notice of amalgamation of mining lease	Rs 2,000/- per day after due date as prescribed in the Rule, subject to maximum 1,00,000/-
55	Employment of geologists and mining engineers	5,00,000/-

Note : The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 169(E), dated the 27th February, 2017 and lastly amended *vide* number G.S.R. 570(E), dated 13th August, 2019.


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

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CG-DL-E-15122021-231862

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 697]	नई दिल्ली, मंगलवार, दिसम्बर 14, 2021/अग्रहायण 23, 1943
No. 697]	NEW DELHI, TUESDAY, DECEMBER 14, 2021/AGRAHAYANA 23, 1943

**MINISTRY OF MINES
NOTIFICATION**

New Delhi, the 14th December, 2021

G.S.R. 856(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 Minerals (Evidence of Mineral Contents) Rules, 2015, namely:—

1. (1) These rules may be called the Minerals (Evidence of Mineral Contents) Second Amendment Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Minerals (Evidence of Mineral Contents) Rules, 2015 (hereinafter referred to as the said rules), in rule 7, after sub-rule (1), the following sub-rules shall be inserted, namely:—

“(1A) Any person intending to obtain composite licence in respect of an area may submit a proposal to the State Government in the format specified in Schedule III along with available geoscience data for notification of the area for auction to grant a composite licence.

(1B) In order to identify mineral potentiality of a block based on the available geoscience data where resources are yet to be established as referred in clause (a) of sub-rule (1), including in any block proposed by any person under the sub-rule (1A), the State Government shall place it before a committee consisting of the following members:—

- (a) Principal Secretary or Secretary in the Mining and Geology Department of State Government (by whatever name called) – Chairman;
- (b) Deputy Director General of Geological Survey of India – Member;
- (c) Director in the Mining and Geology Department of State Government (by whatever name called) – Member Secretary.

(1C) On being satisfied of mineral potentiality of the area, the committee may recommend the area for notification for auction with such alteration in it as may be required.

(1D) The committee shall recommend or reject the proposal within sixty days of its receipt in the State Government and thereafter the State Government shall notify recommended block for auction or reject the recommendation within sixty days of such recommendation.”.

3. In the said rules, after Schedule II, the following schedule shall be inserted, namely:—

“SCHEDULE III

[See rule 7(1A)]

FORMAT FOR SUBMITTING PROPOSAL FOR AUCTION OF AN AREA FOR GRANT OF COMPOSITE LICENCE

To,

The Director,
Mining and Geology Department,
Government of ___ [mention name of State Government]
Madam/ Sir,

Under the provision of sub-rule (1A) of rule 7 of the Minerals (Evidence of Mineral Contents) Rules, 2015, I/we am/are submitting the following details and other particulars of the area for consideration of the State Government for auction of composite licence in respect of the area. It is submitted that I/we intend to participate in auction of composite licence in respect of the said area.

1. Name and Address of the Applicant

(a)	Name:	
(b)	Postal address:	
(c)	Telephone Number (Office):	
(d)	Fax number (Office):	
(e)	Mobile No.:	
(f)	Telephone Number (Residence):	
(g)	E-Mail address:	

2. Location Details of the Area Proposed for Auction

(a)	State	
(b)	District (s)	

(c)	Nearby Village(s)	
(d)	Survey of India (SOI) Toposheet (s) No.	
(e)	Area in sq. km.	
(f)	Boundary coordinates of the proposed block (in Decimal degree)	

3. Mineral Potential of the Area

(a)	Name of Mineral(s) identified/ expected in the area/ block	
(b)	Basis on which mineral potential in the area has been identified	
(c)	List of documents and references relied upon in support of item (b) above.	

4. Documents to be enclosed with the application

- i) Location of the proposed block demarcated on Survey of India (SOI) Toposheet No.
- ii) Documents mentioned in item 3(c) above.

Place

Date

Signature of Applicant".

Note:-The Minerals (Evidence of Mineral Contents) Rules, 2015 were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R.304(E), dated the 17th April, 2015 and lastly amended *vide* number G.S.R. 421 (E), dated the 18th June, 2021.


भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 698]	नई दिल्ली, मंगलवार, दिसम्बर 14, 2021/अग्रहायण 23, 1943
No. 698]	NEW DELHI, TUESDAY, DECEMBER 14, 2021/AGRAHAYANA 23, 1943

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 14th December, 2021

G.S.R. 857(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 Mineral (Auction) Rules, 2015, namely:—

1. (1) These rules may be called the Mineral (Auction) Fourth Amendment Rules, 2021.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Mineral (Auction) Rules, 2015, in rule 9, in sub-rule (5), in clause (B), after the second proviso, the following proviso shall be inserted, namely:—
“Provided also that in case the area proposed by a person under sub-rule (1A) of rule 7 of the Minerals (Evidence of Mineral Contents) Rules, 2015 is put up for auction to grant a composite licence, such person shall be required to submit the bid security of only fifty per cent. of the amount specified in this clause for participating in the auction for the said area.”.

Note:- The Mineral (Auction) Rules, 2015 were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 406(E), dated the 20th May, 2015 and lastly amended *vide* number G.S.R. 776(E), dated the 02.11.2021.


भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 701]	नई दिल्ली, बृहस्पतिवार, दिसम्बर 16, 2021/अग्रहायण 25, 1943
No. 701]	NEW DELHI, THURSDAY, DECEMBER 16, 2021/AGRAHAYANA 25, 1943

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 16th December, 2021.

G.S.R. 860(E).—WHEREAS, provisos to sub-sections (3) and (4) of section 10B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as the Act) empowers the Central Government to require the State Government to notify an area, or as the case may be, to conduct auction for grant of mining lease within a specified period fixed in consultation with the State Government and in case where the notification is not issued, or as the case may be, auction is not completed within the specified period, the Central Government may notify the said area, or as the case may be, conduct auction for grant of mining lease in such area;

And Whereas, similar provision is specified in respect of notification of an area, or as the case may be, conduct of auction for grant of composite licence under the provisos to sub-sections (4) and (5) of section 11 of the Act;

And Whereas, rules 9A and 17A of the Mineral (Auction) Rules, 2015 framed under section 13 of the Act provides rules regarding conduct of auction of mining lease, or as the case may be, composite licence by the Central Government;

And Whereas, clause (a) of sub-section (1) of section 26 of the Act provides that the Central Government may direct that any power exercisable by it under the Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by such officer or authority subordinate to the Central Government;

Now therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 26 of the Act, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, the powers of the Central Government under the provisos to sub-section (3) and (4) of section 10B and the provisos to sub-sections (4) and (5) of section 11 of the Act and under the Mineral (Auction) Rules, 2015 shall also be exercisable by Dr. Veena Kumari Dermal, Joint Secretary to the Government of India in the Ministry of Mines;

2. For the purposes of exercising the above said powers, the said officer shall be known as the “Designated Officer”.

3. The said officer shall be bound by the written directions as may be given by the Central Government from time to time.



भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 399]

नई दिल्ली, मंगलवार, फरवरी 1, 2022/माघ 12, 1943

No. 399]

NEW DELHI, TUESDAY, FEBRUARY 1, 2022/ MAGHA 12, 1943

MINISTRY OF MINES
(INDIAN BUREAU OF MINES)

ORDER

Nagpur, the 24th January, 2022

S.O. 414(E).—In pursuance of Section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) read with sub-rule (1) of Rule 24 of Mineral Conservation and Development Rules 2017, the final mine closure plan document shall be accompanied by a non-refundable fee of rupees twenty five thousand only per square kilometers of the entire or part area of the mining lease for which such mine closure plan has been submitted to the Indian Bureau of Mines for approval.

This order shall come into force with immediate effect from the date of notification in the Official Gazette of India.



भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-08022022-233216
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 98] नई दिल्ली, सोमवार, फरवरी 7, 2022/माघ 18, 1943
No. 98] NEW DELHI, MONDAY, FEBRUARY 7, 2022/MAGHA 18, 1943

MINISTRY OF MINES
NOTIFICATION

New Delhi, the 7th February, 2022

G.S.R. 100(E).— In exercise of the powers conferred by sub-section (1) of section 9C of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government hereby amends the notification published by the Government of India, Ministry of Mines vide number G.S.R. 633(E), dated the 14th August, 2015 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 14th August, 2015 namely:-

In the said notification, in para (II), for serial number (i) and the entries relating thereto, the following shall be substituted, namely:-

“(i) Additional Secretary or Joint Secretary, in-charge of Exploration, Ministry of Mines-Member Secretary, *ex officio*”.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide notification number G.S.R. 633(E), dated the 14th August, 2015.



भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 134]	नई दिल्ली, शुक्रवार, फरवरी 18, 2022/माघ 29, 1943
No. 134]	NEW DELHI, FRIDAY, FEBRUARY 18, 2022/MAGHA 29, 1943

MINISTRY OF MINES
NOTIFICATION

New Delhi, the 18th February, 2022

G.S.R. 137(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 Mineral (Auction) Rules, 2015, namely:—

1. (1) These rules may be called the Mineral (Auction) Amendment Rules, 2022.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Mineral (Auction) Rules, 2015,—
 - (a) in rule 16, in sub-rule (2), for the words “and the area so demarcated shall be classified into forests land, land owned by the State Government, and land not owned by the State Government”, the words “, or global positioning system” shall be substituted;
 - (b) in rule 17, in sub-rule (1),—
 - (i) in clause (b), in sub-clause (i), for the words “divided into forest land, land owned by the State Government, and land not owned by the State Government”, the words “, or global positioning system” shall be substituted;
 - (ii) in clause (c), for sub-clause (ii), the following sub-clause shall be substituted, namely:—
“(ii) details of the area identified, demarcated using total station and differential global positioning system, or global positioning system;”.

Note:- The Mineral (Auction) Rules, 2015 were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 406(E), dated the 20th May, 2015 and lastly amended *vide* number G.S.R. 857(E), dated the 14th December, 2021.

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 15th March, 2022

G.S.R. 204(E).— In exercise of the powers conferred by 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 further amendments in the Second Schedule to the said Act, namely:—

2. In the Second Schedule to the Mines and Minerals (Development and Regulation) Act, 1957,—

(i) after item 16 and the entries relating thereto, the following item and entries shall be inserted, namely:—

“16A.	Emerald:	Ten per cent. of average sale price on <i>ad valorem</i> basis.”;
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(ii) after item 20 and the entries relating thereto, the following item and entries shall be inserted, namely:—

“20A.	Glauconite and Potash:	Two point five per cent. of price for Muriate of Potash published by the Government of India, Ministry of Chemicals and Fertilizers, Department of Fertilizers chargeable on the contained K ₂ O in ore produced for those dispatched for making such Muriate of Potash.”;
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(iii) after item 32 and the entries relating thereto, the following item and entries shall be inserted, namely:—

“32A.	Molybdenum:	Seven point five per cent. of London Metal Exchange Molybdenum metal price chargeable on the contained Molybdenum metal in ore produced.”;
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(iv) after item 35 and the entries relating thereto, the following item and entries shall be inserted, namely:—

“35A.	Platinum Group of Metals:	
	(i) Platinum and Palladium:	Four per cent. of London Bullion Market Association price chargeable on the Platinum and Palladium metals in ore produced;
	(ii) Rhodium, Iridium and Ruthenium;	Four per cent. of Johnson Matthey Precious Metals Management price chargeable on the Rhodium, Iridium and Ruthenium metals in ore produced;
	(iii) Osmium:	Four per cent. of Osmium-Preis.com price chargeable on the Osmium metal in ore produced.”;

(v) for item 44 and the entries relating thereto, the following item and entries shall be substituted, namely:—

44.	“Sillimanite, Kyanite and Andalusite:	Twelve per cent. of average sale price on <i>ad valorem</i> basis.”.
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(vi) against item 55, in second column, the entry “Kyanite,” shall be omitted.

