

18. RAJASTHAN

18.1 TITLE

Rajasthan Minor Mineral Concession Rules, 1986.

18.2 ADMINISTERING AUTHORITY

The State Government has delegated the powers for grant of mining lease, both by applications and by auction, and for other matters connected with the administration of the rules to the Director, Mines & Geology, Additional Director (Mines), Superintending Mining Engineers, Mining Engineers and Assistant Mining Engineers in a graded manner based on annual dead rent payable under these rules. Short-term permits and quarry licences are granted by the Mining Engineer or Assistant Mining Engineer.

The Director is the appellate authority against the orders passed by the Superintending Mining Engineers, Mining Engineers and Assistant Mining Engineers. Appeals against the orders passed by the Director lie with the State Government.

18.3 TYPES OF CONCESSIONS

Three types of concessions are available under these rules, viz. mining lease, quarry, licence and short-term-permit. The term 'mining lease' has the same meaning as assigned to it under MM(RD) Act, 1957. The 'quarry licence' means a licence wherein the licensee is required to pay fixed annual licence fee which may be inclusive or exclusive of royalty, as the case may be. 'Short term permit' means a permit granted for excavation and removal of a specified quantity of mineral within the specified period and from a specified area.

18.4. PROCEDURE FOR GRANT

18.4.1 MINING LEASE

No mining lease shall be granted :

- (i) in respect of such minerals as the State Government may notify; such notification may be for the whole or part of the State; or
- (ii) to a person who is not a citizen of India, unless prior approval of the Central Government has been obtained; or
- (iii) to a person against whom or any member of whose family or against a firm of which he is or was a partner or a Private Limited Co. the dues of the Department of Mines & Geology are outstanding, unless their recovery has been stayed by any court or a competent authority; or

- (iv) in respect of lands notified by the Government as reserved for use of then Government or local authorities or for any other public or special purpose; or
- (v) in the forest area, without clearance from the Central Government in accordance with the Forest (Conservation) Act, 1980 and the rules made thereunder; or
- (vi) in the area in which quarry licences are in the process of grant for a particular mineral.
- (vii) In respect of minerals for which plots of prescribed size are delineated in specified areas as notified by the Government from time to time.

An application for obtaining a mining lease is to be made in the prescribed form to the Mining Engineer/Assistant Mining Engineer having the jurisdiction over the area. The application must be accompanied by a non-refundable fee of Rs.500/-, a plan of the area together with description report connecting one of the corner pillars with a fixed reference point in the vicinity, attested copy of the no-dues certificate pertaining the dues of the department and in case the applicant belongs to SC/ST a certificate of being a member of SC/ST and affidavit of being manual worker working in the mines; an affidavit giving particulars of mineral-wise areas already held under mining lease or already granted but not executed/registered or already applied but not yet granted.

When two or more persons apply for a mining lease in respect of the same land, the applicant whose application was received on earlier date shall have a preferential right for the grant of the lease over an applicant whose application was received later. However, the competent authority may prefer an application received later from a Government Company or Corporation owned by the Government over any other application received earlier for the same area. When more than one application is received on the same day for the same area, the mining lease shall be granted in the following order of priority :

- i) a Government Company or Corporation owned by the Government;
- ii) unemployed Mining Engineer or Geologist;
- iii) a person who intends to set up a mineral based industry in the State;
- iv) disabled person;
- v) sportsman, athlete or player of National level;
- vi) a Co-operative Society; and
- vii) other applicant.

In case applications are received from the same category of persons, the lease may be granted to any one of the applicants as the competent authority may deem fit after

taking into consideration matters such as any special knowledge or experience in mining operations possessed by the applicants, the financial resources of the applicants, the nature & quality of technical staff employed or to be employed by the applicants and such other matters as may be specified. All applications received within a period of 30 days from the publication of the notification issued under rule 59, for grant of M.L. for any mineral of an area notified as "free" shall be considered by the Competent Authority on the same footing irrespective of date of submission.

