

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

APPEAL NO.17 OF 2017(SZ)

M/s. V.V.Mineral
Tisaiyanvilai,
Tirunelveli District.

Appellant

-Vs-

The Member Secretary,
Tamil Nadu Coastal Zone
Management Authority,
Guindy, Chennai - 600 015.

Respondent

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This is to certify that the above documents are true copies of the original.

Date: 12.12.2020
Chennai


Standing Counsel,
National Green Tribunal
(Southern Zone)



ABSTRACT

Mines and Minerals - Mining Lease - Garnet, Ilmenite and Rutile - Thoothukudi District - Formation of Special Team to inspect all the six lease areas of major minerals in Thoothukudi District - Orders - Issued.

Industries (MMD.1) Department

G.O. (Ms).No.156

Dated: 8.8.2013

Read:

விஜய ஆண்டு, அடி 23

திருவள்ளூர் ஆண்டு 2044

1. From the Commissioner of Geology & Mining letter dated 8.8.2013 addressed to the Principal Secretary, Industries Department.

ORDER:

The Commissioner of Geology & Mining in his letter first read above has informed that a report dated 6.8.2013 was received from the District Collector, Thoothukudi district informing that inspections of some of the leased areas for mining and minerals - Garnet, Ilmenite and Rutile in the district were undertaken and that instances of large scale illicit beach sand mining has been detected in respect of some of the mining leases granted in Thoothukudi district. The District Collector has also reported that detailed field inspections may be undertaken by Special Team consisting of the departments of Revenue, Police, Environment and Forests, Geology & Mining in connection with the illicit mining of beach minerals by various lessees.

The Commissioner, Geology & Mining has recommended that in view of the report of the District Collector, a Special Team may be formed by the Government consisting of officers from the departments of Revenue, Environment and Forests and Geology & Mining to inspect the mining in all the leased areas of Garnet, Ilmenite and Rutile in Thoothukudi District as per section 24 of the Mines and Minerals (Development and Regulation) Act, 1957. The Commissioner of Geology & Mining has recommended that till the completion of the inspection by the Special Team, mining operations in respect of these leases may be directed to be stopped to facilitate inspections. The Commissioner of Geology & Mining has also recommended that the Assistant Director (Mines), Thoothukudi may be directed to stop forthwith the issuance of permits to transport the minerals.

The Government after careful examination of the report and recommendation of the Commissioner of Geology & Mining directs as follows:

- A Special Team will be formed, headed by Thiru. Gagandeep Singh Bedi, IAS, Secretary, Revenue Department to inspect and verify in terms of Section 24 of Mines and Minerals (Development and Regulation) Act, 1957, whether there is illicit mining by the 6 lessees of minerals - Garnet, Ilmenite and Rutile in Thoothukudi district. This team will also consist of officers from the departments of Revenue, Environment and Forests and Geology & Mining. The Team members will be nominated by the respective Secretaries to Government.
- This Special Team shall exercise all the powers enumerated in section 24 of Mines and Minerals (Development and Regulation) Act, 1957.
- The District Collector, Thoothukudi will issue proceedings directing all lessees of minerals - Garnet, Ilmenite and Rutile in Thoothukudi district to stop the mining operations pending completion of the inspections by the Special Team.
- The Assistant Director, (Mines) Thoothukudi is directed to stop issuance of transport permits to the six lessees till the inspections are completed.

The Special Team is directed to complete the inspections expeditiously and submit its report to the Government within a month.

(BY ORDER OF THE GOVERNOR)

**SHEELA BALAKRISHNAN
CHIEF SECRETARY TO GOVERNMENT**

To

- The Additional Chief Secretary to Government, Environment and Forests Department, Chennai-9.
- The Principal Secretary to Government, Home Department, Chennai-9.
- The Secretary to Government, Revenue Department, Chennai-9.
- The Chairman, Tamil Nadu Pollution Control Board, Chennai-15.
- The Director General of Police, Chennai-4.
- The Commissioner, Geology & Mining, Chennai-32.

The District Collector, Thoothukudi.

Copy to:

The Additional Chief Secretary to Government /
Commissioner of Revenue Administration, Chennai-5
The Additional Chief Secretary/ Secretary - I to Hon'ble
Chief Minister, Chennai-9.
The Principal Secretary/Secretary -II to Hon'ble Chief Minister, Chennai-9.
The Principal Secretary/ Secretary -III to Hon'ble Chief Minister, Chennai-9.
Special Personal Assistant to Minister (Industries), Chennai-9.
Special Personal Assistant to Minister (Revenue), Chennai-9.

SF/SC

//Forwarded by Order//

SWH
8.8.2013
SECTION OFFICER



ABSTRACT

Mines and Minerals - Mining Lease - Special Team to inspect the lease areas of major minerals like Garnet, Ilmenite and Rutile, etc. in Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai Districts - Orders - Issued.

Industries (MMD.1) Department

G.O.(Ms).No.173

Dated: 17.9.2013

Read :

1. From the Commissioner of Geology and Mining letter dated 8.8.2013 addressed to the Principal Secretary, Industries Department.
2. G.O.Ms.No.156, Industries (MMD.1)Department, dated 8.8.2013
3. From the Commissioner of Geology and Mining letter dated 17.9.2013 addressed to the Principal Secretary, Industries Department.

ORDER:

In the G.O. second read above a Special Team headed by Thiru Gagandeep Singh Bedi, IAS, Secretary, Revenue Department was constituted to inspect and verify in terms of Section 24 of Mines and Minerals (Development and Regulation) Act, 1957, whether there is illicit mining by the 6 lessees of minerals - Garnet, Ilmenite and Rutile in Thoothukudi District.

2. Now, the Commissioner of Geology & Mining in the reference third read above has informed that at present 52 leases in Tirunelveli District, 11 leases in Tiruchirappalli District, 6 leases in Kanniyakumari District and 2 leases in Madurai district totally 71 leases have been granted to private parties to mine major minerals like Garnet, Ilmenite, and Rutile, etc in Tamil Nadu. The Commissioner, Geology & Mining has requested that in order to have a comprehensive assessment of the mining of major minerals like Garnet, Ilmenite and Rutile, etc in Tamil Nadu, the Special Team headed by Thiru Gagandeep Singh Bedi, IAS, Secretary, Revenue Department constituted under G.O.Ms.No.156, Industries Department, dated 8.8.2013 may be directed to inspect leases granted to private parties in Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai Districts also where the mining operations of major minerals like Garnet, Ilmenite and Rutile, etc are undertaken.

3. After careful examination of the recommendation of the Commissioner of Geology and Mining, in order to have a comprehensive assessment of the mining of major minerals like Garnet, Ilmenite and Rutile, etc in districts other than Thoothukudi the Government have decided as follows:

- The Special Team headed by Thiru Gagandeep Singh Bedi, IAS, Secretary, Revenue Department constituted in G.O.Ms.No.156, Industries Department, dated 8.8.2013 is directed to inspect and verify in terms of Section 24 of Mines and Minerals (Development and Regulation) Act, 1957, whether there is illicit mining of major minerals like Garnet, Ilmenite and

Rutile, etc. in leases granted to private parties in Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai Districts. The Special Team will also consist of officers from the departments of Revenue, Environment & Forests and Geology & Mining. The Team members will be nominated by the respective Secretaries to Government.

- This Special Team shall exercise all the powers enumerated in section 24 of Mines and Minerals (Development and Regulation) Act, 1957.
- The District Collectors of Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai will issue proceedings directing all private lessees of major minerals like Garnet, Ilmenite and Rutile, etc. in Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai Districts to immediately stop the mining operations pending completion of the inspections by the Special Team.
- The Assistant Directors, (Mines) Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai Districts are directed to stop immediately the issuance of transport permits of major minerals like Garnet, Ilmenite and Rutile, etc. with respect to the leases granted to private parties in the respective districts till the inspections are completed.

4. The Special Team is directed to complete the inspections and submit its report to the Government expeditiously.

(BY ORDER OF THE GOVERNOR)

SHEELA BALAKRISHNAN
CHIEF SECRETARY TO GOVERNMENT

To

The Additional Chief Secretary to Government, Environment and Forests Department, Chennai-9.

The Principal Secretary to Government, Home Department, Chennai-9.

The Secretary to Government, Revenue, Chennai-9.

The Chairman, TNPCB, Chennai-15.

The Director General of Police, Chennai-4.

The Commissioner, Geology and Mining, Chennai-32.

The District Collectors, Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai.

The Assistant Directors, (Mines) Tirunelveli, Tiruchirappalli, Kanniyakumari and Madurai Districts.

Copy to:

The Additional Chief Secretary to Government / Commissioner of Revenue Administration, Chennai-5

The Additional Chief Secretary/ Secretary - I to Hon'ble Chief Minister, Chennai-9.

The Principal Secretary/Secretary -II to Hon'ble Chief Minister, Chennai-9.

The Principal Secretary/Secretary -III to Hon'ble Chief Minister, Chennai-9.

Spl. PA to Minister (Industries), Chennai-9.

SF/SC

//FORWARDED BY ORDER//

[Signature]
17.9.2013
SECTION OFFICER

mon

25.8.2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twelfth day of August Two Thousand Fifteen

PRESENT

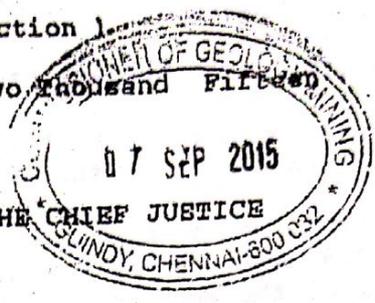
THE HON'BLE MR. SANJAY KISHAN KAUL THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE T. B. SIVAGNAMAM

MP Nos.1 & 2 of 2015

IN WA.Nos.1168 & 1169/2015



1 THE STATE OF TAMILNADU [1-3 PETITIONERS IN ALL THE PETITIONS]
REP BY THE SECRETARY TO GOVERNMENT,
INDUSRIES DEPARTMENT, FORT ST. GEORGE, CHENNAI

2 THE SPECIAL COMMITTEE APPOINTED
UNDER G.O.MS.NO.158, REP BY ITS CHAIRPERSON,
MR.GAGADEEP SINGH BEDI, IAD, FORT ST.GEORGE,
CHENNAI

3 MR.GAGANDEEP SINGH BEDI, IAS
REVENUE SECRETARY TO GOVERNMENT, FORT ST.
GEORGE, CHENNAI

4 THE DISTRICT COLLECTOR [4-5 PETITIONERS IN MP.NO.1/2015
TIRUNELVELI DISTRICT IN WA.NO.1168/2015]

5 THE DISTRICT COLLECTOR
TUTICORIN DISTRICT

THE STATE OF TAMIL NADU, [PETITIONER IN MP.NO.2/2015
REP.BY SECRETARY TO GOVERNMENT, IN WA.NO.1169/2015]
FORT ST. GEORGE, CHENNAI

THE COMMISSIONER OF GEOLOGY AND MINING, [PETITIONER IN MP.NO.2/2015
CHEPAUK, CHENNAI IN WA.NO.1169/2015]

Ve

1 TRANSWORD GARNET INDIA PVT.LTD [RESPONDENT IN MP.1/2015]
REP BY ITS GENERAL MANAGER, STEPHEN DAVI, IN WA.NO.1168/2015]
NO.34/46, MGR ROAD, KALAKSHETRA COLONY,
BESANT NAGAR, CHENNAI 90

2 D.DHAYA DEVADAS [2nd RESPONDENT IN ALL THE PETITIONS]

V.V.MINERALS, A FIRM,
REP. BY MANAGING PARTNER,
MR. S. VAIKUNDA RAJAN,
KEERAIKARANSTHATTU,
TISAIYANVILAI, TIRUNELVELI DISTRICT.

[RESPONDENT IN MP.2/2015
WA.NO.1169/2015]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased

(i) To grant stay the operation of the common order dated 29/07/2015 made in WP NO.16716 of 2014 (in MP.No.1/2015) pending disposal of the above writ appeal (in WA.1168/2015) and

(ii) To grant stay the operation of the common order dated 29/07/2015 made in WP NO.19641 of 2014 (in MP.No.2/2015) pending disposal of the above writ appeal (in WA.1169/2015) respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.L.SOMAYAZEE, AG assisted by M/S.I.N.RAJAGOPALAN, SPL GOVT PLEADER on behalf of the petitioners in each the petitions and of M/S.SRINATH SRIDEVAN, Advocate for 1st Respondent and M/S.V.SELVARAJ, Advocate for 2nd Respondent in all the petitions the court made the following order:-

Notice which is accepted by Mr.Srinath Sridevan, learned counsel for respondent No.1 and Mr.V.Selvaraj, learned counsel for respondent No.2.

Reply, if any, be filed within three weeks.

Rejoinder, if any, be filed within two weeks thereafter.

Till the next date, the operation of the impugned order is stayed.

-sd/-

12/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO
1 THE SECRETARY TO GOVERNMENT
THE STATE OF TAMILNADU INDUSTRIES DEPARTMENT,
FORT ST.GEORGE, CHENNAI

2 THE CHAIRPERSON,
THE SPECIAL COMMITTEE APPOINTED
UNDER G.O.MS.NO.158, FORT ST.GEORGE,
CHENNAI

3 THE DISTRICT COLLECTOR
TIRUNELVELI DISTRICT

4 THE DISTRICT COLLECTOR
TUTICORIN DISTRICT

5 THE COMMISSIONER OF GEOLOGY AND MINING,
CHEPAUK, CHENNAI

+2C.C. to SPL GOVT PLEADER, Sr.Nos.12058 & 12059

Order

in

MP Nos.1 & 2 of 2015

IN WA.Nos.1168 & 1169/2015

Date :12/08/2015

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RA 17/08/2015

WP No.1592 of 2015

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mrs Justice PUSHPA SATHYANARAYANA

G.Victor Rajamanickam
21, Shanthi Nagar, Pillayarpatthi Post,
Thanjavur District.

Vs

Union of India,
Rep. by the Secreatry to Government,
Government of India, Ministry of Mines,
d Wing, 3rd Flr, Shastri Bhavan, New
Delhi-1. and 22 others.

The petitioner has affirmed an affidavit on 28.01.2016 tendering an unqualified apology for not disclosing the material facts which have been set out in the affidavit filed in support of the writ petition and seeks leave to withdraw from the proceedings.

- 2. We accept the unqualified apology, cautioning the petitioner to be careful in future and permit him to withdraw from the proceedings.
- 3. We would like to satisfy ourselves over the matter in issue and thus, direct the present writ petition to be converted into a suo-motu proceedings.
- 4. We would also like to implead the Companies viz., M/s.Southern Enterprises, M/s.Indian Garnet Sand Company Private Limited and M/s.Grace Minerals, represented by Mr.Dhaya Devadas, No.1/520, 7th street, Veerabadra Nagar, Mambakkam Main Road, Medavakkam, Chennai-600 100, which were being advised by the petitioner as respondent Nos.24 to 26.
- 5. Let notice issue to the newly impleaded respondent Nos.24 to 26, through Court process returnable on the next date with a direction that requisite counter-affidavits be filed within two weeks of service of the notice.
- 6. If any other respondent wants to file the counter-affidavits, let them file their counter-affidavits.

