

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

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

/M, Ranchi, dated -----

**ORDER**

Whereas **Sri Kamaljeet Singh Ahluwalia** held a mining lease over an area of **129.49 Ha.** in Mauza Baraiburu & Tatiba of Singhbhum (West) District for minerals Iron ore and Manganese and First Renewal application dated 29.08.1988 was rejected vide Government Order no. 1149/M, dated-13.06.2008 but pursuant to the order no. 67/09, dated-15.07.2009 passed by the Mines Tribunal, Government of India in Revision Application No.-06/(01)/2008-RC-I and order dated-17.04.2012 passed by Hon'ble High Court in WP (C) No.-6040/2010, the renewal application was under consideration by the State Government;

And whereas the Second Renewal application dated 28.08.2008 made by the lessee remained pending in terms with order of revision and Hon'ble High Court 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 Kamaljeet Singh Ahluwalia had complied with the terms and conditions of the lease and lessee made applications on 29.06.2015 and 18.08.2015 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 following valid statutory Clearances :-
  - (i)** Upto date approved Mining Plan by IBM;
  - (ii)** Forest Clearance (only on 2.03 Ha. out of total leasehold area) by Ministry of Environment and Forest, 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, and
- (c)** the lessee has violated Rule- 28/28A of MCR, 1960;
- (d)** the lessee has violated the terms and condition of the lease deed as mentioned in Paragraphs 2, 11C and 18 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 period of the mining lease for 20 years from 05.09.1969 expired on 04.09.1989. The renewal application for the mining lease was filed on 29.08.1988 which automatically became deemed refused on 05.09.1990 in the light of the then prevalent Rule 24A(3) & 24A(5) of Mineral Concession Rules, 1960 but the lessee continued its mining operation without valid renewal.
  - (ii)** The lessee has operated the mines without Environmental Clearance Certificate.

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;