However, irrespective of the above referred general rules of priority the mining lease for masonry stone and its associated minerals (excluding patts and other dimensional stone), kankar, murrum and Jhajra stone shall be granted to the following categories of persons in the descending order of priority :

- i) persons who undertake to install a crusher (for mining lease of masonry stone only);
- ii) manual workers belonging to SC/ST employed in mines;
- iii) manual workers employed in mines;
- iv) persons belonging to SC/ST
- v) persons selected under Integrated Rural Development Programme of the Government;
- vi) ex-soldiers including members of para-military forces belonging to Rajasthan, who has been permanently disabled or dependents of those who have been killed in action;
- vii) Rajasthan State Government servants who have been permanently disabled while on duty or the dependents of those who have been killed on duty;
- viii) unemployment graduates; and
- ix) other persons.

However, where two or more persons from amongst the above categories have applied for a mining lease in respect of the same land the applicant whose application was received earlier shall have preferential right over an applicant whose application was received later.

An application for the grant of a mining lease must be disposed of by the Competent Authority. The State government or competent authority may refuse to grant or renew a mining lease and reasons for refusal must be recorded and communicated to the applicant.

An application for renewal of a mining lease is to be made at least twelve (12) months before the expiry of mining lease and shall be disposed of before the expiry of the

lease and if the application is not disposed of within that period, the lease shall be deemed to have been extended for a period of six months or till the date of communication of the refusal, whichever is earlier.

Where the lease is granted or renewed, the formal lease must be executed within 3 months from the date of receipt of the sanction by the applicant. If the lease is not executed within the specified period of 3 months and the request is made by the lessee within one month for extension of time before the expiry of the 3 months period, the competent authority may extend period of execution by imposing a penalty @ 9% of the annual dead rent for each delay of one month or part of it. If the lease is not executed within the prescribed time limit, the order granting the lease shall be deemed to have been revoked. However, if the competent authority is satisfied that the grantee is not responsible for the delay in execution of lease, it may permit the execution within a reasonable time after expiry of the aforesaid period of 3 months.

The lessee shall be required to deposit a sum equal to one fourth of the annual dead rent as security either in cash or in the form of National Savings Certificate or National Plan Certificate or any other form of securities which may be notified by the Government, for due observance of the terms of the lease. When a mining lease is granted, arrangements shall be made at the expense of the lessee for the survey and demarcation of the area granted under the lease.

Grant of mining lease by auction or tenders : Mining lease by public auction or tender shall be granted only in such cases as the Government may by general or special order direct. The State Government may discontinue grant of mining leases by auction or tender in a particular area by issuing a notice in the Official Gazette in this regard. The procedure for auction and inviting tenders is prescribed in the rules.

18.4.2 QUARRY LICENCE

No quarry licences shall be granted for any mineral deposit unless it is notified in the Rajasthan Gazette or atleast one daily newspaper having wide circulation in the State and one newspaper having wide circulation in the local area after due approval of the Director of Mines & Geology. Such notification shall be made after delineating the plots of quarries and shall mention the dimension of each plot of the licence. The maximum number of licences that could be issued to a person in the division/sub-division shall not exceed 2.

Every application for grant of quarry licence shall be submitted in the prescribed form to the Mining Engineer/Assistant Mining Engineer accompanied with a fee of Rs.100/-. A quarry licence shall be granted by the Mining Engineer/Assistant Mining Engineer.

The quarry licence for all minerals, excepting marble, dolomite, etc. and any other rock used for slab or tile shall be kept reserved for the following category of persons as per the percentage indicated against each category.

