

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE  
BENCH AT CHENNAI**

**ORIGINAL APPLICATION No.106 of 2023**

K Srinivasulu & Ors

...Applicants

Versus

State of Andhra Pradesh and 13 others

... Respondents

**REPORT FILED BY THE 2<sup>nd</sup> RESPONDENT**

**DATE-19-10-2023**



**M/s MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH  
A.P. POLLUTION CONTROL BOARD**

#26, S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.  
Mobile: 98407 98460 / 63831 21322, Email: [reddymadhuri09@gmail.com](mailto:reddymadhuri09@gmail.com)

[Counsel for 2<sup>nd</sup> Respondent](#)

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE  
BENCH AT CHENNAI**

**ORIGINAL APPLICATION No.106 of 2023**

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...Applicants

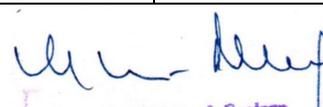
Versus

State of Andhra Pradesh and 13 others

... Respondents

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**Director of Mines & Geology**  
Govt. of Andhra Pradesh  
Warakimpatnam, Vijayawada.

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It is certified that all the documents contained in the above annexure are true copies.

Date: 19 -10-2023

  
**Director of Mines & Geology**  
**Govt. of Andhra Pradesh**  
**Wahimpatnam, Vijayawada.**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE  
BENCH AT CHENNAI  
ORIGINAL APPLICATION No.106 of 2023**

K Srinivasulu & Ors

...Applicants

Versus

State of Andhra Pradesh and 13 others

... Respondents

**REPORT FILED BY THE 2<sup>ND</sup> RESPONDENT MINES**

Sl.No	Name of the Respondent	DEMAND NOTICE DETIALS	COMPLIANANCE
1.	<b>7<sup>TH</sup> Respondent M/s RATHNA MINERAL ENTERPRISES</b> granted black granite quarry lease an Extant of 4.810 ha IN Sy No's 132,133,134,135	Demand Notice No.4320969/D13-2/2021, Dt.08-02-2022 <b>Annexure-1)</b> has issued to the lessee and directed to payment of Rs.25,12,049/-. Meanwhile, the lessee has filed Revision Application Dt.21-02-2022 before the Government and the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 vide Memo.No.839/M.I(1)/2022, Dt.07-02-2023 has allowed the revision application and directed to pay the amount of Rs.4,38,675/- towards Normal Seigniorage Fee. The remaining demand amount of Rs.20,93,374/- towards Penalty is waived off. <b>(Annexure-2)</b>	Lease holder has paid demanded amount of Rs.4,38,675/- vide challanNo.71027298412 023, Dt.15-04-2023 <b>(Annexure-3)</b>
2.	<b>8<sup>TH</sup> Respondent M/S. SRI SAI KRUPA GRANITES</b> Black Granite Mine in Sy. No. 100 Part an Extant of 0.611Ha,	Demand Notice vide No.1653/D13-2/2021, Dt.10-02-2022 to the lessee and directed to pay an amount of Rs.4,21,038/- <b>(Annexure-4)</b>	Lease holder has paid demanded amount of Rs. 4,21,038 /- vide challanNo's 61020875972022, Dt.18-04-2022, Rs70,173/- &61020903502022, Dt.18-04-2022 3,50,865/- <b>(Annexure-5 )</b>
3.	<b>9<sup>TH</sup> Respondent. M/S. SRI SAI RAGHAVENDRA GRANITES</b> Black Granite Mine in Sy. No. 98/3 Part o an Extant of 0.607 Ha	Demand Notice vide 4320964/D13/-2/2021 Dated-08-02-2022 has issued to the lessee and directed to payment of 1,22,33,796/- <b>(Annexure-6)</b>	Revision application pending
4.	<b>10<sup>TH</sup> Respondent. K. Sivaprakash son of Krishnan</b> aged about 50 years, Black Granite Mine an Extant of 0.772 ha Sy	Revision memo No.867/M .I(1)2020-1 Dated-12-08-2020 to directed to pay the sum of Rs 12,00,000./- <b>(Annexure-7)</b>	Lessee has paid an amount of Rs 12,00,000/vide Challan No.41121391152020, Dt.29-08-2020 <b>(Annexure-8)</b>

	No.101/2		
5.	<b>11<sup>TH</sup> Respondent.</b> K. Sivaprakash son of Krishnan aged about 50 years, Black Granite Mine an Extant of 0.405 ha Sy No.103	Demand Notice Lr.No: 1117/Q2/BG/2017 Dt: 13.11.2019 <b>Annexure-9)</b> & Revision application before the Government, further the authority has conducted the revision on 07.01.2020 and disposed the revision application vide Memo.No 5855/M.I(1)2019-2 Dt: 23.06.2020 with a direction to pay the an amount of Rs.30,10,000/ ( <b>Annexure-10)</b>	Lease holder has paid demanded amount in installment of Rs. 9,10,000 /- vide challanNo's41412950252 020, Dt.08-03-2021 Rs 3,10,000/- ,51036259162021, Dt.29-04-2021, Rs- 3,00,000 &611621192022, Dt.02-08-2022, Rs 3,00,000/- ( <b>Annexure-11)</b>
6,	<b>12<sup>TH</sup> Respondent.</b> M/s J.R Granites Pvt.Ltd in Black Granite Mine Sy No.136,137,&138 an Extant of 4.846 Ha	Demand Notice No.1655/D13-2/2021, Dt.08-02-2022 <b>Annexure-12)</b> has issued Demand Notice to the lessee and directed to payment of Rs.51,17,986/-. Meanwhile, the lessee has filed Revision Application Dt.08-03-2022 before the Government and same was disposed off vide Memo.No.953/M.I(1)/2022, Dt.28-03-2023 has allowed the revision application and directed to pay the amount of Rs.8,52,998/-( <b>Annexure-13 )</b>	Lease holder has paid demanded amount 1 <sup>st</sup> Installment of Rs. 2,84,333/- vide challanNo- 71325909412023 dated 11-10-2023 ( <b>Annexure-14)</b>
7	<b>13<sup>TH</sup> Respondent.</b> M/s J.R Granites Pvt.Ltd in Black Granite Mine Sy No. Sy No.89/1,95/1(P),95/2(P) & 95/3(P) an Extant of 1.620 Ha	Demand Notice No.1657/D13-2/2021, Dt.08-02-2022 <b>Annexure-15 )</b> has issued Demand Notice to the lessee and directed to payment of Rs.1,31,73,837/- . Meanwhile, the lessee has filed Revision Application Dt.08-03-2022 before the Government and same was disposed off vide Memo.No.955/M.I(1)/2022, Dt.28-03-2023 has allowed the revision application and directed to pay the amount of Rs.21,95,639/- towards Normal Seigniorage Fee in three (03) equal installments. ( <b>Annexure-16)</b>	Lease holder has paid demanded amount 1 <sup>st</sup> Installment of Rs. 7,31,880/- vide challanNo- 71326499662023 dated 11-10-2023 ( <b>Annexure-17)</b>
8	<b>14<sup>TH</sup> Respondent.</b> M/s J.R Granites Pvt.Ltd in Sy No.99/4 &7 Black Granite Mine an Extant of 0.850 Ha	Demand Notice No.1656/D13-2/2021, Dt.08-02-2022 <b>Annexure-18)</b> has issued Demand Notice to the lessee and directed to payment of Rs.4,72,37,001/-.Meanwhile, the lessee has filed Revision Application Dt.08-03-2022 before the Government and same was disposed off vide Memo.No.954/M.I(1)/2022, Dt.28-03-2023 has allowed the revision application and directed to pay the amount of -Rs.78,72,833/- towards	Lease holder has challenge the demand notice & Filed writ petition before the Hon'ble High Court Andhra Pradesh W.P No- 24789 of 2023 and the same is pending ( <b>Annexure-20)</b>

		Normal Seigniorage Fee in six (06) equal installments. The remaining demand amount of Rs.3,93,64,167/- <b>(Annexure-19)</b>	
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Hence, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass appropriate Orders in the above original application No. 106 of 2023 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at Vijayawada on this the 19th day of October 2023.



**Director of Mines & Geology**  
Govt. of Andhra Pradesh  
Tirahimpatnam, Vijayawada.

**2nd RESPONDENT**

-9-

GOVERNMENT OF ANDHRA PRADESH  
DEPARTMENT OF MINES & GEOLOGY :: IBRAHIMPATNAM

Demand Notice No.4320969/D13-2/2021

Dated.08-02-2022

Sub: Mines & Quarries – Quarry Lease for Black Granite over an extent of 4.809 Hectare in Sy.No.132, 133, 134 & 135 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District – Lease held by M/s Rathna Mineral Enterprises, Partner: Sri M.Manjunatha – Certain breaches noticed – Show Cause Notice issued – **Demand Notice** – Issued – Regarding.

Ref: 1. ADM&G, Palamaneru Letter No.3045/Q1/2010, dt.12.02.2021.  
2. This Office Show Cause Notice No.4320969/D13-2/2021, dt.15.03.2021.  
3. ADM&G, Palamaneru remarks statement dt.08.02.2022.

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Through the reference 1<sup>st</sup> cited, the ADM&G, Palamaneru has informed that a Quarry Lease for Black Granite over an extent of 4.809 Hectare in Sy.No.132, 133, 134 & 135 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District held by M/s Rathna Mineral Enterprises, Partner: Sri M.Manjunatha was inspected on 16.11.2020 & 26.11.2020. The ADM&G, Palamaneru has reported certain violations committed by the lease holder.

Through the reference 2<sup>nd</sup> cited, this office has issued show cause notice to the lease holder. Out of some violations committed by the lease holder, one violation pertains to evasion of seigniorage fee. The details of revenue evasion are;

1. On calculation with percentage of recovery mention in Approved Mining Plan i.e. 20% as per the AMP/AMS, the yield of useful Granite in the quarry lease is 8813.221 Cbm. As per the records of ADM&G, Palamaneru, the lease holder has obtained permits for a quantity of 8603.407 Cbm. There is a stock of blocks of covered a quantity of 347.735 Cbm within the leased area. Hence, the total quantity comes to 8951.142 Cbm. There is a variation for a quantity of 137.921 Cbm between yielded quantity and permitted quantity i.e. excess to the limit approved in mining plan and EC without obtaining approved modified Mining Plan. Hence, the lease holder transported 137.921 Cbm of Black Granite more than the approved mining plan quantity which is a breach of Clause (h)(iii) of Sub Rule 5 of Rule 12 of APMMC Rules, 1966.

Through the reference 3<sup>rd</sup> cited, M/s Rathna Mineral Enterprises, Partner: Sri M.Manjunatha has submitted reply to this office show cause notice. Through the reference 4<sup>th</sup> cited, the ADM&G, Palamaneru furnished further report stated that the lease holder has violated Rule 12(5)(h)(iii) and Rule 26(1) of APMMC Rules 1966 and they are liable for taking penal action under the said rules and requested to issue demand notice.

Sl. No.	Rule	Violations	Penalty		Total (in Rs.)
			Normal (in Rs.)	Penalty (in Rs.)	
1	12(5)(h)(iii) of APMMC Rules, 1966.	The lease holder dispatched 137.921 Cbm of Black Granite without paying advance seigniorage fee and without dispatch permit. Out of 137.921 Cbm, 57,541 Cbm is Super Gang Saw(SG), 17,668 Cbm is mini gang saw(MG) and 62.727 Cbm is cutter size (CS). (Within the leased area).	438675/- @Rs.2700 per SG, @Rs.2470 per MG and @Rs.2300 per CS.	2093374/-	2512049/-

= 2 =

Therefore, the lease holder i.e. M/s Rathna Mineral Enterprises, Partner: Sri M.Manjunatha is hereby requested to pay an amount of Rs.25,12,049/- (Rupees Twenty Five Lakhs Twelve Thousand Forty Nine only) which includes Rs.438675/- (Rupees Four Lakhs Thirty Eight Thousand Six Hundred and Seventy Five only) towards Normal seigniorage fee and Rs.2093374/-(Rupees Twenty Lakhs Ninety Three Thousand Three Hundred and Seventy Four only) towards (5) times penalty through challans under the following Head of Account and sent the original challan to ADM&G, Palamaneru within 15 days from the date of receipt of this notice failing which action will be initiated as per the rules in force.

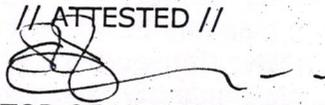
<u>Head of Account for Normal Seigniorage fee</u>	<u>Head of Account for Penalty &amp; Market value.</u>
0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 02 - Royalty on Minor Minerals.	0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 81 - Other receipts.

Sd/- V.G.VENKATA REDDY  
DIRECTOR OF MINES AND GEOLOGY

To  
M/s Rathna Mineral Enterprises,  
Partner: Sri M.Manjunatha,  
#6/6/11, 2<sup>nd</sup> Floor, 1<sup>st</sup> Main Road,  
Sreekantan Layout, High Grounds,  
Bangalore, Karnataka State - 560001 ----- [BY RPAD].

Copy to the Asst. Director of Mines and Geology, Palamaneru.  
Copy to the Deputy Director of Mines and Geology, Chittoor.

// ATTESTED //

  
for DIRECTOR OF MINES & GEOLOGY

- 11 -

GOVERNMENT OF ANDHRA PRADESH  
INDUSTRIES & COMMERCE (MINES.I) DEPARTMENT

Memo.No.839/M.I(1)/2022

Dated:07.02.2023

Sub:- Revisions - Revision Application filed by M/s. Rathna Mineral Enterprises, Partner:Sri M.Manjunatha, Chittoor District, against the Demand Notice No.4320969/D13-2/2021, Dt.08.02.2022 of the DM&G, Ibrahimpatnam - Hearing held on 16.11.2022 - Revision Disposed off - Orders - Issued.

- Ref:-
1. From M/s. Rathna Mineal Enterprises, Partner:Sri M.Manjunatha, Chittoor District, Revision Application dt:21.02.2022, received on:03.03.2022.
  2. Govt. Memo No. 1660718/M.I(1)/2022, dt.07.03.2022.
  3. From the ADM&G, Palamaneru, Letter No.3045/Q/2010, Dt.15.11.2022.

>><<

The Director of Mines & Geology, Ibrahimpatnam issued Demand Notice No.4320969/D13-2/2021, Dated:08.02.2022 to the revision applicant M/s.Ratna Mineral Enterprises, Partner:Sri. Manjnatha to pay an amount of Rs.25,12,049/- for dispatching 137.921 Cbm of Black Granite excess than permitted within leased area.