Note: The Second Schedule to the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) was amended vide G.S.R. 175(E), dated the 31st March, 1975 and was lastly amended vide G.S.R. 445(E), dated 14th July, 2020.



भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 202] नई दिल्ली, मंगलवार, मार्च 15, 2022/फाल्गुन 24, 1943
No. 202] NEW DELHI, TUESDAY, MARCH 15, 2022/PHALGUNA 24, 1943

MINISTRY OF MINES
NOTIFICATION

New Delhi, the 15th March, 2022.

G.S.R. 205(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, 2022.

(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 (hereinafter referred to as the said rules), in rule 45,—

(i) in the heading of the rule, after the word, “Tungsten”, the words “and other minerals” shall be inserted;

(ii) after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) The following formula shall be used by Indian Bureau of Mines for arriving at the average sale price of Glaucanite and Potash:

(i) Average Sale Price for Glaucanite & Potash	=	Domestic price of Muriate of Potash (MOP) as published in the monthly bulletins of Department of Fertilizers, Government of India.	X	Percentage of K ₂ O content in Glaucanite/ Potash deposit.	X	0.4 (conversion factor).”
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Note: The Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 279(E) dated the 4th March, 2016 and lastly amended *vide* number G.S.R. 775(E), dated the 2nd November, 2021.

B. Court Decisions

1. M/s Haryana Mining Company, Petitioner v. State of Haryana, Respondent, AIR 2021 Punjab & Haryana 184, Vol. 108, Part 1295, November, 2021.

Subject : The petitioner has interalia challenged the Order dated 10.1.2020 whereby the mining lease granted to it has been terminated and has also challenged the order dated 13.8.2021 whereby its appeal against the said termination order has been dismissed and the order of termination of the mining lease has been upheld.

Facts: The petitioner participated in an e-auction held by the Haryana State Government on their web portal for obtaining mining lease of minor mineral in Village Garhi, District Mahendergarh. The petitioner is stated to have given the highest bid of Rs. 7,92,50,000/- per annum against the reserve price of Rs 7,90,00,000/- per annum in respect of minor mineral mine in Village Garhi, District Mahendergarh. The bid of the petitioner was accepted and on 24.7.2015 a Letter of Intent was issued to the petitioner in respect of minor mineral mine of Garhi for a period of 10 years for extraction of “stone along with associated minor minerals” in area of 6.70 hectares falling in Khasra No. 7, Village Garhi, District Mahendergarh. On 24.11.2015 and 5.4.2016 the petitioner is alleged to have informed Respondent No. 3 about illegal mining going on in the Garhi mining area allotted to it and in the Aravali area adjoining to it. The lease deed for mining was executed between the petitioner and the State Government on 11.4.2016. On an application submitted by the petitioner, the mining area was demarcated on 11.5.2016. After obtaining the relevant permissions the petitioner commenced mining operations on 15.6.2016.

Thereafter, one of the partners of the petitioner firm submitted a representation to the Tehsildar, Mahendergarh for demarcation of the mining area leased to the petitioner and on 5.4.2017 a demarcation is stated to have been carried out. On 21.8.2018 the mining area was demarcated on the basis of some complaint alleging mining outside the mining area. On 17.12.2018 the mining area was again demarcated on the basis of another complaint alleging mining outside the mining area. Thereafter, the Sarpanch of Village Khudana, which adjoins Village Garhi, submitted a complaint vide Resolution dated 8.1.2019 to the Additional Deputy Commissioner, Narnaul, alleging that the petitioner was carrying out illegal mining in Khasra Nos. 366-367 measuring 49 Kanals 16 Marlas of Village Khudana which area abutted the mining area leased to the petitioner in Khasra No. 7 of Village Garhi. A month later, on 8.2.2019, the Gram Panchayat of Village Garhi passed a Resolution stating that the mining work was being carried out within the area allotted to the lessee. The Additional Deputy Commissioner-cum-Nodal Officer, District Illegal Mining Observation Team, Narnaul conducted an enquiry and prepared a report dated 25.2.2019 observing that “illegal mining is found having taken place in Khasra No. 366-367 in Aravali Forest area, however, it is not proved as to who committed the said excavation”.

The petition reveals that on the basis of the complaint received against the petitioner of carrying out mining outside the leased area, the Mining Officer, Narnaul, vide his memo

dated 4.2.2019 reported that as per the demarcation report it had been found that the petitioner had undertaken mining in the adjoining area of Khasra No. 366-367 of Village Khudana which was outside its leased area. This report has not been attached with the writ petition. Taking up this report by the Mining Officer, Narnaul, the Director, Mines and Geology, Haryana issued a notice dated 13.3.2019 to the petitioner calling upon it to show cause why the mining lease be not terminated prematurely for having breached the terms and conditions by undertaking illegal mining outside the leased area. On 27.3.2019 the petitioner submitted a reply to the Notice dated 13.3.2019 denying any illegal mining by it. On 15.4.2019 the Director General, Mines and Geology, Haryana, asked the Mining Officer, Narnaul, to send a factual report with regard to the allegations of illegal mining in Village Khudana by the petitioner. The Mining Officer, Narnaul, got a fresh demarcation done and observed in the report that though there was mining outside the leased area, the villagers and the petitioner had submitted that the same was done by the earlier contractors and that no fresh mining was found beyond the pillar.

While the matter relating to the Notice dated 13.3.2019 was pending before the Director General, Mines and Geology, Haryana, vide Order dated 13.12.2019, the Assistant Mining Engineer, Narnaul, suspended mining operations by the petitioner for having failed to pay Government dues towards Dead Rent, R&R Fund, Dead Rent and Interest.

On 27.12.2019, the representatives of the petitioner were afforded an opportunity of personal hearing by Respondent No. 2. Vide Order dated 10.1.2020 the Respondent No. 2 ordered premature termination of the mining lease which had been granted in favour of the petitioner for having undertaken mining operations outside the leased area. It was held that “Whereas the demarcation report of the demarcation held on 17.12.2019 was shown to the representatives of the lessee firms. They denied the allegations of mining outside the lease area. The mining outside the lease area was confirmed by the ADC Narnaul vide Report dated 25.2.2019. A fresh survey by the Mining Officer, Narnaul, along with revenue, forest and local representatives has also clearly established that the lessee has mined outside the leasehold area. The plotting of GPS Coordinates of the boundary pillars on the Google Pro application clearly shows mining outside the lease area towards the higher hillocks. Even trucks operating outside legal lease area can be seen in the Google Earth image. The benches created outside the lease area are also visible hearing”. It was further held that “Whereas the stand of the lessee firm is not tenable. The violation has been reported in three different reports and is clearly visible on Google Pro application. The mining operations in the mine are already lying suspended on account of non-payment of government dues. In view of the above the reply dated 27.3.2019 and submissions made during hearing were not found satisfactory and there is clear evidence of lessee having undertaken mining operations outside the leasehold area as shown in the report of three different inspection reports and the Google Pro application image under the garb of mining lease granted in favour of Ms. Haryana Mining Company over an area of 6.70 hectares of land comprising in Khasra No. 7 of Village Garhi”.

The petitioner filed an appeal against the order dated 10.1.2020. However, this appeal was dismissed by Respondent No. 1 vide Order dated 7.5.2021. On 9.7.2021 an auction notice was issued by the State Government for auctioning the mining rights of the site in Village Garhi which had previously been allotted to the petitioner. The petitioner approached this Court by way of CWP No. 13485 of 2021 challenging inter alia the orders dated 10.1.2020 and 07.05.2021. Vide Order dated 3.8.2021 this Court set aside the Order dated 7.5.2021.

By this petition the petitioner has challenged the cancellation of its mining licence on the ground that it had done illegal mining in an area of 0.056 hectare. Petition stands disposed of in above terms and impugned order Annexure P-19 is set aside. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of. Vide Order dated 13.8.2021, the appeal of the petitioner was once again dismissed. Hence, the present writ petition.

Learned Senior Counsel for the petitioner contended that there are two adjoining mining sites, the lease for one of them was allotted to the petitioner and other was allotted to M/s Hari Har Mining Company and qua both the lessees there were allegations of illegal mining. It is contended that there was no illegal mining carried out by the petitioner and that it was M/s Hari Har Mining Company which was indulging in illegal mining. Learned senior counsel for the petitioner has further contended that as per report of the Additional Deputy Commissioner, Narnaul, dated 25.2.2019 there was no conclusive finding given with regard to the fact that the petitioner had carried out any illegal mining in the said area. It is further the contention that Respondent no. 1 has misread the demarcation report dated 20.11.2019, wherein the Mining Officer had reported that the mining was carried out beyond the boundary lines in some part of adjoining hillock of Khudana having average length of 0-40 m, average width of 14 m and average depth of 5 to 8 m. Learned senior counsel for the petitioner would further contend that while reporting, the Mining Officer had also reported that there was no fresh mining found beyond the pillars. It is also the contention of learned Senior counsel that there is no evidence available with the Department to show that the alleged mining carried out outside the leased area was done by the petitioner as there is no conclusive finding qua the same. It was also submitted that a complaint against the petitioner was also made to the National Green Tribunal alleging illegal mining in the Aravali forest area and was enquired into by the Divisional Forest Officer, Mahendergarh and found to be not proved.

Decision: The High Court has stated that the Mining Officer, Narnaul, had already on 4.2.2019 reported that as per the demarcation report it had been found that the petitioner had undertaken mining in the adjoining area of Khasra No. 366-367 of Village Khudana which was outside its leased area. A query was put to learned senior counsel appearing for the petitioner as to whether the area alleged to be under illegal mining had any other approach except from the area underlease with the petitioner. A very categorical reply has been given that there was no other approach except through the area underlease with the petitioner.

The High Court has further stated the orders impugned in the present case are speaking and well-reasoned orders based on the material available on the record.

The High Court has dismissed the Writ Petition for want of merit.

Petition dismissed.

2. M/s Kamlesh Metacast Pvt. Ltd, Petitioner v. State of Rajasthan, Respondent, AIR 2021 Rajasthan 153, Vol. 108, Part 1296, December, 2021.

Subject: Challenging the order of cancellation of prospecting licence.