- i) Manual workers belonging to SC/ST employed in mines 10%

ii)	Manual workers other than SC/ST	20%
iii)	Persons belonging to the SC/ST	20%
iv)	Persons selected under Integrated Rural Development Programme of the State Government.	10%
v)	Village artisans and landless labourers.	10%
vi)	Ex-soldiers including members of para-military forces belonging to Rajasthan who have been permanently disabled and the dependents of those who have been killed in action	10%
vii)	Rajasthan State Government servants who have become permanently disabled while on duty or the dependents of those who have been killed while on duty; and	10%
viii)	Other applicants	10%

Whenever a new block of quarries is delineated, the plots to be reserved for allotment to different categories of persons shall be decided by the competent authority by the method of lottery and shall be notified accordingly for inviting application from such category of persons. When the total number of plots for allotment is less than 10, they will be granted to the above listed categories in the descending order of priority.

When more than one application is received within the period notified for the same plot from the same category, the allotment shall be made after drawing lottery in presence of two of the public representative, representative of Directorate and Collector or his nominee.

In case of marble and its associated minerals, where two or more applications received within the period specified for the same plot, the competent authority shall, after taking into consideration the knowledge and experience in mining operations, financial resources and amount of investment, proposal for setting up cutting and polishing plant, etc. by the applicant, may grant quarry licence to such one of the applicant, as it may deem fit.

At the time of the grant every licence shall deposit a security which shall be equivalent to 25 per cent of the annual licence fee for due observance of the terms and conditions of the grant.

The quarry licence can be renewed on its submission to the Mining Engineer/Assistant Mining Engineer atleast 30 days before the expiry of licence with a fee of Rs.250/- for a period of five years and where the competent authority is satisfied that the quarry has been worked properly, subsequent renewals may also be granted to the licensee.

18.4.3 SHORT TERM PERMIT

Short term permit shall not be granted for the following minerals :

- i) sandstone and limestone used as dimensional stone (patti, kotla, millstone, ashlar and flooring stone);
- ii) limestone used for burning and chips making;
- iii) marble and dolomite;
- iv) granite used for making blocks, slabs and tiles;
- v) serpentine used as block and for chips making;
- vi) rhyolite and chert used for chips making;
- vii) fuller's earth, bentonite, saltpetre and slate stone; and
- viii) other minerals notified by the Government.

Application for short term permit shall be made to the Mining Engineer/Assistant Mining Engineer accompanied by the description of the land giving approximate location of the area from where the mineral is to be quarried and the permit fee. The permit fee varies from Rs.1/- to 50/- depending on the quantity for which the permit is sought.

The Mining Engineer/Assistant Mining Engineer may refuse to grant a short term permit for any mineral in any area. No short term permit shall be granted for quantities exceeding 500 tonnes except in case of contract of works department of State or Central Government, autonomous bodies, Government undertakings, on recommendation of concerned department. The royalty must be paid in advance.

18.5 PERIOD AND AREA

Mining lease is granted for a period not exceeding of 20 years and for minimum period of 10 years. On application, the competent authority shall renew the lease for a period not exceeding 20 years. If the Government is satisfied that the mines have been worked properly and substantial investment in machinery and equipment has been made, the mining lease may be further renewed, each time for a period of 20 years subject to the condition that total period of the lease shall not exceed 60 years.

Quarry licence is granted for a period of five years and can be further renewed from time to time for a further period of five years upto the maximum period of 30 years.

The period for which a short term permit may be granted shall not exceed four months. However, in case of the works department of the Government, short term permits may be granted for a longer period depending on the period of works contract. Also, if the holder of the permit fails to excavate and remove the quantity stipulated in

the permit, within the period originally sanctioned, the period of permit is deemed to have been extended by 25 per cent of the original period.

The mining lease shall be granted for such area, as the Government may deem fit. The Director of Mines & Geology may fix the area for the grant of mining lease for a particular mineral and for a particular area, but it shall not be less than one hectare. As far as possible, the area applied for grant under mining lease shall be rectangular and its length shall not exceed four times its width.