*SUPdt*  
*PUG*  
*15/2/2023*

2. Aggrieved by the above said demand notice, M/s. Rathna Mineral Enterprises, Partner:Sri M.Manjunatha, Chittoor District in the reference 1<sup>st</sup> cited has filed revision application under Rule 35-A of APMMC Rules-1966, before the Government mainly contesting in their grounds that they have not transported any mineral without any transit forms and not evaded seig.fee to the Government the quantity noticed excess to the permitted quantity approved in AMP have been extracted from the surface boulders as well as sheet rocks within the quarry lease which was not recorded by the inspection authority due to back filling of generated waste. The inspection authority also clearly mentioned in their reports that the area consisting huge boulders followed by sheet rock for which clearly shows the availability of boulders in the area. Hence the quantity was not tallied with the pit volume. They have removed the top boulders to start workings in the sheet rocks and dispatched the material duly paying the advance royalty along with other applicable taxes to the Government. Hence the dispatched quantity is higher than the actual estimated assessed quantity in the mining plan.

3. Finally, they requested the Revisional Authority to consider their case sympathetically and set-a-side the Demand notice issued by Director of Mines & Geology Ibrahimpatnam.

4. In the reference 2<sup>nd</sup> cited, the remarks of the DM&G has been called for on the grounds of revision and the ADM&G, Palamaneru submitted remarks vide reference 3<sup>rd</sup> cited to the Director of Mines and Geology.

5. In order to dispose off the Revision Application duly giving reasonable opportunity to the Revision Petitioner, a personal hearing was conducted on 16.11.2022. The Revision Applicant and the officials of the Mines and Geology Department were present.

6. During the hearing, the Revisional Authority has observed that the there is variation for a quantity of 137.921 Cbm between yielded quantity and permitted quantity i.e., excess to the limit approved in mining plan without obtaining approved modified Mining Plan. Further, the demand raising authority has raised the demand on presumed recovery percentage to arrive at the recovered blocks. The production volume calculations are fraught with infirmities as there is no uniformity in arriving at the overburden, the dump volumes as well as the recovery percentage for this lease.

(P.T.O.)

7. After taking into consideration of the material available on record, the grounds of the revision petitioner, the arguments put forth by the petitioner and Department officials, the Revisional Authority has decided to reduce the penalty amount considering their financial positions on sympathetic grounds and also to save the industry as this is the first mistake of the petitioner and difficult to estimate the actual recovery percentage.

8. After hearing the arguments on both sides, the revisional authority has decided to allowed the revision application of M/s.Ratna Mineral Enterprises, Partner:Sri. Manjunatha subject to payment of Rs.4,38,675/- towards Normal Seig.fee. The remaining demanded amount of Rs.20,93,374/- towards Penalty is waived off.

9. Accordingly, the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Director of Mines & Geology, Government of Andhra Pradesh, Ibrahimpatnam shall take further necessary action in the matter.

D. RAMADEVI  
JOINT SECRETARY TO GOVERNMENT

To  
M/s. Rathna Mineal Enterprises, Partner:Sri M.Manjunatha,  
46/1, Gundlasagaram Road, Kuppam,  
Chittoor District - 517425 - **(RPAD)**  
The Director of Mines & Geology, Ibrahimpatnam.

Copy to:

The Divisional Mines & Geology Officer, Palamaneru, Chittoor District.  
The PS to Hon'ble Minister (M&G), 3<sup>rd</sup> Block, AP Secretariat.  
SF/SC

//FORWARDED :: BY ORDER//

*P. Dushan*  
SECTION OFFICER





GOVERNMENT OF ANDHRA PRADESH  
DEPARTMENT OF MINES & GEOLOGY :: IBRAHIMPATNAM.

Demand Notice No.1653/D13-2/2021

Dated.10-02-2022

Sub: Mines & Quarries - Quarry Lease for Black Granite an extent of 0.611 Hectares in Sy.No.100 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District - Lease held by M/s Sri Sai Krupa Granites, Prop: Sri M.Chandra Sekhar - Inspected quarry lease by the Special Team No.III - Certain breaches noticed - Show Cause Notice issued - **Demand Notice** - Issued - Regarding.

Ref: 1. ADM&G, Palamaneru Letter No.3047/Q2/BG/2009, dt.04.02.2021.  
2. This Office Show Cause Notice No.1653/D13-2/2021, dt.19.02.2021  
3. ADM&G, Palamaneru remarks statement dt.08.02.2022.

\*\*\*\*\*

Through the reference 1<sup>st</sup> cited, the ADM&G, Palamaneru has informed that a Quarry Lease for Black Granite an extent of 0.611 Hectares in Sy.No.100 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District held by M/s Sri Sai Krupa Granites, Proprietor: Sri M.Chandra Sekhar was inspected on 26.11.2020. The ADM&G, Palamaneru has reported certain violations committed by the lease holder.

Through the reference 2<sup>nd</sup> cited, this office has issued show cause notice to the lease holder. Out of some violations committed by the lease holder, one violation pertains to evasion of seigniorage fee. The details of revenue evasion are;

1. The lessee transported 25.99 Cbm of Black Granite from their leased area without payment of seigniorage fee which is breach under Rule 12(5)(h)(iii) of APMMC Rules, 1966.

Through the reference 3<sup>rd</sup> cited, the ADM&G, Palamaneru furnished further reported that the lease holder has violated Rule 12(5)(h)(iii) and Rule 26(1) of APMMC Rules 1966 and they are liable for taking penal action under the said rules and requested to issue demand notice.

SUPdt  
AUG  
21/2/2022

Sl. No.	Rule	Violations	Penalty		Total (in Rs.)
			Normal (in Rs.)	Penalty (in Rs.)	
1	12(5)(h)(iii) of APMMC Rules, 1966.	The lease holder transported 25.99 Cbm of Black Granite without paying advance seigniorage fee and without dispatch permit. Out of which, 25.99 Cbm is cutter size (CS)(within the leased area).	70173/- @Rs.2300 per CS.	3,50,865/-	4,21,038/-

Therefore, the lease holder i.e. M/s Sri Sai Krupa Granites, Proprietor: Sri M.Chandra Sekhar is hereby requested to pay an amount of Rs.4,21,038/- (Rupees Four Lakhs Twenty One Thousand and Thirty Eight only) which includes Rs.70,173/- (Rupees Seventy Thousand One Hundred and Seventy Three only) towards Normal seigniorage fee and Rs.3,50,865/- (Rupees Three Lakhs Fifty Thousand Eight Hundred and Sixty Five only) towards 5 times penalty through challans under the following Head of Account and sent the original challan to ADM&G, Palamaneru within (15) days from the date of receipt of this notice failing which action will be initiated as per the rules in force.

Head of Account for Normal Seigniorage fee	Head of Account for Penalty & Market value.
0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 02 - Royalty on Minor Minerals.	0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 81 - Other receipts.

Sd/- V.G.VENKATA REDDY  
DIRECTOR OF MINES AND GEOLOGY

To  
M/s Sri Sai Krupa Granites, Prop: Sri M.Chandra Sekhar,  
Boggupalli Village, Dasegawnur Post,  
Kuppam Mandal, Chittoor District ----- [BY RPAD].  
Copy to the Asst. Director of Mines and Geology, Palamaneru.  
Copy to the Deputy Director of Mines and Geology, Chittoor.

// ATTESTED //

for DIRECTOR OF MINES & GEOLOGY





APTC FORM-10

## GOVERNMENT OF ANDHRA PRADESH

Challan No:	61020903502022	Challan Creation Date & Time:	18/04/2022 9:07:48 PM
Treasury/PAO Code:	1109	STO:	STO-Palamaner
CFMS Transaction ID:			60009966182022
Service:			4015-Minor Minerals - Penalty
Major Head:	0853		Non-Ferrous Mining and Metallurgical Industries
Sub-Major Head:	00		Not Applicable
Minor Head:	102		Mineral Concession Fees, Rents and royalties
Group Sub-Head:	00		Not Applicable
Sub-Head:	81		Other Receipts
Detailed Head:	000		Not Applicable
Sub-Detailed Head:	000		Not Applicable
Charged/Voted:			V
Non-Contingency/Contingency:			N
Amount Rs:			350865.00
Amount In words Rs:			Three lakh fifty thousand eight hundred sixty five only
Purpose:			TOWARDS PENALTY OF DEMAND NOTICE NO 1653/D13-2/2021 by SRI SAI KRUPA GRANITES of SY NO 100, KOTAMAKANAPALLI vill, GUDUPALLI mandal, CHITTOOR dist, ANDHRA PRADESH.
Remitter's Name & Address:			SRI SAI KRUPA GRANITES  GUDUPALLI Mandal, CHITTOOR
Remitter's Mobile Number			9908613111
DDO Code:			11091307001 O/o AD MINES & GEOLOGY PALMANER
Status:			Transaction Successful and payment posted
Bank Reference Number:			CPABOULRL8
Payment Date:			18/04/2022
Received Rs:	350865.00		

Note: This Challan does not need encasement of the treasury

GOVERNMENT OF ANDHRA PRADESH  
DEPARTMENT OF MINES & GEOLOGY :: IBRAHIMPATNAM



Demand Notice No.4320964/D13-2/2021

Dated.08-02-2022

Sub: Mines & Quarries - Quarry Lease for Black Granite over an extent of 0.607 Hectare in Sy.No.98/3 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District - Lease held by M/s Sai Raghavendra Granites, Prop: Sri S.Sunil Kumar - Certain breaches noticed - Show Cause Notice issued - Reply submitted - **Demand Notice** - Issued - Regarding.

- Ref: 1. ADM&G, Palamaneru Letter No.1348/Q1/2007, dt.06.02.2021.  
2. This Office Show Cause Notice No.4320964/D13-2/2021, dt.15.03.2021  
3. Reply dt.14.04.2021 of M/s Sai Raghavendra Granites, Prop: Sri S.Sunil Kumar.  
4. ADM&G, Palamaneru remarks statement dt.08.02.2022.

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Through the reference 1<sup>st</sup> cited, the ADM&G, Palamaneru has informed that a Quarry Lease for Black Granite over an extent of 0.607 Hectare in Sy.No.98/3 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District held by M/s Sai Raghavendra Granites, Prop: Sri S.Sunil Kumar was inspected on 26.11.2020. The ADM&G, Palamaneru has reported certain violations committed by the lease holder.

Through the reference 2<sup>nd</sup> cited, this office has issued show cause notice to the lease holder. Out of some violations committed by the lease holder, one violation pertains to evasion of seigniorage fee. The details of revenue evasion are;

1. On calculation with percentage of recovery mention in Approved Mining Plan i.e. 12% as per the AMP/AMS, the yield of useful Granite in the quarry lease is 1343.308 Cbm. As per the records of ADM&G, Palamaneru, the lease holder have obtained permits for a quantity of 1988.353 Cbm. There is a stock of 159.8 Cbm within the leased area and earlier the ADM&G, Palamaneru has issued demand notice for misusing blocks for a quantity of 127.473 Cbm. Hence, the total quantity comes to 2148.153 Cbm. There is a variation for a quantity of 677.372 Cbm between yielded quantity and permitted quantity i.e. excess to the limit approved in mining plan without obtaining approved modified Mining Plan. Hence, the lease holder transported 677.372 Cbm of Black Granite excess to the permitted quantities in AMP / EC which is a breach of Clause(h)(iii) of Sub Rule 5 of Rule 12 of APMMC Rules, 1966.

Through the reference 3<sup>rd</sup> cited, M/s Sai Raghavendra Granites, Prop: Sri S.Sunil Kumar has submitted reply to this office show cause notice. In reply to the mineral revenue evasion matter, they informed that they have not transported any mineral without any transit forms and not evaded seigniorage fee to the Government. Through the reference 4<sup>th</sup> cited, the ADM&G, Palamaneru furnished further report and requested to issue demand notice.

In this connection, the reply submitted by the lease holder is examined and it is not convincing and not tenable and the lease holder not produced any viable evidence to defend his stand. Hence, it is construed that the lease holder has violated Rule 12(5)(h)(iii) and Rule 26(1) of APMMC Rules 1966 and liable for taking penal action under the said rules.

Sl. No.	Rule	Violations	Penalty		Total (in Rs.)
			Normal (in Rs.)	Penalty (in Rs.)	
1	12(5)(h)(iii) of APMMC Rules, 1966.	The lease holder dispatched 677.372 Cbm of Black Granite without paying advance seigniorage fee and without dispatch permit. Out of which, 254.11 Cbm is Super Gang Saw(SG), 111.34 Cbm is mini gang saw(MG) and 311.92 Cbm is cutter size (CS). (Within the leased area).	2038966/- @Rs.2700 per SG, @Rs.2470 per MG and @Rs.2300 per CS.	10194830/-	12233796/-

Therefore, the lease holder i.e. M/s Sai Raghavendra Granites, Prop: Sri S.Sunil Kumar is hereby requested to pay an amount of Rs.1,22,33,796/- (Rupees One Crore Twenty Two Lakhs Thirty Three Thousand Seven Hundred and Ninety Six only) which includes Rs.20,38,966/- (Rupees Twenty Lakhs Thirty Eight Thousand Nine Hundred and Sixty Six only) towards Normal seigniorage fee and Rs.1,01,94,830/- (Rupees One Crore One Lakh Ninety Four Thousand Eight Hundred and Thirty only) towards 5 times penalty through challans under the following Head of Account and sent the original challan to ADM&G, Palamaneru within 15 days from the date of receipt of this notice failing which action will be initiated as per the rules in force.

<u>Head of Account for Normal Seigniorage fee</u>	<u>Head of Account for Penalty &amp; Market value.</u>
0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 02 - Royalty on Minor Minerals.	0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 81 - Other receipts.

Sd/- V.G.VENKATA REDDY  
DIRECTOR OF MINES AND GEOLOGY

To  
M/s Sai Raghavendra Granites,  
Proprietor: Sri S.Sunil Kumar,  
S/o.G.Subramanyam, D.No.13-265, DRS Building,  
Ramachandra Road, Kuppam, Chittoor District ---- [BY RPAD].

Copy to the Asst. Director of Mines and Geology, Palamaneru.  
Copy to the Deputy Director of Mines and Geology, Chittoor.

// ATTESTED //



for DIRECTOR OF MINES & GEOLOGY

-47-

GOVERNMENT OF ANDHRA PRADESH  
INDUSTRIES AND COMMERCE (MINES.I) DEPARTMENT

Memo.No.867/M.I(1)/2020-1

Dated:12.08.2020

Sub:-Revisions - Revision Application filed by M/s, Sri Venkata Sai Granites, Chittoor District, against the D.Dis. Proceedings No.1433/D13-2/2018 dt:13.02.2020 of the DM&G, Ibrahimpatnam - Revision Disposed off - Orders - Issued.

- Ref:-
1. From M/s. Sri Venkata Sai Granites, Chittoor District, Revision Application dated:19.02.2020, received on 20.02.2020.
  2. Government Memo.No.867/M.I(1)/2020, Dated:18.06.2020.
  3. From the Assistant Director of Mines & Geology, Palamaner, Letter No.1051/Q2/BG/2007,Dated:22.06.2020.