Facts: The petitioner-company had applied for Prospecting Licence (hereinafter referred to as "P.L.") for mining activity. The area for mining lease was approved and demarcated on 24.12.2014. The order for granting P.L. was issued for a period of three years and sanction was granted. On 12.01.2015, the Mines and Mineral (Development & Regulation) [Amendment Act](#), 2015 (hereinafter referred to as "the [MMDR Act](#), 2015") came into force whereby it was provided that all the pending applications would stand rejected except those which have been saved under Clause(a) to (c) of sub-section (2) of [Section 10A](#), of the [MMDR Act](#) as it existed. A decision was taken by the State Government on 17.10.2015 to cancel all the permissions granted and LoIs issued by the Mining Department for the period from 01.11.2014 to 12.01.2015 on the ground that the same were issued contrary to the guidelines laid down by the Central Government and the State Government. In pursuance thereof, a show cause notice was issued under [Section 4A\(3\)](#) to the petitioner-company on 03.03.2016 proposing to terminate the P.L. issued to it. The petitioner-company submitted its reply to the show cause notice. After receiving the reply, the State Government passed an order on 30.11.2016 cancelling all the LoIs and licences.

The petitioner-company challenged the cancellation of its P.L. in Revision Petition before the Mines Tribunal, GoI (hereinafter referred to as "the Tribunal") assailing the orders dated 17.10.2015 and 30.11.2016 (supra). A Revision Petition was decided on 19.09.2018 whereby the orders were quashed and the matter was remanded back to the State Government to take up appropriate action as per law. The Tribunal relied on the judgment of M/s. Wonder Cement Limited and the cancellation of P.L. was also quashed. The State Government did not take any action and petitioner-company filed SB Civil Writ Petition No.8906/2019 which was disposed of by this court vide its Order dated 17.05.2019 with the following directions:-

"upon hearing the counsel for the petitioner and considering the nature of grievance raised and prayer addressed; the State respondents are directed to determine the claim of the petitioner as expeditiously as possible preferably within a period of two months from the date a certified copy of this order is presented."

The compliance was not made and a contempt petition was filed wherein this Court passed an order on 13.10.2020 to take a decision within a period of 3 days on 15.10.2020. The decision was taken by the respondent-Mining Department upholding its earlier Order dated 30.11.2016 maintaining that the P.L. was granted to the petitioner-company in contravention of the guidelines dated 30.10.2014 issued by the Central Government. It is after this stage that the matter has come up before this Court.

Learned Senior Counsel appearing for the petitioner- company has submitted that the order is absolutely illegal, malafide and arbitrary. It is objected that once the Orders dated 17.10.2015 and 30.11.2016 had been quashed and set aside by the Tribunal, the State Government had no authority to revive the order dated 30.11.2016 by the impugned Order dated 15.10.2020. It is urged that the arguments, which have been made the basis for reviving the Order dated 30.11.2016 were already examined at length by the Tribunal and it was found that the P.L. issued to the petitioner-company cannot be said to be in violation of the Mines and Minerals (Development and Regulation) Act, 2015 (hereinafter referred to as "MMDR Act 2015"). As the MMDR Act 2015 came into force w.e.f 12.01.2015 while the P.L. had been issued to the concerned petitioner-company on 24.12.2014.

It is further submitted that in the written submissions filed by the petitioner-company that it had applied for P.L. in the year 2011 and after the complete process was conducted of earmarking the land, demarcating and approving the area that the P.L. was issued. The process was thus completed wayback before the amendment was brought into force on 12.01.2015. It is further submitted that before the termination of P.L., the petitioner had already completed 75% of the prospective operations.

Learned counsel for the respondents have argued that the area measuring 1859.0275 hectares near Village Rohida Tehsil Pindwara District Sirohi was initially marked and P.L. No.7/2011 was issued vide Order dated 24.12.2014. Sanction was granted for a period of three years and agreement was executed on 12.03.2015. A high level committee was constituted on 05.10.2015 to review grant of LoI for the period from 01.11.2014 to 12.01.2015. The Principal Secretary, Mines wrote a letter on 17.10.2015 informing about the decision of the State Government to cancel all the LoIs issued during the said period on the basis of the preliminary report of the committee and letter was also sent to the Central Government seeking prior approval of premature termination as per Section 4A(1) of the MMDR Act, 1957 whereafter Central Government asked the State to provide opportunity of hearing to the petitioner-company. Notice was therefore sent and the petitioner-company's reply was found to be dissatisfactory and thereafter Central Government was asked to give approval whereupon the Central Government replied stating that State Government was competent to take decision after providing opportunity of hearing. Thereupon vide Order dated 30.11.2016, P.L. of the petitioner-company was cancelled and declared null and void in terms of Section 19 of the MMDR Act, 1957. Possession of the area was taken over by the Mining Engineer, Sirohi on 15.12.2016.

In revision, the Tribunal set aside the Order on 19.09.2018 with directions to take appropriate action as per law. It is stated that guidelines had been issued by the Central Government on 30.10.2014 and the P.L. was issued in violation of Clause 5.2.4 and 5.2.5 of the said guidelines. As the said Order was issued on 24.12.2014, after the guidelines had been issued on 30.10.2014, the sanction order was banned. It is further submitted that the amended draft of MMDR Act was uploaded on 17.11.2014 which was brought into force from 12.01.2015 wherein it was provided that all concessions shall be granted through auction only. In this circumstance, the State Government has rightly taken a decision not to approve the P.L. which was granted earlier and the termination of the P.L. on 30.11.2016 was found to be in order and was therefore restored. It is further submitted that departmental notings and internal communication cannot be construed as final decision.

Decision: The High Court has referred to Clause 5.2.5 and 5.2.4 of the guidelines issued by the Central Government on 30.10.2014 and stated that the said guidelines became part of the

amendment made by the Central Government in the [MMDR Act](#), 1957 w.e.f. 12.01.2015 and it was provided under the Mining Amendment Act that the composite licence of mining as well as mining leases allotment shall be done exclusively by way of auction. The High Court has further stated that the said provisions are prospective in nature. Thus, after 30.10.2014 the applications could have been accepted by the State Government only by notifying in official gazette. However, the said guidelines do not in any manner restrict the pending applications, which were already considered and examined and land was already earmarked.

The High Court has referred to the case of M/s. Shree Chamundi Mopeds Ltd v. Church of South India Trust Association, Madras (AIR 1992 SC 1439) and stated that the P.L. sanctioned Order dated 24.12.2014 which was declared null (16 of 17) [CW-13426/2020] and void stood restored after passing of the Order by the Tribunal dated 19.09.2018.

The High Court held that the respondents were required to handover the possession of the mining area and the petitioner-company was entitled to act according to the P.L. issued to them for the period of three years. The order dated 15.10.2020 is, therefore, liable to be set aside.

The High Court further accepts the contention of the petitioner-company that the period from 30.11.2016 till the date of handing over possession in terms of the present order, shall be treated as dies non and shall be excluded from the period of three years licence granted under the P.L. dated 24.12.2014. The amendments made subsequently in the [MMDR Act](#), 1957 during pendency of this writ petition would not apply to the license granted on 24.12.2014 and the four months additional time required for completing the formalities shall be granted additionally.

Accordingly, the High Court has quashed and set aside the Order dated 15.10.2020. The High Court has also directed to the respondent to handover the possession of the area as earmarked earlier for the mining purposes in terms of license granted to the petitioner-company dated 24.12.2014.

Petition allowed.

3. Sangharsh Seva Samiti, Bhilwara, (Raj) Petitioner v. State of Rajasthan and others, Respondents, AIR 2021 Rajasthan 148, Vol. 108, Part 1296, December, 2021.

Subject: Writ Petition filed in the nature of Public Interest Litigation, for the following reliefs:-

(a) by an appropriate writ, order or direction, the respondent authorities may be directed to cancel the Patta No.631/2005 issued to Respondent No.5 for allotment of 343.4317 hectare of Charagah land in villages Samodi, Dariba, Pansal, Malola, Suras and;

(b) the respondents may further be directed to stop mining activities in the nearby area of villages Samodi, Dariba, Pansal, Malola, Suras of Bhilwara District and;

(c) the respondents may further be directed to reconstruct each and every house which is damaged due to mining activities and blasting by the Respondent No.5 or pay the actual cost of their houses as compensation to the each and every owner of house whose houses have been damaged.

(d) the respondents may further be directed to repair the public places like Temples, Masjid, Roads, Govt./ Semi Govt. buildings and any other building or structures which were damaged due to illegal mining activities and blasting by the Respondent No.5.

(e) the respondent authorities may be directed to constitute a committee for the evaluation of the losses mentioned in para (d) and (e) above and according to the recommendation of committee the actual cost of loss suffered by the citizen may be allowed to them along with interest @18% per annum.

(f) heavy penalty may be imposed on the Respondent No.5 and respondents may be directed to recover all the losses as mentioned in para (c), (d) and (e) above from Respondent No.5 company.

(g) Any other order, which this Hon'ble Court considers just and proper, may kindly be passed in favour of the petitioner.

Facts: Learned Counsel for the petitioner-Society submitted that Respondent Nos.1 and 2 allotted a land in Villages (3 of 14) Pur Malola, Samodi, Dariba, Suras, which was reserved as 'Charagah' land in the revenue record, to Respondent No.5 M/s Jindal Saw Limited for mining activities on lease for a period of 30 years, but no land in lieu of the said land was allotted to these villages, which is contrary to the provisions of the Rajasthan Tenancy Act, 1955 (for short, 'the Act of 1955'). It was submitted that vide letter dated 06.08.2009 issued by the Respondent No.1 State of Rajasthan, the District Collector, Bhilwara was informed that government sanction has been granted to Respondent No.5 for mineral, iron and mining activities in the urban area of Bhilwara Nagar Parishad as well as concerned villages, therefore, 'No Objection Certificate' be issued in favour of Respondent No.5. It was further submitted that Respondent No.1 thereafter issued a letter dated 16.07.2010 directing the District Collector, Bhilwara to grant 'NOC' to Respondent No.5 in relation to Mining Patta No.631/2005 in village Samodi, Dariba, Pansal, Malola and Suras for undertaking mining activities, as per Rule 7(2) of the Rajasthan Tenancy Act, 1955. District Collector, Bhilwara was also directed to ensure compliance of government sanction dated 30.04.2010, vide which the Secretary, Revenue (Group-3) Department, Rajasthan, granted no objection to Respondent No.5 for 334.4317 hectares of Gochar land comprising of land falling in Village Samodi, Dariba, Pansal Malola and Suras for mining activities. Thereafter, vide Order dated 16.11.2010, Respondent No.5 was granted mining patta under Rule 22(1) of the Mining

Rules, 1960 for mining of gold, silver, lead, zinc, copper, iron, cobalt, nickel and associated minerals in Village Dedwas Tehsil & District Bhilwara.

It was further submitted that the members of the petitioner- Society have submitted a representation to the District Collector on 13.09.2018 with a request that the agreement dated 05.10.2011 regarding filling of two water tanks of the village by drinking water was executed between Respondent No.5 and the Municipal Corporation, Bhilwara, but the same has not been executed till date. Further, the Chief Executive Officer, Rajasthan Board of Muslim Wakf also wrote a letter dated 24.08.2017 to the District Collector, Bhilwara asserting that due to illegal mining activities by Respondent No.5, the roof and walls of Dargah Katar Peer Sahab fell down and as such, a request was made to grant compensation as well as to reconstruct the Dargah. Learned counsel submitted that the Respondent No.5 is carrying on the mining activities since 2010 and due to blasting, religious places buildings, residential houses, govt. buildings and the roads have been damaged and in the circumstances, the Sub Divisional Officer, Bhilwara vide its letter dated 10.09.2018, requested the District Collector, Bhilwara to issue directions to stop the illegal mining activities by Respondent No.5. Furthermore, it was submitted that as per the report of the Rajasthan State Pollution Control Board dated 30.08.2019, it revealed that environment of these villages is at high risk.

