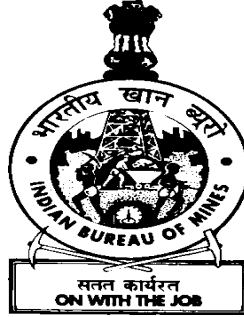


भारत सरकार  
Government of India  
[कृषि];  
Ministry of Mines

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INDIAN BUREAU OF MINES

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# CONTENTS

## SECTION -1

### Mineral Legislation and Policy on Minerals/Ores

#### MINERAL LEGISLATION

##### A. Amendments/Notifications

Sl. No.		Page No.
1.	Ministry of Mines, Notification, S.O. 2185(E).	1
2.	Ministry of Mines, Notification, S.O. 3684(E).	1
3.	Ministry of Mines, Notification, S.O. 3685(E).	1
4.	Ministry of Mines, Notification, S.O. 3846(E).	1
5.	Ministry of Mines, Notification, G.S.R. 642(E).	3
6.	Ministry of Mines, Notification, S.O. 3890(E).	3
7.	Ministry of Mines, Notification, G.S.R. 669(E).	4
8.	Ministry of Mines, Notification, G.S.R. 682(E).	4
9.	Ministry of Mines, Notification, G.S.R. 648(E).	5
10.	Ministry of Mines, Notification, S.O. 3848(E).	8
11.	Ministry of Mines, Notification, S.O. 3847(E).	9
12.	Ministry of Law and Justice, Notification No. 16 of 2023	9

##### B. Court Decisions

Sl. No.		Page No.
1.	The State of Rajasthan and others Appellant v. Sharwan Kumar Kumawat etc Respondents, AIR 2023, Supreme Court 3586.	19
2.	M/s. Shanti Construction Private Limited, Petitioner v. State of Odisha and others, Opp. Parties, AIR 2023, Orissa High Court 74.	20
3.	M/s. Hindustan Zinc Limited, Petitioner v. Union of India, Respondents, AIR 2023, Rajasthan High Court 71.	22

4.	M/s. Oriental Select Granites Pvt Ltd, Petitioner v. State of Karnataka and Department of Mines and Geology, Respondents, AIR 2023, Karnataka High Court 155.	24
5.	Debidutta Mohanty, Appellant v. Ranjan Kumar Pattnaik, Respondents, AIR 2023, Supreme Court 1317.	26

## SECTION – 2

### 2. Trend in Mining

Sl. No.		Page No.
<b>2.1</b>	<b>Trend in Mining</b>	<b>30-34</b>
	(A) Mining Leases Granted	30
	(B) Mining Leases Executed	31
	(C) Mining Leases Lapsed	31
	(D) Mining Leases Transferred	32
	(E) Mining Leases Extended	32
<b>2.2</b>	<b>Trend in Prospecting</b>	
	(A) Prospecting Licences Granted	34

## SECTION – 3

<b>Highlights</b>	<b>35-42</b>
(A) Domestic	35-38
(B) Abroad	39-42

## SECTION-1

### Mineral Legislation and Policy on Minerals/Ores

#### Mineral Legislation

##### A. Amendments/Notifications

**1. Ministry of Mines, Notification, S.O. 2185(E)**— Whereas, Ministry of Environment, Forest and Climate Change issued a notification S.O.5481(E) dated 31 December, 2021 mandating filling of fly ash in the mine voids and mixing of the same to the extent of 25% with the external dumps in all working leases located within 300 kms of radius from any Thermal Power Plant.

Whereas, a safety and feasibility study is required to be undertaken for all such operational mines with the due permissions from DGMS and other regulatory authorities.

Therefore, in pursuance to the Rule-58 of Mineral Conservation and Development Rules, 2017, it is hereby directed to undertake this study within a period of 60 days. It is further directed to submit a copy of the study report forthwith to the respective Regional Controller of Mines under whose jurisdiction the lease is located.

This order shall come into force on the date of its publication in the official gazette

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**Source:** The Gazette of India, Extraordinary, No. 2092 Part II, Section 3-Sub section (ii), dated 12.05.2023.

**2. Ministry of Mines, Notification, S.O. 3684(E)**.— In exercise of the powers conferred by Sub-section (2) of Section 1 of the Mines and Minerals (Development and Regulation) Amendment Act, 2023 (16 of 2023), the Central Government hereby appoints the 17th day of August, 2023 as the date on which the said Act shall come into force.

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**Source:** The Gazette of India, Extraordinary, No. 3525 Part II, Section 3-Sub section (ii), dated 17.08.2023.

**3. Ministry of Mines, Notification, S.O. 3685(E)**— In exercise of the powers conferred by Sub-section (2) of Section 1 of the Offshore Areas Mineral (Development and Regulation) Amendment Act, 2023 (17 of 2023), the Central Government hereby appoints the 17th day of August, 2023 as the date on which the said Act shall come into force.

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**Source:** The Gazette of India, Extraordinary, No. 3526, Part II, Section 3-Sub section (ii), dated 17.08.2023.

**4. Ministry of Mines, Notification, S.O. 3846(E)**— In exercise of the powers conferred by Sub-sections (1) and (2) of Section 16 read with Section 17 and Sub-section (3) of Section 25 of

the Bureau of Indian Standards Act, 2016 (11 of 2016), the Central Government is of the opinion that it is necessary so to do in the public interest and after consulting the Bureau of Indian Standards, hereby makes the following order, namely: -

**1. Short title and commencement-** (1) This Order may be called the Aluminium and Aluminium Alloys (Quality Control) Order, 2023.

(2) This Order shall come into force with effect from three months from the date of publication of this notification.

**2. Application-** This Order shall apply in relation to goods or article specified in Column (2) of the Table below, but shall not apply to goods or article meant for export.

**3. Compulsory use of Standard Mark-** Goods or article specified in the Column (2) of the said Table shall conform to the corresponding Indian Standard specified in Column (3) therein and shall bear the Standard Mark under a licence from the Bureau of Indian Standards in accordance with Scheme-1 of Schedule-II to the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018.

**4. Certifying and enforcing authority-** The Bureau of Indian Standards shall be the certifying and enforcing authority in respect of the goods or article specified in the Column (2) of the said Table.

<b>Sl. No.</b>	<b>Goods or article</b>	<b>Indian Standard</b>	<b>Title of Indian Standard</b>
(1)	(2)	(3)	(4)
1.	Aluminium and aluminium alloy ingots and castings	IS 617:1994	Cast aluminium and its alloys Ingots and castings for general engineering purposes
2.	High purity primary aluminium ingot	IS 11890:1987	Specification for high purity primary aluminium ingot for remelting for special applications
3.	Aluminium alloy ingots for bearings	IS 6754:1972	Specification for aluminium alloy ingots for remelting for general engineering purpose
4.	Primary aluminium ingots for remelting	IS 2590:1987	Specification for Primary aluminium ingots for remelting for general engineering purpose
5.	Aluminium ingots billets and wire bars (EC GRADE)	IS 4026: 2023	Aluminium ingots billets and wire bars (EC GRADE)

**Note:** For the purposes of the Table, it is clarified that the latest version of Indian Standards established and published by the Bureau from time to time in accordance with the provisions of Clause (17) of section 2 of the Bureau of Indian Standards Act, 2016 (11 of 2016), shall apply

from the date of such publication.

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**Source:** The Gazette of India, Extraordinary, No. 3685, Part II, Section 3-Sub section (ii), dated 31.08.2023.

**5. Ministry of Mines, Notification, G.S.R. 642(E)**— In exercise of the powers conferred under the second proviso to Sub-section (1) of Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and consequent upon accreditation provided by the National Accreditation Board for Education and Training of the Quality Council of India (QCI-NABET), the Central Government hereby notifies M/s Engeotech Consultant under ‘Category A Exploration Agencies’ as per the ‘Guidelines for notification of accredited private exploration agencies’ issued by the Government of India in the Ministry of Mines vide order No. M.VI-16/15/2021-Mines VI, dated the 12th August, 2021 (hereafter referred to as the said guidelines).

2. The said agency shall carry out prospecting operations in compliance with the conditions specified in the said guidelines.

3. This notification shall remain in force for a period of three years from the date of its publication or till the expiry or termination of the accreditation granted, whichever is earlier.

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**Source:** The Gazette of India, Extraordinary, No. 502, Part II, Section 3-Sub section (i), dated 31.08.2023.

**6. Ministry of Mines, Notification, S.O. 3890(E)**— WHEREAS, vide notification of the Government of India, Ministry of Mines number G.S.R. 860(E), dated the 16th December, 2021 (hereinafter referred to as the said notification) issued in exercise of the powers conferred by Clause (a) of Sub-section (1) of Section 26 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as the Act), the Central Government directed that certain powers of the Central Government shall also be exercisable by Dr. Veena Kumari Dermal, Joint Secretary to the Government of India in the Ministry of Mines;

And whereas, the Act has further been amended by the Mines and Minerals (Development and Regulation) Amendment Act, 2023 (16 of 2023), inter alia, inserting therein Section 11D which empowers the Central Government to conduct auction for grant of mining lease or composite licence in respect of minerals specified in Part D of the First Schedule to the Act;

Now therefore, in exercise of the powers conferred by Clause (a) of Sub-section (1) of Section 26 of the Act, the Central Government hereby makes the following amendment in the said notification, namely—

In the said notification, in Paragraph 1, for the words, brackets and figures “and the provisos to Sub-sections (4) and (5) of Section 11”, the words, figures and letter “, the provisos to Sub-sections (4) and (5) of Section 11 and Section 11D” shall be substituted.

2. This notification shall come into force on the date of its publication in the Official Gazette.

---

**Source:** The Gazette of India, Extraordinary, No. 3729, Part II, Section 3-Sub-section (ii), dated 01.09.2023.

**7. Ministry of Mines, Notification, G.S.R. 669(E)**— In exercise of the powers conferred by the second proviso to Sub-section (1) of Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and consequent upon accreditation provided by the National Accreditation Board for Education and Training of the Quality Council of India (QCI-NABET), the Central Government hereby notifies M/s Kartikay Exploration and Mining Services Pvt. Ltd under 'Category A Exploration Agencies' as specified in the guidelines for notification of accredited private exploration agencies issued by the Government of India in the Ministry of Mines vide Order No. M.VI-16/15/2021-Mines VI, dated the 12th August, 2021 (hereafter referred to as the said guidelines).

2. The agency shall carry out prospecting operations in compliance with the conditions specified in the said guidelines.

3. This notification shall come into force on the date of its publication in the Official Gazette and shall remain valid for a period of three years from the date of notification or till the expiry or termination of the accreditation granted, whichever is earlier.

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**Source:** The Gazette of India, Extraordinary, No. 528, Part II, Section 3-Sub section (i), dated 14.09.2023.