7. The learned Senior Counsel appearing for respondent Nos.8 and 22, on instruction states that there is no Monazite mining being carried on at all by the said respondents.

8. A three page note be kept ready for our assistance by the respondents.

9. Since the petitioner has now withdrawn from the proceedings, we appoint Dr.V.Suresh, Advocate (Cell No.9444231497 and Landline No.044-25352459) having office at Hussaina Manzil, 3rd Floor, New No.255, Old No.123, Angappa Naicken Street, Chennai-600100 as Amicus to assist us in this matter. A complete set of paper book be supplied to the learned Amicus by the Registry.

10. List on 15.03.2016.

[CJ] [P S N J]

28/01/2016

bbr

8	VIJAYAPATHI	3	All 3 belong to V.V. Minerals	1	0.05	1,000
9	THIRUVAMBALAPURAM	3	All 3 belong to V.V. Minerals	1	26.26	4,81,300
10	THIRUVAMBALAPURAM, VIJAYAPATHI & KOODANKULAM	1	V.V. Minerals	1	13.61	2,21,148
TOTAL		52	0	38	412.99	90,29,838

LESSEE-WISE DETAILS OF ILLICIT MINING IN TIRUNELVELI DISTRICT

NAME OF THE LESSEE	VILLAGES INVOLVED	NO. OF LEASES GIVEN	NO. OF LEASES WHERE ILLICIT MINING	EXTENT OF ILLICIT MINING (Acres)	QUANTITY OF ILLICIT MINING (MT)
BEACH SAND MINERALS COMPANY	KUTTAM	9	8	65.43	24,73,575
TRANS WORLD GARNET PVT. LTD.,	KARAI SUTHU UVARI	14	12	94.75	21,80,484
V.V. MINERALS	KARAI SUTHU UVARI, KARAI SUTHU PUDUR, LEVINJIPURAM, IRUKKANTHURAL, KOODANKULAM, CHETTikulAM, VIJAYAPATHI & THIRUVEMBALAPURAM	27	17	183.73	33,62,799
K. THANGARAJ	KARAI SUTHU PUDUR	1	1	4.74	76,800
M. RAMESH	KARAI SUTHU PUDUR	1	1	64.34	9,36,180
TOTAL		52	38	412.99	90,29,838

SUMMARY OF ILLICIT MINING IN KANNIYAKUMARI DISTRICT			
SL. NO.	NAME OF THE VILLAGE	EXTENT OF ILLICIT MINING (ACRES)	QUANTITY OF ILLICITLY MINED MINERAL (MT)
1	LEASE-1, AZHAGAPPAPURAM	0.75	8,110
2	LEASE-2, AZHAGAPPAPURAM	2.42	39,116
3	LEASE-3, KANNIYAKUMARI	0.88	7,190
TOTAL		4.05 ✓	54,446 ✓

3. FINDINGS OF THE TUTICORIN/THOOTHUKUDI REPORT

3.47 The Special Team concludes that the instances of illicit mining have been noticed in 3 out of the 6 leases. For the remaining 3 sites, there are instances of the lessees getting transport permits without doing mining of BSM so as to use these elsewhere and possibly in areas of illicit mining.

3.48 Transport Permits have been issued for a total of Rs 8,46,500 MT for the 6 lease sites in Thoothukudi. Illicit mining has been noticed over a total area of 66.18 Ha to an extent of 10,29,955 MT.

3.49 The mining lease in Vaippar I village has also been granted with license to mine and handle monazite mineral. However, the records for the monazite separated and stored is not available.

3.50 Lease holders have not fully reported turnover to the Commercial Department.

SUMMARY OF ILLICIT MINING IN THOOTHUKUDI DISTRICT			
S.NO.	NAME OF LESSEE/VILLAGE	AREA ILLICITLY MINED (HA)	QUANTITY (MT)
1.	VV MINERALS/VAIPPAR	32.47.5	5,58,450
2.	INDUSTRIES MINERALS (P) LTD/ VEMBAR/PERIYASAMPURAM	0.99	12,875
3.	INDIA GARNET SANDS CO. LTD/PADUGAPATTU	32.71.5	4,58,630
	TOTAL	66.18	10,29,955

XI. REPORT 10: JOINT INSPECTION REPORT OF MINING LEASEHOLD AREAS OF TIRUNELVELI, KANYAKUMARI AND THOOTHUKUDI FROM 24.04.2015 TO 27.04.2015 BY REGIONAL OFFICE OF MINISTRY OF ENVIRONMENT

3.51 This inspection was conducted pursuant to directions by the Director of Environment and Forest, Government of India, New Delhi. This report has recorded that V. V. Minerals has complied with all requirements of MMDR Act and Rules and indulged in no illegal mining and has also complied with Environmental Clearances.

3.52 It is pertinent to point out that the Principal Secretary to the Government of Tamil Nadu in his counter dated December 2016 has categorically stated that this report has not been authorised by the Government and hence it should not be taken on record.

3.53 The Government of Tamil Nadu has stated that it could not have been possible for the Joint Inspection team to have conducted a detailed study on illicit mining of Beach Sand Minerals in 4 days. It is stated that the government does not accept this report as they have already constituted a special team headed by Mr. Gagandeep Singh Bedi IAS and the report has also been submitted to the Court. The counter has also pointed out that the findings of the Joint Inspection team that the mining lessees have obtained licenses from AERB and mining has been carried out as per approved mining plans is not supported by any documents. The Report has stated that all royalty has been



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1716]

नई दिल्ली, सोमवार, जुलाई 11, 2016/आषाढ़ 20, 1938

No. 1716]

NEW DELHI, MONDAY, JULY 11, 2016/ASADHA 20, 1938

खान मंत्रालय

अधिसूचना

नई दिल्ली, 11 जुलाई, 2016

का.आ. 2356(अ).- केन्द्रीय सरकार, खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) की धारा 11ग द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :-

प्रथम अनुसूची के भाग ख में प्रविष्टि 11 के पश्चात्, निम्नलिखित प्रविष्टि अंतः स्थापित की जाएगी, अर्थात् :-

“12. तटीय बालू खनिज, अर्थात्, टेरी या तटीय बालू में पाए गए लाभदायक भारी खनिज, जिनके अंतर्गत इलामेनाइट, रूटाइल, लियोकोक्सीन, गार्नेट, मोनाजाइट, जिर्कोन और सिलीमेनाइट भी हैं।”

[फा. सं. 1/16/2015-एम. VI]

आर. श्रीधरन, अपर सचिव

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 11th July, 2016

S.O. 2356(E).— In exercise of the powers conferred by section 11C of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following further amendments to the First Schedule of the Act, namely:—

In the First Schedule, in Part B, after entry 11, the following entry shall be inserted, namely:—

“12. Beach sand minerals, that is, economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucosene, garnet, monazite, zircon and sillimanite.”

[F. No.1/16/2015-M.VI]

R. SRIDHARAN, Addl. Secy.

3461 GI/2016



Handwritten initials and a signature.



ABSTRACT

Handwritten text: 'PC & Take copy'

Industries - W.P.No.1592 of 2015 filed by Thiru G. Victor Rajamanickam and W.A.Nos.1168 and 1169 of 2015 filed by the Government of Tamil Nadu - Interim orders passed by the Hon'ble First Bench of Madras High Court on 11.1.2017 - Formation of Special Team for estimation of the stock of Beach Sand Minerals kept in various places in Thoothukudi, Tirunelveli and Kanniyakumari Districts - Appointment of Thiru.Satyabrata Sahoo, I.A.S., in the place of Thiru Mahesan Kasirajan, I.A.S., as Head of Special Team - Orders - Issued.

Industries (MMD.1) Department

G.O.(Ms) No.41

Dated:7.4.2017

திருவள்ளூர் ஆண்டு 2048, துன்முகி வருடம் பங்குனி 25ம் நாள்

Read:

1. Orders of Hon'ble High Court of Madras dated 28.1.2016 in W.P.No.1592 of 2015 filed by Thiru G.Victor Rajamanickam.
2. Orders of Hon'ble High Court of Madras dated 11.1.2017 in W.P.No.1592 of 2015 and in W.A.Nos.1168 and 1169 of 2015 filed by the Government.
3. G.O.(Ms) No.29 Industries (MMD.1) Department dated 25.3.2017.
4. From Thiru Mahesan Kasirajan, I.A.S., Commissioner of Sugar, letter dated 31.3.2017

ORDER:

In the Government order third read above, orders were issued among others for the appointment of Thiru Mahesan Kasirajan, I.A.S., Commissioner of Sugar as head of Special Team for assessment of stocks

(P.T.O)

- 1b -

of Beach Sand Minerals in various places of Thoothukudi, Tirunelveli and Kanniyakumari Districts under section 23 (B); 24 of Mines and Minerals (Development and Regulation) Act, 1957 in accordance with the orders of Hon'ble High Court of Madras dated 11.1.2017 in W.No.1592 of 2015 and in W.A.Nos.1168 and 1169 of 2015.

2. In the letter fourth read above, Thiru Mahesan Kasirajan, I.A.S., has stated of certain personal reasons for his inability to effectively take up this assignment.

3. The Government, after careful examination, decided to relieve Thiru Mahesan Kasirajan, I.A.S., as head of Special Team constituted in the Government orders third read above and hereby nominates Thiru Satyabrata Sahoo, I.A.S., Chairman and Managing Director, Tamil Nadu Industrial Investment Corporation (TIIC), Chennai (Batch:1997) in the place of Thiru Mahesan Kasirajan, I.A.S., Commissioner of Sugar. Thiru Satyabrata Sahoo, I.A.S., Chairman and Managing Director, Tamil Nadu Industrial Investment Corporation will hereafter undertake the assessment of stocks of Beach Sand Minerals in various places of Thoothukudi, Tirunelveli and Kanniyakumari Districts under section 23 (B), 24 of Mines and Minerals (Development and Regulation) Act, 1957 as the Head of Special Team constituted in the Government orders third read above.

(BY THE ORDER OF GOVERNOR)

ATULYA MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Thiru Satyabrata Sahoo, I.A.S.,
Chairman and Managing Director,
Tamil Nadu Industrial Investment Corporation,
692, Anna Salai, Nandanam,
Chennai - 600 035.

Thiru Mahesan Kasirajan, I.A.S.,
Commissioner of Sugar,
690, Anna Salai,
Chennai - 600 035

The Secretary,
Ministry of Mines,
Government of India,
Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110 001.

The Secretary,
Department of Atomic Energy,
Anushakti Bhavan, Chatrapati Shivaji Maharaj Marg,
Mumbai - 400 001.

The Principal Secretary/Commissioner of Survey and Settlement,
Chennai - 600 005.

The Chief Commissioner of Customs and Excise and Service Tax,
6/1, Mahatma Gandhi Road,
Chennai - 600 032.

The Director General of Police, Chennai 600 004.

The Commissioner of Geology and Mining, Guindy, Chennai - 32

Shri Ramesh Kumar,
Head, Beach Sand and Off-shore Investigations,
Mining Regulatory, AMD, Begumpet, Hyderabad - 500 016.

Shri Soumen Sinha,
Scientific Officer - F,
Atomic Energy Regulatory Board,
Department of Atomic Energy,
Anushakti Bhavan, Chhatrapati Shivaji Maharaj Marg, Mumbai - 400 001.

The District Collector, Tirunelveli

The District Collector, Thoothukudi,

The District Collector, Kanniykumari.

The Assistant Commissioner of Customs,
Tuticorin/ Tirunelveli Districts.

// Forwarded by order //


Section Officer

2/14

2/14/17

MODIFIED CHART of Consolidated Table showing total quantum of unlawfully mined minerals, Lessee Wise after Incorporating data provided by V.V. Mineral (ref: pg. 11 AC-Vol. 1 - Annexure)																			
S.No	Lessee	No of Leases Granted	Total quantum of minerals transported (in Metric Tonnes)							Total quantum of minerals unlawfully transported (in Metric Tonnes)							Actual production as reported in the Annual Returns		
			Raw Sand	Garnet	Ilmenite	Rutile	Zircon	Sillimanite	Leucosxene	Raw Sand	Garnet	Ilmenite	Rutile	Zircon	Sillimanite	Leucosxene	ROM	Garnet	Ilmenite
1	V.V.Mineral	34	9771100	2117200	2920027	30050	46700	45200	4200	4577330	1087829	2123202	20502	46556	43200	4200	7680052	1798361	776392
2	Transworld Garnet India Pvt. Ltd.	16	2183670	185150	-	-	200	-	-	1479028	100849	-	-	200	-	2422431	-	-	-
3	Beach Mineral Sands Company and Beach Mineral Company Pvt Ltd	10	2339100	875500	462945	-	500	-	-	1546619	614018	247972	-	500	-	2298365	280925	-	-
4	M.Ramesh	1	607000	256050	13000	-	-	-	-	544200	228819	13000	-	-	-	86175	17400	-	-
5	K.Thankaraj	1	667000	263455	-	-	-	-	-	623221	249973	-	-	-	-	200430	-	-	-
6	Industrial Mineral India Pvt Ltd	1	110000	18000	34000	3000	-	-	-	69999	15304	23894	2894	-	-	-	-	-	-
7	Indian Garnet Sand Company Pvt Ltd.	1	200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Total	64	15678070	3715355	3429972	33050	47200	45400	4200	8840397	2296792	2408068	23396	47056	45400	12687453	2096686	776392	

1. Out of total quantum of 1,56,78070 (1.56 Crores) MTs of Raw Sand mined and transported, 88,40,397 (88.40 Lakhs) MTs is unlawful
2. Out of total quantum of 37,15,355 (37.15 Lakhs) MTs of Garnet mined and transported, 22,96,792 (22.96 Lakhs) MTs is unlawful
3. Out of total quantum of 34,29,972 (34.29 Lakhs) MTs of Ilmenite mined and transported, 24,08,068 (24.08 Lakhs) MTs is unlawful
4. Out of total quantum of 33,050 MTs of Rutile mined and transported, 23,396 MTs is unlawful
5. Out of total quantum of 47,200 MTs of Zircon mined and transported, 47,056 MTs is unlawful
6. Out of total quantum of 45,400 MTs of Sillimanite mined and transported, 45,400 MTs is unlawful
7. Out of total quantum of 4,200 MTs of Leucosxene mined and transported, 4,200 MTs is unlawful

SOURCE:

1. Data of IBM, AMD and District Mines Office
2. Data submitted by V.V. Mineral to Taluk Level Committee

Part B: Company-wise Analysis

1. Analysis of Stocks of M/s VV Minerals, R-8/22

17. As regards the stock found with M/s V.V. Minerals during the inspection by the Special Team, the report states that as against the declared quantity of stock of 42,11,032.85 MT, the Special Team found a total of 38,77,391.005 MT of stock. This amount was in turn divided as follows:

Category	Quantity (in MTs)
Raw Sand	30,36,290.685
Semi-processed sand	7,23,034.62
Semi-processed mineral enriched with Ilmenite	400.05
Garnet	69,609.25
Ilmenite	44,253.098
Zircon	2,994.7
Rutile	809.3
Total	38,77,391.005

(Source: Page 32, Special Team Head Report).