Learned Counsel further submitted that the Respondent No.5 was supposed to keep safety and security of the nearby villages while conducting blasting and mining activities, but due to its negligent conduct, the poor villagers have suffered heavy financial loss and their lives are in danger. The petitioner-Society submitted (5 of 14) [CW-16072/2019] several representations and served legal notices in regard to the above illegal mining activities and blasting by Respondent No.5, but no heed was paid to the same and, therefore, the petitioner was constrained to file the present PIL petition. A prayer has, therefore, been made to cancel the patta issued to Respondent No.5 and to direct the respondents to immediately stop the mining activities in the nearby area of villages Samodi, Dariba, Pansal, Malola and Suras in Bhilwara District as well as to grant other reliefs, as quoted hereinabove.

On the other hand, learned AAG appearing on behalf of Respondent Nos.1 and 2 contended that vide letter dated 29.04.2010, no objection was granted in favour of Respondent No.5 for undertaking mining activities in villages Samodi, Dariba, Pansal, Malola and Suras. She referred to the letter dated 16.07.2010 of the Revenue Department, Rajasthan, whereby a clarification was issued to the District Collector, Bhilwara, with regard to setting apart of alternate gochar land. In this regard, she submitted that as per Rule 7(2) of the Rajasthan Tenancy (Government) Rules, 1955, if alternate land is available to be set apart as gochar, then only the same is to be done.

Allotment or setting apart of pasture land - (1) The Collector may, in consultation with the Panchayat, change the classification of any pasture land, as defined in sub-section (28) of Section 5 of the Act or any pasture land set-apart under Section 92 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), as unoccupied culturable Government land (Sawai Chak), for allotment for agricultural or any non-agricultural purposes:

Provided that in case where the area of the land sought to be so allotted or set-apart exceed 4 hectares, the Collector shall obtain permission of the State Government:

Provided also that any such land, falling within the boundary limits of the Jaipur Region as defined in the Jaipur Development Authority Act, 1982 (Act No.25 of 1982) or within the periphery of 2 km of a municipality, shall not be allotted except for the purpose of a public utility institution or for expansion of abadi.

(2) Where classification of any pasture land is changed under Sub-rule (1), the Collector may set-apart an equal area of unoccupied culturable Government land, if available, as pasture land in the same village."

7. She submitted that pursuant to the said clarification dated 16.07.2010, mining patta was issued in favour of Respondent No.5 vide Order dated 16.09.2010.

It was further submitted that vide Circular dated 17.09.2013, it was notified by the State Government that no proposal for allotment of mining area on gochar land would be considered by the State Government. Further, vide Notification dated 31.05.2017, an amendment in Rule 7 of the Rules of 1955 was introduced and new proviso to Sub-rule (1) was inserted, whereby it was provided that any pasture land would not be allotted for mining purposes without prior permission of the State Government. The said allotment was also subject to the condition of the applicant surrendering equal area of khatedari land in favour of the State Government in the same village or nearby village within the same panchayat and has deposited development charges for the development of such surrendered land as pasture land. It was then submitted that vide circular dated 07.07.2017, earlier circular dated 17.09.2013 and all other previous circulars (7 of 14) were withdrawn directing that for the purpose of allotment of pasture land for mining, action may be taken in terms of the provisions of Rule 7 of Rules of 1955. Vide another Notification dated 04.08.2018, an amendment was again introduced in Rule 7 of the Rules of 1955 providing that if the applicant is not able to surrender khatedari land in the same village or nearby village within the same panchayat, the equal area of khatedari land may be surrendered in the nearby village of adjoining panchayat and if the land is not available even in the adjoining panchayat for such purpose, it may be surrendered in exceptional cases from the other panchayat of the district.

Learned counsel appearing on behalf of Respondent No.4 has submitted that not even a single allegation has been levelled against Respondent No.4 and the writ petition suffers from vice of misjoinder of party. It was further submitted that the land was given to Respondent No.5 to establish the sewerage treatment plant on the lease basis and condition No.17 of the agreement provides that in case of lesser rain, cleaned treated water will be given to two ponds of the suburban area Pur but there is no such condition in the agreement (8 of 14) that any drinking water will be made available by way of filling of any tanks. A prayer has, therefore, been made to dismiss the writ petition.

Learned Counsel for Respondent No.5 submitted that in the instant petition, notices were issued to the respondents to the limited extent of alleged violation of condition No.17 of the agreement executed between Respondent No.4 & 5, whereas no such relief is sought for by the petitioner so far as the said condition is concerned. There exists no cause of action which entitles the petitioner to seek such reliefs as prayed in the writ petition and the writ petition has been filed only to harass and trouble Respondent No.5. It was further submitted that petitioner was not a party to the agreement dated 05.10.2011, therefore, in absence of any contractual sanctity no legal right of the petitioner has been impinged upon. Further the allotment of pasture/gocher land to Respondent No.5 has been made strictly in accordance with law.

It was further submitted that the petitioner has approached this Court concealing the material facts which was necessary to be disclosed at the time of filing of the writ petition. The petitioner society itself filed a case No.683/2018, Sangarsh Sewa Samiti Vs. Jindal Saw Limited before the Permanent Lok Adalat, Bhilwara under Section 22 B of the Legal Service Authority Act. It was also submitted that the writ petition has been filed with an inordinate delay of 9 years, and in support of this submission, he has placed reliance on the judgment of the Hon'ble Apex Court in Ashok Kumar Mishra & Anr. Vs. Collector, Raipur & Ors., AIR 1980 (9 of 14) [CW-16072/2019] SC 112. He submitted that after execution of the mining lease, Respondent No.5 has indulged in mining activities in fair, transparent and legally diligent manner.

Learned counsel also submitted that Condition No.17 of the agreement gets activated as obligation on the part of the respondent in the circumstances when there is drought in the area of Pur and the petitioner has failed to submit any documentary proof to establish the fact that drought has occurred in Bhilwara. It was submitted that after due consideration the NOC was granted by the Revenue Department in respect of mining in the Charagah land situated in villages Samodi, Dariba, Pansal, Malola & Suras. Further, Respondent No.5 had also obtained NOC's from the respective Gram Panchayatas falling within the lease area. He, therefore, prayed that the writ petition may be dismissed as such.

Point of issues: 1) Issue regarding violation of Condition No.17 of the agreement dated 05.10.2011; 2) Issue regarding Gochar Land.

Decision: Regarding Issue No.1, the High Court has stated that there is no denying the fact that after the execution of mining lease in favour of the Respondent No.5, an agreement was executed between the Municipal Corporation, Bhilwara and the Respondent No.5 on 05.10.2011 for the purpose of setting up of a 10 MLD Sewage Treatment Plant on BOOT basis to treat the sewage water of Bhilwara City for use in the plant of the Respondent No.5. The said agreement contained as many as 23 conditions, out of which Condition No.17 is relevant for our purpose.

The above condition specifically provides that the treated water will be released in two ponds in village 'Pur', only when there will be drought in the 'Pur' area. From the said condition, it is not borne out that the objective was to fill two water tanks in village 'Pur' with drinking water on regular basis. Be that as it may, the petitioner has failed to establish that any drought had occurred in the said area after the execution of the agreement in question.

The writ-petitioner was not a party to the said agreement and the Municipal Corporation, Bhilwara has never made an allegation against the Respondent No.5 regarding noncompliance of Condition No.17 (supra). Therefore, this issue is not established by the writ-petitioner.

Regarding Issue No. 2, the High Court has stated that on 11.10.2007, the Government of Rajasthan issued a Letter of Intent for grant of mining lease to the Respondent No.5. Thereafter, NOCs came to be issued by the Gram Panchayat, Suras, Dariba, Pansal and Malola on 28.03.2008, 30.07.2008, 06.08.2008 and 15.10.2009 respectively. Thereafter, on 16.10.2009 a public hearing relating to the Environment Clearance was conducted after due publication in the newspaper in accordance with law. On 29.04.2010, a No Objection Certificate for mining in the Charagah land was granted by the State Government.

Thereafter, vide letter dated 30.07.2010, the District Collector Bhilwara issued NOC in respect of mining in the Charagah land situated in the aforesaid villages. The Ministry of Environment and Forest issued Clearance Certificate in favour of the Respondent No.5 vide letter dated 09.08.2010 and ultimately mining lease was sanctioned on 16.11.2010 and execution thereof took place on 08.12.2010. The aforesaid material placed on record reveals that the mining lease was granted to the Respondent No.5 after following due process of law and since thereafter the Respondent No.5 has been carrying on mining activities in pursuance of the mining lease.

After the issuance of the mining lease in the year 2010, the instant writ petition has been filed in the year 2019, i.e., after a lapse of almost 9 years, whereas under Section 30 of the Mines and Minerals (Development and Regulation) Act, 1997, a person aggrieved by the order granting mining lease can challenge the same before the appropriate authority of the Central Government. The petitioner-Society did not avail the alternative efficacious remedy and has directly approached this Court and that too without any locus standi.

It is also borne out from the record that the Respondent No.5 has established a fodder plot in the village Samodi and is supplying green fodder therein for the livelihood of cattles and livestock in the area. The Respondent No.5 in support of this fact, has placed on record the photographs of green fodder supply for cattles in the Villages Pur, Samodi and Dariba for the Financial Year 2018-19 under Corporate Social Responsibility Scheme (CSR Scheme). Therefore, the plea of the petitioner that the mining activities of the Respondent No.5 are prejudicial to the lives of the cattles has no basis at all.

The High Court has further stated that prior to filing of the present petition, the petitioner-Society has filed Case No.683/2018, titled as Sangarsh Sewa Samiti & Ors. Vs. Jindal Saw Limited & Ors., before the Permanent Lok Adalat, Bhilwara (Rajasthan) under the provisions of Section 22-B of the Legal Services Authority Act, 1987 and the said matter is still pending before that Forum, however, the petitioner has suppressed the said material facts in the instant writ petition. Therefore, the petitioner has not approached this Court with clean mind, clean heart and clean objective. The facts on record reveal that the (14 of 14) present petition is nothing but a colourable device to abuse the process of law and cause hindrance to the Respondent No.5 in carrying out its mining activities.

Accordingly, the High Court has dismissed the PIL Petition for want of merit.

Petition dismissed.

4. Gambhirsinh Rathod, Petitioner v. State of Gujarat, Respondent, AIR 2022 Gujarat 9, Vol. 109, Part 1297, January, 2022.

Subject: Challenging the Constitutional validity of Rule 15(1) of the Gujarat Minor Minerals Concession Rules, 2017.

