

VIOLATION CUM SHOW CAUSE NOTICE
REGISTERED A/D

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

No: BIH/ROH/LST/338/RRO

318/B, Road No.- 3,
Ashok Nagar, Ranchi- 834 002
TEL: 0651-2242903/2242889
FAX: 0651-2242903
Date: 01/03/2016

To,

1. Shri B. C. Srivastava
Director cum Nominated Owner
M/s Kalyanpur Cements Ltd.
At & PO- Banjari-821 303
Dist. Rohtas (Bihar)

2. Shri Sanjay Kumar Singh
G M & Agent of Mines
M/s Kalyanpur Cements Ltd.
At & PO- Banjari-821 303
Dist. Rohtas (Bihar)

Sub: -Violation of provisions of Mineral Conservation and Development Rules, 1988 in respect of your Banjari Limestone Mine (19.13 Hects) in Rohtas district, Bihar State.

Sir,

The following provisions of Mineral Conservation and Development Rules-1988 were found violated in your above mine during the inspection on 18/12/2015 by Shri S. Bodra, Asstt. Mining Geologist of Indian Bureau of Mines, Ranchi.

Rule No.	Nature of violations observed in details
Rule- 12(3):	The scheme of mining for your Banjari Limestone mine over an area of 19.13 Hect. was approved for a period of five (05) years valid for the plan period 2002-03 to 2006-07, already completed on 31.03.2007. The subsequent scheme of mining for this mine for the next five (05) years period from 2007-08 to 2012-13 and 2013-14 to 2017-18 were to be submitted at least one hundred twenty days before the expiry of five (05) years plan period i.e. on or before 02.01.2006 and 02.01.2012 respectively, for which it was approved on the last occasion vide letter no. RAN/ROH/LST/MS-74/02-03, dated 28.04.2003 It is observed that no such scheme of mining has been submitted so far to the Regional Controller of Mines, Indian Bureau of Mines, Ranchi for approval. 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, was to be submitted. The aforesaid modification incorporating proposal for further plan period for 2007-08 to 2012-13 and 2013-14 to 2017-18 has not been submitted to this office till date.
Rule-23B(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 should have been submitted to the Competent Authority along with Financial Assurance under rule 23F(3) of MCDR, 1988 as a component of modification in approved mining plan.
Rule-27(4):	The plans and sections required under the rule shall be maintained up to date within twelve (12) in case of category 'B' Mine.
Rule-29:	The owner, agent, mining engineer or manager of every mine shall (on or before the 30 th day of June) every year shall submit to the Controller General, Controller of Mines and the Regional Controller of Mines a copy of plans and sections maintained under rule 28 of MCDR, 1988.

Rule-42(1)(c)(ii):	As per Mineral Conservation and Development Rules as amended vide notification no. G.S.R.216 (E) New Delhi, 29 th March 2010. Every holder of a mining lease shall employ in case category 'B' mine, a part time Mining Engineer and a part time 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.
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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. You are, therefore, directed to show cause within a period of 30 (Thirty) days from the date of issue of this letter, as to why you should not be prosecuted for the above offence.

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

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 – 834 002.

(a).“For examination & extent of the pit / quarries and its development /proposals etc. there is requirement of the boundary pillars. But physical presence of the boundary pillars of the lease boundary /area have not been seen at the time of inspection as per rule 33 of MCR -1960 and item 2, part VII of Form ‘K’.

(b) The lessee shall comply with the 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. But above said violations have not been complied by the lessee under MCDR, 1988.

-sd-

(R. Purohit)

Regional Controller of Mines

N.O.O.:

Copy forwarded for kind information to: -

The Controller of Mines (CZ), Indian Bureau of Mines, Indira Bhawan, Civil Lines, Nagpur- 440102.

-sd-

(R. Purohit)

Regional Controller of Mines