18. As previously stated, the above figures do not seem to reflect the quantification of the stock by minerals, based on the results of the mineralogical analysis. We therefore turn our attention to a detailed analysis stock-wise and mineral wise, based on the mineralogical analysis report submitted by AMD.

Quantity of Monazite that can be obtained from samples classified as 'Processed Minerals'

19. In all, out of 19 samples classified as Processed Minerals, 5 samples were found to have monazite content > 0.25% Monazite equivalent, the prescribed threshold value as stipulated by AMD, beyond which exports were not permitted.

20. The 5 samples are those having Sample Numbers TTK/ 2, TTK/ 3, and TTK/ 4 stocked in Mullakadu and TTK/38, TTK/ 39 stocked in Serndamangalam are containing Monazite content more than the prescribed concentration of 0.25% Monazite equivalent.

RESPONDENT COMPANY WISE MONAZITE PERCENTAGE MORE THAN 0.25% IN THE MINERAL STOCKED IN THREE DISTRICT

Minerals	V/V.Minerals		BMC			IMC			Transworld			IOGS								
	<0.25%	>0.25 %	Quantity	<0.25%	>0.25 %	Quantity	<0.25%	>0.25 %	Quantity	<0.25%	>0.25 %	Quantity	<0.25%	>0.25 %	Quantity					
Raw sand	13	2242.02	9	5267.93	1	9334.99	0	0	3	811.69	2	127.92	2	2719.3	0	0	1	48.35	1	152.84
Semi processed	9	10.7	33	6755.85	2	61.3	3	3765.75	3	496.83	5	2682.1	0	0	1	265.41	2	4.21	12	1441.62
Processed	14	51.85	5	671.99	5	0.46	3	15.23	7	4.13	0	0	1	0.24	0	0	1	0.35	1	91.6
	36	2304.57	47	12695.77	8	9396.75	6	3780.98	13	1312.65	7	2810	3	2719.54	1	265.41	4	52.91	14	1686.06
	83		15000.34		14		13177.73		20		4122.65		4		2984.95		18			1738.37

**M. SATHYANARAYANAN,J.,
AND
N. SESHASAYEE,J.,**

(Order of the Court was made by M. SATHYANARAYANAN, J.,)

Arguments in this batch of cases are going on since 09.07.2018 and Dr.V. Suresh, learned Amicus Curiae, is in the midst of making his submissions.

2. When the learned Amicus Curiae started making his submissions, Mr.Srinath Sridevan, learned counsel appearing for the Respondents No.8 and 22 viz., M/s V.V. Mineral (R.8) and Mr.S. Vaikundarajan (R.22) would submit that the scope of present suo-motu proceedings in W.P.No.1592 of 2015 pertains only to "Monozite". However, the said submission is strongly opposed by Dr.V. Suresh, learned Amicus Curiae as well as Mr.Selvaraj, who appears for one of the respondents viz.Dhaya Devadas (R.26) in the suo-motu writ petition.

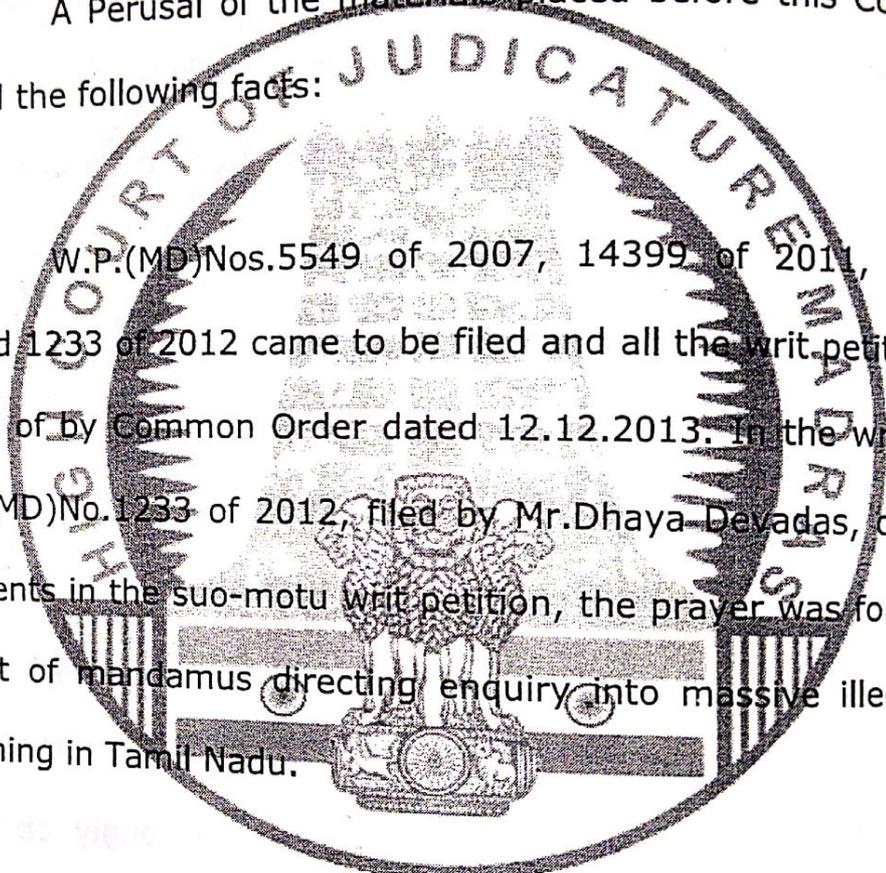
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3. Therefore, the issue, to be decided is, whether the present suo-motu writ petition covers only one of the Beach Sand Minerals namely "Monozite".

4. A Perusal of the materials placed before this Court would disclosed the following facts:

5. W.P.(MD)Nos.5549 of 2007, 14399 of 2011, 14400 of 2011 and 1233 of 2012 came to be filed and all the writ petitions were disposed of by Common Order dated 12.12.2013. In the writ petition in W.P.(MD)No.1233 of 2012, filed by Mr.Dhaya-Devadas, one of the respondents in the suo-motu writ petition, the prayer was for issuance of a writ of mandamus directing enquiry into massive illegal beach sand mining in Tamil Nadu.

6. The Division bench of this Court has taken note of the fact that the Government of Tamil Nadu issued G.O.Ms.No.156, Industries Department dated 08.08.2013, formed a Special Team, headed by Thiru.Gangandeeep Singh Bedi, I.A.S., Secretary, Revenue Department to inspect leases granted to private parties for mining major minerals



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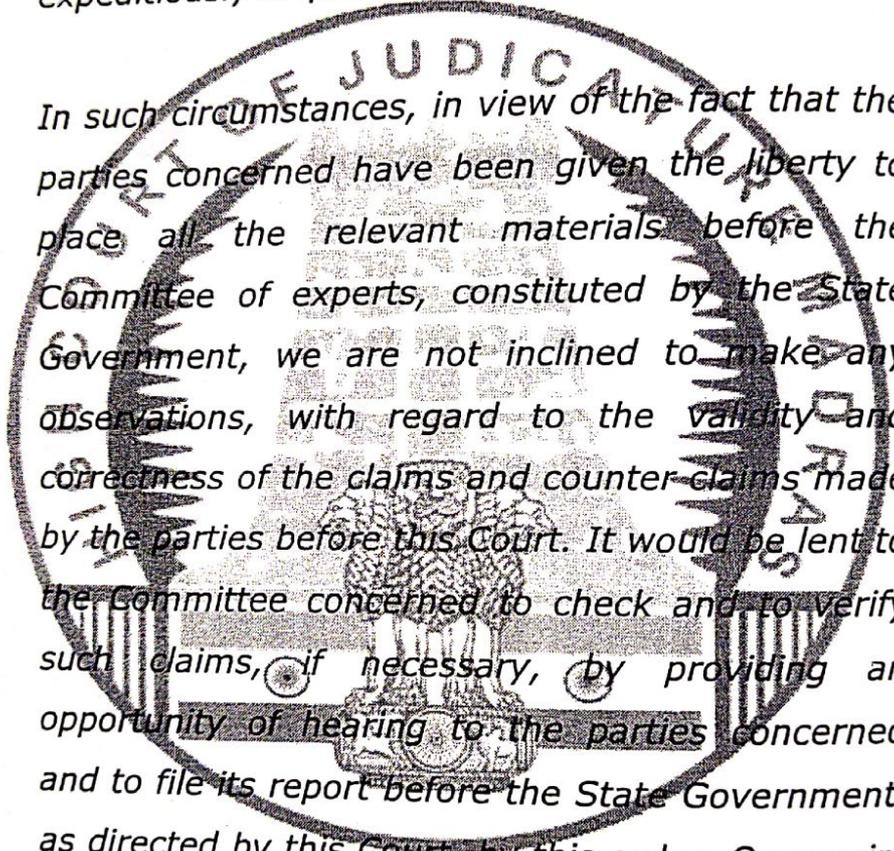
like "garnet, ilmenite and rutile etc., so as to have a comprehensive assessment of the mining of major minerals.

7. The Division Bench has also taken note of the said fact and observed as follows:

" In such circumstances, in view of the fact that a committee of experts, under the Chairmanship of Mr. Gangandeeep Singh Bedi, Secretary, Revenue Department, has been constituted by the State Government to examine, investigate and to file a report, after physical verification of the mining sites in question, we find it appropriate to permit the petitioner in the writ petitions, including those who are wanting to implead themselves in the writ petitions to submit their representations to Mr. Gangandeeep Singh Bedi, the Chairman of the Committee, along with necessary documents, if any, within fifteen days from today. It is also made clear that it would also be open to the private respondents, who are parties herein, to submit their representations to the Chairman of the Committee, within the time specified above. On receipt of such representations, the Committee

concerned shall examine the issues, by making necessary enquiries and investigate and if necessary, by serving appropriate notices on the parties concerned, and file a report before the State Government for necessary action, as expeditiously as possible.

In such circumstances, in view of the fact that the parties concerned have been given the liberty to place all the relevant materials before the Committee of experts, constituted by the State Government, we are not inclined to make any observations, with regard to the validity and correctness of the claims and counter-claims made by the parties before this Court. It would be lent to the Committee concerned to check and to verify such claims, if necessary, by providing an opportunity of hearing to the parties concerned and to file its report before the State Government, as directed by this Court, by this order. On receipt of such report it is for the State Government to take appropriate steps and to pass necessary orders, as it finds fit and necessary, in accordance with law".



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8. M/s V.V. Mineral and M/s Transworld Garnet India Pvt Lt filed Writ Petitions in W.P.Nos.16716 and 19641 of 2014. Both the Writ Petitions were taken together for hearing and the learned Single Judge of this Court displaced Mr.Gangandeeep Singh Bedi from the Chairmanship of the Committee and appointed Mr.Vinod Kumar Sharma, (former Judge of High Court of Punjab and Haryana) and the retired Judge of this Court as the Chair-person of the Committee only insofar as the Petitioners in WP Nos.16716 and 19641 of 2014.

9. Aggrieved by the above said order, M Dhaya Devadas filed Writ Appeals in W.A.Nos.1220 and 1221 of 2015 and the State Government filed Writ Appeals in W.A.Nos.1168 and 1169 of 2015 and the writ appeals have been entertained and are pending.

10. It is to be pointed out at this juncture that a perusal of the order in both the writ petitions would disclose that findings have been given as to the alleged illegal mining and admittedly the Special Committee headed by Mr.Gangandeeep Singh Bedi I.A.S., has prepared the Report and the copies of the same, have also been furnished to the respective learned counsel appearing for the parties.

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11. Insofar the suo-motu Public Interest Litigation is concerned, originally it was filed by G.Victor Rajamanickam and by order dated 28.12.2016, the petitioner had withdrawn the proceedings and the Writ Petition, filed by him, was treated as suo-motu Public Interest Litigation by this Court.

12. The Writ Petition, originally filed by G. Victor Rajamanickam came up for hearing on 23.01.2015 and it was represented on behalf of the petitioner that he confines his relief to what he claims to be unauthorised beach sand mining of monozite mineral, which is not capable of being mined, unless permission is granted by the Central Government. Therefore, notices were ordered to the respondents. Subsequently, the same was converted as suo-motu Public Interest Litigation by this Court by order dated 28.01.2016.

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13. The Hon'ble First Bench of this Court (Hon'ble Mr. Justice Sanjay Kishan Kaul, as the then C.J., and Hon'ble Mrs. Justice Pushpa Sathyanarayana) by Order dated 28.01.2016 had appointed Dr.V. Suresh, as Amicus Curiae to assist in this mater and thereafter,

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the learned Amicus Curiae filed memos, seeking certain directions.

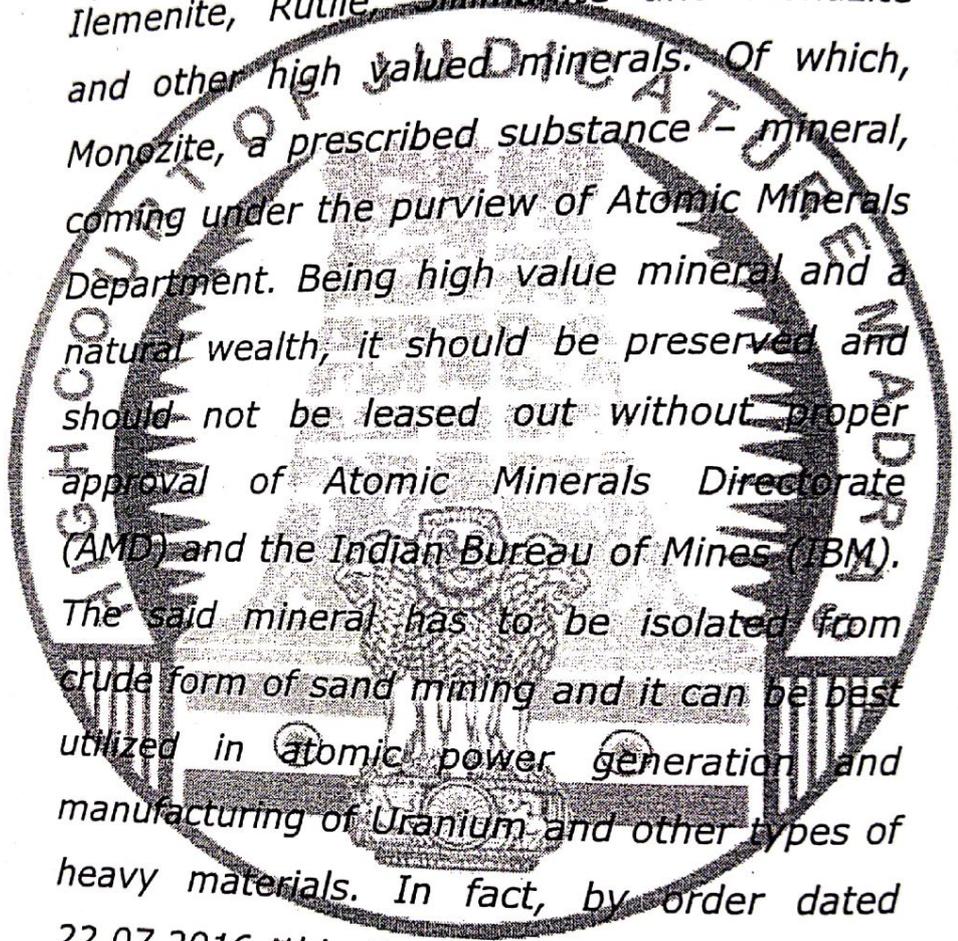
14. When the writ petition came up for hearing on 21.11.2016, the learned Amicus Curiae emphasized that post 2013, the mining was prohibited and transport licenses not issued and therefore, there could be no issue of even mining of other beach sand minerals and he also submits that the export of Garnet and Ilmenite specially from the port of Tuticorin is a matter of concern as to where these minerals are actually coming from.