Facts: The Collector, Geology and Mining Department, Surendranagar issued a Mining Order dated 30.09.2009 in favour for the petitioner sanctioning lease for mining sand over a plot measuring 4.900 hectares situated in Village Sandhiyala, Taluka Chuda, District Surendranagar for a period of 3 years. Pursuant to the aforesaid order mining lease deed was executed in favour of the petitioner on 03.11.2010. Before completion of 3 years, the petitioner applied for renewal of mining lease vide application dated 10.02.2013. The mining lease was renewed for a period of 3 years on 03.11.2013 which would be valid up to 02.11.2016. Again before completion of period of the second term of 3 years, the petitioner applied on 03.08.2015 for further renewal of the mining lease. During the pendency of this

renewal application, the petitioner discovered a new mineral BLACKTRAP and accordingly made an application on 19.09.2015 for including BLACKTRAP in the existing lease deed. Filing of this application is admitted to the respondents.

Another Mining Order dated 10.03.2016 came to be issued renewing the mining lease dated 03.11.2013 for a period of 3 years up to 02.11.2019. However, this mining order made no reference to the application of the petitioner dated 19.09.2015 to include BLACKTRAP. The said application apparently remained pending with the authority. On 14.07.2016 renewal lease deed was executed in favour of the petitioner for a period of 3 years with respect to mining of sand. Subsequently the lease has been renewed up to 2022.

There is environmental clearance in favour of the petitioner for mining BLACKTRAP dated 02.07.2018 issued by the District Level Environment Impact Assessment Authority, Surendranagar. The Commissioner, Geology & Mining passed an Order dated 09.07.2018 on the pending application of the petitioner dated 19.09.2015 (for inclusion of the new discovery of BLACKTRAP) and granted permission to include BLACKTRAP. Pursuant to the aforesaid order of the Commissioner dated 09.07.2018, the quarry lease deed was executed in favour of the petitioner for mining BLACKTRAP on 02.08.2018. Consequential order was also passed by the Collector on 03.08.2018. From August, 2018 the petitioner started mining BLACKTRAP and paid the royalty @Rs.45 per MT which was duly accepted by the respondents. According to the petitioner from the period from August, 2018 up to June, 2020 the petitioner mined 5,76,000 MT and paid approximately an aggregate royalty amount of Rs.2.60 crores at the above rate.

The Geologist, Geology Assessment and Mining Department, Surendranagar, issued a demand letter dated 21.07.2020 raising a demand of alleged differential amount of Rs 2,07,11,613/- @Rs.36 per MT being 80% of the rate of the royalty under the proviso to Rule 15(1) of the 2017 Rules applying the Government Resolution dated 18.10.2017. Subsequently, a second demand notice was issued by respondent No.4- Geologist on 07.11.2020. This differential demand is on the newly discovered minor mineral viz. BLACKTRAP which was being mined by the petitioner pursuant to the quarry lease dated 02.08.2018 after the Commissioner has accorded sanction vide order dated 09.07.2018. Aggrieved by the aforesaid demand the present petition has been filed.

There is challenge to the validity of Rule 15(1) of the 2017 Rules being violative of Article 14 of the Constitution of India as also Section 15(1) (1A) of the MMDR Act as being ultra vires. Further prayer is to quash and set aside the Government Resolution dated 18.10.2017. In the alternative it has been prayed that the Government Resolution dated 18.10.2017 does not apply to the petitioner and as such the two impugned demand notices dated 21.07.2020 and 07.11.2020 be quashed.

The Learned Counsel for the Petitioner submitted that he does not propose to file any rejoinder affidavit in response to the affidavit in reply filed by the State respondents. Further learned counsels for the parties have stated that they are ready to argue the matter on merits.

The Learned Assistant Government Pleader contended that in the present case inasmuch as quarry lease was granted prior to the commencement of 2017 Rules, and therefore, Notification issued on 18.10.2017 would apply to the petitioner and as such in addition to the royalty he would be liable to pay 80% of the royalty as premium and as such

the impugned demands dated 21.07.2020 and 07.11.2020 are just and valid. This submission is made applying the proviso to Rule 15(1) of the 2017 Rules.

The Learned Counsel for the petitioner submitted that a new discovery under Rule 15 would only and only relate to a new discovery made after the enforcement of the said 2017 Rules. Rule 15(1) or its proviso of 2017 Rules cannot in any manner relate to the new discovery made and admittedly communicated to the competent authority prior to the commencement of the 2017 Rules. There is neither any reference nor any intention to the contrary. It is for this reason that Rule 92 clearly protects not only things done, but also omitted to be done under 2010 Rules before such commencement of the 2017 Rules. Therefore, under 2010 Rules, upon discovery of the new mineral, the petitioner would be liable to pay royalty and which the petitioner has been regularly paying right from 2018, ever since the quarry lease for BLACKTRAP was granted on 02.08.2018. Once Rule 15 of the 2017 Rules has no application to the discovery, in the present case, as it was made prior to 2017 Rules coming into force, the demand of the differential amount of 80% premium would be totally without authority of law, illegal and unsustainable.

Decision: The High Court has referred to the Rule 15(1) of the above said Rules; Rule 41 of the 2010 Rules; Rule 92 Chapter XVIII of the 2017 Rules and stated that in the present case, the proviso also will have no application as although the quarry lease was granted prior to the enforcement of the 2017 Rules but the discovery of the new mineral had also been made prior to it and not subsequent to the enforcement of the 2017 Rules. The Government Resolution dated 18.10.2017 will have no application in the present case and any reference made thereto would be an error on the part of the respondents. The lease deed dated 02.08.2018 stipulates that the lessee would be liable to pay the royalty and other payments required to be made under the Act and Rules. So if the Act and Rules applicable to the petitioner have no application of Rule 15(1) or its proviso of the 2017 Rules, the Government Resolution dated 18.10.2017 cannot be applied and accordingly the demand notices would be bad in law.

The High Court has further referred to Rule 56(5) of the 2017 Rules and stated that in the present case there is no question with regard to payment of dead rent. The only issue involved in this petition is with regard to payment of royalty. The petitioner is admittedly paying royalty on both the minor minerals.

The High Court has allowed the Writ Petition and quashed the impugned Demand Notices dated 21.07.2020 and 07.11.2020 issued by the Respondent No. 4.

Petition Allowed.

5. State of Gujarat, Petitioner v. Kalusinh Parbatsinh Devda, Respondent AIR 2022 Gujarat 26, Vol. 109, Part 1298, February, 2022.

Subject: Challenging the order/Judgemnt dated. 21.11.2019 given by the learned Single Judge.

Facts: The Respondent herein (original petitioner) had filed an application dated 25.4.2012 to get a lease for land bearing Revenue Survey No.235/paiki/2 situated at Village Aarkhi, Taluka: Dantiwada, District: Banaskantha admeasuring 7082 sq. m. for excavation of minor

mineral limestone for a period of 10 years. Upon completion of formalities, the Appellant No.3 called for necessary documents and after due verification rejected the respondent's application vide Order dated 7.7.2012. The application was rejected in view of Sub rule (1) of Rule 14 of C/LPA/862/2021 CAV JUDGMENT DATED: 22/11/2021 the Gujarat Minor Mineral Concession Rules, 2010 ("Rules 2010" for short) which states that no quarry lease shall be granted for an area less than one hectare.

The Revision Application of the Respondent under Sub- rule (1) of Rule 65 of Rules, 2010 was also rejected vide Order dated 23.12.2015, confirming the Order dated 7.7.2012. The Respondent preferred Special Civil Application No.3318 of 2016 challenging the orders dated 7.7.2012 and 23.12.2015. The Learned Single Judge vide judgement dated 21.11.2019 disposed of the petition with the directions to reconsider the application.

In this appeal, the learned AGP contended that the Gujarat Minor Mineral Concession Rules, 2010 has now been replaced by The Gujarat Minor Mineral Concession Rules, 2017 with effect from 24th May, 2017 and the 2017 Rules provide for grant of quarry lease by way of e-auction only and, therefore, the directions for reconsidering the application without applying new Rules 2017 is contrary to the existing provisions as also the ratio laid down by the Hon'ble Apex Court in the case of Sulekhan Singh v. State of U.P. reported in AIR 2016 SC 228.

It has been further contended that under Sub-rule (1) of Rule 14 of "2010 Rules" no quarry lease can be granted for an area less than one hectare. Moreover present case does not fall within the exceptional circumstances so as to apply the second proviso to Rule 14(1). In respect of the other instances relied upon in the impugned order of the learned C/LPA/862/2021 CAV JUDGMENT DATED: 22/11/2021 Single Judge, learned counsel submitted that they are distinguishable on facts and further submitted that assuming without admitting that any erroneous grant was given, the same cannot form a precedent. He relied on the decision of Hon'ble Apex court in case of Chandigarh Administration v. Jagjit Singh (AIR 1995 SC 705).

On the other hand, the learned counsel for the Respondent has contended that no interference is called for in the judgment of the learned Single Judge as the application for grant of lease was in respect of land for an area admeasuring 7082 sq. Mtrs., which was a piece of land being a natural fragment. There is no other land available for grant of lease and therefore, the Government ought to have relaxed the criteria applying the second proviso to Sub-rule (1) of Rule 14 of "Rules, 2010".

Decision: The High Court has referred to Rule 14 of Gujarat Minor Mineral Concession Rules, 2010, the observation made by the Supreme Court in the case - S. Sundaram Pillai, etc. v V.R. Pattabiraman etc.(AIR 1985 SC 582) and stated that in the application dated 25.4.2012 and the Revision Application No.131 dated 4.12.2015, the special circumstances pleaded are that the subject land is owned by Gram Panchayat and entire piece of land is to be given for lease. In our considered opinion, the said grounds do not fall within the preview of special case and special circumstances so as to apply second proviso to Rule 14(1) of "2010 Rules".

The High Court has also referred the cases - Hindustan Ideal Insurance Co. Ltd. versus Life Insurance Corporation of India (AIR 1963 SC 1083); Chandigarh Administration v. Jagjit Singh (Supra) and opined that the learned Single Judge has committed an error in directing the Appellants (Original Respondents) to re-consider the case of the Respondent (original Petitioner) for grant of quarry lease, for the above reasons as also the direction to consider the application without insisting upon the application of Gujarat Minor Mineral Concession Rules, 2017.

Thus, the High Court has allowed the Letters Patent Appeal, set aside the order of the learned Single Judge dated 21.11.2019 and dismissed the Special Civil Application No. 3318 of 2016, without any order as to costs.

Appeal Allowed.

6. Ferro Alloys Corporation Ltd, Petitioner v. State of Odisha and others, Respondents, AIR 2022 Orissa 17, Vol. 109, Part 1298, February, 2022.

Subject: Petition for seeking refund or adjustment of the excess amount paid by FACOR in the sum of Rs 12,02,28,202/-.

Facts: Ferro Alloys Corporation Limited (FACOR) is engaged in the business processing, end-use and sale of various minerals and residuals within Orissa. FACOR is required to obtain a trading licence from the Opposite Party No.3 in terms of Rules 4 to 7 of the Mining Rules. On 26th May, 2015 FACOR in law applied to Opposite Party No.3 for grant of trading license which is then issued to it with a validity period from 25th August, 2015 to 24th August, 2020.

Under Rule 8(1) of the Mining Rules, the licensee is required to be issued with a trading licence renewed 90 days before its expiry. Accordingly, on 22nd May, 2020 FACOR preferred an online application to Opposite Party No.3 for renewal of its licence.