\*\*\*\*

The DM&G, Ibrahimpatnam has determined the quarry lease for Black Granite over an extent of 0.772 Hectares in Sy.101/2 of Kotamakulampalli Village, Gudupalli Mandal, Chittoor District held by Sri Venkata Sai Granites, Prop: Sri J. Venkatesh Babu vide D.Dis Proceedings No.1433/D13-2/2018, dt:13.02.2020 as the lessee has excavated and transported the excess quantity of Black Granite of 335.868 Cb.M within the area & 1172.280 Cb.M from the outside the area, not erected the boundary pillars, not maintained safety measures, crossed the depth of the quarry height, not left the peripheral buffer 7.5 Mts from the lease boundary and not submitted the statutory returns in Form -F & G.

2. Aggrieved by the above proceedings M/s. Sri Venkata Sai Granites, Chittoor District, has filed a Revision Application on 19.02.2020 under rule 35-A of APMMC Rules,1966 before the Government and requested the Revisional Authority to set aside the proceedings issued by the Assistant Director of Mines & Geology, Chittoor as e has not encroached nor carried out quarrying operations outside the lease area and ready to construct protective works within the stipulated time after getting necessary clearances.

3. The remarks of the DM&G, Ibrahimpatnam has been called for on the grounds of Revision vide Government Memo No.867/M.I(1)/2020, dt:18.06.2020. The ADM&G, Palamaner has submitted his remarks to Government vide his Letter No.1051/Q2/BG/2007 Dated:22.06.2020 stating that:

- i. A quarry lease for Black Granite over an extent of 0.772 Hectares in Sy.No. 101/2 of Kotamakanapalli (Vg), Gudupalli (M), Chittoor District has been granted by the Director of Mines & Geology, A.P. for a period of 20 years in favour of M/s Venkatasai Granites, Prop: Sri J. Venkatesh Babu vide Progs. No. 24862/R5-1/07, Dt.23.01.2010, but the grantee has not executed within the stipulated period. Subsequently, the Director of Mines & Geology, Ibrahimpatnam has granted extension of time for a period of 30 days vide Procj. No. 24862/R5-1/07, Dt.28.04.2010. The same has been executed by the Asst., Director of Mines and Geology, Palamaner vide Proc.No. 1051/Q/07, Dt.03.06.2010 and the lease will be inforce from 03-06-2010 to 02-06-2030.
- ii. The Director of Mines and Geology, Ibrahimpatnam, Vijayawada vide memo No. 25925/Vg/2017, dt. 19-12-2017 has constituted special teams through deploying staff from northern district of the state for taking of inspection of granite quarry leases located in Guntur, Prakasam, Chittoor, Kurnool and Ananthapuram districts from prevention of illegal quarrying and transportation of blocks.
- iii. The special team-VIII have inspected the said quarry leased area on 25-12-2017 and submitted their inspection and survey upon verification of the reports, the surveyor has reported that the lessee is working outside the leased area and within the leased area. The details are as follows:-

(P.T.O)

**I. Within the Lease area**

PIT No.	Average Measurements (Excluding over burden)		Quantity In Cbm
	Area in sq.mt	Average Depth of the net Rock excavation (In Mts)	
1	390	8	3120
2	1870	10	18700
3	733.12	10.85	7954.40
Excluding over burdern		Total	29774.4

On calculation with percentage of recovery mentioned in Approved Mining Plan i.e., 15%, the yield of useful Granite in subject lease is 4466.16 Cbm. As per their office records the petitioner/ Lessee have obtained permits for a quantity of 4091.357 Cbm. There is a stock of 22 Blocks of quantity 38.935 Cbm within the leased area. Hence the total quantity comes to 4130.292 cbm. A variation for a quantity of 335.868 cbm is noticed between Permitted quantity and Yielded quantity. Hence, it is construed that the lessee has transported the mineral without any permit which attracts Rule 26(1) of A.P.M.M.C.Rules, 1966.

**II. Outside the Leased area:-**

PIT No.	Average Measurements (Excluding over burden)		Quantity In Cbm
	Area in sq.mt	Average Depth of the net Rock excavation (In Mts)	
1(Top Layer)	627	10.30	6458
2(Under pit)	312	4.35	1357.2
Excluding over burden		Total	7815.2

On calculation with percentage of recovery mentioned in Approved Mining Plan i.e., 15%, the yield of useful Granite in the lease is 1172.28 Cbm and there is a stock of 18 Blocks of quantity 35.726 Cbm outside the leased area. Hence, it is construed that the lessee has excavated & transported the mineral unauthorizedly by encroaching outside the leased area which attracts Rule 26(2) of A.P.M.M.C.Rules, 1966.

iv. The inspecting officials have also noticed the following violations:-

- a) The lessee is operating the quarry without leaving 7.5 Mts peripheral buffer from the lease boundary which is breach to regulations 111 of Metalliferrous Mines Regulations 1961.
- b) Boundary pillars erected around the leased area but not tallied with the executed sketch which is violation of Rule 12(5)(h)(v) of APMMC Rules 1966.
- c) Not maintaining the safety measures duly observing the relevant stipulations made under Metalliferrous Mines Regulations, 1961 which is violation of condition 21 (b) of covenant 8 of Form-G lease deed executed under Rule 8 of APMMC Rules, 1966.
- d) The working pit is more than 6 mts and the lessee is doing quarry operations without forming benches as such workings are in dangerous conditions. Which is breach to Regulation 106(3) Metalliferrous Mines Regulations 1961.

(Contl...P3)

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- v. Further, on verification of the office records, the lessee / company is committed the following breaches:-
  - a. The lessee has not submitted any accounts as required for the purpose of making Annual Assessment for the mineral revenue before 10<sup>th</sup> of every month and before 1<sup>st</sup> July of every year which is violation of Rule 10(4) (b) of APMMC Rules, 1966.
  - b. The lessee has not submitted any statutory like Half Yearly Return in Form-'F' under rule 41 I (a) and (b) of GCDR, 1999 since transfer of quarry lease.
- vi. Further, the Asst. Director of Mines & Geology, Palamaner has requested the petitioner to show cause within 15 days from the date of receipt of the notice as to why action should not be initiated against him for recovering the Normal Seigniorage Fee along with penalty for 335.868 cbm of Black Granite without permit within the leased area and 1172.28 cbm of Black Granite outside the leased area transported in contravention of A.P.M.M.C.Rules, 1966 failing which necessary action will be initiated as per Rule 26(1)&(2) of A.P.M.M.C.Rules, 1966.
- vii. In response to their office Show Cause Notice No. 1051/Q2/BG/2007, dt. 16-02-2018, the petitioner/ lessee has submitted his explanation to each breach wise and requested this office to give him an opportunity to rectify the breaches if any treating it as his first mistake.
- viii. Further, their office has proposed for determination of Quarry Lease to the Director of Mines & Geology, Ibrahimpatnam vide Lr. No. 1051/Q2/BG/2007, dt. 16-02-2018 duly mentioning the breaches committed by the lessee.
- ix. Based on their office determination proposals, the Director of Mines & Geology, Ibrahimpatnam has issued Show Cause Notice No. 1433/R5-1/2018, dt. 13-04-2018 to the petitioner under Rule 12(5)(h)(xii) of APMMC Rules 1966 duly requesting for explanation.
- x. Subsequently, the petitioner has submitted his explanation to the Director of Mines & Geology, Ibrahimpatnam and requested to drop further action on the Show Cause Notice and the same was forwarded to the Assistant Director of Mines & Geology, Palamaner for remarks.
- xi. Further, their office has submitted report to the Director of Mines & Geology, Ibrahimpatnam stating that the lessee has not rectified violations and recommended for determination of subject Quarry Lease.
- xii. Subsequently, the Director of Mines & Geology, Ibrahimpatnam has determined the quarry lease held by the petitioner vide D.Dis. Progs. No. 1433/D13-2/2018, Dt.13.02.2020 under Rule 12(5)(h)(xii) of APMMC Rules 1966. and directed their office to forfeit the security deposit amount to the Government and also directed to levy the penalty from the lessee.
- xiii. Based on the orders of the Director of Mines & Geology, Ibrahimpatnam the Assistant Director of Mines & Geology, Palamaner has proposed to the Post Master, Palamaner to forfeit the security deposit of Rs. 42,460/- vide Lr. No. 1051/Q2/BG/2007, dt. 09-03-2020.
- xiv. In the mean time, the petitioner has filed revision before the Government against the determination orders of the Director of Mines & Geology, Ibrahimpatnam vide No. 1433/D13-2/2018, dt. 13-02-2020 duly requesting to consider his case sympathetically and issue necessary orders to restore his Quarrying operations and obtain transit passes without any hindrances till his Quarry Lease is in force. Failing which, he will be put to further irreparable loss.

(Conti...P4)

xv. Their office has finalized the Mineral Revenue Assessment for the year 2019-20 tentatively and the petitioner is not having any Mineral Revenue dues to the Government and also verification of their office records. However, as per the orders in determination proceedings of the Director of Mines & Geology, Ibrahimpatnam vide Procg.No. 1433/D13-2/2018, dt. 13-02-2020, the petitioner has to pay penalty w.r.t the excavations made by him both within the leased area and outside of leased area for a quantity of:-

- I. Within the leased area 335.868 Cbm.
- II. Outside the leased area 1172.28 cbm.

xvi. There is no Quarry Lease applications filed in the subject Quarry Lease area after determination of the Quarry Lease.

4. With the above, the Assistant Director of Mines & Geology, Palamaneru has requested to dismiss the Revision Application with a direction to the petitioner to pay the detected, evaded payments from the leased and outside the leased area.

5. In order to dispose off the Revision Application, a personal hearing was conducted on 24.06.2020 duly giving reasonable opportunity for personal hearing to the Revision Petitioner.

6. After hearing the arguments on both sides, the Revisional Authority hereby allowed the revision application of M/s. Sri Venkata Sai Granites, subject to payment of Rs. 12,00,000/- as penalty on quantity excavated within and outside the leased areas, and set aside the D.Os. Proceedings 1433/D13-2/2018, Dated: 13.02.2020 of the Director of Mines & Geology, Ibrahimpatnam.

7. Accordingly, the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Director of Mines & Geology, Government of Andhra Pradesh, Ibrahimpatnam shall take further necessary action in the matter.

RAMESH CHANDRA SAHU  
ASSISTANT SECRETARY TO GOVERNMENT &  
DEPUTY SECRETARY TO GOVERNMENT (FAC)

To  
The Director of Mines and Geology, Govt., of Andhra Pradesh, Ibrahimpatnam.  
M/s. Sri Venkata Sai Granites, Prop: J. Venkatesh Babu, Door No. 19-154, Ganuga  
Street, Kuppam -517427, Chittoor District, (By RPAD)

Copy to:  
The Assistant Director of Mines & Geology, Palamaner, Chittoor Dist.  
P.S. to Hon'ble Minister for Mines & Geology, 3<sup>rd</sup> Block, AP Secretariat.  
SF/SC.

//FORWARDED : : BY ORDER//

*P. V. S. Ranga*  
SECTION OFFICER



APTC FORM-10

GOVERNMENT OF ANDHRA PRADESH

Challan No: 41121391152020	Challan Creation Date & Time: 28/08/2020 1:25:25 PM
Treasury/PAO Code:1109	STO:STO-Palamaner
CFMS Transaction ID:	40062011482020
Service:	4015-Minor Minerals - Penalty
Major Head:	0853 Non-Ferrous Mining and Metallurgical Industries
Sub-Major Head:	00 Not Applicable
Minor Head:	102 Mineral Concession Fees, Rents and royalties
Group Sub-Head:	00 Not Applicable
Sub-Head:	81 Other Receipts
Detailed Head:	000 Not Applicable
Sub-Detailed Head:	000 Not Applicable
Charged/Voted:	V
Non-Contingency/Contingency:	N
Amount Rs:	1200000.00
Amount In words Rs:	Twelve lakh only
Purpose:	TOWARDS PENALTY for in Sy.No.101/2, Kotamakunapalli Vg, Gudipalli Mandal Govt. Memo no. 867/M.I-1/2020-1 Dt. 12.08.2020
Remitter's Name & Address:	J VENKATESH BABU M/S. SRI VENKATASAI GRANITES, D.No.19-154, Ganuga Street, KUPPAM-517425
Remitter's Mobile Number	9182852606
DDO Code:	11091307001 O/o AD MINES & GEOLOGY PALMANER
Status:	Transaction Successful and payment posted
Bank Reference Number:	20200829105206106456
Payment Date:	29/08/2020
Received Rs:.....	1200000.00

Note:This Challan does not need enfacement of the treasury



GOVERNMENT OF ANDHRAPRADESH  
DEPARTMENT OF MINES AND GEOLOGY

Office of the  
Asst., Director of Mines and Geology,  
Palamaneru

DEMAND NOTICE

No. 1117/Q2/BG/2007

Dated: 15.11.2019

Sub: Mines & Quarries - Quarry Lease for Black Granite over an extent of 0.405 Hectares in Sy.No. 103 of Kotamakanapalli (Vg), Gudupalli (M), Chittoor Dist.- Lease held by M/s. Sri Venkata Sai Granites, Prop. Sri J. Venkatesh Babu - Extraction & transportation of Mineral from outside the leased area and Misuse of Transit forms - Explanation submitted - Not Satisfied - Demand Notice issued - Regarding.

- Ref:-1. Randomization of Inspection by the ADM&G, Palamaner on 30-10-2019.  
2. Inspection & Survey Report dt.01-11-2019 of this office Technical Staff.  
3. This office Show Cause Notice No.1117/Q2/BG/2007, Dt.13-11-2019  
4. Your explanation Dt.15.11.2019.

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With reference to the above Quarry Lease, it is to inform that by Virtue of conditions of grant and the covenants of the lease deed executed, you are already aware that the quarrying is to be done within the leased area and the mineral should be dispatched with prior payment of Seigniorage Fee.

In the reference 1<sup>st</sup> & 2<sup>nd</sup> cited, based on the Randomization report of the undersigned the Technical Staff of this office have inspected your quarry leased area on 01-11-2019 and the surveyor verified the lease boundaries with executed lease sketch and found workings falls within the leased area and encroached towards Northern side to the leased area. Accordingly, the surveyor taken pit measurements in presence of the representative of the lease holder excluding over burden. The details of the pit measurements are as follows.

In this connection, through the reference 3rd cited a Show Cause Notice has been issued to you seeking your explanation as to why action should not be initiated against you for recovering the Normal Seigniorage Fee along with penalty for the misused quantity of 785.241 Cbm within the leased area and 683.124 cbm of Black Granite outside the leased area transported in contravention of Rule 34 & 26 of APMMC Rules, 1966 and other violations.

In response to this office Show Cause Notice. through the ref. 4th cited, you have submitted your explanation each breach wise and stated that, the actual dispatch quantity is 1840.282 Cbm & 163.775 Cbm you have paid normal seigniorage fee as per Revision orders for missing blocks and there is a stock of 68 blocks covered a quantity 155.077 Cbm. Hence, the total quantity comes to 2159.134 Cbm. There is a variation for the quantity of 785.241 Cbm, hence not misused the transit forms for the quantity of 785.241 cbm.

