

GOVERNMENT OF JHARKHAND
DEPARTMENT OF MINES & GEOLOGY

Letter No. _____

/M, Ranchi, dated -----

ORDER

Whereas **Sri Chandra Prakash Sharda** held a mining lease over an area of **57.466 Ha.** in Mauza **Itarbaljori** of Singhbhum (West) District for minerals **Iron ore** and First Renewal was granted for 20 years from 29.07.1983 to 28.07.2003;

And whereas the Second Renewal application dated 26.07.2002 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 31st 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 Chandra Prakash Sharda** had complied with the terms and conditions of the lease and lessee made applications on 25.06.2015 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 following valid statutory Clearances :-
- (i) Approved Mining Plan by IBM;
 - (ii) Forest Clearance by Ministry of Environment and Forest, GoI;
 - (iii) Environment Clearance Ministry of Environment and Forest, GoI.
 - (iv) Consent to Operate issued by Jharkhand State Pollution Control Board.
- (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;
- (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) a complaint case is pending before the court of Chief Judicial Megistrate for violating environmental laws;
- (f) Violation observed by the Justice M.B Shah Commission on the aforementioned lease is as follows :-
- (i) The lessee has produced mineral in excess permissible limit as mentioned in Environmental Clearance Certificate.
 - (ii) The lessee carried out mining operation on 0.18 Ha. area beyond the sanctioned mining lease.

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