

**GOVERNMENT OF JHARKHAND**  
**DEPARTMENT OF MINES & GEOLOGY**

Letter No. \_\_\_\_\_

/M, Ranchi, dated -----

**ORDER**

Whereas **Sri Khushal Arjun Rathore** held a mining lease over an area of **31.984 Ha.** in **Mauza** Noamundi R.F of Singhbhum (West) District for mineral Iron ore;

And whereas the First Renewal application dated 06.11.1998 made by the lessee remained pending for want of Statutory Clearances;

And Whereas the Mines & Minerals (Development & Regulation) Act, 1957 was amended by the Mines & Minerals (Development & Regulation) Amendment Act, 2015 with effect from 12.01.2015;

And whereas Section 8A(6) inserted into the Mines & Minerals (Development & Regulation) Act, 1957 by the Mines & Minerals (Development & Regulation) Amendment Act, 2015 reads as follows ;

*“8A(6) Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015, where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended upto a period ending on 31<sup>st</sup> March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.”*

And whereas Section 8A(9) inserted into the Mines & Minerals (Development & Regulation) Act, 1957 by the Mines & Minerals (Development & Regulation) Amendment Act, 2015 reads as follows ;

*“8A(9) The provisions of this section, notwithstanding anything contained therein, shall not apply to a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, for which renewal has been rejected, or which has been determined, or lapsed. ”*

And whereas for granting extension of leases by virtue of the provisions of the aforesaid newly inserted Section 8A(6), it was to be examined whether the lessee **Sri Khushal Arjun Rathore** had complied with the terms and conditions of the lease and lessee made applications on 29.06.2015 and 19.08.2015 for grant of extension of the lease;



And whereas the State Government constituted a High Power Committee under the Chairmanship of Development Commissioner-cum-Additional Chief Secretary to examine whether the lessee had complied with the terms and conditions of the lease;

And,Whereas it was reported that the lessee had violated the terms & conditions of the lease in the following manner:

- (a)** the lessee has not submitted/delayed following valid statutory Clearances :-
  - (i)** Forest Clearance (only over 17.417 Ha. out of total lease area),by Ministry of Forest and Environment, GoI;
  - (iii)** Environment Clearance by MoEF, GoI;
  - (iv)** Consent to Operate issued by Jharkhand State Pollution Control Board.
  - (v)** Royalty Clearance Certificate
- (b)** the lessee has violated Ministry of Mines' letter No. F.No.10/75/2008-MV issued under Rule 27(3) of MCR, 1960 regarding mineral exploration, and
- (c)** the lessee has violated Rule- 28/28A of MCR, 1960, regarding lapsing provision;
- (d)** the lessee has violated the terms and condition of the lease deed as mentioned in Paragraphs 2, 3 and 5 of part VII of form K (Lease Deed);
- (e)** Finding of the Justice M.B Shah Commission on the aforementioned lease is as follows :-
  - (i)** The lessee carried out mining operation on 3.88 Ha. area beyond the sanctioned mining lease.
  - (ii)** The lessee has extracted mineral in excess of permissible EC limit.

And whereas the aforesaid violations of the terms & conditions of the lease were conveyed to the lessee by the aforesaid Committee;

And Whereas the Committee gave the lessee a reasonable opportunity to show cause and of being personally heard, which the lessee availed;

And whereas the Committee after going through the reported violations committed by the lessee, examining the papers submitted by the lessee and giving the lessee a personal hearing, has found that the lessee has not complied with the terms & conditions of the lease and therefore the lease in question cannot be extended;

And Whereas even otherwise, since the lease in question was not a subsisting lease as on 12.01.2015, the same cannot be extended by virtue of Section 8A(9) of the Mines & Minerals (Development & Regulation) Act, 1957 as amended by the Mines & Minerals (Development & Regulation) Amendment Act, 2015