

SHOW CAUSE NOTICE BY REGD/AD

Government of India
Ministry of Mines
Indian Bureau of Mines
Office of the Regional Controller of Mines

File No. ORI/IRON-MN/KJR/MCDR-81/BBS Vol-II / 250

Plot no. 149, Pokhriput
Bhubaneswar-751 020

Date : 03.02.2016
04.

To,
Shri Tarini Prasad Mohanty, Lessee
Naibaga Iron and Manganese mine
1st floor, LIC building.
At Po- Joda, Dist- Keonjhar
Odisha- 758034

Sub: Violation of provisions of Mineral Conservation and Development Rules, 1988 (MCDR, 1988) in respect of Naibaga Iron and Manganese mine over an area of 47.219 ha of Shri Tarini Prasad Mohanty in Keonjhar District of Odisha State.

Sir,

The following provisions of Mineral Conservation and Development Rules, 1988 were found violated in your above said mine during inspection on 13.10.2015 by the undersigned and accompanied by Shri Debabrata Patra, Mines Manager and Shri Bishnu Charan Barik, Geologist of your mines and communicated to you vide this office letter of even no. dated 10.11.2015 giving you 45 (Forty five) days time for rectification of the same.

Rule No.	Position of Rule	Nature of Violation
13(1)	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 the mining plan or scheme approved under rule 11 or 12 as the case may be.	Mining operations are not being carried out in accordance with the approved Scheme of Mining vide letter no. MS/OTFM/52-ORI/BHU/2014-15 dated 02.06.2015 to the extent indicated below:- 1. As per the approved scheme of mining, refer page no.50, para 2.4, mining operations is being approved to carried out by other than fully mechanized method by deploying 0.9 m ³ capacity excavators, 4.5 m ³ capacity tippers by employing 153no. of persons for sizing, sorting and transport of ore to stock yard, 80 persons for manual sorting and loading for transportation ore to screening and crushing site; but during inspection it was observed that all the mining operation starting from drilling,

Entered into register
24/02/16

11/02/16
5-2-16

		excavation, transportation to size reduction is being carried out by fully mechanized method by deploying HEMM like 1.6 m ³ capacity excavators, 14 m ³ dumpers and employing 15 no. of workers.
33(2)	The dumps shall be properly secured to prevent escape of material there from in harmful quantities which may cause degradation of environment and to prevent causation of floods.	<ol style="list-style-type: none"> 1. Retaining wall along bottom periphery of iron ore stocks in 'Quarry-1 area' between ML pillars 'E' to 'F1' has not been maintained to prevent escape of stacked material in to natural drainage system by degrading low lying land. 2. Garland drain and Retaining wall has not maintained effectively along bottom periphery of sub grade stock near ML pillar F1; during inspection of mines it was observed that retaining wall was found filled with stacked material resulting over flow of sub grade ore degrading low lying area.
45(5) (7)	<p>If it is found that the owner, agent, mining engineer or manager of mine or the person or company engaged in trading or storage or end-use or export of minerals, as the case may be, has submitted incomplete or wrong or false information in monthly or special or annual returns or fails to submit a return within the date specified, -</p> <p>(i) in the case of mining of minerals by the owner, agent, mining engineer or manager of mine, then the Regional Controller of Mines may,-</p> <p>(a) order suspension of all mining operations in the mine and may revoke the order of suspension only after ensuring proper compliance;</p> <p>(b) take action to initiate prosecution under these rules;</p> <p>(c) recommend termination of the mining lease, in case such suppression or misrepresentation of information indicates abetment or connivance of illegal mining;</p>	<p>However, on examination of the annual return in respect of the instant mine for the year 2014-15, following discrepancies are observed.</p> <ol style="list-style-type: none"> i. Refer part-I, item no.12, total area utilized for mining and allied activities in respect of the instant mine is furnished as 0.387 Ha only, but actual area utilized for mining and allied activities so far in the recent approved scheme of mining was stated to be 6.663 Ha. ii. Refer part-V, item no.3, it is furnished that, reserves of 7.48 million tonnes [6.05 million tonnes (111), 1.43 million tonnes (121&122)] and resources of 2.74 million tonnes [1.0 million tonnes (221&222), 1.74 million tonnes (333)] of the instant lease; But as per the recent approved scheme of mining total reserves and resources is stated to be 9.395 million tonnes (111) and 4.156 million tonnes (221& 222) respectively. iii. Refer part-V, item no.7, dry processing is also a beneficiation process which is being carried out in the lease, but details

		<p>has not been furnished.</p> <p>iv. Refer part VI, item no.2, opening stock of ROM for the year 2014-15 is furnished as 1180 tonnes, but closing stock of ROM for year 2013-14 was reported as 754 tonnes, additional 426 tonnes of ore is reported, the sources of the same is not known.</p> <p>v. Refer part-VI, item no.4, details of deduction for computation of sale price has not been furnished.</p> <p>vi. Refer part-VI, item no.5, consignee name and registration no. allotted by Indian bureau of Mines for sales/ dispatches of ore is not furnished</p>
--	--	---

02. The reply received vide your letter no. TPM/IBM/MCDR/1/15-16 dated 15.12.2015 was considered duly by this office; but found unsatisfactory in respect of rule 13(1),33(2) and 45(5)(7) of MCDR, 1988 for the following reasons.

Regarding rule 13(1): Machineries deployed in the mines are of 1.6/1.2 m³ capacity excavators and 9 m³ capacity Hyva dumpers are on higher side than that has been approved to deploy 0.9 m³ capacity excavators and 4.5 m³ capacity dumpers. Further man power deployment is on lower side i.e. employed only 15 persons against the approved to deploy 233 no. of persons.

Regarding rule 33(2): (i) Retaining wall along bottom periphery of iron ore stocks in 'Quarry-I area' between ML pillars 'E' to 'F1' has not constructed so far. (ii) Garland drain and Retaining wall has not maintained along bottom periphery of sub grade stock near ML pillar F1 to prevent wash off of ore degrading low lying area.

Regarding Rule 45(5)(7): Annual returns for the year 2014-15 incorporating the deficiencies like land use, reserves, dry processing details, consignee name & registration no. allotted by IBM has not revised and submitted to this office. Your claim of rectifying the ROM stock position is not supported with documentary evidence.

03. In this connection, it is brought to your notice that the above violations constitute an offence punishable under rule 58 of MCDR, 1988. Inability to comply the provision of rule 13(1) of the MCDR, 1988, is liable to suspension of all mining operations in the mine under the provisions of rule 13(2) and submitting incomplete or wrong or false information in ~~monthly or special~~ or annual returns under rule 45(5)(a) & 45(5)(b) is also liable to suspension of all mining operations in the mine under the provisions of rule 45(7)(i) (a) of MCDR, 1988 and other actions as per rule 45(7)(i).

04. 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 and or the mining operations shall not be suspended under rule 13(2) and 45(7)(i) (a) of MCDR 1988, till the rectification of violations.

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

Yours faithfully,

Ibrahim Sharief 4/2/16
(IBRAHIM SHARIEF)
Assistant Controller of Mines

Not on Original

- (1) The Controller of Mines (CZ), Indian Bureau of Mines, Nagpur-440 001.
(2) The Director of Mines, Directorate of Mines, Government of Orissa, Heads of Department Building, New Capital, Bhubaneswar-751 001
- For kind information and further necessary action please:** Excavation was observed near ML pillar no. E of the instant lease area resulting disturbance of safety zone area.

Ibrahim Sharief 4/2/16
(IBRAHIM SHARIEF)
Assistant Controller of Mines
For Regional Controller of Mines