15. The First Bench has taken note of the submissions made by the learned Amicus Curiae and issued direction for impleadment of parties i.e., (i) Commissioner of Customs and Central Excise, Thoothukudi Port (ii) Regional Commissioner of Customs and Central Excise, Chennai and (iii) Chairman, VO Chidambaranar Port Trust, Thoothukudi with a further direction to amend the cause title.

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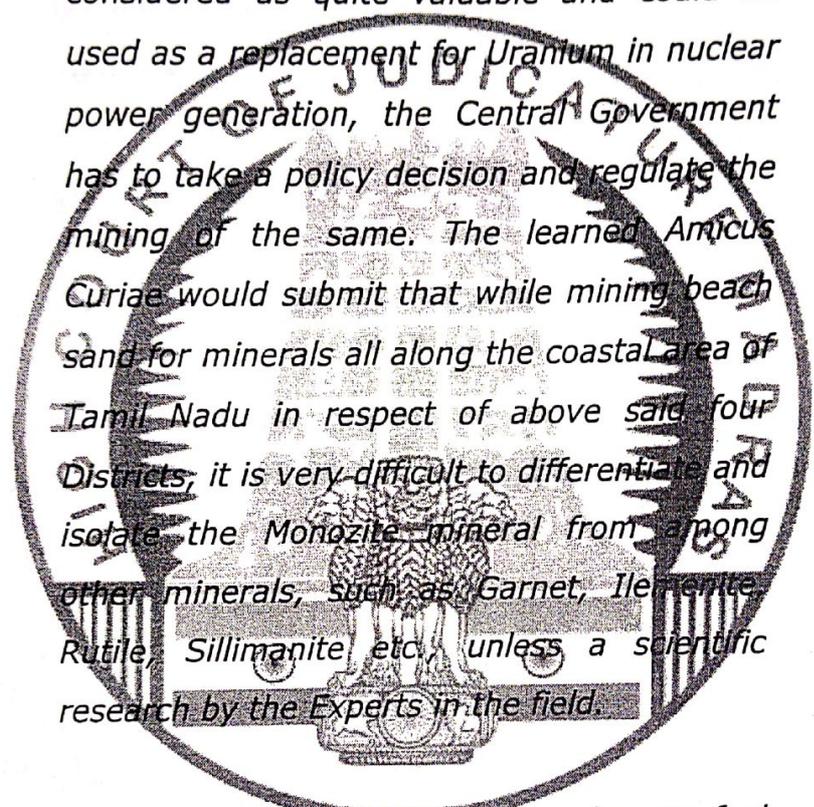
16. The matter came up for hearing on 27.03.2017 and an Order has been passed and the relevant portion of the order, is extracted hereunder:

"4. It is pointed out that through out coastal area of Tamil Nadu, beach sand mineral by low tide and high tide sea ways, will produce different minerals, viz., Garnet, Ilemenite, Rutile, Sillimanite and Monazite and other high valued minerals. Of which, Monozite, a prescribed substance - mineral, coming under the purview of Atomic Minerals Department. Being high value mineral and a natural wealth, it should be preserved and should not be leased out without proper approval of Atomic Minerals Directorate (AMD) and the Indian Bureau of Mines (IBM). The said mineral has to be isolated from crude form of sand mining and it can be best utilized in atomic power generation and manufacturing of Uranium and other types of heavy materials. In fact, by order dated 22.07.2016, this Court has taken note of the aspect of monozite mining and observed that it is for the Central Government to take a policy facilitating the utilisation of monozite mine, however, so far, no such policy had been brought. The learned Additional Solicitor General would submit that the



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Central Government alone has the right to grant permission for Monozite mining and as on date, no such permission was granted. Having regard to the high value of the mineral Monozite, which is a rare metal and considered as quite valuable and could be used as a replacement for Uranium in nuclear power generation, the Central Government has to take a policy decision and regulate the mining of the same. The learned Amicus Curiae would submit that while mining beach sand for minerals all along the coastal area of Tamil Nadu in respect of above said four Districts, it is very difficult to differentiate and isolate the Monozite mineral from among other minerals, such as Garnet, Ilmenite, Rutile, Sillimanite etc., unless a scientific research by the Experts in the field.



5. In the light of the above discussion, we feel it appropriate to pass the following:

- i) The Special Team constituted by the State Government vide G.O.No.29 dated 25/03/2017, is directed to send the requisite Experts from Atomic Minerals Directorate (AMD) for Exploration and Research,

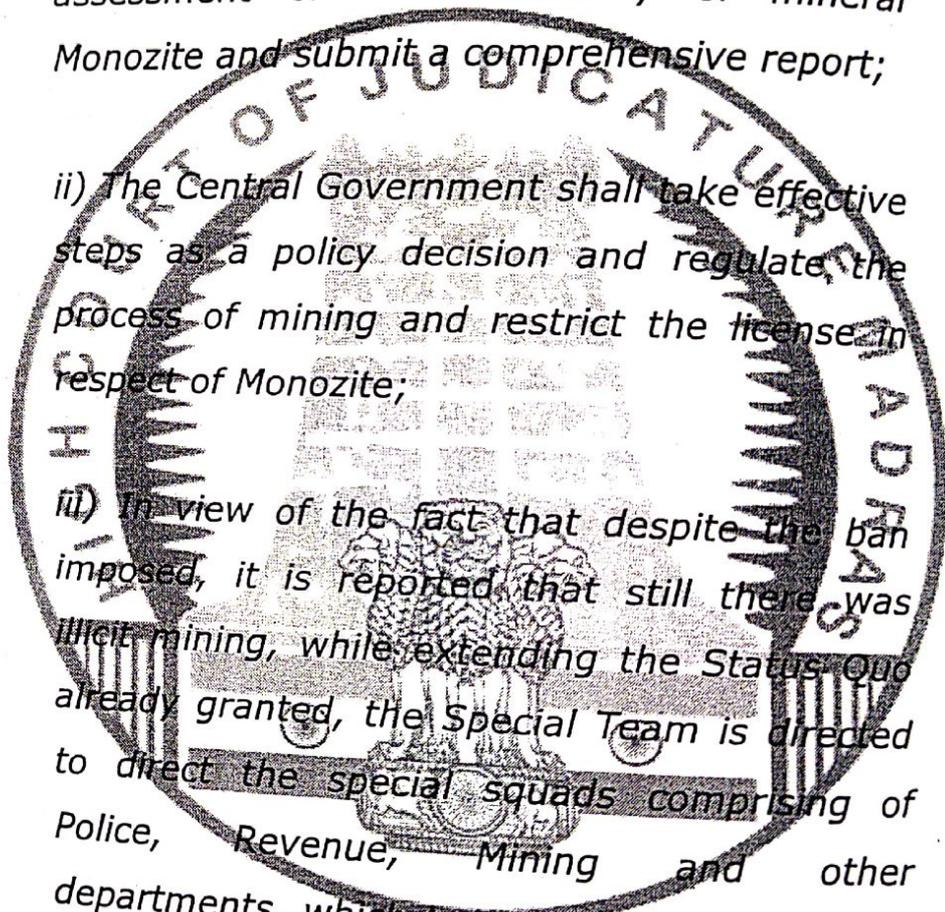
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Hyderabad and the Indian Bureau of Mines (IBM), Chennai to the coastal area of the above said four Districts to collect the samples

of raw material from sand mining and make an assessment of the availability of mineral Monozite and submit a comprehensive report;

ii) The Central Government shall take effective steps as a policy decision and regulate the process of mining and restrict the license in respect of Monozite;

iii) In view of the fact that despite the ban imposed, it is reported that still there was illicit mining, while extending the Status Quo already granted, the Special Team is directed to direct the special squads comprising of Police, Revenue, Mining and other departments, which being formed pursuant to Letter dated 25.03.2017 of the State Government, to frequently conduct patrolling of sea shore areas to detect and stop mining of beach sand across the coastal districts of Tamil Nadu and take stringent action against those who involved in illicit mining.



iv) The Assistant Commissioners of Customs, Tuticorin and Chennai (impleaded as party respondents vide order dated 21.11.2016) are directed to furnish the details of quantity of

Monozite and other beach minerals, viz., Garnet, Ilemenite, Rutile, Sillimanite, Zircon, etc., that were exported and their values, years wise from 2006 to till date.

v) It is made clear that since the mining activities have been temporarily banned, the Central and State Government shall not insist upon the payment of royalty for the present."

17. In pursuant to the order dated 27.03.2017, originally Mr.Kasirajan, I.A.S was appointed and subsequently, he was replaced by Mr.Satya Bratta Sahu, I.A.S and he has conducted an enquiry and submitted a detailed Report and a copy of the said Report was also directed to be furnished to the respective learned counsel appearing for the parties and they have also been furnished with copies of such report.

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18. The prayer in W.P.No.1592 of 2015, which was converted into a suo-motu Public Interest Litigation, is for issuance of a writ of mandamus directing investigation by a special investigation team to probe illegal beach sand mining in the coastal districts of Tamil Nadu and to bring the offenders to justice as this Hon'ble Court may deem fit.

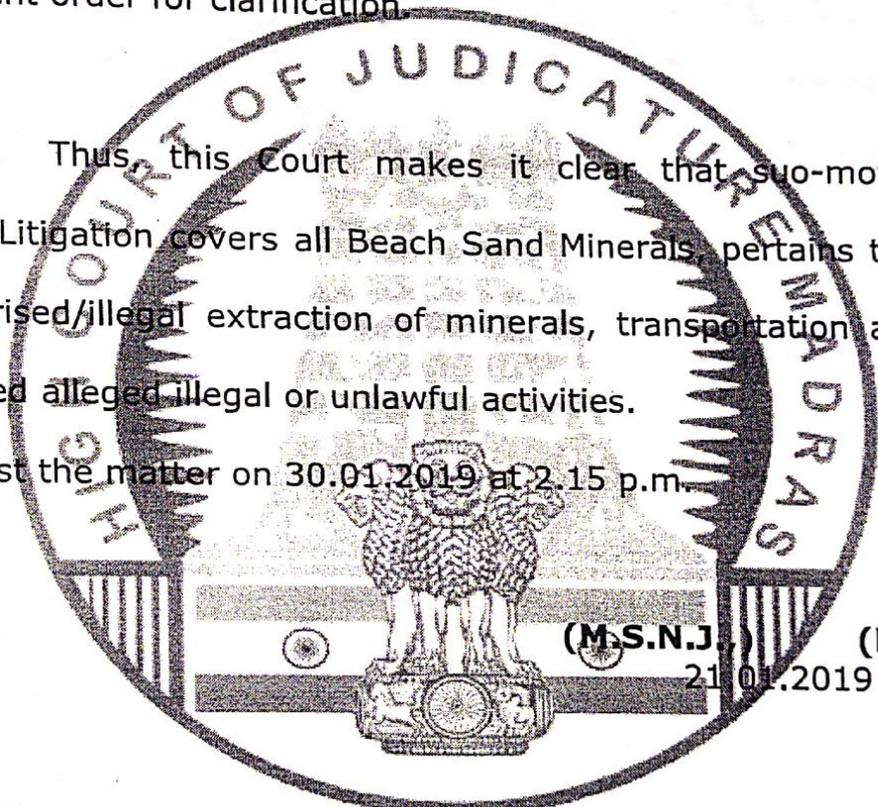
19. In the light of the fact that the common order dated 12.12.2013 passed in W.P.(MD)Nos.5549 of 2007, 14399 of 2011, 14400 of 2011 and 1233 of 2012 and the order passed by the Division Bench of this Court dated 29.07.2015 in W.P.Nos.16716 and 19641 of 2014 did not conclude the proceedings as to the alleged illegal sand mining coupled with the fact that the in the light of the aforesaid orders, which have been extracted above, this Court is of the considered view that the scope of suo-motu Public Interest Litigation covers not only "Monozite" but also all other Beach Sand Minerals especially with regard to the alleged illegal mining, transportation and other alleged activities.

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20. It is also to be pointed at this juncture that the submissions made by the learned Amicus-Curiae is in respect of all the Beach Sand Minerals and in the light of the doubt expressed by Mr.Srinath Sridevan, learned counsel, this Court is constrained to pass the present order for clarification

21. Thus, this Court makes it clear that suo-motu Public Interest Litigation covers all Beach Sand Minerals, pertains to alleged unauthorised/illegal extraction of minerals, transportation and other associated alleged illegal or unlawful activities.

Post the matter on 30.01.2019 at 2.15 p.m.



(M.S.N.J.)

