

VIOLATION LETTER
REGISTERED A/D

GOVERNMENT OF INDIA
MINISTRY OF MINES
INDIAN BUREAU OF MINES
OFFICE OF THE REGIONAL CONTROLLER OF MINES

No. BIH/GLA/BX/215/RRO

318/B, Road No.3
Ashok Nagar, Ranchi – 834 002
TEL:0651-2242903/2242889
FAX: 0651-2242903
Date: 14.12.2015

To,

Sri Vishal Mahendru,
Legal Heir of (late) B.N.Mahendru (Lessee),
At- Palmerganj, P.O/Dist.- Lohardaga,
Jharkhand- 835302

Sub: Violation of provisions of MCDR, 1988 in respect of your “Amtipani” Bauxite Mine over an area of 26.30 Hectare in Gumla district, Jharkhand State.

Sir,

The following provisions of Mineral Conservation and Development Rules, 1988 were found violated in your above mine during inspection on 02.12.2015 by Sri N.K.Chaterji, Asstt. Mining Geologist, of Indian Bureau of Mines, Ranchi accompanied by S/Sri Dubey, Mine Manager, Vishal Mahendru and others.

Rule No.	Nature of violations observed in details.
Rule-12(3):	The Scheme of Mining for Amtipani Bauxite mine (26.30 hc) was approved for a period of five years valid for the plan period 2010-11 to 2014 -15 completed on 31.03.2015. The subsequent Scheme of Mining for the period 2015-16 to 2019-20 was to be submitted at least 120 days before the expiry of five(05) years plan period i.e on or before 02.12.2014 for which it was approved on the last occasion vide letter no. RAN/GML/BX/MS-09/2012-13, dated 04.04.2013. It is observed that no such scheme of mining was submitted to the Regional Controller of Mines, Indian Bureau of Mines, Ranchi for approval on or before 02.12.2014. As per Section 8A of the Mines and Minerals (Development and Regulation) Amendment Act 2015 (implemented w.e.f. 12.01.2015), the lease has been dispensed for further period. Consequent to amendment in MM(D &R) Act, modification in approved Mining Plan under Rule- 22(6) of MCR,1960, has to be submitted. The aforesaid modification incorporating proposal for further period of 2015-16 to 2019-20 has not been submitted to this office.
Rule-13(1):	States that, every holder of a mining lease shall carry out mining operations in accordance with the approved mining plan with such conditions as may have been prescribed under sub-rule (2) of rule 9 or with such modifications, if any, as permitted under rule 10 or scheme approved under rule 12 as the case may be. In your case the following extent of deviation has been noticed which is given below:- (i) It was proposed in the last approved Scheme of Mining, that few coring boreholes will be given during the plan period 2010-11 to 2014-15, but no such boreholes have been given till date. (ii) It was proposed to develop a quarry (presently quarry no. 5) around BH no. 3 and 5 between the grid 00N-200N and 100W-200W on the Eastern part of the lease area (As per development plan for the year 2014-15, Plate no.8). The quarry has been developed covering more than the proposed area. These deviation may attract provision of Rule- 13(2) of MCDR, 1988.
Rule-23 B (2):	As per Mineral Conservation and Development Rules as amended up to 24/12/2003 and Chief Controller of Mines, Indian Bureau of Mines letter no.-K-11014/1/2002-CCOM, Nagpur, dated 10/01/2005, the Progressive Mine Closure Plan for this mine has not been submitted to the Regional Controller of Mines along with Scheme of Mining, for approval, along with Financial Assurance under Rule 23F (3) as a component of the Scheme of Mining.
Rule-23(1):	The owner, agent, mining engineer or manager of every mine shall send to the Controller General, Controller of Mines and the Regional Controller of Mines an intimation in Form-C of the opening of a mine so as reach them within fifteen(15) days of such opening. In your case the same has not been received by this office.