While the documents in relation to such renewal have been scrutinized by a letter dated 10th June, 2020, Opposite Party No.3 informed the FACOR that it has not furnished a valid MDCC which was a condition precedent for renewal of the trading licence. Accordingly, on 16th June, 2020 FACOR applied to Opposite Party No.2 for the MDCC.

FACOR underwent a Corporate Insolvency Resolution Proceedings (CIRP) which commenced by an Order dated 6th July, 2017 passed by the NCLT, Kolkata Bench in an application under Section 7 of the Insolvency and Bankruptcy Code, 2017 (IBC).

A CIRP was conducted and finally a Resolution Plan (RP) was submitted by Sterlite and Power Transmission Ltd (SPTL). This was in turn approved by the Committee of Creditors (CoC) of FACOR on 14th November, 2019. Thereafter, it was approved by the NCLT Cuttack Bench on 30th January, 2020. The Approved RP (ARP) provided for extinguishment of all claims demands liabilities/obligations/score payable to any operational creditors (including any State or Central Government authority) by FACOR for the period prior to the plan effective date which is the date on which the NCLT accepted and approved the RP submitted by the STPL.

The case of FACOR is that in terms of the ARP, it was not liable for any liability towards claims made on it inter alia by the State Government and/or its departments. At the time of applying for renewal of trade licence, FACOR became aware of the demand raised by mining department against it by virtue of ten demand notices of different dates. All of the demands were for periods prior to the 'plan effective date' with the exception of one online demand dated 16th June, 2020 which pertained to the period from 1st July to 31st December, 2020, which according to the FACOR it has duly paid. FACOR contends that in terms of the ARP all of the aforementioned demand notices stood extinguished.

Apprehending that it was not being issued by MDCC on account of the outstanding demand notices, FACOR on 17th July, 2020, 24th July, 2020 and 1st August, 2020 wrote to the Officers issuing the demand notices about the CIRP and pointed out that in terms of the ARP no payments were due and payable against the demand notices. A letter to the same effect was sent on 8th August, 2020 by FACOR to the concerned Officer to process its application for MDCC.

With the Opposite Parties failing to act upon the Petitioner's request, FACOR filed the present petition seeking the reliefs as noted hereinbefore. Referring to Rule 8(1) of the Mining Rules it is contended by FACOR that there was a failure by Opposite Party No.3 to process the renewal application within the time prescribed. Pointing out that under Rule 6, Opposite Party No.3 was required to dispose of the application for grant of trade licence

within one month, it is contended that the same applies to the renewal applications as well. The Mining Officer, Bolangir Circle, Bolangir issued a Demand Notice to FACOR on 13th July, 2020 for the period 2000-01 to 2010-11. FACOR has in a tabular form indicated the total demand outstanding towards surface rent and dead rent, all of which, according to FACOR, pertains to the period prior to the 'plan effective date'.

Pursuant to the order passed by this Court, FACOR was heard and the impugned Order dated 8th September, 2020 was passed by Opposite Party No.3 observing that the "pursuant to the orders of Supreme Court in W.P.(c) No.114 of 2014, the State authorities are bound to recover the amounts imposed on the Petitioner company." It was further held that grant of MDCC in favour of the Petitioner "will be in complete violation of the Orders passed by the Hon'ble Supreme Court from time to time in WP (C) No.114 of 2014." Accordingly, FACOR's application dated 16th June, 2020 for MDCC was rejected.

FACOR filed an additional affidavit dated 8th September, 2020 seeking to place on record the letter dated 26th August, 2020 written by it to the Joint Director, Mines for reactivation of its access to the online portal. It also placed on record copy of the written submissions filed on 4th September, 2020 before the Opposite Party No.2 and letter dated 5th September, 2020 addressed to the Joint Director, Mines in relation to the regularization of the online services on the i3MS portal.

On the same date, a counter affidavit was filed by the Opposite Party contending inter alia that by virtue of the order passed on 2nd August 2017 by the Supreme Court of India in Common Cause v. Union of India (2017) 9 SCC 499, the State Government had no option but to raise a demand of Rs 10,79,07,355/- against FACOR towards penalty under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1947 (MMDR Act). It is contended that neither the Resolution Professional (RP) nor the NCLT is competent that the amounts demanded pursuant to the order dated 2nd August, 2017 of the Supreme Court in W.P.(C) No.114 of 2014 is not enforceable in view of the Resolution Plan. Except the Hon'ble Supreme Court, no Tribunal can say that the demands raised by the State Authorities in compliance of the judgment dated 2nd August, 2017 of the Hon'ble Supreme Court passed in W.P.(C) No.114 of 2014 are not enforceable."

On 16th June, 2020 FACOR submitted an online application before Opposite Party No.2 for issuance of MDCC. While examining the said application "it was found that a large amount of money is outstanding against the lessee". The contention of the Opposite Parties is that the demand amount of Rs 2,04,63,06,573/- is subjudice in different Courts/Tribunals at the instance of the lessee. Since the demands could not been finalized, the State was not in a position to lodge claims or file proceedings before NCLT. It was further claimed by the

Opposite Parties that with its application, FACOR had uploaded an MDCC format of a third party i.e. M/s. MCL pertaining to year 2011 and not its own. In the i3MS system unless the MDCC certificate is uploaded, the application for renewal would be incomplete. FACOR has filed a rejoinder affidavit disputing all of the above contentions.

The Opposite Parties' contented that the Petitioner uploaded an invalid or incorrect MDCC is belied by the said automated receipt issued by the I3MS portal, which also bears the signature of the Opposite Party No.3."

As a result of the above developments, the prayer in this petition has been limited to FACOR seeking either refund or adjustment of the amount paid by it in excess.

The learned Additional Government Advocate (AGA) placed reliance on certain observations of the Supreme Court in Common Cause (supra), and in particular the directions issued in para 188 thereof and submitted that the liability arising out of the said judgment of the Supreme Court was equally binding on FACOR and that if the authorities do not proceed to recover the dues as indicated by the Supreme Court, they would be acting contrary to the decision of the Supreme Court. He also placed reliance on the decision in Union of India v. Association of Unified Telecom Service Providers of India (2020) 9 SCC 748, where the Supreme Court dealt with the issue whether on account of some of the telecom services providers being before the NCLT under the IBC, they could be exempted from the liability to pay the spectrum bills. There the Supreme Court has answered the question in negative. Reliance is also placed on the decision in BPL Ltd. v. R. Sudhakar (AIR 2004 SC 3606).

Decision: The High Court has referred to the cases-Ghanashyam Mishra and Sons Pvt Ltd (supra); BPL Ltd v. R. Sudhakar (supra) and stated that In terms of Section 31 of the IBC, the ARP is binding on all creditors including Central Government and the State Government. Since all of the impugned demands raised against FACOR pertain to the period prior to the Plan Effective date, i.e., 31st January, 2020, all such demands stand automatically extinguished in terms of the ARP. The impugned demand raised against the Petitioner by the Opposite Parties on the strength of the decision of the Supreme Court in Common Cause (supra) are unsustainable in law and are hereby set aside. Consequently, a direction is issued to the Opposite Parties to refund the amounts paid by the Petitioner under protest for the purpose of issuance of the MDCC and renewal of the trading licence.

The High Court has directed that - (a) the demand notices set out in para 13 (z) of the petition stands quashed; (b) with the quashing of the impugned demand notices, a direction is issued to the Opposite Parties either to refund to the Petitioner the amounts paid by it under protest

or adjust the amount so paid in the sum of Rs. 12,02,28,202/- against the dues payable by it to the Opposite Parties in future against undisputed amounts.

Thus, the High Court has disposed the Writ Petition with the above terms and circumstances, without any order as to costs.

Order accordingly.

7. Abdurahiman Karattuchali, Petitioner v. District Geologist, Department of Mining and Geology, Respondents, AIR 2022 Kerala, Vol. 109, Part 1299, March, 2022.

Subject: Writ Petition filed for challenging the environmental clearance and the quarrying permit issued and for stopping the mining and quarrying activities.

Facts: The petitioner is a quarry operator, who had been issued with an environmental clearance on 26.04.2018 followed by a quarrying permit on 06.06.2018. The environmental clearance and the quarrying permit have been produced as Exts. P1 & P2 in writ petition. Ext.P1 says that the maximum period of excavation shall not exceed 3 years and the validity of the clearance is for 3 years. Ext.P2 quarrying permit was valid till 05.06.2019. There were objections to the quarry being operated from the local residents and the petitioner had filed WP(C) No.38775/2018 seeking Police protection. This Court by judgment dated 18.12.2018 directed the Police to give adequate and effective protection for pursuing the quarrying operation insofar as Exts.P1 & P2 are valid. In paragraph 6 of the judgment, this Court had noticed the report of the District Collector stating that there is no chance for any landsliding and other adverse calamities in the quarrying site. Ext.P3 is the judgment in WP(C) No.38775/2018. When the quarrying permit was due to expire, the petitioner filed Ext.P4 application seeking renewal. By Ext.P6 dated 24.12.2019, the Senior Geologist rejected the request. It is seen from the order that the petitioner had all the required clearances as per law. It is however stated that on inspecting the houses of persons residing down hill, it was seen that there was seepage in several places and it is felt that, if mining is permitted it can result in natural disasters like landslide. The petitioner challenged Ext.P6 order in WP(C) No.141/2020. By Ext.P7 judgment, this Court set aside Ext.P6 and remitted the case back to the Senior Geologist for fresh consideration after affording an opportunity of hearing to the petitioner. The petitioner placed the judgment before the Senior Geologist along with Ext.P8 representation dated 19.02.2020. By Ext.P9 order, the request was again rejected by the Senior Geologist. It is stated in the order that after the environmental clearances was granted on 26.04.2018, in 2018 & 2019, there were landslides in Malappuram District. It is further stated that on inspection of the residences in the downhill, it was noticed that there was seepage behind the houses, which can be a reason for a natural disaster. It is further stated

that the situation that was prevailing at the time of grant of environmental clearances and when the District Collector had filed the affidavit stating there is no likelihood of landslide, has considerably changed when the inspection was conducted on 12.12.2019. It is stated that no further site inspection is required. Ext.P9 has been challenged in this writ petition.

The petitioner has filed I.A.No.1/2020 producing Ext.P10 report of the District Disaster Management Authority, Malappuram, on the basis of the inspection carried out on 26.08.2019. As per the report, the area where mining is sought to be done is in the moderate risk area as far as landslide is concerned. It is also stated that there had been no landslides during 2018 in this area. The authority has finally stated that the permission can be granted for mining in accordance with the mining plan.

The Respondents 3 to 6, who were impleaded in the writ petition, have filed counter affidavits opposing the prayers made in the writ petition. W.P(C) No.24078 of 2020 has been filed by a resident of the area, challenging the environmental clearance and the quarrying permit that has been issued to the petitioner in W.P(C) No.9764 of 2020 and there are consequential prayers for stopping the mining and quarrying activities. The contention is that the area where quarrying is sought to be done is fragile in nature and the possibility of landslide is huge. The petitioner has also filed Exhibit P14 petition before the State Disaster Management Authority on 23.2.2021 which is stated to be pending.