In this connection, it is informing you that the inspection whatever conducted on 01-11-2019 in presence of you and taken pit measurements after affirming the boundaries around the leased area in presence of you and arrived pit volume as 9159.291 cbm within the leased area and 4554.16 Cbm outside the leased area have been extracted after considering the recovery factor as per approved mining plan is 15% the yield of useful granite in your lease is 1373.893 cbm within the leased area. After considering the permitted quantity of 1840.282 Cbm, Missing Blocks quantity of 163.775 Cbm and Stock of 68 blocks covered a quantity of 155.077 Cbm, it is noticed that 785.241 Cbm of quantity excess to the yielded quantity. Hence, it construed that you have misused transit forms for the quantity of 785.241 cbm of Black Granite.

5765 578  
02/11/19

Regarding the excavations falls outside the leased area you have stated that you have erected the boundary pillars based on the chain system survey and in the places shown by the Surveyor and maintaining the same till to date and you are operating the quarry operations within the leased area. Further, the survey done using GPS Machines are not accurate. Further, stated that the quarrying activities within from the leased boundaries marked by the surveyors (based on GPS & Chain system) at the time of Survey & Demarcation. Hence, you have stated that you have not encroached not carried our quarry operations outside the leased area.

The averments stated by you should not be considered as the Technical Staff conducted survey with DGPS instrument (which are 20 cm variation) based on the linear measurements mentioned in the executed lease deed sketch. After affirming the lease boundaries around the leased area you have done the quarrying operations outside the leased area and within the leased area. Further, it is informed that the lease boundaries fixed based on the measurements mentioned in the executed lease deed sketch with reference to the permanent Revenue Stones only. Hence, it is no matter conducted the survey either with GPS or Chain Survey.

With regard to the other breaches, you have simply given explanation, but neither implemented nor rectified the breaches in the quarry.

In view of the above, you have been informed that, As per rule 5 of APMMC Rules, 1966 your workings should be confined to only within the leased area and not beyond the leased area as per granted and executed sketch. But, you have not done so for. Hence your explanation dt. 15-03-2018 is not deserved for consideration.

As per the average category percentage arrived for issuance of dispatch permits, the category of the Granite blocks for the said volumes are as below.

Within the leased area				Outside the leased area			
Super Gangsaw size in Cbm	Mini Gangsaw size in Cbm	Cutter size in Cbm	Total in Cbm	Super Gangsaw size in Cbm	Mini Gangsaw size in Cbm	Cutter size in Cbm	Total in Cbm
181.021	141.317	462.903	785.241	157.480	122.939	402.705	683.124

Hence, you are liable to pay the Normal Seigniorage Fee and Market Value for the said quantity as per Rule 34 (1) of APMMC Rules, 1966 and Rupees upto 5 lakhs as fine and double the market value as per Rule 26 (2) of APMMC Rules, 1966 for the quantity recovered and transported from outside the leased area.

Misused Quantity of the mineral within the leased					Quantity recovered & transported from outside the leased area				
Category	Volume in Cbm	Normal Seigniorage Fee in Rs	Market value in Rs	Total in Rs.	Category	Volume in Cbm	Fine in Rs.	Double the market value in Rs	Total
Super Gangsaw size	181.021	543063	2715315	3258378	Super Gangsaw size	157.480	500000	4724400	-
Mini Gangsaw Size	141.317	353293	1766463	2119756	Mini Gangsaw Size	122.939		3073475	-
Cutter size	462.903	1087822	4629030	5716852	Cutter size	402.705		8054100	-
<b>Total</b>	<b>785.241</b>	<b>1984178</b>	<b>9110808</b>	<b>11094986</b>		<b>683.124</b>	<b>500000</b>	<b>15851975</b>	<b>16351975</b>

Contd....3

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- Note:-** 1. Seigniorage Fee as Rs. 3000/- per Cbm for Super gang saw size, Rs. 2500/- per Cbm for Minigang saw size and Rs. 2350/- per Cbm for Cutter size for Black Granite.  
2. Market value taken as Rs.15,000/- per Cbm for Super gang saw Size, Rs. 12,500/- per Cbm for Mini gang saw size and Rs. 10,000/- per Cbm for cutter size.

In view of the above, M/s Sri Venkata Sai Granites, Prop. Sri J. Venkatesh Babu is hereby directed to pay the said amounts i.e., Rs. 2,74,46,961/- (Within the leased area Rs. 1,10,94,986/- + Outside the leased area of Rs. 1,63,51,975/-) in the following head of account and rectify the other breaches within 15 days from the date of receipt of this notice, failing which necessary action will be initiated against your quarry lease at the subject area as per rules in force.

HEAD OF ACCOUNT FOR NORMAL SEIGNIORAGE FEE

0853 - N.F. M & M Industries  
102 - M.C. Fee, Rents & Royalties  
02 - Royalty on minor mineral

HEAD OF ACCOUNT FOR FINE

0853 - N.F. M & M Industries  
102 - M. C Fee, Rents & Royalties  
81 - Other Receipts

To  
Sri J. Venkatesh Babu,  
Prop: M/s Sri Venkata Sai Granites,  
D.No. 19-154, Ganuga Street,  
Kuppam, Chittoor District.

*[Signature]*  
23/11/19  
Asst. Director of Mines and Geology,  
PALAMANERU  
*[Signature]*  
23/11/19  
*[Signature]*  
23/11/19

Copy submitted to the Director of Mines and Geology, Ibrahimpatnam, for favour of information.  
Copy submitted to the Deputy Director of Mines and Geology, Chittoor for favour of information.

*Received by*

*[Signature]*

*CM. Siva Sauleev*

*23/11/2019*

GOVERNMENT OF ANDHRA PRADESH  
INDUSTRIES & COMMERCE (MINES.I) DEPARTMENT

Memo. No.5855/M.I(1)/2019-2

Dated:23.06.2020.

Sub:- Revisions - Revision Application filed by M/s. Sri Venkata Sai Granites, Prop: J. Venkatesh Babu, Chittoor District against the Demand Notice No.1117/Q2/BG/2007, dt:23.11.2019 of the ADM&G, Palamaneru - Revision Disposed off - Orders - Issued.

Ref:-1.From M/s. Sri Venkata Sai Granites, Prop: J. Venkatesh Babu, Chittoor District, Revision Application dated:27.11.2019, received on 02.12.2019.

2.Government Memo.No.5855/M.I (1)/2019,Dated:31.12.2019.

3.From the Director of Mines & Geology, Ibrahimpatnam, Letter No.7646/D13-1/2019, Dated:03.02.2020.

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The Assistant Director of Mines & Geology, Palamaneru has Issued Demand Notice No.1117/Q2/BG/2007, dt:23.11.2019 to Sri J.Venkatesh Babu, Prop of M/s. Sri Venkata Sai Granites and directed him to pay an amount of Rs.2,74,46,961/- towards NSF alongwith Market Value, Double the Market Value & Penalty as the lessee has illegally excavated and transported the quantity of 785.241 Cb.M of Black Granite within the leased area and quantity of 683.124 Cb.M of Black Granite from outside the leased area.

2. Aggrieved by the above Demand Notice, Sri J.Venkatesh Babu, Prop of M/s. Sri Venkata Sai Granites, Chittoor District has filed a Revision Application on 02.12.2019 under Rule 35-A before the Government and requested the Revisional Authority to consider his revision application and squash the demand notice issued by the ADM&G, Palamaneru or waive off the penalty imposed on his quarry for no mistake and issue necessary orders to restore his quarrying operations to obtain transit passes without any hindrances till his quarry lease is in force.

3. The Remarks of the Director of Mines & Geology, Ibrahimpatnam has been called for on the grounds of Revision vide Government Memo No.5855/M.I(1)/2019, dt:31.12.2019. The DM&G, Ibrahimpatnam has submitted his remarks to Government vide Letter No.7646/D13-1/2019, dt:03.02.2020 stating that:

i. The ADM&G, Palamaneru submitted his remarks stating that the quarry lease for Black Granite over an extent of 0.405 Hectares in Sy.No.103 of Kotamakanapalli (Vg), Gudupalli (M), Chittoor District has been granted by the Director of Mines & Geology, A.P., for a period of 20 years in favour of M/s Venkata Sai Granites, Prop. Sri J. Venkatesh Babu vide Proceedings No.28937/R5-1/07, Dt.28.02.2008 and executed by grantee before the Assistant Director of Mines and Geology, Palamaneru vide Proceedings No.1117/Q/07, Dt.28.04.2008 and the lease will be in force from 28-04-2004 to 27-04-2028.

ii. Further, the ADM&G, Palamaneru reported that the Quarry Lease area was inspected in Randomization on 30-10-2019 and came to know that there is an encroachment in the lease area.

iii. The Technical Staff of the Assistant Director of Mines & Geology, Palamaneru have Surveyed and inspected the quarry leased area on 01-11-2019 and submitted report. Based on the report submitted by the Technical staff, the Assistant Director of Mines & Geology, Palamaneru has issued Show Cause Notice vide No.1117/Q2/BG/2007, dt.13-11-2019 as the surveyor verified the lease boundaries with executed lease sketch and found workings falls within the leased area and encroached towards northern side to the leased area. Accordingly, the surveyor has taken pit measurements in presence of the representative of the lease holder excluding over burden. The details of the pit measurements are as follows:

::2::

a) Within the Leased area:

PIT No.	Average Measurements (Excluding overburden)		Quantity In Cbm
	Area in sq.mt	Average Depth of the net Rock excavation (In Mts)	
	984.87	9.3	9159.291

On calculation with percentage of recovery mentioned in Approved Mining Plan i.e., 15%, the yield of useful Granite in his lease is 1373.893 Cb.M. As per ADM&G, Palamaneru records, the petitioner has obtained permits for a quantity of 1840.282 Cb.M since inception of the Quarry Lease. Further, earlier issued demand notice for the missing blocks covered a quantity of 163.775 Cb.M for which the lessee has paid normal Seigniorage fee as per the Revision orders. There is a stock of 68 blocks covered a quantity of 155.077 Cb.M within the leased area. Hence, the total quantity comes to 2159.134 Cb.M. There is a variation for a quantity of 785.241 Cb.M between permitted quantity and Yielded quantity. Hence, it is construed that the revision petitioner misused the transit forms for the quantity of 785.241 Cb.M. excavated and transported the mineral more than the approved mining plan quantity which attracts Rule 26(1) of A.P.M.M.C. Rules, 1966.

b) Outside the Leased area:-

PIT No.	Average Measurements (Excluding overburden)		Quantity In Cbm
	Area in sq.mt	Average Depth of the net Rock excavation (In Mts)	
	754	6.04	4554.16

On calculation with percentage of recovery mentioned in Approved Mining Plan i.e., 15%, the yield of useful Granite in his lease is 683.124 Cb.M. Hence, it is construed that the lessee excavated & transported the mineral unauthorisedly by encroaching Northern side to the leased area which attracts Rule 26(2) of A.P.M.M.C. Rules, 1966.

IV. The inspecting officials have also noticed the following violations:-

- a) The revision petitioner is operating the quarry without leaving 7.5 Mts. peripheral buffer from the lease boundary which is breach to regulations 111 of Metalliferrous Mines Regulations 1961.
- b) Boundary pillars erected around the leased area but not tallied with the executed sketch which is violation of Rule 12(5)(h)(V) of APMMC Rules, 1966.
- c) Not maintaining the safety measures duly observing the relevant stipulations made under Metalliferrous Mines Regulations, 1961 which is violation of condition 21 (b) of covenant 8 of Form-G lease deed executed under Rule 8 of APMMC Rules, 1966.
- d) The working pit is more than 6 mts. and the lessee is doing quarry operations without forming benches as such their workings are dangerous condition, which is breach to Regulation 106(3) Metalliferrous Mines Regulations 1961.

- v. Further, the Assistant Director of Mines & Geology, Palamaner requested the petitioner to show cause within 15 days from the date of receipt of the notice as to why action should not be initiated against him for recovering the Normal Seigniorage Fee along with penalty for the misused quantity of 785.241 Cb.M. within the leased area and 683.124 Cb.M of Black Granite outside the leased area transported in contravention of A.P.M.M.C. Rules, 1966 falling which necessary action will be initiated as per Rule 26(1)&(2) of A.P.M.M.C. Rules, 1966.

::3::

- vi. In response to Show Cause Notice No.1117/Q2/BG/2007, dt.23-11-2019, the petitioner/lessee has submitted his explanation to each breach wise and stated that, the actual dispatch quantity is 1840.282 Cb.M. & 163.775 Cb.M. and he has paid normal Seigniorage fee as per Revision orders for missing of transit forms and there is a stock of 68 blocks covered a quantity 155.077 Cb.M. Hence, the total quantity comes to 2159.134 Cb.M. There is a variation for the quantity of 785.241 Cb.M, hence not misused the transit forms for the quantity of 785.241 Cb.M.
- vii. Further, the inspection whatever conducted on 01-11-2019 and taken pit measurements after affirming the boundaries around the leased area in presence of the petitioner and arrived pit volume as 9159.291 Cb.M within the leased area and 4554.16 Cb.M outside the leased area have been extracted after considering the recovery factor as per approved mining plan is 15%, the yield of useful granite in his lease is 1373.893 Cb.M within the leased area. After considering the permitted quantity of 1840.282 Cb.M, Missing Blocks quantity of 163.775 Cb.M and Stock of 68 blocks covered a quantity of 155.077 Cb.M, it is noticed that 785.241 Cb.M of quantity excess to the yielded quantity. Hence, it construed that the petitioner/lessee have misused transit forms for the quantity of 785.241 Cb.M of Black Granite.
- viii. Regarding the excavations falls outside the leased area, the petitioner has stated that he has erected the boundary pillars based on the chain system survey and in the places shown by the Surveyor and maintaining the same till to date and the petitioner is operating the quarry operations within the leased area. Further, the survey done using GPS Machines are not accurate. Further, stated that the quarrying activities within from the leased boundaries marked by the surveyors (based on GPS & Chain system) at the time of Survey & Demarcation. Hence, the petitioner has stated that he has not encroached and not carried their quarry operations outside the leased area. The averments stated by the petitioner should not be considered as the Technical Staff conducted survey with DGPS Instrument (which are 20 cm variation) based on the linear measurements mentioned in the executed lease deed sketch. After affirming the lease boundaries around the leased area and done the quarrying operations outside the leased area and within the leased area. Further, it is informed that the lease boundaries fixed based on the measurements mentioned in the executed lease deed sketch with reference to the permanent Revenue Stones only. Hence, it is no matter conducted the survey either with GPS or Chain Survey.
- ix. With regard to the other breaches, the petitioner is simply given explanation, but neither implemented nor rectified the breaches in the quarry. As per rule 5 of APMMC Rules, 1966 workings should be confined to only within the leased area and not beyond the leased area as per granted and executed sketch. But, the petitioner has not done so for. Hence, the petitioner's explanation dt.15-03-2018 is not deserved for consideration. As per the average category percentage arrived for issuance of dispatch permits, the category of the Granite blocks for the said volumes are as below.

