

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/GUM/BX/216/RRO

318/B, Road No.3
Ashok Nagar, Ranchi – 834 002
[TEL:0651-2242903/2242889](tel:0651-2242903/2242889)
FAX: 0651-2242903
Date: 16.05.2018

To,
Sri Awadesh Kumar Singh,
At/P.O.- Chandwa,
Dist.- Latehar,
Jharkhand- 829203

Sub: Violation of provisions of MCDR, 2017 in respect of your “New Amtipani” Bauxite Mine over an area of 49.069 Hectare in Gumla district, Jharkhand State.

Sir,

The following provisions of Mineral Conservation and Development Rules, 2017 were found violated during the inspection of mine on 16.03.2018 by Shri S. Bodra, Assistant Mining Geologist, Indian Bureau of Mines, Ranchi.

Rule No.	Nature of violations observed in details.
Rule- 11(1):	No holder of a mining lease shall commence or carry out mining operations in any area except in accordance with the mining plan approved, modified or reviewed by the Indian Bureau of Mines or prepared and certified in accordance with the system established by the State Government pursuant to the proviso to clause (b) of sub-section (2) of section 5. In your case the extent of deviation observed during inspection is as given below:- (i) The dump no. D1A, near boundary pillar no. 55, on the extreme Southern part of the lease, has crossed the proposed limit as shown in the Development Plan for the year 2016-17 submitted along with the Mining Plan approved on 12.09.2016. (ii) Two (02) nos. of dumps have been created on the Western part of the lease area without any valid approved proposal. (iii) The dump no. D3, on the West of quarry no. 4 and on the Western part of lease, has covered a much larger area than the proposed limit as shown in the Development Plan for the year 2016-17 submitted along with the Mining Plan approved on 12.09.2016. (iv) The present quarry position and reclaimed area for quarry no. 2 and 4 merged, has crossed the proposed area to be excavated and reclaimed area limit as shown in the Development Plan for the year 2016-17 submitted along with the Mining Plan approved on 12.09.2016, even though the production from the mine has not been reported since March, 2016 as per office record.
Rule- 26(2):	The holder of mining lease shall submit to the competent authority a yearly report as per the format specified by the Indian Bureau of Mines, before 1st day of July every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plan. <i>In your case the same has not been submitted for the period 2010-11 to 2014-15.</i>
Rule-27(2) :	Where financial assurance has already been furnished before the commencement of these rules , an amount equal to the difference between the financial assurance due on the date of notification of these rules and the financial assurance already furnished, shall be furnished to the authorized officer, as the case may be, within a period of ninety days from the date of notification of these rules. <i>In your case it has been observed that no such difference amount of Financial Assurance has been submitted to this office as required under rule.</i>
Rule- 28(1):	Subject to the provisions of section 4A, the holder of a mining lease shall send to the authorised officer, as the case may be, and the State Government a notice in Form E when the mining or mineral processing operations in the mine or part thereof are discontinued for a period exceeding ninety days so as to reach them within one hundred and twenty days from the date of such temporary discontinuance. <i>In your case it has been observed that the mine under reference has not reported production since March, 2016.</i>

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Rule-31(4): The plans and sections required under these rules shall be maintained up to date within three months in case of category 'A' mines as referred to in clause (a) of sub-rule (2) of rule 55, and within twelve months in the case of any other mine as mentioned in clause (b) of sub-rule (2) of rule 55.

In your case it was observed that the same have not been maintained up to date.

Rule -32(1) (a), (b), (c) & (d): The owner, agent, mining engineer or manager of every mine shall keep the 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 mining engineer and nager of the mine present during the inspection.

Rule-33: The holder of a mining lease shall, on or before the 30th day of June every year submit to the authorised icer, as the case may be, and the State Government, a digital copy along with a print copy of the surface geological n and sections maintained under rule 32 of MCDR, 2017.

It is observed that no such plan and sections as required under the Rule have been submitted to this office.

Rule-36(3): Whenever the top soil generated during mining operation and cannot be utilized concurrently, it shall be red separately for future use.

In your case it has been observed that the top soil dumps have not been maintained/stabilized for its future use.

02. In this connection it is brought to your notice that the above violations constitute an offence punishable under Rule-62 of MCDR-2017. The relevant extract of the rule 62 is given below:

“62 Penalty: - Whoever contravenes any of the provisions of these rules shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

03. You are, therefore, directed to violation cum 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/-

(Anupam Nandi)

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 all the boundary pillars of the boundary /area have not been seen at the time of inspection as per rule 12(1)(v) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rule, 2016.

(b) The lessee shall have to comply with the aforementioned Mineral Conservation and Development rule, 2017 framed under Section18 of the Mines and Minerals (Regulation & Development)Act, 1957 (amended upto 27th March 2015) as required under Rule 29(a) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rule, 2016.

-Sd/-

(Anupam Nandi)

Regional Controller of Mines

N.O.O.:

Copy forwarded for kind information to:

The Controller of Mines (EZ), Indian Bureau of Mines, Block- CP, Plot no. -13, Sector-V, Salt Lake City, Kolkata-700091.

-Sd/-

(Anupam Nandi)

Regional Controller of Mines