**8. Ministry of Mines, Notification, G.S.R. 682(E)**— In exercise of the powers conferred by Section 11B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Atomic Minerals Concession Rules, 2016, namely—

**1. Short title and commencement:**— (1) These rules may be called the Atomic Minerals Concession (Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2.** In the Atomic Minerals Concession Rules, 2016 (hereinafter referred to as the said rules), for Rule 37, the following rule shall be substituted, namely:—

**“37. Penalty**— Whoever contravenes the provisions of Sub-rules (4) and (6) of Rule 4, second proviso to Sub-rule (1) or proviso to Sub-rule (2) of Rule 5 or Rule 7 or Rule 8 or Rule 9 or Rule 10 or Sub-rule (11) of Rule 13 or Sub-rule (6) of Rule 14 or Sub-rule (2) of Rule 15 or Rule 16 or Rule 20 or Rule 21 or Rule 28 or Rule 31 shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to rupees five lakhs, or with both, and in the case of a continuing contravention, with additional fine which may extend to rupees fifty thousand for every day during which such contravention continues after conviction



for the first such contravention.”.

**3.** In the said rules, in Schedule B, in Part III, in the table, for serial number III and the entries relating thereto, the following serial number and entries shall be substituted, namely—

Type of deposit and Principal Minerals	G4 stage	G3 stage	G2 stage	G1 stage	Remarks
“III. Rare metal and REE occurring in pegmatites, reefs and veins/ pipes.	Scout drilling/ random pitting/ trenching as per necessity	10 to 25 pits/ trenches per sq. km. In case of drilling, borehole spacing may be 40m x 20m or 40m x 40m.	Pitting/Trenching/ preferably at 20m interval. In case of drilling, borehole spacing may be 20m x 10m or 20m x 20m.	Exploratory open pit or boreholes at 10m x 10m or closer or underground sampling with bulk determination of grades and recovery wherever necessary.	
IIIA. Rare metal and REE occurring in carbonatite and other alkali igneous rocks					
(i) Tabular Rare metal and REE deposits	Scout drilling/ random pitting/ trenching as per necessity	Borehole grid/ sample spacing may be 400m x 200m or closer	Borehole grid/ sample spacing may be 200m x 100m or closer	Borehole grid/ sample spacing may be 100m x 100m or closer	
(ii) Lenticular Rare metal and REE deposits in the form of veins / lenses	Scout drilling/ random pitting/ trenching as per necessity	Borehole grid/ sample spacing may be 200m x 200m or closer	Borehole grid/ sample spacing may be 100m x 100m or closer	Borehole grid/ sample spacing may be 100m x 50m or closer.”.	

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**Source:** The Gazette of India, Extraordinary, No. 540, Part II, Section 3-Sub section (i), dated 22.09.2023.

**9. Ministry of Mines, Notification, G.S.R. 648(E)**— In exercise of the powers conferred by Section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Mineral (Auction) Rules, 2015, namely—

**1. Short title and commencement**— (1) These rules may be called the Mineral (Auction) Amendment Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Mineral (Auction) Rules, 2015 (hereinafter referred to as the said rules), in Rule 5, in Sub-rule (2), the following proviso shall be inserted, namely—

“Provided that where details of the land is available in the Prime Minister Gati Shakti – National Master Plan for Multi-modal Connectivity platform or land record portal of the State Government or any other Government authority, the State Government may use such details for classification of the land.”.

3. In the said rules, in Rule 9,—

(i) in Sub-rule (1), in Clause (a), for the words “land not owned by the State Government; and”, the following shall be substituted, namely—

“land not owned by the State Government:

Provided that where details of the land is available in the Prime Minister Gati Shakti - National Master Plan for Multi-modal Connectivity platform or land record portal of the State Government or any other Government authority, the State Government may use such details for classification of the land; and”;

(ii) in Sub-rule (2), in Clause (b), for the words, “land not owned by the State Government; and” the following proviso shall be substituted, namely—

“land not owned by the State Government:

Provided that where details of the land is available in the Prime Minister Gati Shakti - National Master Plan for Multi-modal Connectivity platform or land record portal of the State Government or any other Government authority, the State Government may use such details for classification of the land; and”;

4. In the said rules, after Rule 9A, the following rule shall be inserted, namely—

**“9B. Conduct of auction of mining lease by Central Government under section 11D.—**

(1) The State Government shall intimate to the Central Government the details of all the areas or mines available with the State Government for auction of mining lease, in respect of any mineral specified in the Part D of the First Schedule to the Act within forty-five days of the commencement of the Mineral (Auction) Amendment Rules, 2023.

(2) The State Government shall intimate to the Central Government regarding the following, namely—

(a) receipt of any geological report in respect of any mineral specified in the Part D of the

First Schedule to the Act for auction of mining lease from Geological Survey of India, Mineral Exploration Corporation Limited or any other Government or private entity, within a period of forty-five days of receiving it;

(b) termination of mining lease or lapsing of letter of intent for mining lease in respect of any mineral specified in the Part D of the First Schedule to the Act, within fifteen days from such termination or lapse;

(3) The Central Government may require the State Government to provide the details specified under Rules 5 and 9 for conduct of auction and the State Government shall provide such details to the Central Government within thirty days.

(4) For conducting an auction by the Central Government for grant of mining lease under Section 11D, the provisions of Rules 5 to 9, as applicable to a State Government, shall mutatis mutandis be also applicable to the Central Government.

(5) Upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease for such area to such preferred bidder in accordance with Rule 10.”.

5. In the said rules, after Rule 17A, the following rule shall be inserted, namely—

**“17B. Conduct of auction of composite licence by Central Government under section 11D—**(1) The State Government shall intimate to the Central Government the details of all the areas or mines available with the State Government for auction of composite licence, in respect of any mineral specified in the Part D of the First Schedule to the Act within a period of forty-five days of the commencement of the Mineral (Auction) Amendment Rules, 2023.

(2) The State Government shall intimate to the Central Government regarding the following, namely—

(a) receipt of any geological report in respect of any mineral specified in the Part D of the First Schedule to the Act for auction of composite licence from Geological Survey of India, Mineral Exploration Corporation Limited or any other Government or private entity, within a period of forty-five days of receiving it;

(b) termination of composite licence or lapsing of letter of intent for composite licence in respect of any mineral specified in the Part D of the First Schedule to the Act, within fifteen days from such termination or lapse;

(3) The Central Government may require the State Government to provide the details specified under Rules 16 and 17 for conduct of auction and the State Government shall provide such details to the Central Government within thirty days.

(4) For conducting an auction by the Central Government for grant of composite licence under Section 11D, the provisions of Rules 16 and 17, as applicable to a State Government, shall mutatis mutandis be also applicable to the Central Government.

(5) Upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant composite licence for such area to such preferred bidder in accordance with Rule 18.”

---

**Source:** The Gazette of India, Extra ordinary, No. 507, Part II, Section 3-Sub section (i), dated 01.09.2023.

**10. Ministry of Mines, Notification, S.O. 3848(E)**— In exercise of the powers conferred by Sub-sections (1) and (2) of Section 16 read with Section 17 and Sub-section (3) of Section 25 of the Bureau of Indian Standards Act, 2016 (11 of 2016), the Central Government is of the opinion that it is necessary so to do in the public interest and after consulting the Bureau of Indian Standards, hereby makes the following order, namely—

**1. Short title and commencement**—(1) This Order may be called the Nickel (Quality Control) Order, 2023. (2) This Order shall come into force with effect from three months from the date of publication of this notification.

**2. Application**—This Order shall apply in relation to goods or article specified in Column (1) of the Table below, but shall not apply to goods or article meant for export.

**3. Compulsory use of Standard Mark**—Goods or article specified in the Column (1) of the said Table shall conform to the corresponding Indian Standard mentioned in the Column (2) therein and shall bear the Standard Mark under a licence from the Bureau of Indian Standards in accordance with Scheme-1 of Schedule-II to the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018.

**4. Certifying and Enforcing Authority**—The Bureau of Indian Standards shall be the certifying and enforcing authority for the goods or article specified in the Column (1) of the said Table.

**TABLE**

Goods or article	Indian Standard	Title of Indian Standard
(1)	(2)	(3)
Nickel Powder	IS 7506:1987	Specification for Nickel Powder

---

**Source:** The Gazette of India, Extraordinary, No. 3687, Part II, Section 3-Sub-section (ii), dated 31.08.2023.

**11. Ministry of Mines, Notification, S.O. 3847(E)**— In exercise of the powers conferred by Sub-sections (1) and (2) of Section 16 read with Section 17 and Sub-section (3) of Section 25 of the Bureau of Indian Standards Act, 2016 (11 of 2016), the Central Government is of the opinion that it is necessary so to do in the public interest and after consulting the Bureau of Indian Standards, hereby makes the following order, namely-

**1. Short title and commencement** - (1) This Order may be called the Copper (Quality Control) Order, 2023. (2) This Order shall come into force with effect from three months from the date of publication of this notification.

**2. Application-** This Order shall apply in relation to goods or article specified in Column (1) of the Table below, but shall not apply to goods or article meant for export.

**3. Compulsory use of Standard Mark-** Goods or article specified in the Column (1) of the said Table shall conform to the corresponding Indian Standard mentioned in the Column (2) therein and shall bear the Standard Mark under a licence from the Bureau of Indian Standards in accordance with Scheme-1 of Schedule-II to the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018.

**4. Certifying and Enforcing Authority** - The Bureau of Indian Standards shall be the certifying and enforcing authority for the goods or article specified in the Column (1) of the said Table.

**TABLE**

Goods or article	Indian Standard	Title of Indian Standard
(1)	(2)	(3)
Copper	IS 191:2007	Copper-Specification

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**Source:** The Gazette of India, Extra ordinary, No. 3686, Part II, Section 3-Sub section (ii), dated 31.08.2023.

**12. Ministry of Law and Justice, Notification, No. 16 of 2023**—

**CHAPTER I**

**PRELIMINARY**

**1. (1)** This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the principal Act), in section 3,—

(i) after clause (aa), the following clause shall be inserted, namely:—

'(aaa) "exploration licence" means a licence granted for undertaking reconnaissance operations or prospecting operations or both in respect of minerals specified in the Seventh Schedule;';

(ii) in clause (ae), after the words "composite licence", the words ", exploration licence" shall be inserted;

(iii) for clause (ha), the following clause shall be substituted, namely:—

'(ha) "reconnaissance operations" means any operations undertaken for preliminary prospecting of a mineral through regional, aerial, geophysical or geochemical surveys and geological mapping, and include pitting, trenching, drilling and sub-surface excavation;'

**3.** In section 4 of the principal Act, in sub-section (1), after the words "prospecting licence", the words "or of a exploration licence" shall be inserted.