On 1.10.2020, this Court issued an interim order in W.P. (C)No. 9764 of 2020, appointing Advocate Commissioner to inspect the area in question in the presence of Geologist and file a report before the Court. Thereafter, on 19.11.2020, a common order was passed in the two writ petitions directing the State Environmental Impact Assessment Authority who was impleaded as additional respondent, to constitute a team and inspect the site of mining covered by the mining plan and file a report before the Court as to the veracity of the submission that source of drinking water has depleted consequent upon mining and any other related ecological and environmental impact. The above two interim orders were challenged before a Division Bench of this Court in Writ Appeal Nos.1546 and 1580 of 2020. This Court allowed the writ appeals in part, setting aside the interim Order passed on 10.1.2020 to the extent it directs renewal of the permit and declined interference with the order dated 19.11.2020. On the basis of the Order dated 19.11.2020 referred above Special Committee constituted by the SEIAA has filed a report on 19.1.2021.

Decision: The High Court has stated that from the report of the Expert Body that mining activity can be permitted with certain guidelines which are already contained in the mining plan and as per instructions issued by the Department from time to time. The only major issue noticed is that the top soil dumped needs to be protected with retaining walls/gabions lined

with granite pieces. In the light of the report, the Court opined that the writ petitions can be disposed of directing the Senior Geologist to consider and pass orders on the application dated 3.4.2021 which has been produced as Ext.P14 in W.P.(C)No.9764/2020.

The High Court has further ordered/directed the Senior Geologist to consider and pass orders on the application dated 3.4.2021 which has been produced as Ext.P14 in W.P. (C)No.9764/2020 within one month from the date of receipt of a copy of this judgement, after hearing the petitioners in both these writ petitions and Respondents 3 to 6 in W.P.(C)No.9764/2020.

Order accordingly.

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 one mining lease covering an area of about 15.25 hectares for iron ore in the State of Karnataka was received.

The number of mining leases granted mineralwise together with lease area and details of mining lease granted are provided 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	15.25
Total	01	15.25

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	Joga,	15.25	31.03.2022	50	Baig Trading Company, "Rabiya Manzil", 3rd Floor, Opp. Phoolbun College, Rehamath Nagar, Jambunath Road, Hospet-583 201.

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	02	195.25

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	Rajasthan/ Sikar	Deepaas	180	18.12.2021	50	Ojasvi Marble & Granite, Village Bedla, Udaipur
Iron ore	Karnataka/ Ballari	Joga	15.25	31.03.2022	50	Baig Trading Company, "Rabiya Manzil", 3rd Floor, 3rd Floor, Opp. Phoolbun College, Rehamath Nagar, Jambunath Road, Hospet-583 201.

C. Mining Lease Period Extended

During the period under review, the information pertaining to the extension of mining lease period for 14 Mining Leases covering an area of about 1,321.64 hectares was received. Of these, Manganese accounted for 07 mining leases followed by Bauxite & Limestone which accounted for 02 leases each and Copper & Associate mineral, Manganese & Iron ore and Selenite accounted for 01 lease each.

Reviewing areawise, Manganese accounted for 713.25 ha followed by Copper & Associate mineral with 388.68 ha, Selenite with 145.00 ha, Manganese & Iron ore with 40.07 ha, Limestone 27.68 ha and Bauxite 6.96 ha.

Reviewing Statewise, the number of mining leases for which period was extended in Madhya Pradesh State was 04 with an area about 636.74 ha, Gujarat State was 04 with an area about 34.64 ha, 3 leases in Andhra Pradesh over an area of 76.51 ha, 1 lease in Jharkhand over an area of 388.68 ha, 1 lease in Karnataka over an area of 40.07 ha and 1 lease in Rajasthan over an area of 145.00 ha.

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

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

Mineral	No of Mining Leases Extended	Area in ha
Bauxite	02	6.96
Copper & Associate mineral	01	388.68
Limestone	02	27.68
Manganese	07	713.25
Manganese & Iron ore	01	40.07
Selenite	01	145.00
Total	14	1321.64

Table – 3 B : Details of Mining Leases Period Extended

S. No.	Mineral	State/ District	Village	Area in ha	Date of Extension	Date up to which lease period extended	Name & Address
1	Bauxite	Gujarat/ Devbhumi Dwarka	Kalyanpur, Mewasa	1.69	24.03.2022	11.05.2036	Saurashtra Calcine Bauxite & Alied Industries. Shree Chambers, IIIrd Floor, PO-55, Opp. MEM School, Porbandar.
2	Bauxite	Gujarat/ Devbhumi Dwarka	Ran	5.27	24.03.2022	31.03.2030	Saurashtra Calcine Bauxite & Alied Industries. Shree Chambers, IIIrd Floor, PO-55, Opp. MEM School, Porbandar.
3	Copper & Associate mineral	Jharkhand/ East Singbhum	Surda	388.68	06.01.2022	31.03.2040	Hindustan Copper Limited 1, Ashutosh Chowdhury Avenue, Kolkata – 700 019
4	Limestone	Gujarat/ Porbandar	Ranavav	11.33	30.12.2021	30.05.2026	Devabhai Karabhai Bhutiya "Gatral Krupa" Satyam Park, Rajivnagar, Dist-Porabandar Gujarat
5	Limestone	Gujarat/ Jamnagar	Lalpur	16.35	31.03.2022	04.02.2024	Nareshkumar Prabhudas Makhecha, "PRABHU CHAMBER" Ground floor, Block No. 3, Shriji Palace, SVP Road, Porabandar- 360 575
6	Manganese ore	Andhra Pradesh/ Vizianagaram	Garividi	21.59	08.12.2021	19.08.2024	R.B.S.S.D. & F.N. Das Sreeramnagar PO, Garividi Village and Mandal, District:- Vizianagaram Andhra Pradesh

7	Manganese ore	Andhra Pradesh/ Vizianagaram	Devada	41.05	08.12.2021	23.01.2025	R.B.S.S.D. & F.N. Das Sreeramnagar PO, Garividi Village and Mandal, District:- Vizianagaram Andhra Pradesh
8	Manganese ore	Andhra Pradesh/ Vizianagaram	Avagudem	13.87	08.12.2021	06.12.2025	R.B.S.S.D. & F.N. Das Sreeramnagar PO, Garividi Village and Mandal, District:- Vizianagaram Andhra Pradesh
9	Manganese ore	Madhya Pradesh/ Balaghat	Bharveli	0.79	21.02.2022	30.06.2032	Manganese Ore India Limited "MOIL BHAWAN", 1A, Katol Road, NAGPUR 440 013 (Maharashtra) (India)
10	Manganese ore	Madhya Pradesh/ Balaghat	Bharveli, Hirapur, Manegaon, Manjhara, Awalajhari & Tavejhari	182.300	21.02.2022	30.06.2032	Manganese Ore India Limited "MOIL BHAWAN", 1A, Katol Road, NAGPUR 440 013 (Maharashtra) (India)
11	Manganese ore	Madhya Pradesh/ Balaghat	Gudma, Lagma, Samnapur and Ukwa	199.06	03.03.2022	30.06.2032	Manganese Ore India Limited "MOIL BHAWAN", 1A, Katol Road, NAGPUR 440 013 (Maharashtra) (India)
12	Manganese ore	Madhya Pradesh/ Balaghat	Tirodi and Jaamrapani	254.59	03.03.2022	30.06.2032	Manganese Ore India Limited "MOIL BHAWAN", 1A, Katol Road, NAGPUR 440 013 (Maharashtra) (India)
13	Manganese & Iron ore	Karnataka/ Chitradurga	Chikkabyaladakere and Doddabyaladakere, Hosadurga	40.07	25.02.2022	14.04.2031	SJMP Holdings LLP, Shallimar Plaza, Near Vinayaka Circle, Palace Gutahalli Main Road, Malleswaram, Bengaluru- 560003
14	Selenite	Rajasthan/ Bikaner	Lunakransar	145.00	05.01.2022	31.03.2040	R.S.M.M.L, 4, Mira Marg, Car Street, Udaipur, Rajasthan

C. Mining Leases Terminated/ Lapsed

Table – 9: Details of Mining Leases Terminated/ Lapsed

Mineral	State / District	Village	Area in ha	Date on which Lease Terminated	Name & Address
Limestone	Gujarat/ Girsomnath	Ghantavad	03.25	29.03.2022	Shiv Minerals, Dinubhai B. Solanki, Debali Road, Kodinar, Dist:- Girsomnath Gujarat

SECTION -3

HIGHLIGHTS

A. DOMESTIC

India to double crude steel capacity to 300 million tonnes by 2030-31

India is planning to double its steel capacity to 300 million tonnes by 2030-31. The present annual crude steel capacity is 144 million tonnes. The National Steel Policy, 2017 aims to provide “conducive environment for attaining this objective by providing policy support and guidance to steel producers”. Nearly 40 per cent of the investment in manufacturing in 2020-21 has been made by steel companies. The focus is also on increasing the usage of domestically manufactured steel and import substitution with the Production-linked Incentive (PLI) Scheme for Specialty Steel having an outlay of ₹6,322 crore. The Government has started inviting applications from investors looking to invest under the Production-linked Incentive (PLI) scheme for speciality steel. The Cabinet approved the PLI scheme to boost production of speciality steel.

(Source: Businessline, 07-02-2022)

Silver set to become a precious industrial metal

Silver is an important precious metal of great antiquity, endowed with the characteristics of an industrial metal. In recent years, with increasing industrial applications, the importance of silver stands enhanced. The metal exhibits the highest electrical conductivity, thermal conductivity and reflectivity of any metal. Admittedly, 2020 and 2021 were not good years for the metal because of slowing industrial production. Disrupted supply chains, raw material bottlenecks and markedly higher energy costs adversely impacted industrial output. As much as 50 per cent of silver demand is accounted for by industrial use. Photovoltaics is a key industrial demand segment. The industrial metal character of silver is expected to gain more traction in the years to come. The metal is favoured for its many useful physical and chemical properties in varied industrial applications including the electrification of vehicles (EVs), 5G mobile phone technology and importantly commitment of various governments to invest in ‘green’ infrastructure. The current low prices would encourage higher demand for jewellery and silverware from price-sensitive markets, such as, India. Resurgence in demand and its positive effect on prices would attract financial investors. It may also result in ETF investors joining the bandwagon, resulting in inflows. While the 2022 demand outlook for silver looks constructive, the best would come in the years ahead.

(Source: Businessline, 17-01-2022)

India to acquire lithium, cobalt mines in South America, Australia

With demand for electric vehicles (EV) battery materials rising sharply against supplies that are well short, prices of lithium, a key ingredient for EV batteries, are set to increase further despite having soared 400 per cent year-on-year.

(Source: Businessline, 04-01-2022)

Vibrant Gujarat' sparkles: Diamond sector sees MoUs worth ₹1,100 crore

Gujarat's Diamond Industry has attracted investments worth ₹1,100 crore, as two Memorandums of Understanding (MoUs) were signed with the State Government to invest for projects in the districts of Vadodara and Surat. Gujarat Hira Bourse (Diamond bourse) has signed an MoU for ₹850 crore committing to generate employment for 10,000 people in Surat. The project is expected to commence from 2025. Engineering player Hilti Manufacturing India Pvt Limited has inked an MoU to invest ₹250 crore in the Diamond Sector providing jobs to 400 people at a project in Savli in Vadodara district. The project will begin from 2023, as declared by a State Government announcement on MoUs.