Within the leased area				Outside the leased area			
Super Gangsaw Size in Cbm	Mini Gangsaw Size in Cbm	Cutter Size In Cbm	Total In Cbm	Super Gangsaw Size in Cbm	Mini Gangsaw Size in Cbm	Cutter Size In Cbm	Total In Cbm
181.021	141.317	462.903	785.241	157.480	122.939	402.705	683.124

(Contl...P4)

::4::

- I. Mis used quantity of the mineral within the leased area:  
Quantity : 785.241 cbm of Black Granite  
Normal Seigniorage fee: Rs.19,84,1787/-  
Market value : Rs. 91,10,8087/-  
Total :Rs. 1,10,94,986/-
- II. Quantity recovered and transported from outside the leased area:  
Quantity : 683.124cbm of Black Granite  
Fine :Rs. 5,00,000-  
Double Market value :Rs. 1,58,51,975-  
Total :Rs. 1,63,51,975/-

x. Hence, the Assistant Director of Mines & Geology, Palamaner is directed the petitioner/ lessee M/s Sri Venkata Sai Granites, Prop. Sri J. Venkatesh Babu to pay the said amounts i.e., Rs.2,74,46,961/- (Within the leased area Rs.1,10,94,986/- + Outside the leased area of Rs.1,63,51,975/-) in the respective head of account and rectify the other breaches within 15 days from the date of receipt of this notice, failing which necessary action will be initiated against the quarry lease at the subject area as per rules in force.

xi. Aggrieved by the demand notice vide No.1117/Q2/BG/ 2007, dt.23-11-2019 issued by the Assistant Director of Mines & Geology, Palamaner, the petitioner has filed Revision before the Government on 27-11-2019 received by the Government on 02-12-2019 under Rule 35-A of APMCM Rules, 1966.

4. With the above, the DM&G, Ibrahimpatnam has requested to dismiss the revision applicant or to direct the Revision Applicant to pay the Demanded Amount of Rs.2,74,46,961/-.

5. In order to dispose off the Revision Application, a personal hearing was conducted on 07.01.2020 duly giving reasonable opportunity for personal hearing to the Revision Petitioner.

6. After hearing the arguments on both sides, the Revisional Authority hereby allowed the revision application of M/s. Sri Venkata Sai Granites, Prop: Sri J.Venkatesh Babu, Chittoor District duly setting aside the Demand Notice No.1117/Q1/2007, dt:23.11.2019 of Assistant Director of Mines & Geology, Palamaner and directed the Revision Applicant to pay an amount of Rs.30.10 Lakhs (Thirty lakhs and Ten thousand rupees only) and waived off the remaining Demand amount.

7. Accordingly, the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Director of Mines & Geology, Government of Andhra Pradesh, Ibrahimpatnam shall take further necessary action in the matter.

D. RAMADEVI  
DEPUTY SECRETARY TO GOVERNMENT

To  
The Director of Mines and Geology, Govt., of Andhra Pradesh, Ibrahimpatnam.  
M/s. Sri Venkata Sai Granites, Prop: J. Venkatesh Babu, #19-154, Ganuga Street,  
Kuppam, Chittoor District - 517 425 ( By RPAD)

Copy to:

The Assistant Director of Mines & Geology, Palamaner, Chittoor Dist.  
P.S to Hon'ble Minister for Mines & Geology, 3<sup>rd</sup> Block, AP Secretariat.  
SF/SC.

//FORWARDED : : BY ORDER//

P.v.s. Singh  
SECTION OFFICER



APTC FORM-10

**GOVERNMENT OF ANDHRA PRADESH**

Challan No: 41412950252020	Challan Creation Date & Time: 08/03/2021 3:29:31 PM
Treasury/PAO Code:1109	STO:STO-Palamaner
CFMS Transaction ID:	40191067442020
Service:	4015-Minor Minerals - Penalty
Major Head:	0853 Non-Ferrous Mining and Metallurgical Industries
Sub-Major Head:	00 Not Applicable
Minor Head:	102 Mineral Concession Fees, Rents and royalties
Group Sub-Head:	00 Not Applicable
Sub-Head:	81 Other Receipts
Detailed Head:	000 Not Applicable
Sub-Detailed Head:	000 Not Applicable
Charged/Voted:	V
Non-Contingency/Contingency:	N
Amount Rs:	310000.00
Amount In words Rs:	Three lakh ten thousand only
Purpose:	Towards Govt.Memo No.5006/M.I/2020 &DMG D.Dis.Memo No.4018474/D13-2/2020 Penalty in Sy. No.103 of Kotamakanapalli vg Gudupalli Mandal BG. 0.405 Hact. J Venkatesh Babu
Remitter's Name & Address:	M/S. Sri Venkata Sai Granites D.No.19-154, Ganuga Street, Kuppam-517425
Remitter's Mobile Number	9789941111
DDO Code:	11091307001 O/o AD MINES & GEOLOGY PALMANER
Status:	Transaction Successful and payment posted
Bank Reference Number:	CHG0327638
Payment Date:	08/03/2021
Received Rs:.....	310000.00

Note:This Challan does not need enfacement of the treasury



APTC FORM-10

GOVERNMENT OF ANDHRA PRADESH

Challan No: 51036259162021      Challan Creation Date & Time: 29/04/2021 10:26:53 AM  
 Treasury/PAO Code:1109      STO:STO-Palamaner  
 CFMS Transaction ID: 50017935732021  
 Service: 4015-Minor Minerals - Penalty  
 Major Head: 0853 Non-Ferrous Mining and Metallurgical Industries  
 Sub-Major Head: 00 Not Applicable  
 Minor Head: 102 Mineral Concession Fees, Rents and royalties  
 Group Sub-Head: 00 Not Applicable  
 Sub-Head: 81 Other Receipts  
 Detailed Head: 000 Not Applicable  
 Sub-Detailed Head: 000 Not Applicable  
 Charged/Voted: V  
 Non-Contingency/Contingency: N  
 Amount Rs: 300000.00  
 Amount In words Rs: Three lakh only

Purpose: Towards Govt memo No.5006/M.I/2020 & DMG, MEMO NO.4018474/D13-2/2020 Penalty i sy No.103 Kotamakunapalli vh, Gudupalli Mandal BG J Venkatesh Babu

Remitter's Name & Address: M/S. Sri Venkatasai Granites Ganuga street, Kuppam-517425

Remitter's Mobile Number 9789941111

DDO Code: 11091307001  
O/o AD MINES & GEOLOGY PALMANER

Status: Transaction Successful and payment posted

Bank Reference Number: CHG4491585

Payment Date: 29/04/2021

Received Rs: 300000.00 .....

Note:This Challan does not need enfacement of the treasury

-73-



APTC FORM-10

**GOVERNMENT OF ANDHRA PRADESH**

Challan No: 61162119202022	Challan Creation Date & Time: 02/08/2022 7:58:23 AM
Treasury/PAO Code:1109	STO:STO-Palamaner
CFMS Transaction ID:	60076320822022
Service:	4015-Minor Minerals - Penalty
Major Head:	0853 Non-Ferrous Mining and Metallurgical Industries
Sub-Major Head:	00 Not Applicable
Minor Head:	102 Mineral Concession Fees, Rents and royalties
Group Sub-Head:	00 Not Applicable
Sub-Head:	81 Other Receipts
Detailed Head:	000 Not Applicable
Sub-Detailed Head:	000 Not Applicable
Charged/Voted:	V
Non-Contingency/Contingency:	N
Amount Rs:	300000.00
Amount In words Rs:	Three lakh only
Purpose:	Towards Penalty In Sy No. 103 Kotamakanepalle vg, Gudupalli Md Vide. Govt Memo No. 5006/M.I/2020 & DM&G.D.Dis. Memo No. 4018474/D.13/2020 K Sivaprakash
Remitter's Name & Address:	S/o A Krishnan, Krishnagiri.
Remitter's Mobile Number	9789941111
DDO Code:	11091307001 O/o AD MINES & GEOLOGY PALMANER
Status:	Transaction Successful and payment posted
Bank Reference Number:	135974349
Payment Date:	02/08/2022

Received Rs:.....300000.00.....

Note:This Challan does not need enfacement of the treasury



GOVERNMENT OF ANDHRA PRADESH  
DEPARTMENT OF MINES & GEOLOGY :: IBRAHIMPATNAM.

Demand Notice No.1655/D13-2/2021

Dated.08-02-2022

Sub: Mines & Quarries - Quarry Lease for Black Granite over an extent of 4.846 Hectares in Sy.No.136, 137 & 138 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District - Lease held by M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy - Certain breaches noticed - Show Cause Notice issued - Demand Notice - Issued - Regarding.

Ref: 1. ADM&G, Palamaneru Letter No.3874/Q2/2012, dt.05.02.2021.  
2. This Office Show Cause Notice No.1655/D13-2/2021, dt.19.02.2021.  
3. ADM&G, Palamaneru.remarks statement dt.08.02.2022.

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Through the reference 1<sup>st</sup> cited, the ADM&G, Palamaneru has informed that a Quarry Lease for Black Granite over an extent of 4.846 Hectares in Sy.No.136, 137 & 138 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District held by M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy was inspected on 16.11.2020 & 26.11.2020. The ADM&G, Palamaneru has reported certain violations committed by the lease holder.

Through the reference 2<sup>nd</sup> cited, this office has issued show cause notice to the lease holder. Out of some violations committed by the lease holder, one violation pertains to evasion of seigniorage fee. The details of revenue evasion are;

1. The lessee transported 289,834 Cbm of Black Granite from their leased area without payment of seigniorage fee which is breach under Rule 12(5)(h)(iii) of APMMC Rules, 1966.

Through the reference 3<sup>rd</sup> cited, M/s J.R. Granites Private Limited, Managing Director: Sri M.Ramamurthy has submitted reply to this office show cause notice. Through the reference 4<sup>th</sup> cited, the ADM&G, Palamaneru furnished further report stated that the lease holder has violated Rule 12(5)(h)(iii) and Rule 26(1) of APMMC Rules 1966 and they are liable for taking penal action under the said rules and requested to issue demand notice.

SUPdt.  
P/A  
11/2/2022

Sl. No.	Rule	Violations	Penalty		Total (in Rs.)
			Normal (in Rs.)	Penalty (in Rs.)	
1.	12(5)(h)(iii) of APMMC Rules, 1966.	The lease holder dispatched 289.834 Cbm of Black Granite without paying advance seigniorage fee and without dispatch permit. Out of 289.834 Cbm, 83.936 Cbm is Super Gang Saw(SG), 42.837 Cbm is mini gang saw(MG) and 163.06 Cbm is cutter size (CS). (Within the leased area).	852998/- @Rs.2700 per SG, @Rs.2470 per MG and @Rs.2300 per CS.	4264988/-	5117986/-

Therefore, the lease holder i.e. M/s J.R. Granites Private Limited, Managing Director: Sri M.Ramamurthy is hereby requested to pay an amount of Rs.5117986/- (Rupees Fifty One Lakhs Seventeen Thousand Nine Hundred and Eighty Six only) which includes Rs.852998/- (Rupees Eight Lakhs Fifty Two Thousand Nine Hundred and Ninety Eight only) towards Normal seigniorage fee and Rs.4264988/-(Rupees Forty Two Lakhs Sixty Four Thousand Nine Hundred and Eighty Eight only) towards 5 times penalty through challans under the following Head of Account and sent the original challan to ADM&G, Palamaneru within (15) days from the date of receipt of this notice failing which action will be initiated as per the rules in force.

= 2 =

Head of Account for Normal Seigniorage fee	Head of Account for Penalty & Market value:
0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 02 - Royalty on Minor Minerals.	0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 81 - Other receipts.

Sd/- V.G.VENKATA REDDY  
DIRECTOR OF MINES AND GEOLOGY

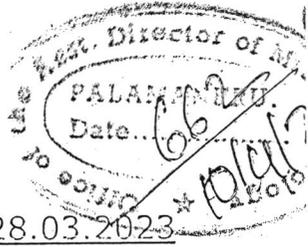
To  
M/s J.R. Granites Private Limited,  
Managing Director: Sri M. Ramamurthy,  
J.R. Plaza, 4<sup>th</sup> Floor,  
Tank Street, Krishnagiri District, Tamilnadu State ----- [BY RPAD].

Copy to the Asst. Director of Mines and Geology, Palamaneru.  
Copy to the Deputy Director of Mines and Geology, Chittoor.

// ATTESTED //

  
for DIRECTOR OF MINES & GEOLOGY

GOVERNMENT OF ANDHRA PRADESH  
INDUSTRIES & COMMERCE (MINES.I) DEPARTMENT



Memo.No.953/M.I(1)/2022

Dated:28.03.2023

Sub:- Revisions - Revision Application filed by M/s. J.R. Granites Private Limited in Sy. No. 136, 137 & 138 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District, against the Demand Notice No.1655/D13-2/2021, Dt.08.02.2022 of the DM&G, Ibrhimpatnam- Hearing held on 16.11.2022 - Revision Disposed off - Orders - Issued.

- Ref:-
1. From M/s. J.R. Granites Private Limited, Chittoor District, Revision Application dt: .02.2022, received on:08.03.2022.
  2. Govt.Memo.No.953/M.I(1)/2022, Dated:21.03.2022
  3. From the ADM&G, Palamaneru, Letter No. 3874/Q2/2012, Dt.15.11.2022.

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SUPDT

PUG  
10/4/23

The Director of Mines & Geology, Ibrhimpatnam has issued Demand Notice No.1655/D13-2/2021, Dated:08.02.2022 to the revision applicant M/s.J.R.Granites Pvt Ltd., MD:Sri. M.Ramamurthy directing to pay an amount of Rs.51,17,986/-.

SA/TM2

Aggrieved by the above said demand notice, M/s. J.R. Granites Private Limited, Chittoor District in the reference 1<sup>st</sup> cited has filed revision application under Rule 35-A of APMMC Rules-1966, before the Government, with a request to set aside the Demand Notice issued by the DM&G, Ibrhimpatnam on the grounds mention therein.

3. In the reference 2<sup>nd</sup> cited, the remarks of the DM&G has been called for on the grounds of revision and the ADM&G, Palamaneru submitted remarks vide reference 3<sup>rd</sup> cited to the Director of Mines and Geology.

4. In order to dispose off the Revision Application duly giving reasonable opportunity to the Revision Petitioner, a personal hearing was conducted on 16.11.2022. The Revision Applicant and the officials of the Mines and Geology Department were present.

5. In the grounds of revision, the Revision Applicant has mainly contesting in their grounds that the being an aesthetic material with its uncertainties of yield and inherent defects, the recovery ratios can't be predicted with certainty. It is observed that the officials have calculated the yield basing on the recovery factor (Average) in the Approved Mining Plan / Approved Mining Scheme upon volume of the pit taken by the technical staff and surveyor. But not assessed the waste generated from the quarry leased area. Had they assessed the waste generated also they should have found the actual recovery factor of the mineral in the area. They have taken permits every time, before issue of dispatch permits the blocks were check measured by the technical staff of the ADM&G. After submission of reports only the dispatch permits have been issued to them there is no evasion of any seig.charges as all the material transported was duly paying advance seig.fee. The inspection team is trying to find the details based on the figures available in the books only but not conducted any field analysis as they have taken only pit measurements but not assessed the waste generated leased area.