A person cannot acquire in respect of any mineral or prescribed group of associated mineral one or more mining leases covering a total area of more than 10 sq.kms. In the jurisdiction of any Mining Engineer/Assistant Mining Engineer not more than 2 mining leases and in the entire State not more than 3 mining leases for a particular mineral or associated group of minerals shall be granted to a person. However, the Government may relax the aforesaid ceiling of 10 sq.kms, and also the number of mining leases to be sanctioned to a person in the interest of mineral development, if necessary to do so for the reasons to be recorded.

The dimensions of each plot for the purpose of grant of quarry licence shall be fixed by the Mining Engineer. However, the maximum dimension of one plot shall not exceed 400 m x 200 m for the marble and its associated mineral and 120 metres by 60 metres for any other mineral and the minimum shall not be less than 60 metres by 30 metres. No person may be granted more than 2 quarry licences in the jurisdiction of the Mining Engineer/Assistant Mining Engineer. When a quarry licence is granted on a fixed annual licence fee inclusive of royalty, the dimension of such plots shall not exceed 10 m x 10 m.

The dimensions of the area for which a short term permit may be granted shall not exceed 50 metres by 50 metres.

The policy/procedure for grant of mining lease/quarry licence/permit for granite, marble and brick earth notified by the Government under rule 65 A are described in brief below :

(1) Granite Policy :

The plot size of the area of Mining lease shall be 2.25 hectares. The Director may change the plot size after recording reasons of such change. Again maximum 2 plots shall be granted. More than 2 plots may be sanctioned subject to certain conditions as follows :

1. An entrepreneur establishing imported sawing machine and polishing unit is eligible to get mining lease for even no. of plots say 4 or 6.
2. An applicant who undertakes Mining operations with the help of modern equipments is eligible to get a mining lease of 200 metre strike face length.

3. If for the same area, more than one application received on the same day, and willing to set up processing unit, then method of lottery will be applied to dispose of these applications.

Mining leases may be granted upto 20 plots of prescribed size. The entrepreneur has to submit detailed project report or entering into Memorandum of understanding with RH Co.

Leases has to fulfil the requirements of machinery and equipments within the stipulated time limit for mining and processing.

In Jhalwad and Ramganj Mandi district areas for limestone (Dimensional) mining lease, plot size will be 5 hectares.

(2) Marble Policy (including serpentine/green marble etc.)

Size of plot shall be 2.25 hectares. It may be changed by Director.

Restrictions :

- i) As U/r. 4 of Rajasthan Minor Mineral Concession Rules, 1986.
- ii) ML or Q.L. shall be granted only in favour of such applicant who undertakes to deploy the mine machinery prescribed within 6 months from commencement of lease licence. Persons belonging to category of SC/ST or OBC are exempted from this restriction.
- iii) Maximum limit of area is 4.50 hectares in entire State. Provisions have been made where any person has installed 2 or more gangsaws each having the main motor of capacity 100 H.P. minimum and capable of sawing marble block of 3 m x 1.5 m x 1.5 m size or 2 or more automatic tiling plants each having main motor of a capacity of minimum 150 H.P. with one horizontal and 5 vertical cutters or has taken effective steps to instal such gangsaws of automatic tiling plants, he may be granted area upto limits specified below :-

No. of gangsaws/automatic tiling plants	Maximum area (in hectares)
2	6.75
3	9.00
4 or more	11.25

Mining lease/quarry licence in respect of low grade marble deposits will be granted by the Director to SC/ST/OBC by method of application.

(3) Procedure for mineral concession of Brick earth used for making bricks by brick Kilns.

Permit : for excavation and removal of specified quantity of brick earth within a specified period and area.

Duration of permit : Maximum for 5 years and minimum shall be not less than one year.

Quantity of brick earth :

Annual quantity in tonnes

$$= 150 \times w \times N.$$

W - wt of 1000 standard size bricks (9 x 4.5 x 3)

i.e. 3.5 tonnes.

N - No. of vertical columns of bricks (Ghodis) between outer and inner walls of brick Kiln along its width.

