

भारत सरकार
खान मंत्रालय
भारतीय खान ब्यूरो
क्षेत्रीय खान नियंत्रक का कार्यालय
कर्मयोगी भवन, चतुर्थ माला, ब्लॉक-2, सी विंग,
सेक्टर-10A गांधीनगर, गुजरात, 382010



Government of India
Ministry of Mines
Indian Bureau of Mines
Office of Regional Controller of Mines
Karmayogi Bhavan, 4th Floor, Block-2, Sector 10A,
Gandhinagar, Gujarat-382010

Tel- 079 29750358 /29750359; ई -मेल/ E-mail: ro.gandhinagar@ibm.gov.in

फाईल संख्या File No- JUNA/LST-060 Mine Code: 38GUJ07086 ID- दिनांक 29.6.2022

सेवा में To : Owner/Agent/Manager/Mining Engineer
प्रेषित : Sh. Jusab Abbas Khira, R/o near Railway
Station, Bhatia, Tehsil-Kalyanpur, District-Jamnagar,
Gujarat-361315

विषय Sub: Violation of provisions of Mineral Conservation & Development Rules, 2017 in respect of your Rakka Limestone Mine over an area of 4.0 ha located near Village-Rakka, Tehsil-Lalpur, District-Jamnagar in Gujarat.

महोदय Sir,

The following provisions of the Mineral Conservation & Development Rules, 2017 (MCDR, 2017) were found violated in your above mine during the MCDR inspection made by the undersigned on 30.3.2022 AN in the presence of Sh. Manojbhai Tivari, Lessee rep. and the same was communicated on 06-5-2022

RULE NO.	NATURE OF VIOLATION OBSERVED
11(1)	The mining operations were not carried out as proposed in approved mining Plan vide 684(4) (1) MP-149(29)/2018-खानिखस)उ/(GNR Dated 29.6.2018 as follows. Exploitation- proposal for excavation of ROM was 58652T for the year 2020-21 whereas actual excavation of ROM was carried out 180951.8T which is 122299.8T (208.5%) excess against proposed quantity for the year 2020-21. Location of excavation proposed in mining plan as earmarked in plate No 3A to 3D are also found deviated substantially. Exploration -It was proposed to drill 03No of core boreholes, (total 100m) as given at page No 14 & earmarked in plate No.2A for the year 2018-19 but till date, no such exploration work done and reported to this office..
26(2)	A yearly report before 1 st July of every year setting forth the extent of protective and rehabilitation work carried out as envisaged in the approved progressive mine closure plan for 2020-21 has not been submitted to this office.
27(2) read with 27(1)	Where financial assurance is required to be furnished by the holder of the mining lease under sub rule (1), such amount of financial assurance shall be submitted to the authorized officer, as the case may be, in form of bank guarantee in the format specified by IBM; Provided that where financial assurance has already been furnished before the commencement of the amendment, an amount equal to the difference between the financial assurance due as on the date of notification of the rules and the financial assurance already furnished, shall be furnished to the authorised officer within a period of ninety days from the date of notification; Provided further that the holder of a mining lease shall be required to enhance the amount of financial assurance with the increase in the area of mining and allied activities, as you have excess the proposed quantity substantially.
33	The owner, agent, mining engineer or manager of mine shall submit the digital copy along with a print copy of the Surface Geological plan & section on or before the 30th June of every year. In your case, you have not submitted the aforesaid updated plan & section maintained under rule 32 of MCDR, 2017 to this office till date.
35(4B)	In case of non-filing of templates as stated in sub-rule (2), the holder of mining lease shall be liable to pay an amount of ten thousand rupees per day for such delay to the authorized officer of the Indian Bureau of Mines, as you have submitted star rating templates on 26.1.22, i.e. 84 days delayed with respect to Gazette Notification dated 03.11.2021..
45(5)©	The holder of a mining lease shall submit online returns in respect of each mine to the Regional Controller or any other authorized official of the Indian Bureau of Mines in the following manner. © an annual return which shall be submitted before the 1st day of July each year for the preceding financial year in electronic form along with a signed print copy of the same if it is not digitally signed, in the prescribed form. In your case, you have not submitted the online Annual return of 2020-21 to this office till date.
55(1)(3) (i)	A Mining Engineer & Geologist have not been appointed for the purpose of carrying out mining operations in accordance with these rules.

2. On examination of office record, it is found that you have submitted reply of violation, vide letter no. NIL dated 31.5.22 received in this office on 01.6.2022 and found that violation of provision of rule 11(1), to the extent of quantity of excavation under heading exploitation have been accepted/admitted by you for extent of ROM /excavation, whereas the compliance for the lateral extent/location of excavation w.r.t proposed location and compliance to the exploration proposed has not been made by you thus violation of rule 11(1) is still there, further compliance of other remaining rules vize 26(2),27(2) read with 27(1),33,45(5)© & 55(1)(3)(i) were not found satisfactory and thus the violation of rules 11(1)Part, 26(2),27(2) read with 27(1),33,45(5)© & 55(1)(3)(i) of MCDR 2017 are still persists

3. In addition to above, it is to inform you that SCN issued by this office dated 17/5/2021 but you have not submitted compliance of VL of rule 11(1), 26(2),35(2),33,45(5)(b) &45(5)(c),55(1)©(i) till date. , hence these violations are also still persist.

PTO

4. In this connection, it is brought to your kind notice that the above violations constitute an offence punishable under Rule 62 of MCDR 2017.
5. Mining operations can be suspended as per rule 11(2) in case of non-compliance of rule 11(1), and any other relevant rules of MCDR 2017 as these rules ensure systematic scientific and responsible mining and/or state Government may be informed to take actions as per competent directives.
6. As per provision of Rule 45(7), the Regional Controller of Mines may take appropriate action including order of suspension of **all mining operations and dispatches** on non-compliance of various provisions of Rule 45.
7. You are also liable to pay an amount of Rs.10000/-per day for such days as per **Schedule-II**, read with Rule 45(7A) in case of non-compliance of various provisions of Rule 45.
8. You are also liable to pay an amount of Rs.10000/-per day for such delay as per Rule 35(4B), of non-filing of template as stated in Rule 35(2).
9. You are therefore directed to show cause within a period of thirty (30) days from the date of issue of this letter, as to why you should not be prosecuted and / or why the mining operation should not be suspended under relevant statutory provisions and/or why not any other appropriate action can be initiated in accordance with rules and/or any competent orders/directives.
10. Please note that no further notice will be given to you in this regard.
11. This letter has been issued with the approval of Regional Controller of Mines.

भवदीय Yours faithfully,

(जी०राम/G. Ram)

उप खान नियंत्रक /Dy.Controller of Mines

NOO-प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- खान नियंत्रक (उत्तर), भारतीय खान ब्यूरो, उदयपुर। (zo.udaipur@ibm.gov.in)
- 2- आयुक्त, भूविज्ञान एवं खनन, निदेशालय, गुजरात को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
- 3- DDG, MMS Division, भारतीय खान ब्यूरो, नागपुर
- 4- MCDR File

उप खान नियंत्रक /Dy.Controller of Mines