(P.T.O.)

6. Finally, they requested the Revisional Authority to consider their case sympathetically and set-a-side the Demand notice issued by Director of Mines & Geology Ibrahimpatnam.

7. During the revision, the Revisional Authority has observed that there is variation for a quantity of 289.834 Cbm transported from their leased area without payment of seig.fee which is a breach under Rule 12(5)(h)(iii) of APMMC Rules 1966 and Rule 26(1) APMMC Rules 1966.

8. After taking into consideration of the material available on record, the grounds of the revision petitioner, the arguments put forth by the petitioner and Department officials, the Revisional Authority has decided to reduce the penalty amount considering their financial positions on sympathetic grounds and also to save the industry as this is the first mistake of the petitioner and difficult to estimate the actual recovery percentage.

9. After hearing the arguments on both sides, the Revisional Authority has decided to allowed the revision application of M/s.J.R.Granites Pvt.Ltd., MD:Sri. M.Ramamurthy subject to payment of Rs.8,52,998/- towards Normal Seig.fee. The remaining demanded amount of Rs.42,64,988/- towards Penalty is waived off.

10. Accordingly, the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Director of Mines & Geology, Government of Andhra Pradesh, Ibrahimpatnam shall take further necessary action in the matter.

D. RAMADEVI  
JOINT SECRETARY TO GOVERNMENT

To  
M/s. J.R. Granites Private Limited,  
Mg. Director Sri M. Ramamurthy, J.R. Plaza,  
4<sup>th</sup> Floor, Tank Street, Krishnagiri District,  
Tamilnadu State - (RPAD)  
The Director of Mines & Geology, Ibranhimpatnam.

Copy to:

~~The Assistant Director of Mines & Geology, Palamaner, Chittoor District.~~

The PS to Hon'ble Minister (M&G), 3<sup>rd</sup> Block, AP Secretariat.

SF/SC

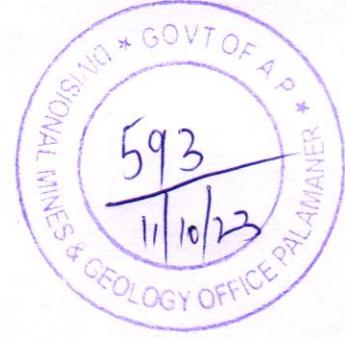
//FORWARDED :: BY ORDER//

*P. Anandhan*  
SECTION OFFICER  
*LR*

From

**M/s. J.R. Granites Pvt Ltd**  
Black Granite Mine-4.846 Ha,  
Sy.No.136,137&138,  
Kotamakulapalli Village,  
Gudupalli Mandal, Chittoor District-517425  
Cell No: +91 90009 50676

Date: 11.10.2023



To

The Divisional Officer,  
Dept. of Mines & Geology Office,  
PALAMANER-517408

**Sir,**

**Sub:- Mines and Quarries** – Quarry lease for Black Granite over an extent of 4.846 Hectares in Sy. No. 136, 137 & 138, of Kotamakanapalli (Vg), Gudupalli (M), Chittoor District – Revision **Disposed** orders issued by Government of Andhrapradesh Industries & commerce (Mines-I) department-Request- Regarding.

**Ref:-** 1. The Govt. Memo. No. 953/M.I(1)/2022 -2, dt.28.03.2023 from I&C(M.I) Department.  
2. The Divisional Mines & Geology office, Palamaner Notice No.3874/TQL/2012 Dt.18.08.2023

\*\*\*\*\*

I would like to submit before you that, I am holding the quarry lease for black granite over an extent of 4.846 Hectares in Sy. No. 136, 137 & 138, of Kotamakunapalli Village, Gudupalli Mandal, Chittoor District. I was issued demand notice by the DM&G, Ibrahimpatnam, vide No.1655/D13-2/2021 dt.08.02.2022 and the same is filed by the revision application, before the **Hon'ble Minister of Mines & Geology**, Government of A.P. Secretariat, Velagapudi.

With reference the memo No. 953/M.I(1)/2022-2, dt.28.03.2023. Revisional authority is hereby allowed the revision application filed by me, and setting aside the Demand Notice No. 1655/D13-2/2021 dt.08.02.2022, from the DM&G,

The Revisional authority hereby allowed the revision application and subject to payment of Rs. **8,52,998/- Lakhs** Eight lakh Fifty Two thousand Nine hundred and Nanty eight only) **Towards Normal S Fee** in three monthly installments

I am agree to pay the amount of Rs. **8,52,998/- Towards Normal S Fee** in three monthly installments.

In this connection, I have paid 1<sup>st</sup>. Installment of Rs. **2,84,333/-Lakhs**, (Two lakh Eighty four thousand Thjree hundred and Thirty Three rupees only) vide challan No. 71325909412023 dated. 11-10-2023. **I was requested to the Divisional Mines & Geology, Palamaner, accept my payment challan and acknowledge the same**

Thanking you Sir,

Yours Faithfully,  
For M/s. J.R. Granites Pvt Ltd

  
**JR GRANITES PVT LTD.**  
(Authorized Signature),  
Sy. No : 95/3,89/1,99/4 & 99/7,  
Kotamakulapalli (Vg),  
Gudupalli, Chittoor District

Encl: Challan No. 71325909412023 dated. 11-10-2023 for Rs. **2,84,333/-Lakhs**,  
Gudupalli, Chittoor District



APTC FORM-10

GOVERNMENT OF ANDHRA PRADESH

Challan No: 71325909412023      Challan Creation Date & Time: 11/10/2023 9:42:00 AM  
Treasury/PAO Code:8506      STO:STO-Palamaner  
CFMS Transaction ID: 70153544522023  
Service: 4008-Minor Minerals - Seigniorage Fee/Dead Rent  
Major Head: 0853 Non-Ferrous Mining and Metallurgical Industries  
Sub-Major Head: 00 Not Applicable  
Minor Head: 102 Mineral Concession Fees, Rents and royalties  
Group Sub-Head: 00 Not Applicable  
Sub-Head: 02 Royalty on Minor Minerals  
Detailed Head: 000 Not Applicable  
Sub-Detailed Head: 000 Not Applicable  
Charged/Voted: V  
Non-Contingency/Contingency: N  
Amount Rs: 284333.00  
Amount In words Rs: Two lakh eighty four thousand three hundred thirty three only  
Purpose: The Divisional Mines and Geology, Palamaner, vide Notice No.3874/QL/2012 Dt.18-08-2023 and Govt Memo No.953/M.I/1/2022, Dt.28-03-2023, Sy no.136,137&138,Kotamakanapalli Village,Gudupalli Mandal,Chittoor Dt.  
Remitter's Name & Address: M S J R GRANITES PRIVATE LIMITED  
Kotamakanapalli Village,Gudupalli Mandal,Chittoor Dt.  
Remitter's Mobile Number 9025468745  
DDO Code: 85061307001  
DVNL MINES & GEOLOGY OFFICE PALAMANERU  
Status: Payment Transaction Successful  
Bank Reference Number: CKY2782256  
Payment Date: 11/10/2023  
Received Rs: 284333.00

MR. No. 122

Note: This Challan does not need encashment of the treasury

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GOVERNMENT OF ANDHRA PRADESH  
 DEPARTMENT OF MINES & GEOLOGY :: IBRAHIMPATNAM

Demand Notice No.1657/D13-2/2021

Dated.08-02-2022

Sub: Mines & Quarries – Quarry Lease for Black Granite over an extent of 1.620 Hectares in Sy.No.89/1, 95/1(P), 95/2(P), 95/3(P) of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District – Lease held by M/s J.R. Granites Private Limited, Mg.Director: Sri M.Rama.murthy – Certain breaches noticed – Show Cause Notice issued – **Demand Notice** – Issued – Regarding.

Ref: 1. ADM&G, Palamaneru Letter No.3800/TQL/2014, dt.05.02.2021.  
 2. This Office Show Cause Notice No.1657/D13-2/2021, dt.19.02.2021.  
 3. ADM&G, Palamaneru remarks statement dt.08.02.2022.

\*\*\*\*\*

Through the reference 1<sup>st</sup> cited, the ADM&G, Palamaneru has informed that a Quarry Lease for Black Granite over an extent of 1.620 Hectares in Sy.No.89/1, 95/1(P), 95/2(P), 95/3(P) of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District held by M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy was inspected on 16.11.2020 & 26.11.2020. The ADM&G, Palamaneru has reported certain violations committed by the lease holder.

Through the reference 2<sup>nd</sup> cited, this office has issued show cause notice to the lease holder. Out of some violations committed by the lease holder, one violation pertains to evasion of seigniorage fee. The details of revenue evasion are;

1. The lessee transported 760.741 Cbm of Black Granite morethan the approved mining plan quantity from their leased area which is breach under Rule 12(5)(h)(iii) of APMMC Rules, 1966.

Through the reference 3<sup>rd</sup> cited, M/s J.R. Granites Private Limited, Managing Director: Sri M.Ramamurthy has submitted reply to this office show cause notice. Through the reference 4<sup>th</sup> cited, the ADM&G, Palamaneru furnished further report stated that the lease holder has violated Rule 12(5)(h)(iii) and Rule 26(1) of APMMC Rules 1966 and they are liable for taking penal action under the said rules and requested to issue demand notice.

Sl. No.	Rule	Violations	Penalty		Total (in Rs.)
			Normal (in Rs.)	Penalty (in Rs.)	
1	12(5)(h)(iii) of APMMC Rules, 1966.	The lease holder dispatched 760.741 Cbm of Black Granite without paying advance seigniorage fee and without dispatch permit. Out of 760.741 Cbm, 170.178 Cbm is Super Gang Saw(SG), 80.03 Cbm is mini gang saw(MG) and 510.533 Cbm is cutter size (CS). (Within the leased area).	2195639/- @Rs.2700 per SG, @Rs.2470 per MG and @Rs.2300 per CS.	10978197/-	13173837/-

Therefore, the lease holder i.e. M/s J.R. Granites Private Limited, Managing Director: Sri M.Ramamurthy is hereby requested to pay an amount of Rs.1,31,73,837/- (Rupees One Crore Thirty One Lakhs Seventy Three Thousand Eight Hundred and Thirty Seven only) which includes Rs.2195639/- (Rupees Twenty One Lakhs Ninety Five Thousand Six Hundred and Thirty Nine only) towards Normal seigniorage fee and Rs.1,09,78,197/-(Rupees One Crore Nine Lakhs Seventy Eight Thousand One Hundred and Ninety Seven only) towards 5 times penalty through challans under the following Head of Account and sent the original challan to ADM&G, Palamaneru within (15) days from the date of receipt of this notice failing which action will be initiated as per the ruies in force.

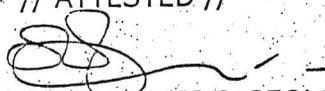
<u>Head of Account for Normal Seigniorage fee</u>	<u>Head of Account for Penalty &amp; Market value.</u>
0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 02 - Royalty on Minor Minerals.	0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 81 - Other receipts.

Sd/- V.G.VENKATA REDDY  
DIRECTOR OF MINES AND GEOLOGY

To  
M/s J.R. Granites Private Limited,  
Managing Director: Sri M.Ramamurthy,  
J.R. Plaza, 4<sup>th</sup> Floor,  
Tank Street, Krishnagiri District, Tamilnadu State ----- [BY RPAD].

Copy to the Asst. Director of Mines and Geology, Palamaneru.  
Copy to the Deputy Director of Mines and Geology, Chittoor.

// ATTESTED //

  
for DIRECTOR OF MINES & GEOLOGY

93-

Date: 6/3/23  
Kotam

GOVERNMENT OF ANDHRA PRADESH  
INDUSTRIES & COMMERCE (MINES.I) DEPARTMENT

Memo.No.955/M.I(1)/2022

Dated:28.03.2023

Sub:- Revisions - Revision Application filed by M/s. J.R. Granites Private Limited in Sy. No. 89/1, 95/1(P), 95/2(P), 95/3(P) of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District, against the Demand Notice No.1657/D13-2/2021, Dt.08.02.2022 of the DM&G, Ibrhimpatnam - Hearing held on 16.11.2022 - Revision Disposed off - Orders - Issued.

Ref:- 1. From M/s. J.R. Granites Private Limited, Chittoor District, Revision Application dt: .02.2022, received on:08.03.2022.  
2. Govt.Memo.No.955/M.I(1)/2022, Dated:21.03.2022  
3. From the ADM&G, Palamaneru, Letter No. 3800/TQL/2014, Dt.15.11.2022.

>><<

Supdt  
AG  
10/4/23  
SA/TA  
The Director of Mines & Geology, Ibrahimpattam has issued Demand Notice No.1657/D13-2/2021, Dated:08.02.2022 to the revision applicant M/s.J.R.Granites Pvt Ltd., M.G.Dir. M.Ramamurthy directing to pay an amount of Rs.1,31,73,837/-.

2. Aggrieved by the above said demand notice, M/s. J.R. Granites Private Limited, Chittoor District in the reference 1<sup>st</sup> cited has filed revision application under Rule 35-A of APMMC Rules-1966, before the Government, with a request to set aside the Demand Notice issued by the DM&G, Ibrahimpattam on the grounds mention therein.

3. In the reference 2<sup>nd</sup> cited, the remarks of the DM&G has been called for on the grounds of revision and the ADM&G, Palamaneru submitted remarks vide reference 3<sup>rd</sup> cited to the Director of Mines and Geology.

4. In order to dispose off the Revision Application duly giving reasonable opportunity to the Revision Petitioner, a personal hearing was conducted on 16.11.2022. The Revision Applicant and the officials of the Mines and Geology Department were present.

5. In the grounds of revision, the Revision Applicant has mainly contesting in their grounds that they have not transported any mineral without any transit forms and not evaded seig.fee to the Government the quantity noticed excess to the permitted quantity approved in AMP have been extracted upon value of pit taken by the Technical staff. Applying average recovery factor for the entire pit developed by them since inception of the quarry lease doesn't make any scientific conclusion. As the recovery of Granite blocks vary from layer to layer, had the same been considered there will not be any variation in the actual yielded quantity as compared to quantity derived by the team of officials of the department. To add value addition they have marketed some of the black granite blocks having defects yielded from the quarry leased area which were also covered by sieg.charges while transportation of mineral. They have taken the dispatch permits for the entire transported granite blocks included defect granite blocks.

6. Finally, they requested the Revisional Authority to consider their case sympathetically and set-a-side the Demand notice issued by Director of Mines & Geology Ibrahimpattam.

(P.T.O.)