**4.** In section 4A of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Termination of prospecting licences, exploration licences or mining leases.";

(ii) in sub-section (1), for the words "prospecting licence", at both the places where they occur, the words "prospecting licence or exploration licence" shall be substituted;

(iii) in sub-section (3), after the words "prospecting licence", the words "or exploration licence" shall be inserted.

**5.** In section 5 of the principal Act, for the marginal heading, the following marginal heading shall be substituted, namely:—

"Restrictions on the grant of mineral concession."

**6.** In section 6 of the principal Act,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Maximum area for which mineral concession may be granted.";

(b) in sub-section (1),—

(i) after clause (aa), the following clause shall be inserted, namely:—

"(ab) one or more exploration licences covering a total area of more than five thousand square kilometres:

Provided that the area granted under a single exploration licence shall not exceed one thousand square kilometres;"

(ii) in clause (c), for the words "reconnaissance permit, mining lease or prospecting licence", the words "mineral concession" shall be substituted.

**7.** In Chapter III of the principal Act, for Chapter heading, the following Chapter heading shall be substituted, namely:—

"PROCEDURE FOR OBTAINING MINERAL CONCESSION IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT".

**8.** In section 10 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Application for mineral concession.";

(ii) in sub-section (4), in clause (a), for the words, figures and letters "sections 10B, 11, 11A or the rules made under section 11B", the words, figures and letters "sections 10B, 10BA, 11, 11A, 11B or 11D" shall be substituted.

**9.** After section 10B of the principal Act, the following section shall be inserted, namely:—

"10BA. (1) The provisions of this section shall not apply to—

(a) the areas covered under section 17A;

(b) the minerals specified in Part A of the First Schedule;

(c) the minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time;

(d) any land in respect of which the minerals do not vest in the Government.

(2) Notwithstanding anything contained in sections 10B and 11, an exploration licence may be granted in any area by the State Government for the purpose of undertaking reconnaissance or prospecting operations or both in respect of any mineral specified in the Seventh Schedule.

(3) The Central Government may, by notification in the Official Gazette, and for reasons to be recorded in writing, amend the Seventh Schedule so as to modify the entries therein with effect from such date as may be specified in the said notification.

(4) The State Government shall, after obtaining the previous approval of the Central Government, and in such manner as may be prescribed by the Central Government, notify the areas in which exploration licence shall be granted, subject to such terms and conditions as may be specified in the notification.

(5) The Central Government may require the State Government to notify the area for grant of exploration licence within such period as may be fixed in consultation with the State Government, and in case the State Government does not notify the area within such period, the Central Government may, after the expiry of the period so fixed, notify the area for grant of exploration licence.

(6) The State Government shall, for the purpose of granting exploration licence through auction by method of competitive bidding, including e-auction, select an applicant who fulfils the eligibility conditions as specified in this Act and grant exploration licence to such applicant.

(7) Where—

(a) the State Government has not successfully completed auction for the grant of exploration licence; or

(b) after completion of auction, the exploration licence or letter of intent for grant of exploration licence has been terminated or lapsed for any reason whatsoever,

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within such period as may be fixed in consultation with the State Government, and in cases where such auction or re-auction process is not completed within such period, the Central Government may, after the expiry of the period so fixed, conduct auction for the grant of exploration licence for such area:

Provided that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant exploration licence for such area to such preferred bidder in such manner as may be prescribed by the Central Government.

(8) The holder of exploration licence shall be entitled to a share of applicable amount quoted in the auction of mining leases payable by the lessee to the State Government in respect of the area granted in mining lease pursuant to the prospecting operations undertaken by the holder of such exploration licence:

Provided that the share in applicable amount payable to the holder of exploration licence



by the lessee of such area shall be allowed only in respect of the minerals specified in the Seventh Schedule.

(9) The Central Government shall by rules provide for the manner of conducting auction for grant of exploration licence, including its terms and conditions, the bidding parameters for selection, share payable to the holder of exploration licence from out of the applicable amount quoted in auction of mining leases payable by the lessee of such area, the period for such payment and such other conditions as may be necessary.

(10) Notwithstanding anything contained in section 7,—

(a) the exploration licence shall be granted for a period of five years from the date of execution of the exploration licence;

(b) if, after three years from the date of execution of exploration licence, but before the date of its expiry, the holder of the exploration licence makes an application for the extension of the period of that licence, the State Government may, on being satisfied that within the period of five years, it shall not be possible for the holder of such licence to complete the reconnaissance or prospecting operations for reasons beyond his control, extend the said period to a further period not exceeding two years.

(11) After three years from the date of execution of the exploration licence, the holder of such licence may retain an area not exceeding twenty-five per cent. of the total area covered under that licence for the purpose of continuing reconnaissance or prospecting operations and shall surrender the remaining area after submitting a report to the State Government stating the reasons for retention of the area proposed to be retained by him and the boundaries of that area.

(12) The holder of the exploration licence shall, within three months of the completion of the operations for which licence has been granted, or of the date of expiry of the exploration licence, whichever is earlier, submit a geological report to the State Government explaining the result of the reconnaissance and prospecting operations, in such manner as may be prescribed.

(13) If the holder of the exploration licence fails to complete the reconnaissance and prospecting operations before expiry of the exploration licence, or fails to submit the geological report within the period specified in sub-section (12), the State Government may take such action as it deems fit, including imposition of penalty.

(14) Within six months from the date of receipt of the geological report from the holder of the exploration licence, the Central Government or the State Government shall initiate the auction process for grant of one or more separate mining leases under section 10B or section 11 or section 11D, as the case may be, in respect of the area where existence of mineral content is established and shall select the preferred bidder for grant of such mining leases within one year

from the date of receipt of the geological report:

Provided that in case the preferred bidder is not selected within the period so specified, the State Government shall pay to the person who was the holder of exploration licence such amount, and in such manner, as may be prescribed."

**10.** After section 11C, the following section shall be inserted, namely:—

"11D. (1) Notwithstanding anything contained in this Act, the Central Government shall, for the purpose of granting mining lease or composite licence in any area in respect of any mineral specified in the Part D of the First Schedule, select, through auction by method of competitive bidding, including e-auction, a preferred bidder who fulfils the eligibility conditions as specified in section 5, on such terms and conditions, and in such manner, as may be prescribed.

(2) Upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease or composite licence for such area, to such preferred bidder, in such manner, as may be prescribed by the Central Government.

(3) The royalty, dead rent, applicable amount quoted in the auction and any other statutory payment in relation to the mining lease or composite licence auctioned by the Central Government shall accrue to the State Government or concerned authorities, as the case may be, as if the auction has been conducted by the State Government."

**11.** In section 12 of the principal Act,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Registers of mineral concession.";

(b) in sub-section (1),—

(i) in clause (e), the word "and" shall be omitted;

(ii) after clause (f), the following clauses shall be inserted, namely:—

"(g) a register of applications for exploration licences; and

(h) a register of exploration licences,".

**12.** In section 12A of the principal Act,—

(i) after the words "composite licence", wherever they occur, the words "or exploration licence" shall be inserted;

(ii) in sub-section (4), in the proviso, for the words "or of a composite licence", the words

"or composite licence" shall be substituted.

**13.** In Chapter IV of the principal Act, for Chapter heading, the following Chapter heading shall be substituted, namely:—

"RULES FOR REGULATING THE GRANT OF MINERAL CONCESSIONS".

**14.** In section 13 of the principal Act, in sub-section (2),—

(i) clause (ac) shall be omitted;

(ii) in clause (qgg), for the words, figures and letters "mining lease or composite licence under section 10B, 11, 11A, 11B", the words, figures and letters "mineral concession under section 10B, 10BA, 11, 11A, 11B, 11D" shall be substituted;

(iii) after clause (v), the following clauses shall be inserted, namely:—

(va) the manner of notifying the areas for grant of exploration licence under sub-section (4) of section 10BA;

(vb) the manner of granting exploration licence to the preferred bidder under the proviso to sub-section (7) of section 10BA;

(vc) the manner of conducting auction for grant of exploration licence, the terms and conditions thereof, the bidding parameters for selection, the share payable to the holder, the period for payment and other conditions under sub-section (9) of section 10BA;

(vd) the manner of submitting geological report under sub-section (12) of section 10BA;

(ve) the amount to be paid and the manner of payment under the proviso to sub-section (14) of section 10BA;"

(iv) after clause (x), the following clauses shall be inserted, namely:—

(xa) the terms and conditions and the manner of selecting a preferred bidder under sub-section (1) of section 11D;

(xb) the manner of granting a mining lease or composite licence to a preferred bidder under sub-section (2) of section 11D;"

**15.** In section 17A of the principal Act, in sub-sections (1), (1A) and (2), after the words "prospecting licence", the words "or exploration licence" shall be inserted.

**16.** In section 18A of the principal Act, in sub-section (1), after the words "prospecting licence", at both the places where they occur, the words "or exploration licence" shall be inserted.

**17.** In section 19 of the principal Act, for the marginal heading, the following marginal heading

shall be substituted, namely:—

"Mineral concession to be void if in contravention of Act."

**18.** In section 21 of the principal Act, in the *Explanation*, after the words "composite licence", the words ", exploration licence" shall be inserted.

**19.** In section 24A of the principal Act, for the marginal heading, the following marginal heading shall be substituted, namely:—

"Rights and liabilities of a holder of mineral concession."

**20.** In the principal Act, in the First Schedule,—

(i) after the figures and letter "11C", the figures and letter "11D" shall be inserted;

(ii) for Part B, the following Part shall be substituted, namely:—

**"PART B**

***Atomic minerals***

1. Minerals of the "rare earths" group containing Uranium and Thorium.
2. Phosphorites and other phosphatic ores containing Uranium.
3. Pitchblende and other Uranium ores.
4. Uraniferous allanite, monazite and other thorium minerals.
5. Uranium bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.
6. Beach sand minerals, that is, economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucoxene, garnet, monazite, zircon and sillimanite.";

(iii) after Part C, the following Part shall be inserted, namely:—

**"PART D**

***Critical and Strategic Minerals***

1. Beryl and other beryllium bearing minerals.
2. Cadmium bearing minerals.
3. Cobalt bearing minerals.
4. Gallium bearing minerals.
5. Glauconite.
6. Graphite.
7. Indium bearing minerals.
8. Lithium bearing minerals.
9. Molybdenum bearing minerals.
10. Nickel bearing minerals.
11. Niobium bearing minerals.
12. Phosphate (without uranium).