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<p>Rule-23E(2): The yearly report for the period 2010-11 to 2014 -15, setting forth the extent of protective and rehabilitative work carried out as envisaged in the Progressive Mine Closure Plan incorporated in the approved Mining Plan, before 1st July of every succeeding year has not been submitted.</p>
<p>Rule-27(4): The plans and sections required under the Rule shall be maintained up to date within three (03) months in case of category 'A' mine. In your case it has been observed that the same have not been maintained up to date.</p>
<p>Rule-28(1) (a), (b), (c) & (d): The owner, agent, mining engineer or manager of every mine shall keep the Surface Plan, Surface Geological Plan, transverse sections and longitudinal sections of the mine. In your case it has been observed that the above Plans/Sections were not kept with the and manager of the mine present during the inspection.</p>
<p>Rule-29: The owner, agent, mining engineer or manager of every mine shall (on or before the 30 th day of June) every year submit to the Controller General, Controller of Mines and the Regional Controller of Mines, a copy of the plans and sections maintained under Rule- 28 of MCDR, 1988. In your case it has been observed that no such Plan/Section have been submitted to this office.</p>
<p>Rule-32(3): Whenever the top soil generated during mining operation and cannot be utilized concurrently, it shall be stored separately for future use. In your case it has been observed that the top soil dump on the West of quarry no. 5 has not been maintained/stabilized for its future use.</p>
<p>Rule-42(1)(c)(i): As per Mineral Conservation and Development Rules as amended vide notification no.- G.S.R:216(E) New Delhi, 29th March 2010. Every holder of a mining lease shall employ in case of category 'A' mine, a whole-time Mining Engineer and Geologist. In your case it has been observed that no such Mining Engineer and Geologist have been appointed as required under the rule with intimation of the same under Rule-46 of MCDR, 1988 to the Indian Bureau of Mines, Ranchi.</p>
<p>Rule- 45(5)(a)(iii): The Monthly return in form F-3 has not been submitted for the month of November, 2015 to the Regional Controller of Mines as required under the rule.</p>

02. In this connection it is brought to your notice that the above violations constitute an offence punishable under Rule-58 of MCDR-1988. The relevant extract of the rule 58 is given below:

“58 Penalty: - Whoever contravenes any of the provisions of these rule shall be punishable with imprisonment for a term which may extend up to **two years**, or with fine extending to **fifty thousand rupees** or with both, and in the case of continuing contravention with an additional fine Which may extend up to **five thousand rupees** for every day during which such contravention continues, after conviction for the first such contravention?

Provided that for repeated contravention the punishment should be in the form of imprisonment only”.

03. The mining operations can be suspended under Rule-13(2) of MCDR, 1988, if compliance of Rule-13(1) is not found satisfactory.

04. You are, therefore, advised to rectify the above violations immediately and intimate the position to this office within 45 (forty five) days from the date of issue of this letter.

Yours faithfully,

-sd-

(R.Purohit)

Regional Controller of Mines

Copy forwarded for kind information to:

The Director of Mines, Govt. of Jharkhand, Nepal House Area, Doranda, Ranchi – 834002.

(a) For examination & extent of the pit / quarries and its development /proposals etc. there is requirement of the boundary pillars. **But physical presence of all the boundary pillars of the lease boundary/area along with its correct number and location have not been seen at the time of inspection** as per rule 31 of MCR -1960 and item 2, part VII of Form 'K'.

(b) The lessee shall have to comply with the aforementioned Mineral Conservation and Development rules 1988 framed under Section18 of the Mines and Minerals (Regulation & Development)Act, 1957 as required under Rule 27(1)(u) of MCR1960.

-sd-

(R.PUROHIT)

REGIONAL CONTROLLER OF MINES

N.O.O.:

Copy forwarded for kind information to:

1. The Controller of Mines (CZ), Indian Bureau of Mines, Civil Lines, Nagpur- 440001.

2. The Director General (MMS Division), Indian Bureau of Mines, Civil Lines, Nagpur- 440001.

-sd-

(R.PUROHIT)

REGIONAL CONTROLLER OF MINES