(N.S.S.J.,)

21.01.2019

sr

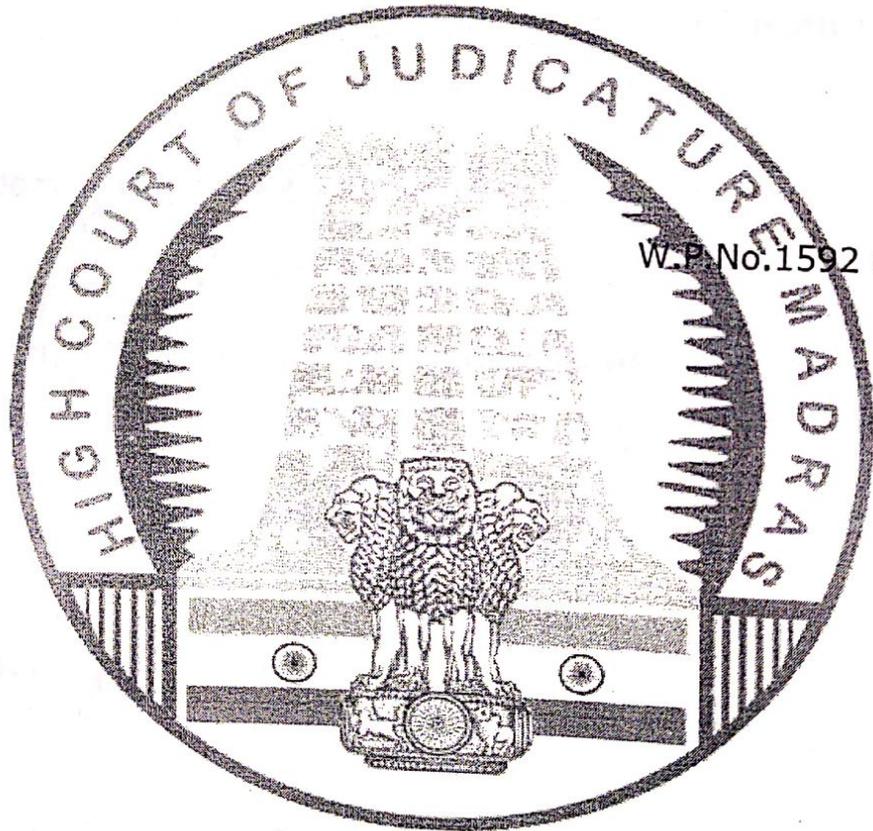
Note: Registry is directed to upload the order in website and parties are at liberty to file certified copy of the order and it shall be paid subject to payment of necessary charges

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**M. SATHYANARAYANAN,J.,
AND
N. SESHASAYEE,J.,**

sr



W.P.No.1592 of 2015

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भारत का राजपत्र The Gazette of India

EXTRAORDINARY

II— (I)
PART II—Section 3—Sub-section (i)

PUBLISHED BY AUTHORITY

1181
No. 118] NEW DELHI, WEDNESDAY, FEBRUARY 20, 2019/PHALGUNA 1, 1940

खान मंत्रालय
अधिसूचना

नई दिल्ली, 20 फ़रवरी, 2019

सा.का.नि. 134(अ) — केन्द्रीय सरकार, खान और खनिज (विक्रय और विनियमन) अधिनियम, 1957 (1957 का 67) की धारा 11ख और परमाणु खनिज रियायत नियम, 2016 के नियम 36 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परमाणु खनिज रियायत नियम, 2016 में और संशोधन करने के लिए निम्नलिखित संशोधन करती है, अर्थात् :—

2. (1) इन नियमों का संक्षिप्त नाम परमाणु खनिज रियायत (द्वितीय संशोधन) नियम, 2019 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।
3. परमाणु खनिज रियायत नियम, 2016 में अनुसूची क, के स्थान पर निम्नलिखित अनुसूची रखी जाएगी, अर्थात्:-

अनुसूची क
परमाणु खनिजों के लिए प्रारंभिक मूल्य की विशिष्टियां
[नियम 2(1) (ड) और नियम 36 देखिए]

1.	बेरिल और अन्य बेरिलियमधारी खनिज	शैल का 0.1% BeO(1000 पी.पी.एम. BeO) या उत्खनित सामग्री में बेरिल 10 कि.ग्रा./टन
2.	लीथियमधारी खनिज	ब्राइन (200 पी.पी.एम. Li, अर्थात् Li 200 ग्रा./ टन के सिवाय, अयस्क में 0.5%(5000 पी.पी.एम.) Li ₂ O
3.	'दुर्लभ मृदा' समूह के खनिज, जिनमें	अयस्क में 60 पी.पी.एम. U ₃ O ₈ और/या 250 पी.पी.एम. ThO ₂

	यूरेनियम और थोरियम अंतर्विष्ट है	
4.	नायोबियमधारी खनिज	अयस्क में 100 पी.पी.एम. (Nb+Ta) ₂ O ₅ (100 ग्रा./टन)
5.	फास्फोराइट और अन्य फास्फेटी अयस्क, जिनमें यूरेनियम अंतर्विष्ट है	अयस्क में 60 पी.पी.एम. U ₃ O ₈
6.	पिचब्लैंड और अन्य यूरेनियम अयस्क	अयस्क में 60 पी.पी.एम. U ₃ O ₈ , सिवाय झारखंड में सिंहभूम शीयर क्षेत्र में, जहां कि ग्रेशहोल्ड वैल्यू अयस्क में 150 पी.पी.एम. U ₃ O ₈ होगा
7.	टाइटेनियमधारी खनिज और अयस्क (इल्मेनाइट, रूटाइल और लियोकोक्सीन)	कठोर शैल में पाए जाने वाले टाइटेनियमधारी खनिजों की दशा में, शैल में 60 पी.पी.एम. U ₃ O ₈ और/या 250 पी.पी.एम. ThO ₂ बीच सैंड मिनरलस और अन्य जमा निक्षेपों में मोनाज़ाइट से सहयुक्त पाए जाने वाले टाइटेनियमधारी खनिजों की दशा में, मोनाज़ाइट श्रेणी कुछ भी होते हुए, उपर्युक्त अनुसार ग्रेशहोल्ड (अर्थात कुल भारी खनिजों में मोनाज़ाइट का ग्रेशहोल्ड 0.00% है) अधिसूचित किया जाता है।
8.	टेन्टेलमधारी खनिज	अयस्क में 100 पी.पी.एम. (Nb+Ta) ₂ O ₅ (100 ग्रा./टन)
9.	यूरेनीफेरस ऐलैनाइट, मोनेज़ाइट और अन्य थोरियम खनिज	60 पी.पी.एम. U ₃ O ₈ और/या 250 पी.पी.एम. ThO ₂ बीच सैंड मिनरलस और अन्य जमा निक्षेपों में मोनाज़ाइट से सहयुक्त पाए जाने वाले खनिजों की दशा में, मोनाज़ाइट श्रेणी कुछ भी होते हुए, उपर्युक्त अनुसार ग्रेशहोल्ड (अर्थात कुल भारी खनिजों में मोनाज़ाइट का ग्रेशहोल्ड 0.00% है) अधिसूचित किया जाता है।
10.	तांबा और स्वर्ण के निष्कर्षण के पश्चात् अयस्कों के बचे हुए यूरेनियमधारी अवशिष्ट, इल्मेनाइट और अन्य टाइटेनियम अयस्क)	60 पी.पी.एम. U ₃ O ₈ और/या 250 पी.पी.एम. ThO ₂
11.	जिकोनियम, जिसमें जिकोन सहित खनिज और अयस्क होते हैं।	बीच सैंड मिनरलस और अन्य जमा निक्षेपों में मोनाज़ाइट से सहयुक्त पाए जाने वाले जिरकोनियमधारी खनिजों की दशा में, मोनाज़ाइट श्रेणी कुछ भी होते हुए, उपर्युक्त अनुसार ग्रेशहोल्ड (अर्थात कुल भारी खनिजों में मोनाज़ाइट का ग्रेशहोल्ड 0.00% है) अधिसूचित किया जाता है। अन्य दशाओं में, जिकोन, जिसमें 200 पी.पी.एम. से कम हफनियम अंतर्विष्ट है।
12.	बालू तट खनिज अर्थात टेरी या तटीय बालू में पाये जाने वाले किफायती भारी खनिज जिसमें इल्मेनाइट, रूटाइल, ल्यूकोक्सीन, गारने, मोनाज़ाइट, जिकोन तथा सिलिमेनाइट शामिल है।	बीच सैंड मिनरलस और अन्य जमा निक्षेपों में मोनाज़ाइट से सहयुक्त पाए जाने वाले खनिजों की दशा में, मोनाज़ाइट श्रेणी कुछ भी होते हुए, उपर्युक्त अनुसार ग्रेशहोल्ड (अर्थात कुल भारी खनिजों में मोनाज़ाइट का ग्रेशहोल्ड 0.00% है) अधिसूचित किया जाता है।

II (I)

नोट: परमाणु खनिज रियायत नियम, 2016 अधिसूचना संख्या. सा.का.नि. 677(अ), तारीख 11 जुलाई, 2016 द्वारा भारत के राजपत्र, असाधारण, भाग , खंड 3, उपखंड (i) में प्रकाशित किए गए थे और अधिसूचना संख्या सा.का.नि. 126 (अ) तारीख 19 फरवरी, 2019 के द्वारा अंतिम बार संशोधित किए गए।

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 20th February, 2019

G.S.R. 134(E).—In exercise of the powers conferred under Section 11B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and rule 36 of the Atomic Minerals Concession Rules, 2016, the Central Government hereby makes the following amendments further to amend the Atomic Minerals Concession Rules, 2016, namely:-

2. (1) These rules may be called the Atomic Minerals Concession (Second Amendment) Rules, 2019.
(2) They shall come into force on the date of their publication in the Official Gazette.
3. In the Atomic Minerals Concession Rules, 2016, for Schedule A, the following Schedule shall be substituted, namely:-

1.	Beryl and other beryllium - bearing minerals	0.1% BeO (1000 ppm BeO) of the rock or 10kg/tonne Beryl in excavated material.
2.	Lithium bearing minerals	0.5% (5000 ppm) Li ₂ O in ore, except brine (200 ppm Li, i.e. 200 g/tonne Li).
3.	Minerals of the 'rare earths' group containing uranium and thorium	60 ppm U ₃ O ₈ and/or 250 ppm ThO ₂ in ore.
4.	Niobium-bearing minerals	100 ppm (Nb+Ta) ₂ O ₅ (100 g/tonne) in ore.
5.	Phosphorites and other phosphatic ores containing uranium	60 ppm U ₃ O ₈ in ore.
6.	Pitchblende and other uranium ores	60 ppm U ₃ O ₈ in ore, except in Singhbhum Shear zone in Jharkhand where the threshold value will be 150 ppm U ₃ O ₈ in ore.
7.	Titanium bearing minerals and ores (ilmenite, rutile and leucosene)	In case of titanium-bearing minerals occurring in hard rock, 60 ppm U ₃ O ₈ and/or 250 ppm ThO ₂ in the rock. All cases of titanium-bearing minerals occurring in Beach Sand Minerals and other placer deposits in association with monazite are notified as above threshold (i.e. the threshold is 0.00% monazite in Total Heavy Minerals), irrespective of monazite grade.
8.	Tantalum-bearing minerals	100 ppm (Ta+Nb) ₂ O ₅ (100 g/tonne) in ore.
9.	Uraniferous allanite, monazite and other thorium minerals	60 ppm U ₃ O ₈ and/or 250 ppm ThO ₂ All cases of Beach Sand Minerals and other placer deposits in association with monazite are notified as above threshold (i.e. the threshold is 0.00% monazite in Total Heavy Minerals), irrespective of monazite grade.

10.	Uranium bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.	60 ppm U_3O_8 and/or 250 ppm ThO_2 .
11.	Zirconium bearing minerals and ores including zircon.	All cases of zirconium -bearing minerals occurring in Beach Sand Minerals and other placer deposits in association with monazite are notified as above threshold (i.e. the threshold is 0.00% monazite in Total Heavy Minerals), irrespective of monazite grade. In other cases, zircon containing less than 2000 ppm of Hafnium.
12.	Beach Sand Minerals i.e. economic heavy minerals found in the teri or beach sand, which include ilmenite, rutile, leucosene, garnet, monazite, zircon and sillimanite.	All cases of Beach Sand Minerals and other placer deposits in association with monazite are notified as above threshold (i.e. the threshold is 0.00% monazite in Total Heavy Minerals), irrespective of monazite grade.

[F. No. 1/1/2019-M.VI]

NIRANJAN KUMAR SINGH, Jt. Secy.

The Atomic Mineral Concession Rules, 2016 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide notification number G.S.R. 677(E), dated 11th July, 2016 and last amended vide notification number G.S.R No.126 (E) dated the 19 February, 2019.

THIRU.N.MURUGANANDAM, I.A.S.,
PRINCIPAL SECRETARY TO GOVERNMENT



Industries (MMD.1) Department,
Secretariat, Chennai-600 009.
Phone : 044-2567 1383
Fax : 044-2567 0822
E-mail : indsec@tn.gov.in

Letter No.7326/MMD.2/2019, Dated:28.06.2019

Show Cause Notice

Sub: Industries Department - Mines and Minerals - Major Minerals - Beach Sand Minerals - Tirunelveli District - Radhapuram Taluk - Irukkanthurai Village - S.F.No.545 (Eastern Part) - Over an extent of 5.00.0 hectares of Patta land - Mining lease granted to Tvl.V.V.Mineral - Atomic Minerals Concession Rules, 2016 framed - Threshold value prescribed for Atomic Minerals - Atomic Minerals Concession (Second Amendment) Rules, 2019 - Threshold value amended - Premature Termination of existing Mining Leases - Decision taken by the Central Government under Section 4A(1) of the MM(DR) Act, 1957 - Issue of Show Cause Notice - Explanation called for - Regarding.

- Ref:
1. Proceedings of the Director of Geology and Mining in Rc.No.6393/MM7/2000, dated 17.03.2004.
 2. CGM Proceedings Rc.No:6611/MM7/2011, dated 01.12.2012.
 3. Ministry of Mines, Government of India Notification G.S.R. 677(E), dated 11.07.2016.
 4. Orders of the Hon'ble Division Bench of Madras High Court dated 27.03.2017 and 21.01.2019 in Suo-Motu PIL W.P.No.1592 of 2015 and the connected matters.
 5. Ministry of Mines, Government of India, Notification G.S.R. 126(E), dated 19.02.2019.
 6. Ministry of Mines, Government of India, Notification G.S.R. 134(E), dated 20.02.2019.
 7. Ministry of Mines, Government of India, Order in F.No.1/1/2019-M.VI, dated 01.03.2019.

In the reference 1st cited, Tvl.V.V.Mineral have been granted with a mining lease for mining Garnet, Ilmenite and Rutile over an extent of 5.00.0 hectares of Patta lands in S.F.No.545 (Eastern Part) of Irukkanthurai Village, Radhapuram Taluk, Tirunelveli District for a period of 20 years under the provisions of the Mines and Minerals (Development

and Regulations) Act, 1957 and the Mineral Concession Rules, 1960. The lease deed was executed on 11.04.2005.

2. In the reference 2nd cited, orders were issued for inclusion of Sillimanite, Leucoxene, Zircon and Monazite in the mining lease granted to Tvl.V.V.Mineral in the subject area vide Proceedings of the Director of Geology and Mining in Rc.No.6393/MM7/2000, dated 17.03.2004.

3. The Ministry of Mines, Government of India vide Notification S.O.No.2356(E), dated 11.07.2016 made amendment to Part-B, "Atomic Minerals" in the First Schedule of Mines and Minerals (Development and Regulation) Act, 1957 by which a new entry, viz. No.12 was added which provided as follows:-

"12. Beach sand minerals, that is, economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucoxene, garnet, monazite, zircon and sillimanite."