13. Platinum group of elements bearing minerals.
14. Potash.
15. Minerals of the "rare earths" group not containing Uranium and Thorium.
16. Rhenium bearing minerals.
17. Selenium bearing minerals.
18. Tantalum bearing minerals.
19. Tellurium bearing minerals.
20. Tin bearing minerals.
21. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).
22. Tungsten bearing minerals.
23. Vanadium bearing minerals.
24. Zirconium bearing minerals and ores including zircon."

**21.** In the principal Act, after Sixth Schedule, the following shall be inserted, namely:—

**"THE SEVENTH SCHEDULE**

[ *See sections 3 (aaa), 10BA(2) and 10BA(3)* ]

*Minerals*

1. Apatite.
2. Beryl and other beryllium bearing minerals.
3. Cadmium bearing minerals
4. Cobalt bearing minerals.
5. Copper bearing minerals.
6. Diamond.
7. Gold.
8. Graphite.
9. Indium bearing minerals.
10. Lead bearing minerals.
11. Lithium bearing minerals.
12. Molybdenum bearing minerals.
13. Niobium bearing minerals.
14. Nickel bearing minerals.
15. Potash.
16. Platinum group of elements bearing minerals.
17. Minerals of 'rare earths' group.
18. Rhenium bearing minerals.
19. Rock Phosphate.
20. Selenium.
21. Silver.
22. Tantalum bearing minerals.
23. Tellurium bearing minerals.
24. Tin bearing minerals.
25. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).
26. Tungsten bearing minerals.
27. Vanadium bearing minerals.

28. Zinc bearing minerals.

29. Zirconium bearing minerals and ores including zircon.".

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**Source:** The Gazette of India, Extra ordinary, No. 19, Part II, Section 1, dated 09.08.2023.

## **B. Court Decisions:**

### **1. The State of Rajasthan and others Appellant v. Sharwan Kumar Kumawat etc. Respondents, AIR 2023, Supreme Court 3586.**

**Subject:** In all these appeals the Appellants seek to overturn the decision of the Division Bench of the Rajasthan High Court, Jaipur Bench declaring Sub-rule (10) of Rule 4 and Sub-rule (3) of Rule 7 of the Rajasthan Minor Mineral Concession Rules, 1986 (hereinafter referred to as “the Rules”) as unconstitutional.

**Facts:** Applications were invited for leasing out minor minerals by the Appellants vide Notification dated 23.05.2003. Scores of persons made their applications. The Notification dated 23.05.2003 was followed by Notification dated 24.04.2007 declaring the applications made for four villages qua sandstone as rejected in exercise of the power conferred under Rule 65A of the Rules. An exercise of delineation was expected to be undertaken followed by fresh applications. Thus, this Notification, and the subsequent Notification, are area centric, restricted to four villages and that too for sandstone and also masonry stone which is nothing but a by-product of the former. Writ petitions were filed by some of the applicants before the High Court of Rajasthan. They were accordingly allowed, inter-alia holding that such a restriction applied only for four districts alone and cannot be sustained in the eye of law as there is no material available to invoke Rule 65A of the Rules in the purported interest of mineral development. While quashing the Notification dated 24.04.2007, the High Court specifically directed the Appellants to revive the applications of the writ petitioners therein and to consider them in accordance with law. After the orders passed by the High Court on 21.05.2009, amendments were made to the Rules vide Notification dated 28.01.2011, as noted by us earlier. Thereafter, in compliance with the order of the High Court, a Government Order was passed on 16.11.2011 facilitating the relief to such of those applicants who approached the High Court. A consequential Government Order was also passed on 28.11.2011 for payment of royalty by masonry stone applicants before grant of any lease. These two orders were put into challenge by certain other applicants other than the writ petitioners in the earlier round, inter-alia contending that the same benefits will have to be extended to them as well.

The High Court passed an order, dated 13.03.2013, holding that the earlier decision will have to be construed as a decision in rem but subject to the rider that all the pending applications ought to be considered in accordance with the amendment made vide Notification dated 28.01.2011 to Rule 4 and 7, “(i) That the respondent State shall undertake the exercise of delineating, demarcating and specifying all the mining areas available for the Sandstone and Masonry Stone within a period of six months as undertaken by the learned Addl. Advocate Generals, on behalf of the State. (ii) Thereafter, the State Government will re-notify such delineated areas for grant

of mining leases for sandstone and masonry stone, as the case may be, with the stipulation & condition that payment of Royalty and dead rent applicable for the sandstone in case sandstone is also found available in the mining lease granted for masonry stone. (iii) That all the applications hitherto filed for such mining leases shall be treated as revived and with further applications, which may now be filed upon such re-notification of delineated areas available for grant of mining leases for sandstone and masonry stone. The earlier applicants will be at liberty to withdraw their earlier applications & file fresh applications also in pursuance of such renotification. (iv) That as per the submission of State Government vide Para 10 (viii) above that State has not taken any action in pursuance of the impugned orders so far, it is directed that no mining leases for sandstone & masonry stone will be granted in pursuance of the impugned orders Annex.11 dated 16/11/2011 and Annex.13 dated 28/11/2011 till all such applications are decided as per the directions given in this judgment. (v) That all the applications will be decided within one year from today in accordance with the amended Rule 7(3) of the MMCR, 1986 on the basis of lottery or by way of auction, as may be considered appropriate by the State Government but not on the basis of ‘first come first served’ principle.”

As in the case of the first round of litigation, in the second round also the orders passed were not put into challenge and therefore both became final. Suffice it is to note that the High Court did not grant the relief to the petitioners by directing the Appellants to adopt first-come first-serve basis for the grant of a mining lease, but only as per the amended rule.

Taking a cue from the orders passed, a further Notification was issued on 03.04.2013 introducing the impugned amendments. As stated, all the applications were declared as rejected while facilitating grant of 50% of the leases through auction except for categories mentioned thereunder as entitled for preference. By the impugned orders, the Division Bench of the High Court declared the amendments as illegal on three primary grounds, namely, the applicants have not been heard, and their applications ought to be revived in view of the earlier orders passed by the Court on the principle of legitimate expectation and rights having vested in them.

**Decision:** For the foregoing reasons, we have no hesitation in setting aside the impugned judgments and we do so. Accordingly, all these appeals stand allowed. Consequently, pending application(s), if any, also stand(s) disposed of. No costs.

**Source:** [https://www.livelaw.in/pdf\\_upload/586-state-of-rajasthan-v-sharwan-kumar-kumawat-1-aug-2023-485349.pdf](https://www.livelaw.in/pdf_upload/586-state-of-rajasthan-v-sharwan-kumar-kumawat-1-aug-2023-485349.pdf) .

**2. M/s Shanti Construction Private Limited, Petitioner v. State of Odisha and others, Opp. Parties, AIR 2023, Orissa High Court 74**



**Subject:** Petitioner seeking directions for issuance of Form-F in his favour by cancelling Form-F issued in favour of respondent.

**Facts:** The facts leading to filing of the writ petition are that the Tehsildar, Tangi-Choudwar-opposite party no.2 issued advertisement no. 4828/2022 dated 11.07.2022 under Annexure-1 inviting bids for grant of Khaira Mahanadi Sand Quarry in Mouza-Khaira under Tangi-Choudwar Tahasil appertaining to Plot No. 1145 (P), Khata No. 540 (AAA) measuring an area of Ac.12.00 on long-term lease of five years. As per the said notice, the interested bidders were required to submit their bids by filling up the Form-M, as provided under the OMMC Rules, 2016, and send it by registered post/speed post or may submit the same in the drop box by 5:00 pm of 18.07.2022. The // 3 // petitioner-company, in pursuance of the auction notice under Annexure-1, participated in the auction proceeding through its authorised representative-Banabihari Kanungo by submitting Form-M before opposite party no.2 on 18.07.2022. After scrutiny of the documents and Form-M submitted by the applicants, opposite party no.2 intimated the petitioner that it had quoted highest amount, i.e. Rs 2,127.27, but its bid was rejected due to "non submission of required documents". Therefore, opposite party no.3, who had quoted Rs 1,250.00, was selected as he had complied with all the requirements pursuant to the advertisement in question.

As per the advertisement under Annexure-1, the participants were to attach the following six documents with Form-M:

- "i. Application fees i.e. Rs 1000/- in the shape of treasury challan to Head of Account 0853. Non-ferrous Mining and Metallurgical Industries-102-Minral Concession Fees, Rents and Royalties-0217 receipts under Odisha Miner Minerals Concession Rules-02021 Collection of Fees, Rents and Royalty.
- ii. It is mandatory for all applicants to submit the security deposit in the shape of royalty and additional charge, 5% of MGQ per annum in // 4 // shape of a demand draft to the Tehsildar, Tangi, Chowdwar in a closed envelope.
- iii. The map and complete description of the leased land.
- iv. Affidavit to be filed in regard to non-pendency of any revenue, sairat, sand mines or any other dues.
- v. As per Rule 27(4) (iv) of OMMC Rules, 2016, the applicants will submit the MGQ royalty and also submit the additional charges or file the income tax return of 18 months.
- vi. Submit the other description about the scientific knowledge and capability, financial status and description of the instruments which the applicant have."

As per Clause-v of the advertisement, an applicant, in terms of Rule 27(4)(iv) of the OMMC

Rules, 2016, is required to submit bank guaranty for a period of 18 months taking into consideration the MGQ, Royalty and Additional Charges, etc. or he has to file the previous year income tax return. The petitioner had not complied with the said clause, even though it had quoted the highest price. Therefore, the bid of the petitioner was rejected due to non-submission of the required documents and Form-F was issued in favour of opposite party no.3. Hence, this writ petition.

**Decision:** With the above observation/direction, the writ petition stands disposed of. However, there shall be no order as to costs.

**Source:**<https://www.latestlaws.com/judgements/orissa-highcourt/2023/march/2023-latest-caselaw-1873-ori>.

### **3. M/s Hindustan Zinc Limited, Petitioner v. Union of India, Respondents, AIR 2023, Rajasthan High Court 71.**

**Subject:** The petitioner M/s Hindustan Zinc Limited has approached this court through this writ petition for assailing the legality and validity of the Rajasthan Mineral (Prevention of Illegal Mining Transportation and Storage) Rules, 2007 (for brevity, hereinafter referred to as 'the Rules of 2007'). The validity of the Rules has been challenged on the ground that the framing thereof is beyond the rule making power delegated to the State Government under Section 23-C of the Mines and Minerals (Development and Regulation) Act, 1957 (for brevity, hereinafter referred to as 'the Act of 1957').