7. During the hearing, the Revisional Authority has observed that there is variation for a quantity of 760.741 Cbm between yielded quantity and permitted quantity i.e., excess to the limit approved in mining plan without obtaining approved modified Mining Plan. Further, the demand raising authority has raised the demand on presumed recovery percentage to arrive at the recovered blocks.

8. After taking into consideration of the material available on record, the grounds of the revision petitioner, the arguments put forth by the petitioner and Department officials, the Revisional Authority has decided to reduce the penalty amount considering their financial positions on sympathetic grounds and also to save the industry as this is the first mistake of the petitioner and difficult to estimate the actual recovery percentage.

9. After hearing the arguments on both sides, the revisional authority has decided to allowed the revision application of M/s.J.R.Granites Pvt Ltd., M.G.Dir.M.Ramamurthy subject to payment of Rs.21,95,639/- towards Normal Seig.fee in three monthly equal instalments. The remaining demanded amount of Rs.1,09,78,197/- towards Penalty is waived off.

10. Accordingly, the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Director of Mines & Geology, Government of Andhra Pradesh, Ibrahimpattam shall take further necessary action in the matter.

D. RAMADEVI  
JOINT SECRETARY TO GOVERNMENT

To

M/s. J.R. Granites Private Limited,  
Mg. Director Sri M. Ramamurthy, J.R. Plaza,  
4<sup>th</sup> Floor, Tank Street, Krishnagiri District,  
Tamilnadu State - (RPAD)

The Director of Mines & Geology, Ibrahimpattam.

Copy to:

The Assistant Director of Mines & Geology, Palamaner, Chittoor District.

The PS to Hon'ble Minister (M&G), 3<sup>rd</sup> Block, AP Secretariat.

SF/SC

//FORWARDED :: BY ORDER//

*P. Anandhan*  
SECTION OFFICER  
*AP*

From

Date: 11.10.2023

**M/s. J.R. Granites Pvt Ltd**

Black Granite Mine-1.620 Ha,  
Sy.No.89/1,95/1(P),95/2(P)&95/3(P),  
Kotamakulapalli Village,  
Gudupalli Mandal, Chittoor District-517425  
Cell No: +91 90009 50676



To

The Divisional Officer,  
Dept. of Mines & Geology Office,  
PALAMANER-517408

**Sir,**

**Sub:- Mines and Quarries** – Quarry lease for Black Granite over an extent of 1.620 Hectares in Sy. No.89/1, 95 /1(P), 95/2 (P) & 95/3(P) , of Kotamakanapalli (Vg), Gudupalli (M), Chittoor District – Revision **Disposed** orders issued by Government of Andhrapradesh Industries & commerce (Mines-I) deportment-Request- Regarding.

**Ref:-** 1. The Govt. Memo. No. 955/M.I(1)/2022 -2, dt.28.03.2023 from I&C(M.I) Department.  
2. The Divisional Mines & Geology office, Palamaner, Notice No.3800/ TQL/2014 Dt.18.08.2023

\*\*\*\*\*

I would like to submit before you that, I am holding the quarry lease for black granite over an extent of 1.620 hact, in Sy No. 89/1, 95 /1(P), 95/2 (P) & 95/3(P),of Kotamakunapalli Village, Gudupalli Mandal, Chittoor District. I was issued demand notice by the DM&G, Ibrahimpatnam, vide No.1657/D13-2/2021 dt.08.02.2022 and the same is filed by the revision application, before the **Hon'ble Minister of Mines & Geology**, Government of A.P. Secretariat, Velagapudi.

With reference the memo No.955/M.I(1)/2022-2, dt.28.03.2023. Revisional authority is hereby allowed the revision application filed by me, and setting aside the Demand Notice No. 1657/D13-2/2021 dt.08.02.2022, from the DM&G, IBM.

The Revisional authority hereby allowed the revision application and subject to payment of Rs. **21,95,639/- Lakhs** (Twenty one lakh Ninety five thousand six hundred and thirty nine only) **Towards Normal S Fee** in three monthly installments.

*I am agree to pay the amount of Rs. **21,95,639/- Towards Normal S Fee** in three monthly installments.*

In this connection, I have paid 1<sup>st</sup>. Installment of Rs. **7,31,880/-Lakhs**, (Seven lakhs Thirty one thousand Eight hundred and Eighty rupees only) vide challan No. 71326499662023 dated. 11-10-2023. **I was requested to the Divisional Mines & Geology, Palamaner, accept my payment challan and acknowledge the same.**

Thanking you Sir,

Yours Faithfully,

**For M/s. J.R. Granites Pvt Ltd**

*P. S. S. S.*

(Authorized Signature)

**JR GRANITES PVT. LTD.,**

Sy. No : 95/3, 89/1, 99/1 & 99/7,

Kotamakanapalli (Village),

Gudupalli, Chittoor-517425(A.P.)

Encl: Challan No. 71326499662023 dated. 11-10-2023



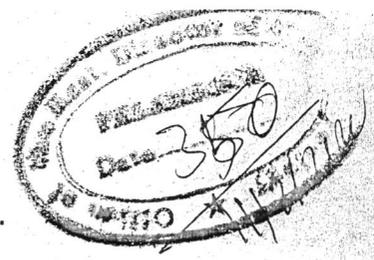
APTC FORM-10

GOVERNMENT OF ANDHRA PRADESH

Challan No:	71326499662023	Challan Creation Date & Time:	11/10/2023 1:05:49 PM
Treasury/PAO Code:	8506	STO:	STO-Palamaner
CFMS Transaction ID:			70153913402023
Service:			4008-Minor Minerals - Seigniorage Fee/Dead Rent
Major Head:	0853		Non-Ferrous Mining and Metallurgical Industries
Sub-Major Head:	00		Not Applicable
Minor Head:	102		Mineral Concession Fees, Rents and royalties
Group Sub-Head:	00		Not Applicable
Sub-Head:	02		Royalty on Minor Minerals
Detailed Head:	000		Not Applicable
Sub-Detailed Head:	000		Not Applicable
Charged/Voted:	V		
Non-Contingency/Contingency:	N		
Amount Rs:	731880.00		
Amount In words Rs:			Seven lakh thirty one thousand eight hundred eighty only
Purpose:			The Divisional Mines and geology, Palamaner, vide Notice No.3800/ TQL/2014 Dt.18-08-2023, Govt Memo No.955/ M.I/1/2022, Dt.28-03-2023, Sy no,89/1,95/1p,2p&3p, of Kotamakanapalli village, Gudupalli Mandal, Chittoor Dt. M S J R GRANITES PRIVATE LIMITED
Remitter's Name & Address:			Kotamakanapalli village, Gudupalli mandal, Chittoor Dt
Remitter's Mobile Number	9025468745		
DDO Code:	85061307001		DVNL MINES & GEOLOGY OFFICE PALAMANERU
Status:			Payment Transaction Successful
Bank Reference Number:	CKY2814459		
Payment Date:	11/10/2023		
Received Rs:	731880.00		

MR. NO. 121

Note: This Challan does not need enforcement of the treasury



GOVERNMENT OF ANDHRA PRADESH  
DEPARTMENT OF MINES & GEOLOGY :: IBRAHIMPATNAM.

Demand Notice No.1656/D13-2/2021

Dated.08-02-2022.

Sub: Mines & Quarries - Quarry Lease for Black Granite over an extent of 0.850 Hectares in Sy.No.99/4 & 7 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District - Lease held by M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy - Certain breaches noticed - Show Cause Notice issued - Reply submitted - **Demand Notice** - Issued - Regarding.

- Ref:
1. ADM&G, Palamaneru Letter No.2114/Q1/2012, dt.05.02.2021.
  2. This Office Show Cause Notice No.1656/D13-2/2021, dt.19.02.2021.
  3. Reply dt.15.03.2021 of M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy.
  4. ADM&G, Palamaneru remarks statement dt.08.02.2022.

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Through the reference 1<sup>st</sup> cited, the ADM&G, Palamaneru has informed that a Quarry Lease for Black Granite over an extent of 0.850 Hectares in Sy.No.99/4 & 7 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District held by M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy was inspected on 26.11.2020. The ADM&G, Palamaneru has reported certain violations committed by the lease holder.

Through the reference 2<sup>nd</sup> cited, this office has issued show cause notice to the lease holder. Out of some violations committed by the lease holder, one violation pertains to evasion of seigniorage fee. The details of revenue evasion are;

5UPdt  
AUG  
17/3/2022

1. The lessee has transported 2593.098 Cbm of Black Granite excess to the permitted quantity which is breach under Rule 12(5)(h)(iii) of APMMC Rules, 1966.

Through the reference 3<sup>rd</sup> cited, M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy has submitted reply to this office show cause notice. In reply to the mineral revenue evasion matter, they informed that there is no evasion of any seigniorage fee charges as all the material transported was duly paying advance seigniorage fee and other incidental charges. Through the reference 4<sup>th</sup> cited, the ADM&G, Palamaneru furnished further report and requested to issue demand notice.

In this connection, the reply submitted by the lease holder is examined and it is not convincing and not tenable and the lease holder not produced any viable evidence to defend his stand. Hence, it is construed that the lease holder has violated Rule 12(5)(h)(iii) and Rule 26(1) of APMMC Rules 1966 and they are liable for taking penal action under the said rules.

Sl. No.	Rule	Violations	Penalty		Total (in Rs.)
			Normal (in Rs.)	Penalty (in Rs.)	
1	12(5)(h)(iii) of APMMC Rules, 1966.	The lease holder dispatched 2593.098 Cbm of Black Granite without paying advance seigniorage fee and without dispatch permit. Out of 2593.098 Cbm, 1086.508 Cbm is Super Gang Saw(SG), 323.359 Cbm is mini gang saw(MG) and 1183.231 Cbm is cutter size (CS). (Within the leased area).	78,72,833/- @Rs.2700 per SG, @Rs.2470 per MG and @Rs.2300 per CS.	3,93,64,167/-	4,72,37,001/-

= 2 =

Therefore, the lease holder i.e. M/s J.R. Granites Private Limited, Mg.Director: Sri M.Ramamurthy is hereby requested to pay an amount of Rs.4,72,37,001/- (Rupees Four Crores Seventy Two Lakhs Thirty Seven Thousand and One only) which includes Rs.78,72,833/- (Rupees Seventy Eight Lakhs Seventy Two Thousand Eight Hundred and Thirty Three only) towards Normal seigniorage fee and Rs.3,93,64,167/-(Rupees Three Crores Ninety Three Lakhs Sixty Four Thousand One Hundred and Sixty Seven only) towards 5 times penalty through challans under the following Head of Account and sent the original challan to ADM&G, Palamaneru within 15 days from the date of receipt of this notice failing which action will be initiated as per the rules in force.

<u>Head of Account for Normal Seigniorage fee</u>	<u>Head of Account for Penalty &amp; Market value.</u>
0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 02 - Royalty on Minor Minerals.	0853 - N.F.M & M Industries 102 - M.C. Fee, Rents & Royalties 81 - Other receipts.

Sd/- V.G.VENKATA REDDY  
DIRECTOR OF MINES AND GEOLOGY

To  
M/s J.R. Granites Private Limited,  
Mg.Director: Sri M.Ramamurthy,  
J.R. Plaza, 4<sup>th</sup> Floor,  
Tank Street, Krishnagiri District, Tamilnadu State ----- [BY RPAD].

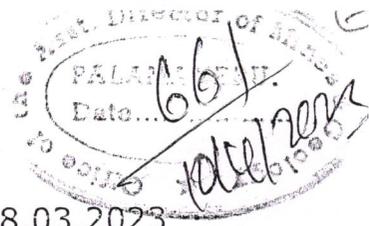
Copy to the Asst. Director of Mines and Geology, Palamaneru.  
Copy to the Deputy Director of Mines and Geology, Chittoor.

// ATTESTED //

  
for DIRECTOR OF MINES & GEOLOGY

- 105 -

GOVERNMENT OF ANDHRA PRADESH  
INDUSTRIES & COMMERCE (MINES.I) DEPARTMENT



Memo.No.954/M.I(1)/2022

Dated:28.03.2023

Sub:- Revisions - Revision Application filed by M/s. J.R. Granites Private Limited in Sy . No. 99/4 & 7 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District, against the Demand Notice No.1656/D13-2/2021, Dt.08.02.2022 of the DM&G, Ibrhimpatnam - Hearing held on 16.11.2022 - Revision Disposed off - Orders - Issued.

Ref:- 1. From M/s. J.R. Granites Private Limited, Chittoor District, Revision Application dt: .02.2022, received on:08.03.2022.  
2. Govt.Memo.No.954/M.I(1)/2022, Dated:21.03.2022  
3. From the ADM&G, Palamaneru, Letter No. 2114/Q2/2012, Dt.15.11.2022.

>><<

The Director of Mines & Geology, Ibrahimpatnam has issued Demand Notice No.1656/DI3-2/2021, Dated:08.02.2022 to the revision applicant M/s.J.R.Granites Pvt Ltd., MDrSri. M.Ramamurthy directing to pay an amount of Rs.4,72,37,001/-.

2. Aggrieved by the above said demand notice, M/s. J.R. Granites Private Limited, Chittoor District in the reference 1<sup>st</sup> cited has filed revision application under Rule 35-A of APMCM Rules-1966, before the Government, with a request to set aside the Demand Notice issued by the DM&G, Ibrahimpatnam on the grounds mention therein.

3. In the reference 2<sup>nd</sup> cited, the remarks of the DM&G has been called for on the grounds of revision and the ADM&G, Palamaneru submitted remarks vide reference 3<sup>rd</sup> cited to the Director of Mines and Geology.

4. In order to dispose off the Revision Application duly giving reasonable opportunity to the Revision Petitioner, a personal hearing was conducted on 16.11.2022. The Revision Applicant and the officials of the Mines and Geology Department were present.

5. In the grounds of revision, the Revision Applicant has mainly contesting in their grounds that they have not transported any mineral without any transit forms and not evaded seig.fee to the Government the quantity noticed excess to the permitted quantity approved in AMP have been extracted upon value of pit taken by the Technical staff. Their quarry lease area is falling on hillock over a height of about 15 to 20 Mts from ground level consisting of Dolerite dyke trending in E-W direction. After removal out crops on the surface of the leased area, the mineral formation is identified as big sized boulders followed sheet rocks. Applying average recovery factor for the entire pit developed by them since inception of the quarry lease doesn't make any scientific conclusion. As the recovery of Granite blocks vary from layer to layer, had the same been considered there will not be any variation in the actual yielded quantity as compared to quantity derived by the team of officials of the department. To add value addition they have marketed some of the black granite blocks having defects yielded from the quarry leased area which were also covered by sieg.charges while transportation of mineral. They have taken the dispatch permits for the entire transported granite blocks included defect granite blocks.

(P.T.O.)

-2-

6. Finally they requested the Revisional Authority to consider their case sympathetically and set-a-side the Demand notice issued by Director of Mines & Geology, Ibrahimpatnam.