Application is to be made in Form 1-D, with fee of Rs.500/-, copy of Khasra map, copy of revenue Jamabandi, an attested copy of no dues certificate from concerned ME/A.M.E., for lessee only.

Separate permit for each Brick Kiln is required

Security deposit at the rate of 50% of the annual royalty is computed on the basis of annual quantity of brick earth. If holder failed to remedy the breach of condition or any provision in rules within 15 days, permit may be cancelled.

18.6 TRANSFER, SURRENDER, TERMINATION

The lessee may, with the previous sanction of the Government, transfer the whole of his mining lease to a person on payment of the fee of Rs.2,000/- subject to the conditions that no dues are outstanding against the lessee in respect of the lease to be transferred and no dues of the department and outstanding against the transferee and further the transfer does not result in the transferee acquiring area in excess of 10 sq.kms. The transfer fee shall be charged at the rate 20% of the existing. The transfer of mining lease granted to manual workers, working in the mines, SC/ST persons, village artisans and landless labourers must be made to the persons belonging to such a category. The transfer of mining lease should not be considered as a matter of right and the Government can refuse the transfer for reasons to be recorded and communicated in writing to the applicant.

A quarry licence may be transferred with prior approval of the competent authority after a period of one year from its commencement to a person belonging to the same category as the licensee, on payment of a transfer fee of Rs.1,000/-.

The lessee may surrender the lease at any time by giving an application in writing to the Mining Engineer/Assistant Mining Engineer and it shall be accepted with immediate effect, provided there are no dues against the lessee in respect of the lease and if dues are outstanding, after expiry of 6 months. The holder of a quarry licence may surrender the licence with immediate effect after giving a notice in writing to the Mining Engineer/Assistant Mining Engineer.

The competent authority can determine the lease if the lessee ceases to work the mines for a continuous period of 6 months without obtaining the sanction of the

Government. Also, the competent authority has the right to determine the lease for breach of any covenant or condition contained in the lease after serving a notice of 15 days to the lessee to pay his dues and also remedy other breaches, within the aforesaid period of 15 days, with forfeiture of security amount. The Government can also determine the lease by giving 6 months prior notice in writing, if it thinks that the mineral under lease is required for establishing an industry beneficial to the public. However, no such notice will be necessary in the event of way or national emergency.

The Mining Engineer/Assistant Mining Engineer can be determine the quarry licence without giving any notice if the licensee fails to start work. The quarry or does not work it for a continuous period of three months without obtaining his prior approval. In case of any breach of any terms of licence or any provision of the rules or fails to comply with directions given, the Mining Engineer/Assistant Mining Engineer may after giving 15 days notice to remedy the breach or comply directions, impose penalty not exceeding Rs.500/- or in the alternative may cancel the licence with forfeiture of security deposit and licence fee for the balance period.

18.7 RENTS AND ROYALTIES

Dead rent : In case of mining lease, the lessee is required to pay for every year such yearly dead rent, within the limits specified in the Schedule-II, as may be fixed by the Government in quarterly installments in advance. If the lease permits the working of more than one mineral in the same area, no separate dead rent shall be charged for each mineral. The lessee is liable to pay either dead rent or royalty whichever is higher, but not both. The dead rent may be revised after every 5 years from the date of grant of lease or renewal thereof. Further, during the currency of the lease also the dead rent may be revised in between after every period of 5 years. The revised dead rent shall be fixed on the basis of existing dead rent by increasing it by 40% plus average excess royalty of first 4 years of every period of 5 years. However the rates prescribed in the Schedule-II are applicable at the time of initial grant of the lease. The Schedule-II is reproduced below :

*** Schedule-II (Rates of Dead Rent)**

S.No.	Name of Mineral	Rate of Dead rent in Rs. Per ten square Metre or part thereof
1.	Dimensional stone :	
	(a) Sandstone, Limestone, Slate and other Dimensional stones.	15.00
	(b) Phyllite and schist	5.00
2.	Mineral used for lime making :	
	(a) Limestone and others	10.00
	(b) Lime Kankar and jhajhra	5.00