**Facts:** Learned counsel, representing the petitioner, addressing the court through VC, vehemently and fervently urged that the Rules of 2007 are nothing but an attempt of the State to exercise control over major minerals/specified minerals, to be specific in the case at hand - Lead-Zinc Ore or Lead Zinc Concentrate, which is a specified mineral/major mineral within the meaning of the Act of 1957. It was contended that as the Act of 1957 does not give any jurisdiction to the State Government to legislate for the specified minerals/major minerals, the Rules of 2007 are ultra vires the Constitution of India. It was further submitted that the rules do not have any effective, impartial, independent grievance redressal mechanism inasmuch as appeal/revision against an order of the authorised officer working under the aegis of the Mining Department of the State Government is to be filed to the same Department of the State Government instead of a Mining Tribunal and hence also, the Rules (Downloaded on 20/12/2022 at 11:46:35 PM) (3 of 22) [CW-7044/2021] of 2007 are illegal and ultra vires the Constitution of India as well as of the Act of 1957. It was submitted that the competent officer under the Rules of 2007 has issued notices/letters to the petitioner raising an issue of loss of revenue on account of mining data contained in the returns of the petitioner for the last 10 years and that the

petitioner has challenged these letters by filing a writ petition before Hon'ble Jaipur Bench. It was further urged that the Act of 1957 is a Central Legislation enacted with reference to entry 54 to List I of the Constitution. By virtue of a declaration made under Section 2 of the Act of 1957, in the public interest, the Central Government holds absolute control on the regulation of mines and development of minerals to the extent provided in the Act of 1957. Minerals have been defined under Section 3(aa) of the Act of 1957 to mean "all minerals other than mineral oils" and minor minerals have been defined under Section 3(e) of the Act of 1957. It was also urged that Lead, Zinc, Copper, Silver and Cadmium are not the minerals covered under Section 3(e) of the Act of 1957. The court's attention was drawn to Section 13 of the Act of 1957, and urged that the Central Government is exclusively empowered to make rules in respect of major minerals. Section 14 of the Act of 1957 excludes minor minerals from the ambit of Sections 5 to 13 of the Act of 1957. It was further urged that power conferred upon the State Government is limited to grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for the purposes connected therewith. Further submission was made that the Rules of 2007 have been framed for purposes affiliated to mining activities. Thus, it was the fervent contention of the learned counsel that under the framework of the Act of 1957, the (Downloaded on 20/12/2022 at 11:46:35 PM) (4 of 22) [CW-7044/2021] Central Government has exclusive domain to make rules and regulations for governing all aspects of mining related to major minerals/specified minerals and the State Government is precluded from exercising power in reference to such minerals. He urged that as the enabling provision contained in Section 23C of the Act of 1957 does not give any dominion to the State Government to legislate in relation to major minerals, the Rules of 2007, whereby the State Government has exercised jurisdiction qua major minerals, are clearly ultra vires the Act of 1957. He placed reliance on the Hon'ble Supreme Court's judgment in the case of D.K. Trivedi And Sons & Ors. Vs. State of Gujarat & Ors. [(1986) SCC Supl. 20] and more particularly, the observations made in Paras 32 and 33 of the said judgment, which reads as below:-

There is no substance in the contention that no guidelines are provided in the 1957 Act for the exercise of the rule-making power of the State Governments under Section 15(1). As mentioned earlier, Section 15(1) is in pari materia with Section 13(1). Section 13, however, contains Sub-section (2) which sets out the particular matters with respect to which the Central Government may make rules "In particular, and without prejudice to the generality of the foregoing power", that is, the rule-making power conferred by Sub-section (1). It is well settled that where a statute confers particular powers without prejudice to the generality of a general power already conferred, the particular powers are only illustrative of the general power and do not in any way restrict the general power. Section 2 of the Defence of India Act, 1939, as amended by Section 2 of the Defence of India (Amendment) Act, 1940, conferred upon the Central (Downloaded on 20/12/2022 at 11:46:35 PM) (5 of 22) [CW-7044/2021] Government the power to make such

rules as appeared to it "to be necessary or expedient for securing the defence of British India's the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community". Sub-section (2) of Section 2 conferred upon the Central Government the power to provide by rules or to empower any authority to make orders providing for various matters set out in the said sub-section. This power was expressed by the opening words of the said Sub-section (2) to be "without prejudice to the generality of the powers conferred by Sub-section (1)". In *King Emperor v. Sibnath Banerji Ors.*, [1944-1945] 72 I.A. 241, the Judicial Committee of the Privy Council held (at pages 258-9):

"In the opinion of their Lordships, the function of sub-s. 2 is merely an illustrative one; the rule-making power is conferred by sub-s. 1, and the rules which are referred to in the opening sentence of sub-s. 2 are the rules which are authorised by, and made under, sub-s. 1; the provisions of sub-s. 2 are not restrictive of sub-s. 1, as, indeed, is expressly stated by the words 'without prejudice to the generality of the powers conferred by sub-s. 1'." The above proposition of law has been approved and accepted by this Court in *Om Prakash and Ors. v. Union of India and Ors.*, [1970] 3 S.C.C. 942,944-5 and *Shiv Kirpal Singh v. Shri V.V.Giri* [1971] 2 S.C.R. 224-5."

**Decision:** As a consequence of the discussion made hereinabove, we do not find any merit in the challenge laid by the petitioner to the Rules of 2007. The writ petition, thus, lacks merit and is dismissed as such.

**Source:** <https://www.latestlaws.com/judgements/rajasthan-high-court/2022/december/2022-latest-caselaw-14869-raj>.

**4. M/s. Oriental Select Granites Pvt Ltd, Petitioner v. State of Karnataka and Department of Mines and Geology, Respondents, AIR 2023, Karnataka High Court 155.**

**Subject:** This writ petition is filed seeking for the following prayers: 1) Issue a writ of mandamus directing the respondent Authorities to extend the quarrying lease of the petitioner bearing QL. No. 288 over an extent of 34 guntas in Sy. No. 184 of Jothigondanapura, Chamarajanagar Taluk, Chamarajanagar up to 2029 as per Rule 8A(2) of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, in the interest of justice and equity; or 2) Issue a writ in the nature of mandamus directing the respondent Authorities to renew the quarrying lease of the petitioner bearing QL No. 288 over an extent of 34 guntas in Sy. No. 184 of Jothigondanapura, Chamarajanagar Taluk, Chamarajanagar up to 2039 as per Rule 6 of the W.P. No. 10123/2022 Granite Conservation and Development Rules, 1999, in the interest of justice

and equity"

**Facts:** The petitioner - Company has been operating the quarry from 1978 under three different quarrying lease to an extent of 34 guntas in Sy. No. 184 of Jothigondanapura, Chamarajanagar Taluk, Mysuru District with a long term vision and strategy as well as with the objective of conservation of minerals. The petitioner was granted a fresh lease deed on 16.10.1999, for a period of ten years in respect of the above mentioned lease area. Subsequently, the Granite Conservation and Development Rules, 1999 (for short 'the GCD Rules, 1999') came into force and owing to the provisions there under, the said quarrying lease came to be extended for a period of twenty years vide lease deed bearing No.288 dated 05.05.2008 w.e.f. 16.10.1999 for a further period of twenty years. It is contended that the petitioner is eligible for a deemed extension under Rule 8A(2) of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 (for short 'the KMMC W.P. No. 10123/2022 Amended Rules') and subsequently, renewal under Rule 6 of the GCD Rules, 1999. It is contended that the petitioner has a statutory right for a deemed extension of their lease for a period of thirty years which is up to 2029 and subsequently under the GCD Rules, 1999 the petitioner is eligible for renewal of their lease deed for a further period of twenty years after the lapse of the original grant. The petitioner made several representations, the latest one being on 09.12.2021, to the respondent-Authorities requesting for renewal / extension of their quarrying lease and the quarrying lease was not automatically renewed / extended by the Government. The petitioner aggrieved by the inaction on the part of the respondent-Authorities have not considered the several requests of the petitioner and being denied his lawful right to deemed renewal / extension, has filed this writ petition.

The State filed statement of objections contending that the writ petition filed by the petitioner is not maintainable either in law or on facts and the writ W.P. No. 10123/2022 petition is liable to be dismissed in limine and denied the averments made in the writ petition. It is contended that the petitioner has suppressed all the material facts and filed a writ petition. The petitioner-Company has not come to the Court with clean hands and the writ petition deserves to be dismissed on the ground of suppression of material facts. It is contended that the petitioner-Company was granted with quarrying lease bearing Q.L. No. 2096 dated 24.08.1978 for extraction of black granite, over an extent of 34 guntas in Sy. No. 184 of Jothigondanapura Village, Chamarajanagar Taluk, Mysuru District for a period of five years. Subsequent thereto, the petitioner-Company has been conducting quarrying activities. On 19.01.1991, the petitioner submitted an application for grant of quarry lease for a period of 10 years. Upon considering the application of the petitioner, the quarry lease was executed in QL. No. 6284 on 26.06.1991 for a period of 10 years. The petitioner-Company on 24.06.1994, submitted a letter to Respondent No. 2 requesting for renewal of quarry lease W.P.No.10123/2022 bearing No. 2096 dated 24.08.1978. The petitioner-Company also filed an application in Form-R for renewal of quarry

lease for a period of 20 years. In pursuance of the application, a Notification dated 25.08.1999, was issued 'according renewal of quarry lease' to the petitioner-Company for a period of 10 years. Quarry lease deed dated 16.10.1999 in QL No. 288 was executed in pursuance of the grant notification bearing No. CI 283 MMN 1999 dated 25.08.1999. As such, by any stretch of imagination, the lease deed executed in Quarry Lease No.288 on 16.10.1999 cannot be construed as a fresh lease. Even admitting for a moment that fresh quarry lease bearing QL No.6284 was executed on 26.06.1991, under Rule 8A(2) of the KMMC Rules of 2016, maximum period for which the lease can be granted is for a period of 30 years from the date of initial grant. Even in that event, 30 years from 26.06.1991 would expire on 25.06.2021. As such, the petitioner is not entitled for any further extension and hence prayed to dismiss the writ petition.

**Decision:** The writ petition is dismissed. In view of disposal of the writ appeal, pending IAs., if any, do not survive for consideration and are accordingly disposed of.

**Source:** <https://indiankanoon.org/doc/23385459/> .

#### **5. Debidutta Mohanty, Appellant v. Ranjan Kumar Pattnaik, Respondents, AIR 2023, Supreme Court 1317.**

**Subject:** Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Orissa at Cuttack in Writ Petition (Civil) No.16437 of 2021 by which the Signature Not Verified Digitally signed by R Natarajan Date: 2023.03.03 High Court has allowed the said writ petition preferred by the 16:50:11 IST Reason: Respondent no.1 herein and has set aside the order passed by the Collector, Cuttack dated 24.03.2021 by which the lease in favour of the original writ petitioner was cancelled and consequently the lease in favour of the original writ petitioner has been revived, the original Respondent no.5 before the High Court has preferred the present appeal.