4. The Ministry of Mines, Government of India vide Notification G.S.R. 677(E), dated 11.07.2016 framed the Atomic Minerals Concession Rules, 2016 which came into force on 11.07.2016. According to Rule 2(1)(b) of Atomic Minerals Concession Rules, 2016, "atomic minerals" means minerals specified in Part-B of the First Schedule to the Act; and as per Rule 2(1)(C) of AMCR, 2016, "Beach Sand Minerals" means economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucoxene, garnet, monazite, zircon and sillimanite. As per Rule 2(1) (m) of AMCR, 2016 "threshold value" means the grade of substances contained in the ore, to be specified and notified by the Department from time to time in Schedule A as the threshold value for the particular atomic mineral occurring as such or in association with one or more minerals. Whereas, Schedule A of Atomic Minerals Concession Rules, 2016, prescribes particulars of threshold value for atomic minerals. The threshold value was prescribed as 0.75% Monazite in Total Heavy Minerals, in the case of Zirconium bearing minerals and ores, including Zircon occurring in Beach Sand Minerals in association with Monazite.

5. Rule 3(1) of AMCR, 2016 stipulates that these rules shall apply only to mineral concessions relating to atomic minerals occurring as such or in association with one or more other minerals, provided the grade of such atomic minerals is equal to or more than the threshold value. As per Rule 3(2) of AMCR, 2016, Mineral Concessions relating to Atomic Minerals, where the grade of atomic minerals contained in the ore is less than the threshold value will be governed by the provisions of Minerals

(Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016 in force. As per Rule 4 (5)(b) of AMCR, 2016, if the grade of atomic minerals is equal to or above the threshold value, then a mining lease shall be granted by the State Government only in accordance with these rules. Granting of mineral concessions relating to atomic minerals to a Government Company or Corporation owned or controlled by the Government are governed by the provisions of Rule 3(1), 4 (5) (b), 5 and 6 of AMCR, 2016.

6. Whereas, in exercise of the powers conferred under Section 11B of the Mines and Minerals (Development and Regulation) Act, 1957 and Rule 36 of the AMCR, 2016, the Central Government has amended AMCR, 2016 vide G.S.R. 134(E) dated 20th February, 2019 called the Atomic Minerals Concession (Second Amendment) Rules, 2019. Whereas, the Schedule A of the AMCR, 2016 prescribing the particulars of threshold value for atomic minerals has been substituted by the Second Amendment to AMCR, 2016 vide G.S.R. 134(E) dated 20th February, 2019, and the threshold values for:

- (i) Titanium bearing minerals and ores (Ilmenite, Rutile and Leucoxene);
- (ii) Uraniferous allanite, monazite and other thorium minerals;
- (iii) Zirconium bearing minerals and ores including zircon;
- (iv) Beach Sand Minerals i.e. economic heavy minerals found in the teri or beach sand, which include Ilmenite, Rutile, Leucoxene, Garnet, Monazite, Zircon and Sillimanite;

occurring in Beach Sand Minerals and other placer deposits in association with monazite are notified as above threshold (i.e. the threshold is 0.00% monazite in Total Heavy Minerals), irrespective of monazite grade.

7. In view of the above amendment made to Schedule A of Atomic Minerals Concession Rules, 2016, all the existing Mineral Concessions of Beach Sand Minerals are above the threshold value. As a consequence of the amended threshold value, mining operations for Beach Sand Minerals and other Placer Deposits can only be carried out by Central Government/State Government Companies/Corporations owned or controlled by it as stipulated under Rule 3(1), 4(5)(b), 5 and 6 of the Atomic Minerals Concession Rules, 2016.

8. Whereas, Ilmenite, Rutile, Leucoxene, Monazite, Zircon, Sillimanite and Garnet occur as a group of associated minerals with varying concentration in Beach Sands and other placer deposits, the Central Government is of the opinion that Monazite being the primary

source of Thorium and Rare Earth, occurring in association with Beach Sand Minerals, any loss or leakage of Monazite or Zircon due to mineral processing or handling of Beach Sand Minerals will be significant loss to the Country, besides affecting National Security. In view of protecting and conserving the critical elements viz. Rare Earths, Thorium, Zirconium and Hafnium occurring in Beach Sand Minerals towards meeting the future strategic needs, the Central Government is of the opinion that it is expedient to regulate the mines & mineral development and conservation of Beach Sand Mineral resources.

9. In view of the facts and circumstances stated above, in exercise of the powers conferred under Section 4A(1) of the Mines and Minerals (Development and Regulation) Act, 1957, the Central Government, after consultation with the State Governments decided vide order dated 01.03.2019, that it is expedient in the interest of regulation of mines and minerals development and conservation of mineral resources to prematurely terminate all the existing mineral concessions of Beach Sand Minerals held by private persons/companies in the Country and directed the State Government to take necessary action as per provisions of Section 4A(1) and 4A(3) of MM(DR) Act, 1957, vide reference 7th cited.

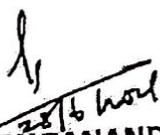
10. The Suo-Motu PIL W.P.No.1592 of 2015 filed by the Registrar General, Madras High Court in connection with illegal mining of Beach Sand Minerals is pending before the Hon'ble Division Bench of Madras High Court. The Hon'ble Division Bench of Madras High Court, by its order dated 27.03.2017 in the Suo-Motu PIL W.P.No.1592 of 2015 ordered that the Central Government shall take effective steps as a policy decision and regulate the process of mining and restrict the licence in respect of Monazite. The Hon'ble Division Bench of Madras High Court by order dated 21.01.2019 in the Suo-Motu PIL W.P.No.1592 of 2015 made it clear that Suo-Motu Public Interest Litigation covers all Beach Sand Minerals, pertains to alleged unauthorized/illegal extraction of minerals, transportation and other associated alleged illegal or unlawful activities.

11. Under the circumstances stated above, you are hereby directed to show cause as to why the mining lease granted in favour of Tvl.V.V.Mineral for mining Garnet, Ilmenite, Rutile, Sillimanite, Luecoxene, Zircon and Monazite over an extent of 5.00.0 hectares of Patta lands in S.F. No. 545 (Eastern Part) of Irukkanthural Village, Radhapuram Taluk, Tirunelveli District, vide reference 1st and 2nd cited should not be prematurely terminated, under Section 4A(1) of the MM(DR) Act, 1957 and to send your explanation within 15 days from the date of receipt of this notice.

12. As prescribed u/s 4A(3) of the MM(DR) Act, 1957, opportunity of hearing is to be offered and accordingly, you are hereby directed to appear in person before the undersigned on **22.07.2019** at **05.30 P.M.** failing which it will be construed that you have no remarks to offer and the matter will be decided based on the available records.

13. Copies of Notifications dated 19.02.2019 and 20.02.2019 along with a copy of Order in F.No.1/1/2019-M.VI, dated 01.03.2019 of the Ministry of Mines, Government of India are enclosed for your reference.

14. The receipt of this notice may be acknowledged by return of post.


(N. MURUGANANDAM)
PRINCIPAL SECRETARY TO GOVERNMENT

To

Tvl. V.V. Mineral
Keeralkaranthattu,
Tisayanvillai,
Tirunelveli District-627657 (w.e.).

Copy to:

1. The Director of Geology and Mining, Chennai - 32.
2. The District Collector, Tirunelveli.
3. The Director, Atomic Minerals Directorate, Begumpet, Hyderabad.
4. The Regional Controller of Mines, IBM, Chennai.

**Consolidated Summary of Royalty and Cost of Mineral due arrived by BSM transported by the Lessees
Royalty and Cost of Mineral to be recovered from the Leaseholders / Plant owners for Unlawful / Illegal Transport of BSM
from 2000-01 to 2013-14 (Pre Ban Period - Period when transport permits were issued)**

Sl. No.	Name of the Lessee / Plant owner	Period	Quantum of BSM unlawfully transported (in MT)	Part - A			Part - B		Part - C		Reference
				Royalty due to be recovered for unlawful transport of BSM (in Rs.)	Royalty due to be recovered for BSM unlawfully transported (in Rs.)	Royalty due to be recovered for BSM unlawfully transported (in Rs.) [5 + 6]	Cost of Mineral due to be recovered for BSM unlawfully transported (in Rs.)	Royalty and Cost of Mineral due to be recovered for BSM unlawfully transported (in Rs.) [5 + 6]			
1	2	3	4	5	6	7	8				
1	Tvl. V.V. Mineral (R8, R22)	2000-01 to 2013-14	33,27,489	59,51,22,388	26,08,56,00,977	26,68,07,23,364	Part - C - Chart - 2 a				
2	Tvl. Transworld Garnet India(P) Ltd., (R 9)	2000-01 to 2013-14	6,14,786	8,20,59,515	2,73,55,95,248	2,81,76,54,762	Part - C - Chart - 2 b-i & 2 b-ii				
3	Tvl. Industrial Mineral India (P) Ltd., (R13)	2011-12 to 2013-14	42,092	1,77,78,196	80,73,91,147	82,51,69,343	Part - C - Chart - 2 c				
4	Tvl. Beach Mineral Sands Company (R10) & Tvl. Beach Mineral Company (P) Ltd., (R 17)	2001-02 to 2012-13	8,65,503	12,87,44,976	4,83,17,23,470	4,96,04,68,446	Part - C - Chart - 2 d				
5	Thiru. M. Ramesh (R 11)	2000-01 to 2012-13	2,41,819	3,66,59,701	1,13,83,32,533	1,17,49,92,234	Part - C - Chart - 2 e				
6	Thiru. K. Thangaraj (R 12)	2001-02 to 2012-13	2,49,973	5,35,53,557	1,78,51,18,576	1,83,86,72,133	Part - C - Chart - 2 f				
Total				53,41,662	91,39,18,332	37,38,37,61,951	38,29,76,80,283	3,829.77			

Source: AC.Vol.1 Annexure, AC.Vol. 11 & 12

**Consolidated Summary of Royalty and Cost of Mineral due arrived for BSM exported by the Lessees / Plant Owners
Royalty and Cost of Mineral to be recovered for Illegal Export of BSM from 2014 to 2016 (Post Ban Period)**

Sl. No	Lessee / Plant owners	Period	Total quantum of BSM illegally exported after Ban (in MT)	Royalty due for the quantum of BSM illegally exported after Ban (in Rs.)	Cost of Mineral due for the quantum of BSM illegally exported after Ban (Sale value realised as per Customs data) (in Rs.)	Total due for the quantum of BSM illegally exported after Ban (in Rs.) ((5) + (6))	Reference
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	V.V. Mineral (R8, R22)	2014 to 2016	7,70,200	30,04,94,387	8,82,99,58,451	9,13,04,52,838	Part - C - Chart - 3 a
2	Transworld Garnet India (P) Ltd., (R 9)	2014 to 2016	1,45,705	7,56,09,210	1,89,02,30,255	1,96,58,39,465	Part - C - Chart - 3 b
3	Beach Minerals Sands Company & their sister concerns (R10, R16, R18, R19)	2014 to 2016	4,23,261	11,67,89,797	4,13,97,22,974	4,25,65,12,771	Part - C - Chart - 3 c
4	Indian Ocean Garnet Sands Company and Indian Ocean Garnet Sands Company (P) Ltd., (M.Ramesh (R 11) & K.Thangaraj (R 12))	2014 to 2016	1,38,122.71	7,35,79,698	1,83,94,92,447	1,91,30,72,145	Part - C - Chart - 3 d
5	Industrial Mineral Company (R15)	2014 to 2016	2,84,536	7,18,38,180	2,68,90,28,153	2,76,08,66,333	Part - C - Chart - 3 e
	Total		17,61,824	63,83,11,272	19,38,84,32,280	20,02,67,43,552	
				Total in Crore Rupees		2,002.67	

Source:

1 Customs data - AC vol-5

W.P.(MD) No.2671 and 9183 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.2671 and 9183 of 2013

M/s.V.V.Minerals
through its Managing Partner,
S.Vaikundarajan
Keeraikaranthattu,
Thisaiyanvilai
Tirunelveli District.

... Petitioner in both W.Ps
vs.

The Secretary,
Government of India,
Department of Atomic Energy,
Anusakthi Bhavan,
C.S.M.Marg
Mumbai.

सत्यमेव जयते Respondent in both W.Ps

PRAYER in W.P.(MD).No.2671/2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to consider the petitioner's application in accordance with law and to pass suitable order in the application of the petitioner dated 27.08.2012 in accordance with the existing rules and regulations within a time stipulated by this Hon'ble Court.

PRAYER in W.P.(MD).No.9183/2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the Department of Atomic Energy Letter No.7/3(10)/2011-PSU/3156 dated 04.03.2013 of the Department of Atomic Energy and quash the same and direct the respondent to grant the license for cracking monazite in the petitioner's application dated 27.08.2012 and pass appropriate orders in the circumstance of the case.

For Petitioner : Mr.V.Lakshmi Narayanan for
Mr.R.Manivannan

For Respondents : Mrs.L.Victoria Gowri
Central Govt. Senior Panel Counsel
(In both W.Ps)

COMMON ORDER

W.P.(MD).No.2671 of 2013 has been filed to direct the respondent to consider the petitioner's application in accordance with law and to pass suitable order in the application of the petitioner dated 27.08.2012 in accordance with the existing rules and regulations.

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W.P.(MD).No.9183 of 2013 has been filed, challenging the letter issued by the Department of Atomic Energy in Letter No.7/3(10)/2011-PSU/3156 dated 04.03.2013 and quash the same.

W.P.(MD) No.2671 and 9183 of 2013

2. According to the petitioner, they are carrying on trade in minor minerals and he applied for grant of license for producing Rare Earth Oxides by cracking monozite. While processing the monoxide, the by-products of monozite i.e Uranium and Thorium will be handed over by the petitioner to the respondent. The process will be monitored by the Officer of the respondent and the petitioner was instructed to pay salary to those Officers and technical Staff. An application was made by the petitioner for getting proper permission/license from the Atomic Energy and Regulatory Board for the aforesaid purpose, but it was rejected by the authorities by way of the impugned order dated 04.03.2013. The said rejection order was confirmed in the appeal preferred by the petitioner, citing the pendency of writ petition before this Court (i.e W.P.(MD).No.2671/2013).

3. The learned counsel for the petitioner would contend that as per the notification issued by the respondent, dated 16.12.2013, the Government has accorded permission to the petitioner to set up a special economic zone. Therefore, according to him, petitioner's application could be considered in accordance with the above development.

4.The learned counsel for the respondent would contend that as per the latest notification, dated 20.10.2009, the Central Government made some amendments in the earlier notification, dated 25.07.1991. According to the same, the Central Government alone has the right to grant any permission for monozite mining. Therefore, there is no question of granting permission to the petitioner for dealing with monozite.