7. During the hearing, the Revisional Authority has observed that there is variation for a quantity of 2593.098 Cbm between yielded quantity and permitted quantity i.e., excess to the limit approved in mining plan without obtaining approved modified Mining Plan. Further, the demand raising authority has raised the demand on presumed recovery percentage to arrive at the recovered blocks.

8. After taking into consideration of the material available on record, the grounds of the revision petitioner, the arguments put forth by the petitioner and Department officials, the Revisional Authority has decided to reduce the penalty amount considering their financial positions on sympathetic grounds and also to save the industry as this is the first mistake of the petitioner and difficult to estimate the actual recovery percentage.

9. After hearing the arguments on both sides, the revisional authority has decided to allowed the revision application of M/s.J.R.Granites Pvt Ltd., MD:Sri. M.Ramamurthy subject to payment of Rs.78,72,833/- towards Normal Seig.fee in six (6) monthly equal instalments. The remaining demanded amount of Rs.3,93,64,167/- towards Penalty is waived off.

10. Accordingly, the Revision Application is disposed off under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Director of Mines & Geology, Government of Andhra Pradesh, Ibrahimpatnam shall take further necessary action in the matter.

D. RAMADEVI  
JOINT SECRETARY TO GOVERNMENT

To  
M/s. J.R. Granites Private Limited,  
Mg. Director Sri M. Ramamurthy, J.R. Plaza,  
4<sup>th</sup> Floor, Tank Street, Krishnagiri District,  
Tamilnadu State - (RPAD)  
The Director of Mines & Geology, Ibranhimpatnam.

Copy to:

The Assistant Director of Mines & Geology, Palamaner, Chittoor District.  
The PS to Hon'ble Minister (M&G), 3<sup>rd</sup> Block, AP Secretariat.  
SF/SC

//FORWARDED :: BY ORDER//

P. Anshu  
SECTION OFFICER  
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HIGH COURT OF ANDHRA PRADESH, AMARAVATI

W.P.No. of 2023

RUNNING INDEX

Sl. No.	Exhibit	Description of Document	Date of Document	Date of filing of Document	Page No.
1.		Service Certificate	08-05-2023	08-05-2023	1
2.		Court fee	-do-	-do-	2
3.		Writ Petition	-do-	-do-	3-4
4.		Annexure	-do-	-do-	5-9
5.		Affidavit	-do-	-do-	10-16
6.		Verification	-do-	-do-	16
		<b><u>Material Papers</u></b>			
7.		Show Cause Notice No.1656/D13-2/2021	19.02.2021		17-18
8		Reply of Show Cause notice	15.03.2021		19-23
9		Demand Notice No.1656/D13-2/2021	08.02.2022		24-25
10		Memo.No.954/M.I(1)/2022	28.03.2023		26-27
11		Revision application	08.03.2022		28-34
12		Modified Minig Plan	18.06.2016		35-57
13		Order passed in WP No.1321of 2023	24.08.2023		58-65
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14		Respondent Sheet			67

PLACE: AMARAVATI

Date: 20/09/2023

V.S.P. Reddy  
Counsel for Petitioner

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MEMORANDUM OF WRIT PETITION  
(Under Article 226 of the Constitution of India)  
(ORIGINAL JURISDICTION)

HIGH COURT OF ANDHRA PRADESH, AMARAVATI

W.P.No. of 2023

Between:

M/s J.R. Granites Private Limited,  
Rep by its Managing Director,  
M.Ramamurthy, S/o Munusamy,  
Aged about 68 years, Occ: Business,  
R/o D.No.106 J.R. Plaza, 4<sup>th</sup> Floor, Tank Street,  
Krishnagiri District,  
Tamilnadu -635109

... Petitioner

AND

1. State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Industries and Commerce (Mines)  
Department, Secretariat, Velagapudi,  
Amaravti, Guntur District.
2. The Director of Mines and Geology,  
Andhra Pradesh, Ibrahimpatnam, Vijayawada.
3. The District Mines and Geology Officer,  
Chittoor.
4. The Divisional Mines and Geology Officer,  
Palamaneru.

... Respondents

The address for the service of all notices, processes etc., on the above named Appellant is that of his Counsel V. SIVA PRASAD REDDY (12407), Advocate, Flat No.205, 3<sup>rd</sup> Floor, Highway Towers Apartment, Tadepalli, Guntur District.

For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble court may be pleased to issue a writ or writs or order or orders one more particularly in the nature of Writ of Mandamus to declare the Memo.

④

No.954/M.I(1)/2022 dated 28/03/2023 issued by the 1<sup>st</sup> Respondent as illegal arbitrary, in violation of principles of natural justice and unconstitutional and consequently set-aside the Memo. No.954/M.I(1)/2022 dated 28/03/2023 issued by the 1<sup>st</sup> Respondent and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.

AMARAVATI

Date: 20/09/2023

Counsel for Petitioner

CHITTOOR :: DISTRICT

HIGH COURT: AMARAVATI

WP.NO. OF 2023

**WRIT PETITION**

FILED BY

V. SIVA PRASAD REDDY (12407)

COUNSEL FOR PETITIONER

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HIGH COURT OF ANDHRA PRADESH, AMARAVATI

W.P.No. OF 2023

Between:

M/s J.R. Granites Private Limited,  
Rep by its Managing Director,  
M.Ramamurthy, S/o Munusamy,  
Aged about 68 years, Occ: Business,  
R/o D.No.106 J.R. Plaza, 4<sup>th</sup> Floor, Tank Street,  
Krishnagiri District,  
Tamilnadu -635109

... Petitioner

AND

1. State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Industries and Commerce (Mines)  
Department, Secretariat, Velagapudi,  
Amaravti, Guntur District.
2. The Director of Mines and Geology,  
Andhra Pradesh, Ibrahimpatnam, Vijayawada.
3. The District Mines and Geology Officer,  
Chittoor.
4. The Divisional Mines and Geology Officer,  
Palamaneru.

... Respondents

**AFFIDAVIT**

I, M.Ramamurthy, S/o Munusamy, Aged about 68 years, Occ: Business, R/o D.No.106 J.R. Plaza, 4<sup>th</sup> Floor, Tank Street, Krishnagiri District, Tamilnadu State, the Managing Director of the Petitioner do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the deponent of the Petitioner herein as such I am well acquainted with the facts, circumstances of the case and able to depose this affidavit as under:

(V)

2. I respectfully state that the present Writ petition is filed "aggrieved by the Memo. No.954/M.I(1)/2022 dated 28/03/2023 issued by the 1<sup>st</sup> Respondent as illegal arbitrary and unconstitutional.

3. I respectfully state that initially quarry lease was granted in favor of Pooja granites in the year 2007 for quarrying minor mineral Black granite in an extent of 0.850 Hecters in Sy. No.99/4 and 7 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor district. And it was transferred in favor of petitioner vide Proceeding No.33046/R5-1/2012 by the 2<sup>nd</sup> Respondent. The lease in force upto 2027. After submission of approved mining scheme for the period 2019-20 to 2021-2022 show recovery of 10%.

4. I respectfully state that the 2<sup>nd</sup> Respondent issued show cause notice dated 19/02/2021 under Rule 12 (5)(h)(xii) of Andhra Pradesh Minor Mineral Concession Rule, 1966 to show-cause why action should not be taken against the Petitioner on the strength of Maha check conducted on 25/12/2017 conducted by the technical team. In the show cause notice at paragraph no.1 it stated that there is variation of 2593.08 Cubic meters between yielded quantity and permitted quantity as per records of the Assistant Director of Mines and Geology, Palmaneru. But at paragraph no.9 of the show cause notice it is stated that a quantity of 10037.877 Cubic Meters of Black Granite has been excavated and transported from the lease area in excess of the permitted quantity and quantity of 2806.912 Cubic Meters of Black Granite is excavated and transported outside lease area. Further it is stated in the show cause notice that a show cause notice dated 30/07/2018 is issued for excavation outside lease area and the Petitioner has submitted reply and the Assistant Director Mines and Geology, Palmaneru has submitted detailed remarks to the 2<sup>nd</sup> Respondents and the order are awaited.

5. I respectfully state that the present show cause notice dated 19/2/2021 against which demand is issued by the 2<sup>nd</sup> Respondent, paragraph no.1 is silent

(12)

whether the variation quantity is within lease area or outside lease area and apart from that the quantity mentioned in paragraph no.1 and 9 are not tallying, therefore there is total non- application of mind. After receipt of the notice the Petitioner submitted reply dated 15/03/2021 submitted on 17/03/2021, thereafter the 2<sup>nd</sup> Respondent issued the demand notice No.1656/D13-2/2021 dated 08/02/2022 imposing a penalty of 5 times of the senior age. Aggrieved by the demand dated 08/02/2022 issued by the 2<sup>nd</sup> Respondent the Petitioner filed Revision before the 1<sup>st</sup> Respondent and the 1<sup>st</sup> Respondent passed the impugned memo imposing a penalty of normal seneiorage fees and the remaining demanded amount towards penalty is waived off.

6. I respectfully state that the show cause notice dated 19/2/2021 was issued on the alleged ground that a quantity of 2593.098 cubic meters of black granite is transported more than the approved mining plan and demand notice dated 8/2/2022 was issued alleging Petitioner transported 2593.098 Cubic Meters of Black Granite is transported without paying advance seigniorage fee. Therefore the show cause notice was issued on one ground but demand notice was issued on another ground, the same was orally argued before the revisional authority, but it was not considered nor recorded. It is further stated that under similar circumstances this Hon'ble Court in W.P No.1321 of 2023 was pleased to allow the Writ Petition and paragraph 10 and 11 of the judgement reads as follow:

" 10. In UMC Technologies Private Limited vs. Food Corporation of India and Ors.', the Hon'ble Apex Court held thus: "At the outset, it must be noted that it is the first principle of civilised jurisprudence that a person against whom any action is sought to be taken or whose right or interests are being affected should be given a reasonable opportunity to defend himself. The basic principle of natural justice is that before adjudication starts, the authority concerned should give to the affected party a notice of the case against him so that he can defend himself. Such notice should be adequate and the grounds necessitating action and the penalty/action proposed should be mentioned specifically and unambiguously.

An order travelling beyond the bounds of notice is impermissible and without jurisdiction to that extent."

11. In *Nasir Ahmad vs. Assistant Custodian General, Evacuee Property, Uttar Pradesh, Lucknow and Ors.*<sup>2</sup>, the Hon'ble Apex Court held thus:

"It is essential for the notice to specify the particular grounds on the basis of which an action is proposed to be taken so as to enable the noticee to answer the case against him. If these conditions are not satisfied, the person cannot be said to have been granted any reasonable opportunity of being heard."

7. I respectfully state that the show cause notice, demand notice and revision order in the present case and that W.P no.1321 of 2023 arose out same Maha Check conducted on 25/12/2017. Therefore the present case is squarely covered by the order dated 24/08/2023 passed in W.P no.1321 of 2023, as in the present case also show cause notice was issued on one ground and the demand notice was issued on another ground. The allegations of illegal mining and transporting of the minor mineral Black Granite without permits within lease area is false and untrue and similarly the allegation of illegal mining outside lease area is equally false and untrue.

8. I respectfully state that the demand notice dated 8/2/2022 issued by the 2<sup>nd</sup> Respondent has not taken into consideration the reply submitted by the Petitioner therefore the said demand is vitiated for violation of principles of natural justice and in the same fashion the Revisional authority has passed the memo without considering the reply submitted by the petitioner and grounds of Revision. It is further stated that show cause notice was issued under Rule 12(5)(h)(xii) but demand notice dated 8/2/2022 was issued by the 2<sup>nd</sup> Respondent under Rule 12(5)(h)(iii) and Rule 26(1) of Andhra Pradesh Minor Mineral Concession Rules 1966.

9. I respectfully state that in the Revision Petition at page no.2 it is pleaded as follows:

“it is a universal fact that Granite being an aesthetic material with its uncertainties’ of yield and inherent defects, the recovery ratios cannot be predicted with certainty. It is observed that the officials have calculated the yield basing on the recovery factor (average), in the approved mining plan/approved mining scheme upon the volume of the pit taken by the technical staff and surveyor. But not assessed the waste generated from the quarry lease area. Had they assessed the while preparation of modified mining plan at the 5(a) the estimation and calculation of the Geological reserves, it was reported that “the present exposures of the boulders and sheet rocks and the observations made in the existing quarry. “the reserves of the area have been estimated duly anticipating the recovery factor as -30% (which may vary from place to place and depth)”. The same has been approved by the then Deputy Director of Mines and Geology, Kadapa through Lr.no. 546/MP/PLMR/2014, Dt.15.07.2016. basing on which only we have expanded the quarrying operations and obtained environmental clearance for the quantity from 1200 to 6471 M<sup>3</sup>/ annum in the quarry leased area through Lr.No.DEIAAA/AP/CTR-43/2017-43, Dt.08-02-2017. The quarrying operations were carried until the stoppage there after and produced Granite blocks from the pit.” It is further stated that the Revision authority neither consider the reply of the Petitioner nor grounds of the Revision, more especially the above quoted ground of Revision.

10. I respectfully state that the 2<sup>nd</sup> Respondent has no jurisdiction to issue demand notice under Rule 26 of Andhra Pradesh Minor Mineral Concession Rules, 1966 as it is in conflict with section 21 of Mins and Minerals Development Regulation Act, 1957.

11 . Under the circumstances stated above the petitioner has no other alternative efficacious remedy, except to approach this Hon’ble court under Article 226 of the constitution of India.

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12. The Petitioner had not filed any writ or suit initiated any other proceedings seeking the same relief.

Main Prayer:

It is therefore prayed that this Hon'ble court may be pleased to issue a writ or writs or order or orders one more particularly in the nature of Writ of Mandamus to declare the Memo. No.954/M.I(1)/2022 dated 28/03/2023 issued by the 1<sup>st</sup> Respondent as illegal arbitrary, in violation of principles of natural justice and unconstitutional and consequently set-aside the Memo. No.954/M.I(1)/2022 dated 28/03/2023 issued by the 1<sup>st</sup> Respondent and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.

Interim Prayer:-

It is therefore prayed that this Hon'ble court may be pleased to stay all further proceedings in Memo. No.954/M.I(1)/2022 dated 28/03/2023 issued by the 1<sup>st</sup> Respondent and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.

Solemnly and sincerely affirm this  
the 15<sup>th</sup> September, 2023  
and signed in my presence

Deponent

BEFORE ME

ADVOCATE :: AMARAVATHI

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VERIFICATION

I, M.Ramamurthy, S/o Munusamy, Aged about 68 years, Occ: Business, R/o D.No.106 J.R. Plaza, 4<sup>th</sup> Floor, Tank Street, Krishnagiri District, Tamilnadu State, the Managing Director of the Petitioner, do hereby verify that the contents of the above paras are true to best of my knowledge, information and belief. Hence verified, on this 20<sup>th</sup> September, 2023 at Amaravati

COUNSEL FOR PETITIONER

DEPONENT