**Facts:** That an auction notice for grant of the lease in question was published on 08.01.2018. Clause 5 of the auction notice stated that the bidder should submit a solvency certificate from the Revenue Officer which amount should not be less than the royalty and the additional charges fixed for the source. The bidder was also required to submit the details of the movable properties. The auction notice referred to the Orissa Minor Minerals Concession Rules, 2016 (hereinafter referred to as 'OMMC Rules, 2016'). The Respondent no.1 – original writ petitioner participated in the tender process and submitted his application along with a Solvency Certificate dated 07.12.2017 issued by the Tehsildar, Narasinghpur. The above solvency certificate was issued despite the above order passed by the Sub-Collector, Athagarh on 06.12.2017. At this stage, it is required to be noted that an order was passed by the Sub-Collector, Athagarh on 06.12.2017 specifically stating that a solvency certificate be issued in favour of “Gurukrupa Charitable Trust, Chairman of Village Kendupali”. However, the Tehsildar issued the solvency certificate in

favour of the original writ petitioner individually who at the relevant time was the Chairman of the Trust. The said solvency certificate was enclosed with the original writ petitioner's bid.

When the bids were opened, the highest bid was of one Sukanti Sahoo, the original writ petitioner was the second highest bidder and the appellant herein – original respondent no.5 Debidutta Mohanty was the third highest bidder. The bid of the first highest bidder Sukanti Sahoo was cancelled as she was found to be a defaulter. Since the original writ petitioner was the second highest bidder a letter dated 08.05.2019 was issued to him asking him to communicate his willingness to operate the sand sairat at Rs 142 per cubic meter which was the rate quoted by the highest bidder. On the same date, the original writ petitioner submitted his willingness. He was then asked to execute a lease deed. The original writ petitioner then deposited Rs. 26,28,450/ and complied with the requirements. That Sukanti Sahoo filed the Writ Petition (C) No. 9023 of 2019 before the High Court questioning the cancellation of her bid and the selection of the original writ petitioner. Initially the High Court granted the order of status quo which came to be vacated subsequently. Thereafter the present original writ petitioner filed Writ Petition (C) No.22660 of 2019 in the High Court for a direction to the competent authority i.e. the Tehsildar, Sadar for execution of the lease deed in his favour. Thereafter on 01.01.2020, a lease deed came to be executed in his favour. That thereafter a second writ petition came to be filed by Sukanti Sahoo against the grant of lease in favour of the present original writ petitioner being Writ Petition (C) No. 951 of 2020. Initially the High Court stayed the operation of the lease deed executed in favour of the original writ petitioner. However, thereafter the stay came to be vacated clarifying that the operation of the lease would be subject to the final outcome of the pending writ petition.

That thereafter the appellant herein Debidutta Mohanty filed the Writ Petition (C) No. 3326 of 2021 in the High Court questioning the solvency certificate issued in favour of Respondent no.1 herein – original writ petitioner. The said petition came to be disposed of by the High Court vide Order dated 04.02.2021 directing the Collector, Cuttack to consider his representation. While the matter was pending with the Collector, the appellant herein filed Writ Petition (C) No. 14241 of 2021 which came to be disposed of on 19.04.2021. In the said order, it was noted that on 08.03.2021, the Tehsildar, Narasinghpur had cancelled the solvency certificate produced by Respondent no. 1 herein with his bid and that against the said cancellation order, an appeal had been filed before the Collector. A direction was issued to the Collector also to dispose of the representation of the appellant herein questioning the solvency certificate which was issued in favour of the original writ petitioner, not later than 12.05.2021. In the meanwhile, the Respondent no. 1 was permitted to operate the sairat and then it was stopped at the instance of the Tehsildar. Letter was written on 02.03.2021 by the Tehsildar, Narasinghpur to the Sub-Collector, Athagarh stating that the Respondent no.1 herein – original writ petitioner was the Chairman of the Gurukrupa Charitable Trust. He had filed an application for issuance of a

solvency certificate in his own name, but since he was the Chairman of the Gurukrupa Charitable Trust, the solvency certificate that had to be issued in the name of the Trust was issued in his name. It was stated therein that the notice had been issued to the party and necessary steps have been taken for correction of the said certificate.

Subsequently, another letter was sent by the Tehsildar on 08.03.2021 to the Collector, Cuttack stating that the earlier solvency certificate issued in favour of the original writ petitioner – Respondent no. 1 herein stood cancelled and another certificate was asked to be issued in favour of the “Gurukrupa Charitable Trust, Chairman of Village Kendupali”.

That meanwhile, on 29.01.2021, the original Respondent no.1 herein original writ petitioner wrote to the Tehsildar, Sadar Cuttack to substitute/exchange the solvency certificate given with his bid with another one in the value of Rs 4.6 crore which had been issued on 27.01.2021. That thereafter on the representation made by the appellant herein, the Collector cancelled the lease in favour of Respondent no. 1 herein original writ petitioner by observing and concluding that the solvency certificate which was required to be issued in favour of the “Gurukrupa Charitable Trust Chairman of Village Kendupali”, was issued in the name of Respondent no. 1 and therefore, the solvency certificate had not been issued following the stipulated provisions of the law and hence, the utilization of the same by Respondent no.1 herein original writ petitioner in auction of the sairat is illegal. The order passed by the Collector dated 24.03.2021 was the subject matter of the present writ petition before the High Court at the instance of Respondent no. 1 herein.

Before the High Court it was the case on behalf of Respondent no. 1 herein original writ petitioner that under the provisions of the OMMC Rules, 2016 the competent authority in regard to minor minerals is the Tehsildar and therefore, the lease deed could not have been cancelled by the Collector. It was also the case on behalf of the original writ petitioner Respondent no.1 herein that he rectified the defect of not furnishing a solvency certificate in his own name. It was submitted that it is true that earlier the solvency certificate should have been issued in the name of the Trust of which he was the Chairman, however, on 29.01.2021 itself he had written to the Tehsildar for substituting the solvency certificate submitted with the bid with another issued in his own name and, therefore, even the said defect stood cured. It was submitted that without taking note of this, the Collector had cancelled the lease.

The writ petition was opposed by the State as well as the appellant herein original Respondent no. 5. It was submitted on behalf of the appellant herein that the bid submitted by respondent no. 1 herein original writ petitioner was ab initio void and should never have been accepted since it was not accompanied by a valid solvency certificate in the name of the original writ petitioner. It was submitted that the document that was enclosed as a solvency certificate was in fact not correctly issued and was contrary to the express order of the Sub Collector. It was submitted that



as the bid of the first highest bidder Sukanti Sahoo was earlier cancelled and the original writ petitioner was the second highest bidder whose lease has been rightly cancelled by the Collector, being the third highest bidder the lease ought to have been granted in his favour. By the impugned judgment and order and having opined that the initial solvency certificate was issued in favour of the original writ petitioner which was issued in the name of the original writ petitioner, though required to be issued in the name of the Trust, was a bona fide error which subsequently came to be cancelled and even a fresh solvency certificate was issued in favour of the original writ petitioner, the Collector had erred in cancelling the lease deed in favour of the original writ petitioner. The High Court also has observed that under the OMMC Rules, 2016, the competent authority in terms of Schedule (IV) who can cancel the lease deed, is the Tehsildar and therefore, the competent authority's power under the OMMC Rules, 2016 would not have been straight way exercised by the Collector in the first instance. Therefore, the High Court by the impugned judgment and order has set aside the order passed by the Collector cancelling the lease deed in favour of the original writ petitioner. The impugned judgment and order passed by the High Court quashing and setting aside the order passed by the Collector, Cuttack dated 24.03.2021 cancelling the lease in favour of the original writ petitioner Respondent no.1 herein is the subject matter of the present appeal at the instance of the original Respondent no.5 – third highest bidder.

**Decision:** Present appeal is accordingly allowed. However, in the facts and circumstances of the case, there shall be no order as to costs.

**Source:** <https://indiankanoon.org/doc/48628758/>

## 2.1 TREND IN MINING

### A. Mining Leases Granted

During the period under review, the information pertaining to the grant of 04 mining leases covering an area of about 76.098 hectares were received. Of these, Bauxite accounted for 01 mining lease, followed by 02 mining lease of Limestone and 01 mining lease of Iron Ore.

Reviewing Statewise, number of mining leases and area granted in Meghalaya state was 02 mining leases with 9.64 ha while that of Gujarat was one mining leases of 5.538 ha and Karnataka one mining lease of 60.92 ha.

The number of mining leases granted mineral wise together with lease area and details of mining lease granted are provided in Tables 1 A & 1 B, respectively

**Table – 1 A: Details of Mining Leases Granted  
(By Minerals)**

Mineral	No. of Mining Leases Granted	Area (in ha)
Bauxite	01	5.538
Iron ore	01	60.92
Limestone	02	9.64
<b>Total</b>	<b>04</b>	<b>76.098</b>

**Table – 1 B: Details of Mining Leases Granted**

Mineral	State/ District	Village	Area in ha	Date of Grant	Period in years	Name & Address
Bauxite	Devbhumi Dwarka/ Gujarat	Satapara	5.538	05.03.2023	50	Shri Karan Palabhai Gojiya, Krishnakunj Kailash Nagar, Dangarvada, Jamnagar-361004
Limestone	East Jaintia Hills/ Meghalaya	Madan Pyrda	4.89	24.02.2023	-	M/s Green Valley Industries ltd., East Jaintia Hills
Limestone	East Jaintia Hills/ Meghalaya	Lumshnong	4.75	15.06.2023	-	Cement International Limited Dist- East Jaintia Hills, Meghalaya
Iron Ore	Chitradurga/ Karnataka	Doddabya- ladakere	60.92	01.08.2023	-	Smt. B L Rani Samyuktha, 52, 2 <sup>nd</sup> Cross, Huda office Lane, College Road, Shanti Nagar, Hosapete- 583 201.

## B. Mining Leases Executed

**Table – 2 A: Details of Mining Leases Executed  
(By Minerals)**

<b>Mineral</b>	<b>No. of Mining Leases Executed</b>	<b>Area in ha</b>
Iron Ore	<b>01</b>	60.92

**Table – 2 B: Details of Mining Leases Executed**

<b>Mineral</b>	<b>State/ District</b>	<b>Village</b>	<b>Area in ha</b>	<b>Date of Execution</b>	<b>Period in years</b>	<b>Name &amp; Address</b>
Iron Ore	Chitradurga/ Karnataka	Doddabya- ladakere	60.92	01.08.2023	-	Smt. B L Rani Samyuktha, 52, 2 <sup>nd</sup> Cross, Huda office Lane, College Road, Shanti Nagar Hosapete- 583201.