(Source: Business line, 06-12-2021)

Indonesia to displace India as world's No. 2 stainless steel producer

The dynamics of the world stainless steel market are evolving rapidly. Production has been rising in recent years and the trend is expected to continue into 2022. Despite being the world's largest producer by far, China's production is seen constrained by State regulations; but elsewhere in the world production is set to rise. World stainless steel production is forecast to set a record of 58.2 million tonnes (mt) registering a growth of 2.5 per cent, according to UK-based research institute MEPS that specialises in steel market. Despite increase in production, availability is expected to remain somewhat tight as the metal remains in short supply in many countries. If anything, demand continues to remain robust as countries in different geographies witness rebounding economic activity. This simply means that buyers have to prepare themselves for continued high prices or even an escalation. The story gets interesting when the research institute says that Indonesia is set to displace India as the world's second largest producer this year with stainless steel production of 4.5 mt. In the current year 2021, global production is set to log 56.8 mt, showing a growth of 11.6 per cent from the previous year, according to the research agency. The government in the Budget 2021-22 reduced the customs duty uniformly to 7.5 per cent on Semis, Flat and Long products of non-ally, alloy and stainless steels to alleviate domestic tightness. This is intended to benefit metal re-cyclers who are mostly small and medium enterprises.

(Source: Businessline, 06-12-2021)

Tighter nickel market

With the double-digit surge in global stainless steel production, the nickel market is tightening, exacerbated by demand from the Battery Industry. Nickel producers expect that the current year will actually end in a supply deficit; but next year, the market will get into a state of surplus with more production coming in, especially from Indonesia. The International Nickel Study Group anticipates a surplus of 76,000 tonnes for 2022. With the easing of power crunch in China, rising level of smelting activity is seen, according to market observers. From an Indian perspective, we are a net importer of nickel and products made of nickel. The value of import has been rising steadily in recent years and stands at about \$800 million.

(Source: Businessline, 06-12-2021)

Auction of 6 - 8 mining blocks in Goa

The cabinet of Goa State had decided to carry out the auction of six to eight mining blocks in the state through the state-run mining corporation by mid-December. The procedure for auction of about six to eight (mining) blocks is almost finalised and should be completed by December 15, 2021. It will be done through the corporation but State Bank of India has been taken on board for the auction. The announcement comes at a time when restarting mining has become one of the top election promises in poll-bound Goa. Mining, which was an important source of livelihood in Goa along with tourism, came to a complete halt after a Supreme Court order in 2018. Mining had, in fact, virtually stopped in 2012 itself while the issue was under litigation. The Goa Government had earlier signed an MoU with Mineral Exploration Corporation Limited (MECL), a Public Sector undertaking, to inspect and identify the mining leases that the government could auction through the state-run Goa Mineral Development Corporation. “They (MECL) will complete their exploration and decide how to do it (auction). After that, the auction will be carried out through State Bank of India.

(Source: The Indian Express, 24-11-2021)

Need to harness full potential of mines & minerals in Vidarbha

Holders of mining and quarry leases, mineral traders and mineral consuming industries are facing problems in procuring environment, forest and others statutory clearances. To address these issues, Vidarbha Economic Development (VED) Council invited experts from environment, forest and Mining Sector and requested them to address issues of stakeholders. The experts felt that there is need to harness full potential of mines and minerals in Vidarbha by resolving various issues from the Government. A meeting on these issues was held recently at the office of VED. Experts and consultants on mining, environment and forests attended the meeting. Various experts explained in detail how to shorten the lengthy procedure for procuring forest clearance; the procedure for obtaining forest clearance for undertaking mining operations in forest areas; mandatory distance which a project proponent has to keep from national parks/sanctuaries/ecological sensitive zones and areas for

undertaking mining operations; the procedure of acquiring ‘Trade Licence’ under provisions of ‘Prevention of Illegal Mining, Transportation and Storage Rule-2001’ and penalties for illegal mining, transportation and storage of major minerals in Maharashtra; the difficulties lessees face in submitting drafts of mining plans online; the amended provisions of Mines and Minerals (Development and Regulation) Act – 2015 / 2021 and cautioned stakeholders to pay attention to the amended provisions of law and to act accordingly; etc. The Vice-President, VED Council said that the State/Central Governments should come with an Amnesty Scheme similar to Income Tax, VAT and other numerous statutes, so that closed mines where mining operations had been suspended for minor reasons could be reopened and mining operations resumed.

(Source: The Hitavada, 01-10-2021)

India eyes lithium, cobalt mines in S. America, Australia

India is working on acquiring mines of strategic minerals, such as, lithium and cobalt in producing countries, like Australia, Argentina, Bolivia and Chile. The Government's move is aimed at ensuring a committed supply of raw materials, especially for renewable energy (RE) and e-mobility sectors. The joint venture company Khanij Bidesh India (KABIL), has participating interest from National Aluminium Company (Nalco), Hindustan Copper (HCL) and Mineral Exploration Corporation (MECL). To ensure India's mineral security and attain self-reliance in the area of critical and strategic minerals, KABIL is mandated to identify and acquire overseas mineral assets of critical and strategic nature, such as, lithium and cobalt. Based on a commissioned study and selection criteria, select source countries have been shortlisted for exploring possibilities of mineral asset acquisition abroad. So far, engagement of KABIL is under way with source countries like Australia, Argentina, Bolivia and Chile which are endowed with cited critical and strategic minerals. In 2020, KABIL signed a non-binding Memorandum of Understanding with non-disclosure agreement with three State-owned Argentinian organisations in July, September and December for the purpose of information sharing regarding prospective mineral acreages. In the country, the Atomic Minerals Directorate conducted preliminary surveys on surface and limited sub-surface exploration, which revealed presence of lithium resources of 1,600 tonnes (Inferred category) in the pegmatites of Marlagalla-Allapatna area in Mandya district of Karnataka.

(Source: Businessline | 04-01-2022)

B. ABROAD

New research to bring fibre optic technology to Australian Mining Sector

A Curtin University research team will work to bring leading broadband fibre optic acoustic sensing technology to the Australian oil and gas, mining and environmental monitoring industries, aiming for a more cost-effective and safer resource extraction process. As part of the Federal Government’s Global Innovation Linkages Program, the team – led by Professor Roman Pevzner from Curtin’s WA School of Mines: Minerals, Energy and

Chemical Engineering – will partner with international collaborators to test the viability of the technology in the Australian landscape. The project will seek to produce a suite of passive and active geophysical data acquisition and analysis techniques based on broadband fibre optic sensing that aim to reduce the cost of geophysical characterisation of the sub-surface and develop a safer resource extraction process.

(Source: MINING.com Editor | September 7, 2021)

Scientists working on autonomous swarms of robots to mine the Moon

Plans to start mining the Moon as early as 2025 have received a boost, with NASA granting a research team from the University of Arizona \$500,000 to develop a swarm of robots able to mine, excavate and even build simple structures on the surface of our world's natural satellite. The robots, to be constructed and trained on Earth, will at first receive instructions from operators on this planet, but the goal is to make them fully autonomous. The droids will use a learning model adapted by Jekan Thanga, University of Arizona (UA) associate professor of aerospace and mechanical engineering, called the Human and Explainable Autonomous Robotic System (HEART). HEART will not only train the robots to perform mechanical tasks, but will also gradually teach them to collaborate.

(Source: MINING.com Cecilia Jamasmie | September 13, 2021)

Iron ore's rout keeps rolling as China imposes more steel curbs

Iron ore extended its slump below \$100 a ton as China stepped up restrictions on industrial activity in some provinces. Futures in Singapore tumbled as much as 12% on Monday in thin trading due to a holiday in China. Prices have collapsed about 60% since a record in May, and are below three figures for the first time in more than a year, as Chinese demand wanes.

(Source: Krystal Chia| Bloomberg, Last Updated at September 20, 2021)

Technology to transform bauxite red mud into fertile soil nearly a reality

A new technology that could transform the bauxite residue known as 'red mud' into a soil-like material capable of hosting plant life is entering full-scale trials at alumina refineries in Queensland, Australia. According to the researchers working on the new system, there are more than four billion tonnes of red mud stored in dams around the world, with Australia being the second-largest producer of mineral waste. Within this context, the eco-engineering solution is being developed by researchers at The University of Queensland's Sustainable Minerals Institute in partnership with Rio Tinto and Queensland Alumina Limited.

(Source: MINING.com Valentina Ruiz Leotaud | October 6, 2021)

Nickel: the mined commodity most exposed to biodiversity risks — report

Nickel is the mined commodity most exposed to biodiversity risks, a recent report by Verisk Maplecroft shows. According to the consultancy firm, the battery metal's exposure to such risks is mainly due to the fact that some of the largest nickel operations on the planet are located in biodiverse areas, such as, Indonesia, New Caledonia and the Philippines. "The report says/data show Indonesia has the highest risk of all major producers. The country is the world's largest producer of nickel ore and home to one of the world's biggest copper-gold mines," the report reads. "Meanwhile, Brazil — another high-risk nation — is the world's second-largest producer of iron ore. Along with Papua New Guinea, these countries are all rich in globally important biodiversity, but safeguards for those valuable species and ecosystems are under threat." The review also points out that Zambia, Mexico, the Democratic Republic of Congo and Ghana fall in the middle in terms of risk because each boasts significant biodiversity that will need to be protected if mining operations in those countries continue to expand. On the other side of the spectrum are — at least for now — well-established major producers, such as, Australia, Chile, the US, China and South Africa, where the risk is far lower due to mining taking place in areas with lower value biodiversity and greater protections for nature.

(Source: MINING.com Valentina Ruiz Leotaud | October 7, 2021)

Global lithium production hits record high on electric vehicle demand

Global mined lithium production hit a record high in 2021 of 1,00,000 tonnes (excluding the US), a 21% increase over 2020 (82,500 tonnes), according to preliminary data released by the US Geological Survey (USGS). USGS said that production increased in response to strong demand from the lithium-ion battery market and increased prices of lithium. Global consumption of lithium in 2021 was estimated to be 93,000 tonnes, a 33% increase from 70,000 tonnes in 2020. "Lithium supply security has become a top priority for technology companies in Asia, Europe and the United States," the USGS said in its latest report. Four mineral operations in Australia, two brine operations each in Argentina and Chile, and two brine and one mineral operation in China accounted for the majority of world lithium production. Additionally, smaller operations in Brazil, China, Portugal, the United States, and Zimbabwe also contributed to world lithium production.

(Source: MINING.com Staff writer | February 08, 2022)

Top lithium stories of 2021 and what to expect in 2022

Lithium prices skyrocketed in 2021, with a benchmark index more than doubling and key prices in China hitting records. Driving the frenzy was and is the metal's role in transitioning the world towards a greener economy, as it is a key component for the rechargeable batteries used to power electric vehicles. Limited supply not only helped prices, but pushed companies moving to meet demand, which made lithium take centre stage in our news coverage.

(Source: MINING.com Cecilia Jamasmie | December 27, 2021)