S.No.	Name of Mineral	Rate of Dead rent in Rs. Per ten square Metre or part thereof
3.	Mineral used for making chips and powders : Limestone, Marble, Chert, Serpentine, Rhyolite, Quartzite and any other rock.	10.00
4.	Mineral used as Blocks and sawn as slabs and tiles : (a) Marble, Serpentine and other rocks (b) Granite, Diorite, Rhyolite, Dolerite and other rocks	25.00 10.00
5.	Masonry stone and mineral used in construction works Such as ballast, road metal, brick earth, murrum, kankar, Bajri of surkhi etc.	5.00
6.	Other Minerals : (a) Fuller's earth (b) Bentonite (c) Saltpetre (d) Ordinary white/yellow/red clays	5.00 10.00 3.00 4.00
7.	Other minerals not specified above	25.00

Note : In the cases where mineral is used for captive purpose in the industry set
Up by the lessee the rates of dead rent will be reduced by 25%

* Substituted by G.S.R. 12 Published on June 11, 1992.

Licence fee : The licence fee of a quarry licence shall be between Rs.150/- and Rs.12,000/- per annum as may be fixed by the Mining Engineer and shall be paid annually, in advance on the specified dates in addition to royalty. The Mining Engineer may fix the licence fee inclusive of royalty at a rate not less than Rs.20/- and not more than Rs.200/- per month in respect of the areas measuring not more than 10 by 10 metres. The licence fee or the royalty rates can be revised once during any period of 3 years.

Surface rent : The holder of the mining lease is required to pay surface rent equal to land revenue for the surface area used by him for the purpose of mining operations. The surface rent is being collected by the Revenue Authority.

Dump removal & ecological restoration charges : In case of quarry licence and mining leases, suitable provision has been made for fixing and charging of certain amount per annum for dump removal and ecological restoration of mines from quarry licence holders and lease holders respectively. The amount may be revised by the Government from time to time and may vary from place to place.

Royalty : The royalty is payable on the minerals removed from and/or consumed with in the leased area at the rates for the time being specified in Schedule-I. The State Government may, by notification in Official Gazette, amend Schedule-I so as to enhance or reduce the rate of royalty in respect of any mineral from the specified date. However, the rate of royalty shall not be enhanced more than once during any period of 3 years.

The current rates of royalty are as follows :

Schedule-I (Rates of Royalty)

Sr. No.	Name of Mineral	Quality/Shape and size of the mineral	Rate of royalty Rs. Per tonne	Conversion factor in tonnes/Cu.m.
1.	Sand stone	Dimensional stones such as slabs, patti katla, ashlar, millstone, flooring & roofing stones etc.		2.4 2.7
		(a) Bharatpur, Dholpur, Sawai Madhopur, Kota, Bundi districts	25.00	
		(i) (A) Jhalwar district	20.00	
		(ii) All other districts	20.00	
2.	Limes Stone	Dimensional stone such as flooring, roofing & pillaring stone etc.		
		(i) Kota & Jhalawar district (ii) All other districts	35.00 15.00	
3.	Lime Stone	Suitable for lime making	25.00	1.4
4.	Marble, serpentine & other decorative stone	(i) Blocks (Dressed & carved), slabs & tiles & finished products.	140.00	2.7
		(ii) Irregular blocks having one dimension not less than 35 cm. and the second dimension not less than 60 cm.	90.00	
		(iii) Irregular blocks having one dimension less than 35 cm. and the second dimension less than 60 cm. provided : (a) Such blocks are processed by single wheel cutters whose diameter is not more than 60 cm. (b) In the factory premises where such blocks are processed, other wheel cutter having diameter more than 60 cm. Or gangsaw of any design are not installed. (c) Such wheel cutters are located within the State of Rajasthan.	70.00	
		(iv) Khandas and crazy having no dimension of more than 35 cm.	25.00	