## C. Mining Leases Lapsed

**Table – 3A: Details of Mining Leases Lapsed  
(By Minerals)**

<b>Mineral</b>	<b>State/ District</b>	<b>Village</b>	<b>Area in ha</b>	<b>Date on which Lease Terminated</b>	<b>Name &amp; Address</b>
Limestone	Guntur/ Andhra Pradesh	Alugumallipadu	38.101	14.06.2023	M/s Andhra Cement Ltd. Durga Cement Works, Dachepalli, Dist:-Guntur, Andhra Pradesh
Limestone	Guntur/ Andhra Pradesh	Nadi Kudi	6.632	14.06.2023	M/s Andhra Cement Ltd. Dachepalli, Dist:-Guntur, Andhra Pradesh

#### D. Mining Leases Transferred

The details of transfer of mining leases are furnished in Tables 4.

**Table – 4: Details of Mining Leases Transferred**

Mineral	State / District	Village	Area in ha	Name and Address		Valid up to year	Date of Transfer of Deed
				Transferor	Transferee		
Limestone	Gir Somnath / Gujrat	Bhetali	51.92	M/s Bharat Chemical Industries	M/s Saurashtra Cement Limited	-	02.08.2023
Bauxite	Sabarkantha/ Guajrat	Dedhrota	20.00	Shri Alimiya I. Sayed	Shri Dedhrota bauxite mine private limited	-	03.04.2023
Limestone	Nandyal/ Andhra Pradesh	Kalvatala & Kotapadu	663.46	M/s prism Johnson Ltd.	M/s Ramco Cements ltd	10.03.2053	05.07.2023
Manganese	Nagpur / Maharashtra	Kiranapur	23.67	M/s Veet Rag Homes Private Limited	M/s Koradi Minerals Pvt. Ltd.	-	02.08.2023
Iron Ore, Laterite, Ochre, Manganese	Jabalpur/ Madhya Pradesh	Gandhigram	5.8	Shri Gaj Raj Singh Baghel	M/s Raj Minerals	23.07.2027	10.07.2023

#### E. Mining Lease Period Extended

During the period under review, the information pertaining to the extension of mining lease period for 08 Mining Leases covering an area of about 279.35 hectares were received. Of these, Limestone accounted for 05 mining leases followed by Limestone & Dolomite 02 lease and Manganese ore 01 lease.

Reviewing area wise, limestone accounted for 229.37 ha followed by Limestone & Dolomite with 25.16 ha and Manganese ore with 24.82 ha.

Reviewing statewise, the number of mining leases for which period was extended in Gujarat was 02 with an area about 10.66 ha, Karnataka was 04 with an area about 172.65 ha and Telangana was 02 with an area about 96.04 ha.

The number of mining lease period extended mineral wise together with lease area and details of mining leases extended are furnished in Tables 5A & 5B.

**Table – 5A: Details of Mining Leases Period Extended  
(By Minerals)**

<b>Mineral</b>	<b>No of Mining Leases Extended</b>	<b>Area in ha</b>
Limestone	05	229.37
Limestone & Dolomite	02	25.16
Manganese ore	01	24.82
<b>Total</b>	<b>08</b>	<b>279.35</b>

Note: Supplementary mining lease deed executed for 01 lease of Limestone, 02 of Limestone & Dolomite and 01 of Manganese ore.

**Table – 5 B: Details of Mining Leases Period Extended**

<b>S. No.</b>	<b>Mineral</b>	<b>State/ District</b>	<b>Village</b>	<b>Area in ha</b>	<b>Date of Extension</b>	<b>Date up to which lease period extended</b>	<b>Name &amp; Address</b>
1	Limestone	Junagadh/ Gujarat	Kerala	08.66	31.07.2023	31.03.2030	M/s Dhrangadhra Chemical Works Ltd. Soda Ash Division, Dhrangadhra, Surendranagar, Gujarat 36310
2	Limestone	Porbandar/ Gujarat	Ranavav	02.00	31.07.2023	08.10.2050	Shri Kanhabhai Gogan bhai Bhutiya, 6 <sup>th</sup> Floor, Ashvmegh Apartment, 4-Vadi Plot, Vadi Vistar, Telephone Exchange, At & PO- Porbandar Porbandar- 360 575
3	Limestone	Suryapet/ Telangana	Raghunadahapalem	22.26	07.07.2023	28.11.2050	Sri Dr. K.S.N. Prasad, H. No. 29-13-28, Kaleshwar Rao road, Suryapet, Vijayawada.
4	Limestone	Suryapet/ Telangana	Yapalamadharam	73.78	07.07.2023	05.09.2039	M/s. P. R. Cements Limited, 12, Software Units Layout, Cyberabad, Hyderabad-500081
5	Limestone*	Chitradurga/ Karnataka	Kanchipura	122.67	28.07.2023 <sup>#</sup>	14.10.2032	M/s The Ramco Cements Ltd. Kanchipura village, Hosadurga taluk, Dist- Chitradurga

6	Limestone & Dolomite*	Bagalkote/ Karnataka	Muddapur	14.56	02.08.2023 <sup>#</sup>	02.07.2052	Smt Puja Mahantesh Udhapudi, Main Bazaar, Lokapur, Mudhol, Bangalkote- 587 122
7	Limstone & Dolomite*	Bagalkote/ Karnataka	Sulikere	10.6	01.08.2023 <sup>#</sup>	12.03.2053	Smt. V. S. Raikar, Kamakshi Tower, Vinayak Nagar, Bagalkote- 587101.
8	Manganese*	Ballari/ Karnataka	Jiginahalli	24.82	13.03.2023 <sup>#</sup>	05.07.2030	M/s Marva Mining company, 13 <sup>th</sup> ward Umer Manzil Kudligi, Dist:- Vijayanagara, Karnataka- 583 135

\*Supplementary mining lease deed executed extending the validity.

#: order of Supplementary mining lease deed execution

## 2.2 TREND IN PROSPECTING

### A. Prospecting Licences Granted

**Table –6: Prospecting Licence Granted**

Mineral	State / District	Village	Area in ha	Date on which Licences Granted	Period in Years	Name & Address
Limestone	Meghalaya/ East Jaintia	Lumshong	25.00	01.03.2023	03 Years	M/s Star Cement Ltd. Lumshong, East Jaintia Hills Meghalaya

## **SECTION - 3**

### **HIGHLIGHTS**

#### **A. DOMESTIC**

##### **Critical minerals list released**

Government has released a list of 30 critical minerals for India. These minerals are Antimony, Beryllium, Bismuth, Cobalt, Copper, Gallium, Germanium, Graphite, Hafnium, Indium, Lithium, Molybdenum, Niobium, Nickel, PGE, Phosphorous, Potash, REE, Rhenium, Silicon, Strontium, Tantalum, Tellurium, Tin, Titanium, Tungsten, Vanadium, Zirconium, Selenium and Cadmium. Ministry of Mines has increased focus on exploration of these minerals in the country through Geological Survey of India (GSI) and other agencies.

(Source: Press Information Bureau, New Delhi | July 24, 2023)

##### **India to auction lithium reserves found in Jammu and Kashmir by December**

Auction of lithium reserves found in Jammu and Kashmir's Reasi will be started by December, said Secretary of Ministry of Mines. The secretary said the ministry has written to the Jammu and Kashmir administration for the transaction advisor for the lithium auction. The consultation process with stakeholders on the amendment of the offshore Mining Act have been completed. 5.9 million tonnes of Lithium have been discovered along with limestone, bauxite, and lithium together. There has been renewed interest in exploration in these minerals. The Union Government in February this year said that 5.9 million tonnes of lithium reserves had been found for the first time in the country in Jammu and Kashmir. Lithium is a non-ferrous metal and is one of the key components in EV batteries, among other industries. Geological Survey of India (GSI), an attached office of the Ministry of Mines, carried out a G3 stage mineral exploration project during Field Season 2020-21 and 2021-22 in Salal-Haimna areas of Reasi district, Jammu & Kashmir and estimated an inferred resource (G3) of 5.9 million tonnes of lithium ore and the report has been handed over to the Government of Union Territory of J&K.

(Source: The Hindu | May 02, 2023)

## **India Mulls strict actions to stop under reporting on Iron ore Grades**

Mines Ministry is planning stringent regulatory measures, that include technology intervention, random sampling at mines, and RFID tagging of vehicles, among others, to stop misreporting or under-reporting of iron ore grades in the country. Such misreporting in grades — a rampant practice in the mining industry — has resulted in losses to the exchequer to the tune of a few thousand crores of rupees. State governments have also been raising the issue with the Centre, following which an expert committee was formed. The committee had the power to suggest punitive action and its report has been submitted recently. Misreporting of lumps as fines or declaring the dispatches of higher-grade material in the lower-grade slab directly affects the revenue generation of the government. It also affects the royalty, District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET), auction premium, and other government levies. The misreporting (of the grades) is more significant in the auction regime, where the lessee is required to pay the auction premium on the basis of the value of the mineral dispatched. Many of the auctioned iron ore mines fetched high auction premiums. Misreporting of higher-grade minerals as lower ones leads to the payment of lower auction premiums. A loss that runs into thousands of crores.

(Source: The Hindu | April 16, 2023)

## **India to look for lithium in Uttarakhand, Himachal**

India is likely to start work on lithium exploration in Himachal Pradesh and Uttarakhand, apart from one more block in Jammu and Kashmir later this year. The exploration in the two hill States would be taken up by the Geological Survey of India (GSI) in its field season - 2023-24. The two States have been listed as probable destinations where lithium can be traced “because of topographical and geological similarities to Jammu and Kashmir” region. Lithium, an alkali metal, is one of the key components in rechargeable batteries used in mobiles, laptops, electric vehicles, and in medical devices like pace-makers. It is also used in energy storage solutions. India currently imports all the major components that go into lithium-ion cell manufacturing. For the field season 2023-24, the GSI is interested in taking up exploration and surveys in Uttarakhand and Himachal Pradesh. These are extension of the Himalayan region and bearing topographical similarities of the J&K’s Reasi district. Discussions are on. And details are being



worked out. Exploration is also being carried out in the Panasa–Dugga–Baldhanum–Chakar–Sangarmarg region, also in the Reasi district of J&K.