5.As contended by the respondent, as per the notification issued by the Ministry of Industry dated 25.07.1991, all the materials relating to atomic energy were reserved for public sector. Later, the Government has issued a subsequent notification dated 19.10.2009, wherein, the atomic energy was categorized as under :

In Schedule-I of the said notification, for item numbers 2 and item number 7 of the entries relating thereto, the following ~~item number~~ entries shall be substituted namely....

1.Atomic Energy:

(1)Production and separation or enrichment of special fissionable material as follows:

i)Plutonium-239

W.P.(MD) No.2671 and 9183 of 2013

ii) Uranium 233, Uranium enriched to the isotopes 235 or 233

iii) Neptunium

iv) Any material containing one or more of the foregoing and

v) Such other fissionable material determined by the Government of India from time to time

2) **Production of following substances or materials:**

i) Heavy water

ii) Tritium

iii) Radium-226

iv) Enriched Bottom (10B) and

iv) Alpha emitting radio nuclids having half life of 10 days or more

3) **Operation of the following facilities:**

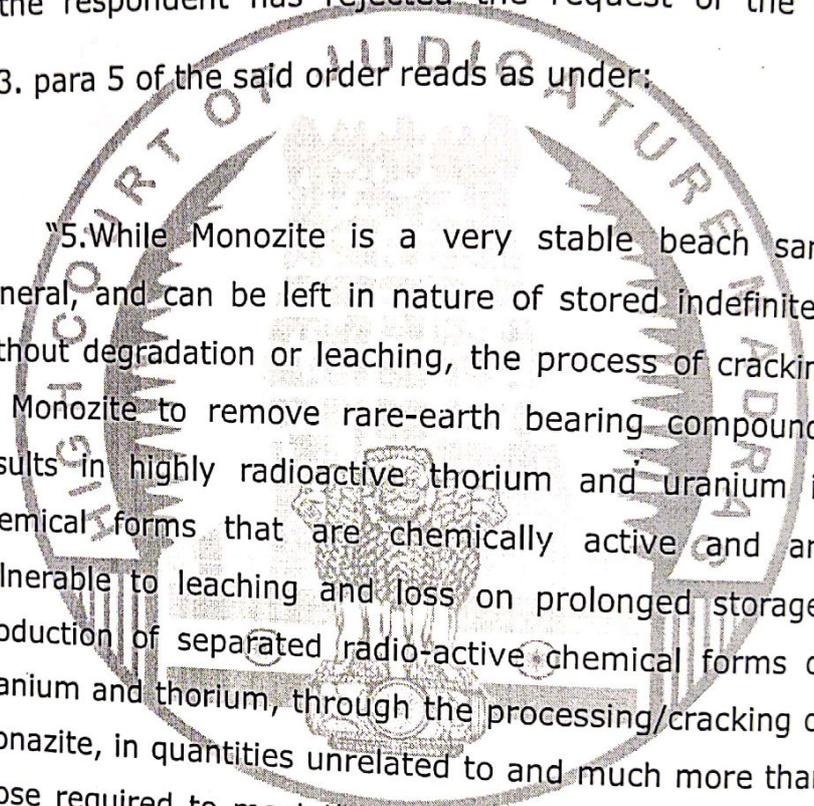
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6. After this notification, the petitioner has submitted his application in Form A, dated 27.08.2012 and he sought for processing Rare Earth oxides Plant and Zircon Power Plant. This request was acceded by the Ministry of

W.P.(MD) No.2671 and 9183 of 2013

Commerce Industry by notification dated 16.12.2013 permitting the petitioner to set up a Special Economic Zone for Mineral and Mineral based products in Thiruvambalur Village, Radhapuram Taluk, Tirunelveli. However, the respondent has rejected the request of the petitioner on 04.03.2013. para 5 of the said order reads as under:

"5. While Monazite is a very stable beach sand mineral, and can be left in nature of stored indefinitely without degradation or leaching, the process of cracking of Monazite to remove rare-earth bearing compounds results in highly radioactive thorium and uranium in chemical forms that are chemically active and are vulnerable to leaching and loss on prolonged storage. Production of separated radio-active chemical forms of uranium and thorium, through the processing/cracking of monazite, in quantities unrelated to and much more than those required to meet the needs of the atomic energy programme/application of the country gives rise to substantial risks of loss, leakage and seepage of these separated radio-active chemical forms of uranium and thorium in the process of transportation, handing and storage. The risks due to radiation, to the general public, in an unchecked and commercially-motivated processing/cracking of monazite for extracting mixed



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W.P.(MD) No.2671 and 9183 of 2013

rare earth chlorides/compounds are too high and completely avoidable. In these circumstances, the Department of Atomic Energy, under the provisions of Atomic Energy Act, 1962, and the Atomic Energy (Working of Mines, Minerals and Handling of Prescribed Substances) Rules 1984, and the Government of India's overall policies for industrial development, is restricting the grant of licenses for such processing of monazite only to fully-owned Public Sector Undertakings of the Government of India. Lastly, in view of the foregoing discussion and statutory provisions, it is considered not to be in public interest to open this activity to private sector."

7. According to the petitioner, in view of the approval granted to him by the Union of India vide notification dated 16.12.2013, the authorities can have a relook on the issue and pass appropriate orders and in that event of passing an order by the respondent, as per the latest rules and regulations, within a limited time frame specified by this Court, he will restrict his prayer to that effect.

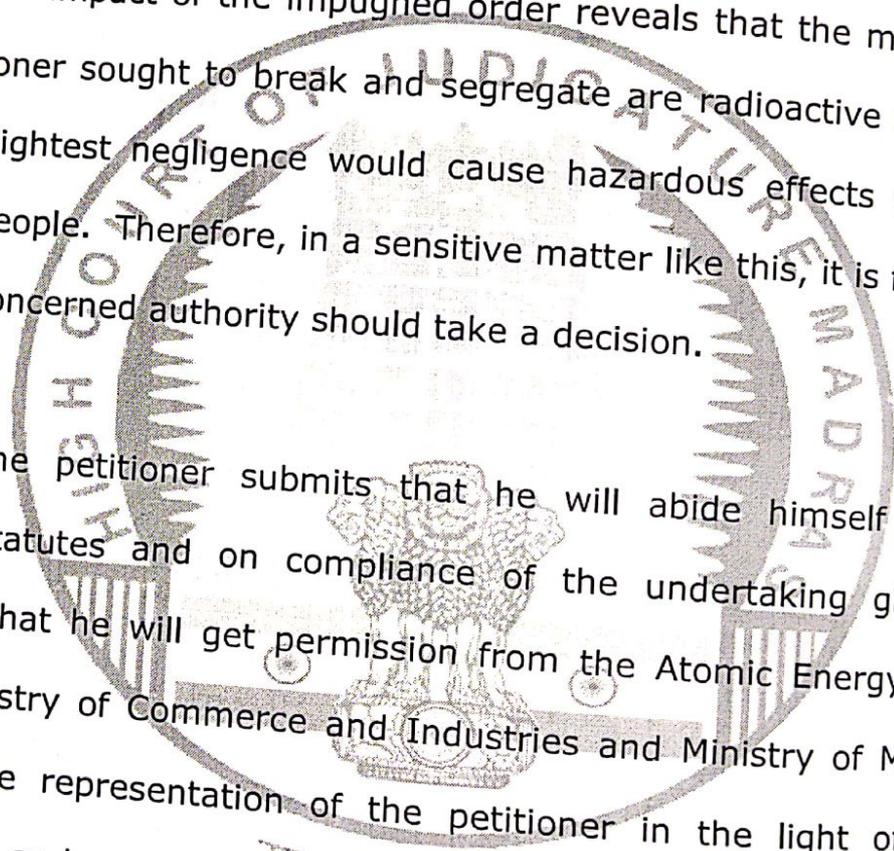
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8. It is no doubt that the Government is the ultimate authority to take a policy decision as to whether permit the radioactive materials in chemical

form of thorium and uranium to be stored by the public sector or private sector.

9.The impact of the impugned order reveals that the materials which the petitioner sought to break and segregate are radioactive materials and even a slightest negligence would cause hazardous effects on lakhs and lakhs of people. Therefore, in a sensitive matter like this, it is fit and proper that the concerned authority should take a decision.

10.The petitioner submits that he will abide himself as per the relevant statutes and on compliance of the undertaking given by the petitioner that he will get permission from the Atomic Energy Regulatory Board, Ministry of Commerce and Industries and Ministry of Mines should consider the representation of the petitioner in the light of the latest notifications and pass orders. It is made clear that this order of this Court will not be an impediment to consider all the relevant aspects and take a decision either to accept or reject the same or to modify its previous orders as expeditiously as possible preferably, not later than 6 months from the date of receipt of a copy of this order. In the process, the petitioner shall be given an opportunity of personal hearing to put forward all the materials.



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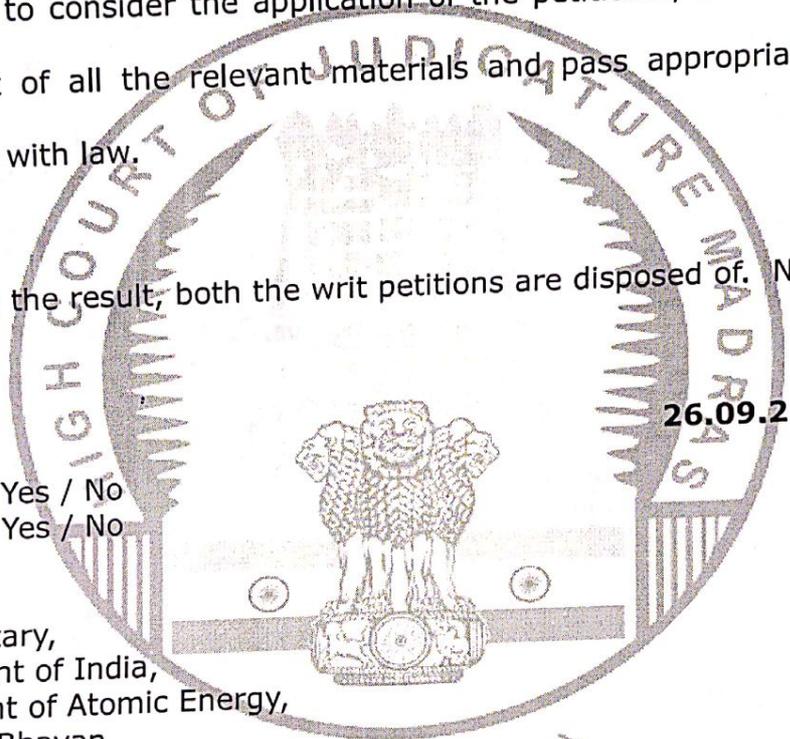
11.In view of the above discussion, a direction is given to the respondent to consider the application of the petitioner, dated 27.08.2012, in the light of all the relevant materials and pass appropriate orders in accordance with law.

12.In the result, both the writ petitions are disposed of. No costs.

26.09.2019

Index : Yes / No
Internet: Yes / No

vs
To:
The Secretary,
Government of India,
Department of Atomic Energy,
Anusakthi Bhavan,
C.S.M.Marg
Mumbai.



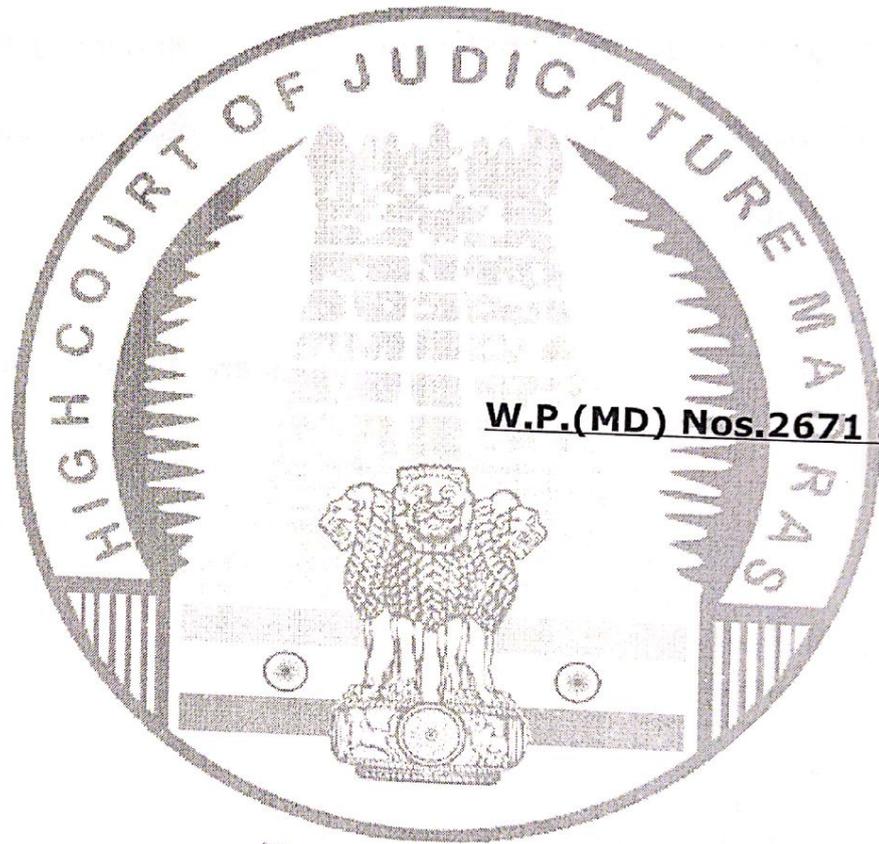
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W.P.(MD) No.2671 and 9183 of 2013

M.GOVINDARAJ,J.

VS



W.P.(MD) Nos.2671 and 9183 of
2013

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26.09.2019

W.P(MD)Nos.3178, 3181, 3182, 3183, 3184, 3185,
3186, 3187, 3188, 3189, 3191 and 3193 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)Nos.3178, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189,
3191 and 3193 of 2020

and

W.M.P(MD).Nos.2702, 2704, 2705, 2706, 2708, 2707, 2709, 2710, 2711,
2712, 2713 and 2714 of 2020

W.P(MD).No.3178 of 2020

S.Vaikundarajan

... Petitioner

Vs.

The State of Tamil Nadu,
rep., by its Principal Secretary to Government,
Industries (MMD.2) Department,
Secretariat, Fort St.George,
Chennai 600 009.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in letter No.7261/MMD-2/2019-2 dated 31.01.2020 and quash the same and provide the relevant documents as sought for by the petitioner in reply dated 01.08.2019.

For Petitioner : Mr.Kingsly Solomon J.
For Respondent : Mrs.J.Padmavathidevi
Special Government Pleader

COMMON ORDER

These Writ petitions have been filed in the nature of Certiorarified Mandamus seeking a direction to call for the records of the respondent namely the Principal Secretary to Government Industries (MMD.2) Department of the State of Tamil Nadu in letter No.7261/MMD-2/2019-2, dated 31.01.2020 and set aside the same.