Sr. No.	Name of Mineral	Quality/Shape and size of the mineral	Rate of royalty Rs. Per tonne	Conversion factor in tonnes/Cu.m.
5.	Granite, Diorite & others igneous rock types suitable for sawing & polishing	(i) Blocks including blocks for making slabs and tiles.	75.00	3.0
		(ii) Small blocks having no dimension more than 60 cm. & used for making tiles.	40.00	3.0
6.	Chips & powder making minerals like Marble Dolerite, Serpentine, Rhyolite, Chert, Lime Stone, Quartzite etc.	Used for making chips & Powder.	25.00	2.0
7.	Masonry Stone (sand stone, lime stone, granite rhyolite quartzite schist, phyllites dhandhala etc.	Used as Khanda, ballast, road metal, fatchere, gitty, papera, crusher dust, gravel, jhajhra etc.	3.00	1.4
8.	Bajri, Kankar and Ordinary sand		4.00	1.4
9.	Brick earth Murrum, Surkhi		4.00	1.4
10.	Lime Kankar, Jhajhara Kankar & Dhandla (Suitable for burning)	(i) Lime Kankar & Jhajhra kankar.	6.00	1.4
		(ii) Dhandla	10.00	1.4
11.	Phyllite and Schist	Dimensional stone used as Patti, Katla, roofing, flooring etc.	10.00	2.2
12.	Fuller's earth		25.00	1.00
13.	Bentonite		35.00	1.2
14.	Slate stone		25.00	2.00
15.	Salt petre		500.00	
16.	Ordinary clays used for colour washing		6.0	1.5
17.	Brick earth and shale use for special purpose		20.00	1.4
18.	Other minerals not spcified		10% of pits mouth value	

18.8 DISPUTE SETTLEMENT PROCEDURE

Any person aggrieved by an order of the Superintending Mining Engineer, Mining Engineer or Assistant Mining Engineer passed under these rules in the following matter may appeal to the Director of Mines and Geology :

- (a) refusing the grant or renewal of mining lease, quarry licence or grant of royalty collection contract;
- (b) cancelling mining lease, quarry licence or royalty collection contract or forfeiting security deposit in whole or part;
- (c) refusing to permit transfer of mining lease or quarry licence;
- (d) assessment of royalty; and
- (e) imposition of penalty.

Likewise, any person aggrieved by any order passed by the Director including orders passed in appeal, may appeal to the State Government.

The appeal must be filed, in duplicate, in the form of memorandum of appeal stating the ground of appeal and the reliefs sought, within three months of the date of the order appealed against. The appellate authority may admit the appeal after the aforesaid period if the appellant is able to satisfy the appellate authority that he has sufficient cause for not making the appeal within the prescribed time.

The memorandum of appeal must be accompanied by a challan of Rs.200/- deposited in Government Treasury, as fee.

Upon receipt of the memorandum of appeal, the appellate authority shall fix a date for hearing and may, if it thinks fit, call for the relevant records and other information from the office whose order is the subject of appeal. The appellate authority may confirm, modify or set aside the order under appeal, after giving the appellant an opportunity of being heard and considering any comments that might have been offered by the officer who gave the order under appeal.

The State Government in respect of any order, whether in appeal or otherwise, passed under these rules by the Director, Superintending Mining Engineer, Mining Engineer or Assistant Mining Engineer may, on application by an aggrieved party made within 3 months of such order or of its own motion, call for and examine the connected records for the purpose of satisfying itself as to the correctness, legality or propriety of the order. The State Government may confirm, modify or rescind such order.

An application for revision shall be made in prescribed form, in duplicate, and shall be accompanied by a challan of Rs.400/- as fee.

An application for revision may be admitted by the Government after said period of 3 months if the Government is satisfied that applicant had sufficient cause for not filing the revision application in time.