(Source: The Business Line | April 17, 2023)

### **India plans more auctions to boost access to critical minerals in 2024**

Beyond getting into global alliances and participating across select projects; discussions are currently underway with Lat-Am nations, like Argentina, Chile and Bolivia (also called global Lithium Triangle), and Australia for acquisition of mines. New connections are being developed with Eastern region countries like Mongolia. Earlier in 2023 India made public its list of 30 critical minerals, which included ones like lithium, cobalt, nickel, copper, tungsten, titanium, vanadium, REEs (rare earth elements), among others. The list was subsequently brought down to 24. Applications across these minerals spread across space industry, electronics, communications, energy sector, electric batteries and their self reliance forms a corner stone in net-zero emission commitment of India. These critical minerals form the cornerstone of India’s transition to green energy solutions; with lithium being the most sought after. Called “white gold”, the alkaline metal is used primarily in energy storage solutions apart from finding usage across segments like mobile phones, lithium-ion battery making, in EVs, among others. India is completely import reliant for lithium sourcing, most of which comes from China. The (import) bill runs close to ₹24,000 crore annually and is only expected to go up for some more years considering rising popularity of EVs and the green transition thrust. The Mines Ministry is currently on the verge of finalizing an agreement to acquire five lithium blocks for exploration and development in Argentina. It is in advanced talks with CAMYEN – an Argentinian state-owned miner for finalising supply agreements (including development and commercialisation of mines). An MoU was signed in December 2020 for institutional co-operation for joint development of lithium mining projects; and KABIL is now looking at exploration and development of these blocks in Catamarca province of Argentina. It has signed an exploration and development agreement already. India’s KABIL is already carrying out due diligence for five projects in Australia, that include three for cobalt, and two for lithium. Short-listing of these projects were done and India’s Mines Ministry roped in PwC (Australia) to track “investable projects” there. Under the MOU signed between KABIL and Critical Mineral Office (CMO), Department of Industry, Science and Resources (DISR) of the Australian government, in March,

2022, joint due diligence and further joint investment opportunities in lithium and cobalt mineral assets of Australia are being looked into. “Detail due diligence of the projects started. (And) both sides are actively pursuing for expediting the due diligence process through regular engagement at various level,” a Mines Ministry. In case of Chile, a non-disclosure agreement was signed with ENAMI, a State-owned mining company of the Lat-Am nation in May so as to evaluate possible business opportunities around “exploration, extraction, processing and commercialisation of lithium”

(Source: The Business Line | August 16, 2023)

### **Government likely to open up offshore mining of non-atomic minerals for private players**

The government has initiated a fresh move to open up offshore mining to the private sector in a bid to reduce the country’s dependency on China for mineral wealth. The mines ministry has this month notified draft amendments to the Offshore Area Mineral (Development & Regulation) Act, 2002 (OAMDR Act), which will open the auction route for private sector mining of mineral resources in India’s territorial waters and continental shelf along its 7,517-km coastline. Atomic minerals, however, have been kept out of the auctioning regime and will remain under the monopoly of state-owned companies as requested by the Department of Atomic Energy, they said. For offshore mining of non-atomic minerals, too, the Centre has reserved the right to terminate the lease for national security or national interest. While India’s long coastline across nine states and four Union Territories holds huge potential for mineral mining, it can only be tapped with the help of private sector investment that will bring in new technology and expertise, it is felt. It has become necessary to mine the maritime resources as new age sectors, from renewable energy to electric vehicles, require some key minerals for which the country is largely dependent on China.

(Source: The Economic Times | July 28, 2023)

## **B. ABROAD**

### **Chile's new lithium policy a boon for other producers.**

A decision by Chile, the world's no. 2 lithium producer, to tighten control over the key battery metal sector has left many in the industry wondering what the announced state-led public-private model will look like and who, if anyone, will benefit from it. The lack of specifics on how much ownership the government will demand from companies and the pushback President Gabriel Boric could face when trying to create a national lithium company, add to the uncertainties Chile's new policy has created. For Joe Lowry, known in mining circles as "Mr. Lithium" due to his decades of experience in the sector, says that the lack of specifics in Chile's policy could be a boon to other producing countries, with Canada being in a particularly advantageous place. According to Mining Intelligence, Canada currently has nearly 40 lithium projects in different stages of development, but only two operating mines — Sayona Mining's (ASX: SYA) North American Lithium (NAL) in Quebec and Sinomine Resource Group's Tanco mine in Manitoba. The latter also produces cesium and tantalum. NAL, in which Piedmont Lithium (NASDAQ:PLL) has a 25% stake, restarted production only in March while the Tanco mine reopened in December. In its critical minerals strategy released in December, Ottawa listed lithium as one of the top six critical minerals, along with copper, nickel, cobalt, graphite and rare earths, due to its importance in the green technology sector. "I believe that Canada, with its vast hard rock lithium assets, will become the Australia of North America in terms of lithium supply," Lowry says. "But the more capital that lands in North America's lithium industry, the worse it is for Chile".

(Source: Cecilia Jamasmie | May 3, 2023)

### **Australia hands out critical minerals grants**

Australia has rolled out a series of grants to critical minerals companies hoping to speed up development of a battery chemical industry and will soon announce details of a national industry strategy. Australia is pushing to reap more value from its mineral wealth and become a leading supplier of battery chemicals. It already supplies around half of the world's lithium and is rich in other minerals critical to the energy transition like rare earths, nickel, manganese and graphite. The total A\$50 million (\$34 million) in grants will help develop the next stage of processing for

batteries and advanced manufacturing for aerospace, medical, energy and defence applications. "The grants will support Australia's new Critical Minerals Strategy, to be released shortly and which will outline how Australia can capture the significant opportunity of growing its critical minerals processing sector," King said in a statement.

(Source: Reuters | May 18, 2023)

### **China to speed up iron ore projects to secure domestic supply**

China will accelerate the construction of iron ore exploration projects and improve its capability to ensure iron ore supplies. The National Development and Reform Commission will also closely monitor iron ore market dynamics and take steps with relevant departments to limit irrational price increases, spokeswoman Meng Wei told a regular news briefing. The government has been vexed about heavy dependence on imported iron ore, with more than 70% of China's needs coming from overseas, and intends to increase domestic supply. The government-backed China Iron & Steel Association began an initiative last year to boost domestic supply to 370 million tonnes by 2025. China's annual iron ore output is set to hit an eight-year high of 290 million tonnes in 2023, analysts estimated. Consultancy Wood Mackenzie said domestic output may not increase much further in the near term given many new projects are underground mines and that complex geological conditions and high costs are likely to complicate construction. The world's largest iron ore consumer produced 44.50 million tonnes of iron ore concentrate in the first two months of 2023, showed data from the Metallurgical Mines' Association of China.

(Source: Reuters | April 19, 2023)

### **India likely to complete due diligence on lithium blocks in Argentina in two months**

The Mines Ministry is expected to complete due diligence across lithium blocks in the Latin American nation of Argentina in two months. The due diligence would help officials determine the prospective reserve available, while a call on the nature of partnership — that includes stake pick-up, strategic buy, or long-term lease, among others — is yet to be decided upon. A team comprising one geologist each from Mineral Exploration Corporation Ltd. (MECL), KABIL (Khanij Bidesh India Ltd.), and the Geological Survey of India (GSI) had been to the Argentinian province of Catamarca earlier this fiscal. An MoU with the Argentinian government had been signed earlier. The KABIL, a JV company formed through the participation of three

central public sector enterprises, namely, the National Aluminium Company (NALCO), Hindustan Copper (HCL), and MECL, in order to ensure consistent supply of critical and strategic minerals to the domestic market, is carrying out the due diligence. “In another two-odd months, there will be a much clearer picture of the reserves that we are looking at and our plans surrounding the mines. Apart from Australia, other major lithium producers globally include Bolivia, Argentina, Chile, the US, and China. Lithium, an alkali metal, is one of the key components in rechargeable batteries that find usage in mobiles, laptops, electric vehicles, and medical devices like pacemakers. It is also used in energy storage solutions. India currently imports all the major components that go into lithium-ion cell manufacturing. India’s lithium ion import bill (which covers electric accumulators, including separators) stood at ₹18,554.12 crore in the April–January period of this fiscal, with nearly 76 per cent of these coming from China. Meanwhile, in Jammu and Kashmir, where lithium reserves have been found and auctions are planned around the June-July, the ministry has received queries from Korean and Japanese mining companies. Auctions will be carried out by the State government, and composite licences are likely to be issued. 100 per cent FDI is already allowed in mining, and foreign companies interested in taking part will have to do so through an Indian arm or subsidiary. As per policy, Chinese companies are unlikely to be a part of the auction process. Any country that shares a land border with India needs security clearances for strategic reasons. The inferred reserves (lithium) in J&K is pegged at 5.9 million tonnes.

(Source: The Business Line | April 06, 2023)

### **India acquire five lithium blocks in Argentina**

India announced the acquisition of five lithium blocks in Argentina. The Mines Ministry, through Khanij Bidesh India Limited (KABIL), signed an agreement with Argentina’s State-owned CAMYEN. CAMYEN, which stands for Catamarca Minera Y Energetica Sociedad Del Estado, is based out of the Catamarca province in the Latin American nation. The State-owned KABIL will start exploration and development of five lithium brine blocks, namely Cortadera-I, Cortadera-VII, Cortadera-VIII, Cateo-2022-01810132, and Cortadera-VI, covering an area of about 15,703 hectares. KABIL is also preparing to set up a branch office at Catamarca, Argentina, officials told businessline, adding that the project cost (for

development and exploration) is about ₹200 crore and is spread over a five-year period. With this agreement, KABIL has obtained Exploration and Exclusivity Rights for five blocks. The agreement will allow the State-owned entity to evaluate, prospect, and explore. Upon subsequent discovery of lithium minerals, exploitation rights for commercial production have also been granted. This is the first-ever lithium exploration and mining project undertaken by a government company in India. This will not only boost the country's quest for sourcing lithium but also bring in technical and operational experience for brine-type lithium exploration, exploitation, and extraction. India's lithium requirements, amounting to around ₹24,000 crore, are met through imports, with the majority of supplies coming from China. Lithium, often called 'white gold', forms the cornerstone of the country's transition to green energy options. It is used across various categories, including energy storage solutions, batteries for mobile phones, and in EVs. Argentina is part of the world's "Lithium Triangle", along with Chile and Bolivia, and the three together have more than half of the world's total lithium resources. Argentina also has the distinction of having the second-largest lithium resources, third-largest lithium reserves and fourth-largest production in the world.

(Source: The Business Line | September 22, 2023)

### **India in advance talk to secure lithium blocks in Argentina**

KABIL (Khanij Bidesh India Ltd) is in advanced talks for the acquisition of multiple lithium blocks in Argentina. Apart from Argentina, KABIL is exploring tie-ups and acquisition opportunities for lithium across other LATAM nations like Chile and Brazil. It is also open to alternative structures like partnerships, long-term leasing of mines or lithium blocks or investment in these mines. Lithium, an alkali metal, is one of the key components in rechargeable batteries that find usage in mobiles, laptops, electric vehicles and in medical devices like pacemakers. It is also used in energy storage solutions.

(Source: The Business Line | June 30, 2023)

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