Show-Cause Notice
E-MAIL / REGD A.D

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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; □ –□□□/ E-mail: ro.gandhinagar@ibm.gov.in

□□□□ □□□□□□ File No- POR/LST-322/Part Mine Code: 38GUJ21101 **ID-** □□□□□ 23.12.2022

□□□□ □□□ **Owner/Agent/Manager/Mining Engineer**

To : □□□□□□□: Mirkhibhai Jetabhai Vanda,
At & Post-Roghada, Ta-Kutiyana,
Distt-Porbandar,Gujarat-362650,

□□□□ Sub: Violation of provisions of Mineral Conservation & Development Rules, 2017 in respect of your Roghada Limestone, Sy No.[46/2P&46/4/1P] Mine over an area of 4.0 ha located near Village-Roghada, Tehsil-Kutiyana, District-Porbandar in Gujarat.

□□□□□ 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 11.4.2022 AN in the presence of Sh. Naghabhai, Lessee rep.and the same was communicated on 22-6-2022.

RULE NO.	NATURE OF VIOLATION OBSERVED
26(2)	A yearly report before 1st 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.
28(1)	The holder of a mining lease shall send to the authorized officer, as the case may be, and the State Government a notice in Form-E, when the mining & mineral processing operation in the mine or part thereof are dis-continued for a period exceeding ninety days so as to reach them within one hundred and twenty days from the date of such temporary discontinuance. In your case, you have not submitted discontinuance notice to IBM Gandhinagar office so far.
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.
45(5)(b)	Monthly return for the month(s) of Oct-21 on 17-11-21 which is a case of delayed submission as per rules.
55(1)(3)(ii)	A Geologist has not been appointed for the purpose of carrying out mining operations in accordance with these rules.

2. In addition to above, it is to inform you that SCN issued by this office dated 02/5/2021 and 08/4/2022 but you have not submitted compliance of violation of rule 45(5)(b) and 27(1)&27(2) respectively till date, hence the violation of said rules are still persist.
3. On examination of office record, it is found that you have submitted reply vide letter no. NIL dated 29/6/22 received in this office on 01/7/2021 and found that above rules 26(2),27(2) read with 27(1), 28(1),33,45(5)(b),55(1)(ii) were not found satisfactory and thus the violation of rules 26(2),27(2) read with 27(1), 28(1),33,45(5)(b),55(1)(ii) of MCDR 2017 are still persists. In this case pertaining to rule 45(5)(b) violation cum SCN has already been issued on 22.6.2022.
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 ensures 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 advised to rectify the above violations immediately and intimate the compliance position to this office within 30 days from date of issue of this letter.
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.

10 This letter has been issued with the approval of Regional Controller of Mines.

□□□□□ Yours faithfully,

(□□□□□□/G.Ram)
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3- DDG, MMS Division, □□□□□□ □□□ □□□□□□, □□□□□□ –*requested for Refer back for above scrutiny & update, if not.*

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