2. In all these writ petitions, the impugned order is dated 31.01.2010. The only difference is that orders were passed with respect to separate mining leases, which, according to the learned counsel for the petitioner, are still subsisting. Originally, the petitioner was issued with a show cause notice dated 28.06.2019. This show cause notice was issued with respect to the mining leases under the provisions of the Atomic Minerals Concession Rules, 2016, and Atomic Mineral Construction (Second Amendment) Rules 2019, whereby, the respondent namely the Principal Secretary to the Government, after stating out various reasons, called upon the petitioner herein to appear in person on a particular date, namely 22.07.2019 at 05.30 pm., failing which, it was stated that it will be presumed that the petitioner has no remarks to offer.

W.P(MD)Nos.3178, 3181, 3182, 3183, 3183, 3184, 3185,
3186, 3187, 3188, 3189, 3191 and 3193 of 2020

3.The show cause notice, issued as stated above, under Section 4A(1) of the Mines and Minerals (Development and Regulation) Act 1957, had stated that the Central Government after consultation with the State Government had decided by order dated 01.03.2019 to regulate quarrying mines and minerals and to conserve minerals resources and therefore, to prematurely terminate all existing mineral concessions of Beach Sand Minerals held by private persons/companies in the country and had therefore, directed the State Government to take necessary action in accordance with Section 4A(1) and 4A(3) of Mines and Minerals (Development and Regulation) Act 1957. It was also mentioned in the notice, which is actually a show cause notice, that a *suo motu* Public Interest Litigation (PIL) in W.P.No.1592 of 2015 had been filed by the Registrar General, Madras High Court in connection with illegal mining of Beach Sand Minerals and the said PIL is still pending before a Division Bench of the Madras High Court. It had also been observed that the said Division Bench by order dated 27.03.2017 had ordered that the Central Government should take effective steps as a policy decision and regulate the process of mining and restrict the license in respect of the mineral Monazite. It was also stated that the order of the Division Bench related to and also covered Beach

Sand Minerals and particularly to unauthorised/illegal extraction of minerals, transportation and other associated alleged illegal and unlawful activities.

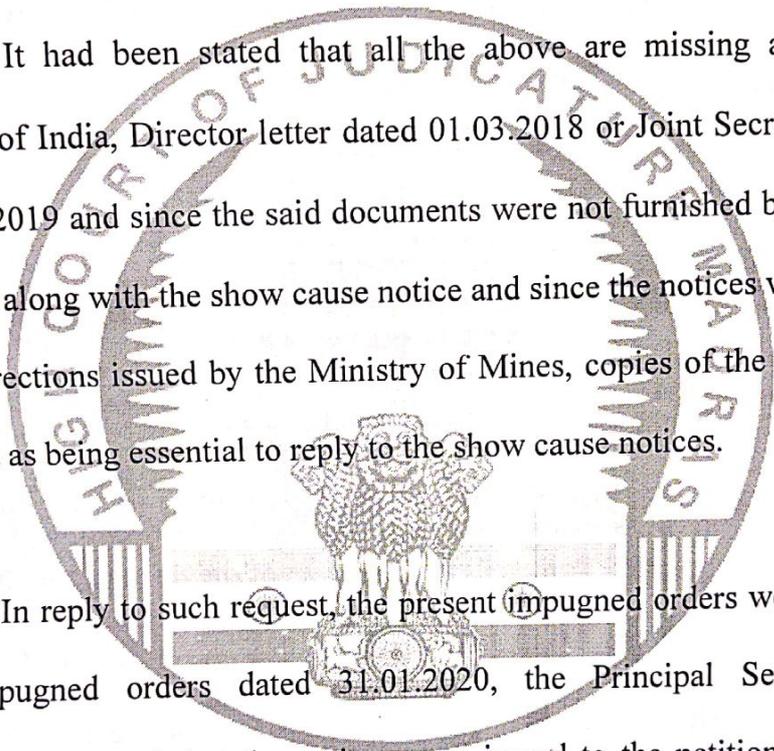
4. In the show cause notice, it has been stated that the writ petitioner herein has been indulging in such alleged unauthorised/illegal extraction of minerals, transportation and other associated alleged illegal and unlawful activities. Under these circumstances, by the show cause notice, the petitioner was directed to answer as to why the mining leases granted in favour of the petitioner Tvl.V.V.Mineral for mining garnet sand over an extent of 1.15.5 hectares of patta lands in S.F.No.1041/3 of Koodangulam Village, Rathapuram Taluk, Tirunelveli District, should not be prematurely terminated under Section 4A (1) of the Mines and Minerals (Development and Regulation) Act 1957. Similar notices were issued to all subsisting mining leases in favour of the petitioner. The only difference, as stated by the learned Special Government Pleader, is that the survey numbers alone were different. The petitioner was called upon to give an explanation within 15 days. A further opportunity of personal hearing was granted. The petitioner was directed to appear in person on 22.07.2019. Today it is 17.03.2020. The petitioner has neither replied to the show cause notice nor had he appeared in person before the respondent.

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5.The learned counsel for the petitioner states that he has given a representation seeking copies of documents as a precondition for appearance. He had sent a representation on 22.07.2019, which has been issued by the Manager, namely K.Nithya Kalyani and had sought for as many as four documents. It had been stated that all the above are missing along with Government of India, Director letter dated 01.03.2018 or Joint Secretary order dated 01.03.2019 and since the said documents were not furnished by the State Government along with the show cause notice and since the notices were issued based on directions issued by the Ministry of Mines, copies of the documents were sought as being essential to reply to the show cause notices.

6.In reply to such request, the present impugned orders were passed.

In the impugned orders dated 31.01.2020, the Principal Secretary to Government has stated that the notices were issued to the petitioner seeking reply and also offering personal hearing and it was further noted that the petitioner had not appeared and had also not replied to the show cause notice, but had sought certain documents to be provided. It was thereafter, stated that the request for provision of documents has been examined by the Government and it was stated that the requisite documents were confidential in nature and



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disclosure of the documents were prohibited under Section 8(1)(a) of the Right To Information Act 2005. A further opportunity for appearance was given and the date was fixed on 21.02.2020 at 04.30 pm.

7.The learned counsel for the petitioner claim that the documents sought were neither confidential nor prohibited documents.

8.However, in the representation given on 22.07.2019 seeking copies of the said documents, the reasons as to why those documents were required by the petitioner has not been stated. As stated, the petitioner has not answered the show cause notice. The Manager by name K.Nithya Kalyani had answered the show cause notice and had sought for copies of the documents. It has not been stated in what manner the petitioner is prejudiced by non furnishing of such documents. The relevancy of such documents have not been stated.

9.It is also not known why provision of these documents can be stated to be a prerequisite or precondition even for personal appearance. The petitioner can very well appear in person before the respondent and explain to him the relevancy of the documents. He neither appeared before the respondent

WP(MD)Nos.3178, 3181, 3182, 3183, 3183, 3184, 3185,
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nor had he replied to the show cause notice, but states that unless the copies of the documents are given, he would neither appear nor give reply. The conduct of the petitioner has to be condemned.

10.The petitioner, if he is not involved in any illegal unlawful activities as stated in the show cause notice, should have, with due respect to the petitioner, or to whatever organisation he is running, appeared before the respondent. The rule of law is applicable to every individual. The rule of law states that if notice is issued for appearance, there is a duty cast on the petitioner to appear before the respondent. Therefore, I have no hesitation in upholding the impugned orders in the writ petitions in Letter Nos.7261/MMD.2/2019-2, 7320/MMD.2/2019-2, 7323/MMD.2/2019-2, 7321/MMD.2/2019-2, 7331/MMD.2/2019-2, 7325/MMD.2/2019-2, 7326/MMD.2/2019-2, 7322/MMD.2/2019-2, 7336/MMD.2/2019-2, 7329/MMD-2/2019-2, 7337/MMD.2/2019-3 and 7340/MMD.2/2019-3 all dated 31.01.2020 respectively.

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11.The petitioner is directed to appear before the respondent in person. The respondent is also directed to issue a fresh show cause notice

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3186, 3187, 3188, 3189, 3191 and 3193 of 2020

fixing a date and time for appearance of the petitioner. On that particular date and time, the petitioner should appear and he may explain relevancy of the documents which he seeks and thereafter, the respondent may hear the petitioner with respect to the averments in the show cause notice and proceed further. If the petitioner does not properly respond, the respondent is at liberty to cancel any license of any mineral activity whether they are subsisting or not. The respondent may issue a fresh show cause notice on or before 27.03.2020 fixing a date and time for appearance of the petitioner and if the petitioner does not appear and once again communicates seeking postponement of the hearing, the respondent is at liberty to proceed further to cancel the license of whatever mining license has been leased to the petitioner.

12. It is a wonder how these writ petitions were filed before this Court when *suo motu* W.P.No.1592 of 2015 is under active and continuous consideration of a Hon'ble Division Bench at the Principal Seat.

13. With the above directions, these Writ Petitions are dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) for each writ petition totally Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only). Connected Miscellaneous Petitions are dismissed.

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14.The petitioner is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the Dean, Government General Hospital, Thoothukudi, a sum of Rs.30,000/-(Rupees Thirty Thousand only) to the Dean, Government Hospital, Tirunelveli, a sum of Rs.30,000/-(Rupees Thirty Thousand only) to the Dean, Government Hospital, Sivagangai and a sum of Rs.30,000/- (Rupees Thirty Thousand only)to the Dean, Government Medical Hospital, Madurai, totally Rs.1,20,000/-(Rupees One Lakh and Twenty Thousand only) for filing these writ petitions before this Court, when *suo motu* W.P.No.1592 of 2015 is pending before the Principal Bench and for delaying the progress of enquiry based on the show cause notices, seeking documents and not explaining the necessity or relevancy of the document in his representation. The costs are to be used by the Deans of the respective Medical Hospitals for treatment of poor patients. It is hoped that atleast few patients would benefit by such amount. The costs should be paid on or before 27.03.2020.

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Index : Yes / No

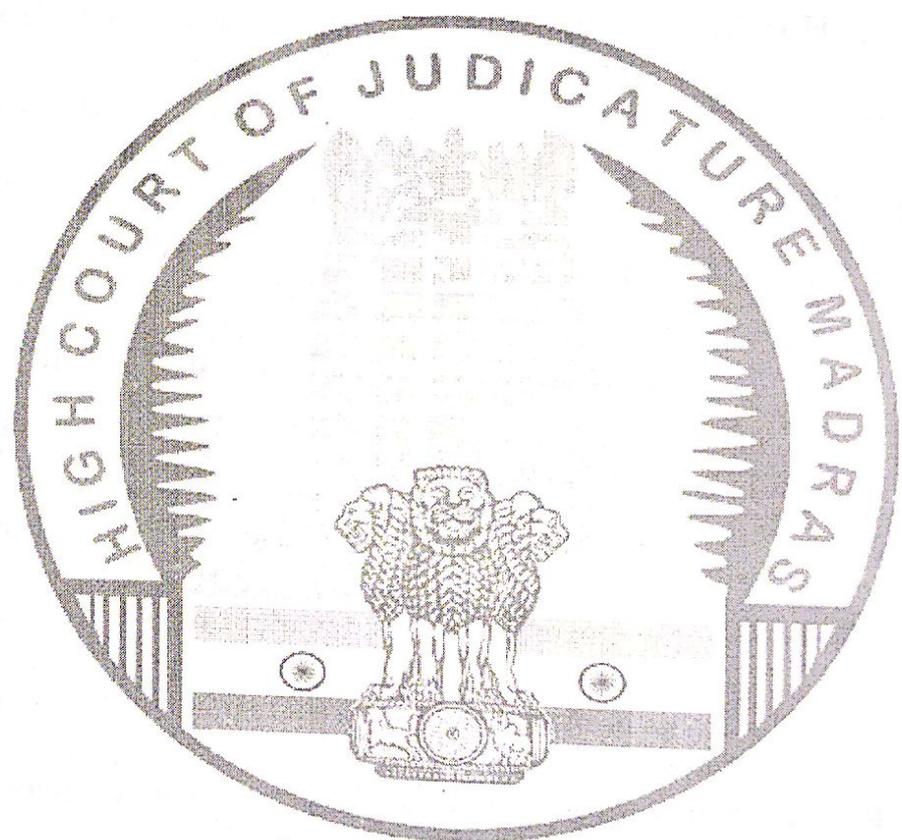
Internet : Yes / No

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Note : (1)Copy of the order to be marked Registrar (Judicial), Madras High Court for placing the order before the Hon'ble Division Bench, which is dealing with W.P.No.1592 of 2015. ... (pto)

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(2) The learned counsel for the petitioner may address a letter to Registrar (Judicial) for reporting compliance. If no such letter is received by 31.03.2020, Registrar (Judicial) may circulate a note for consideration on 01.04.2020 so that further orders for recovery of costs may be passed.



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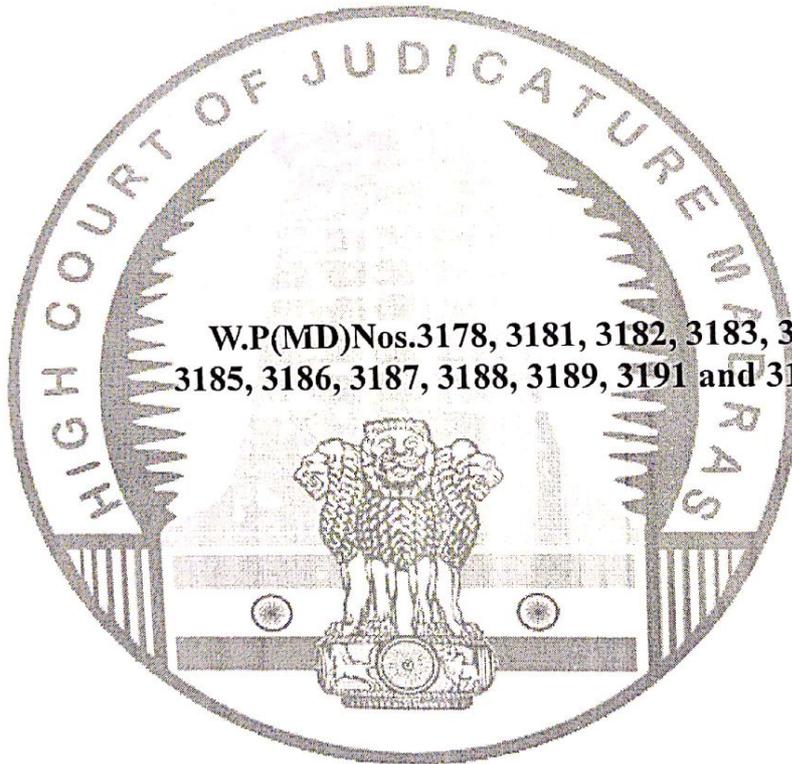
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C.V.KARTHIKEYAN.J,

rmk



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17.03.2020