

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE  
BENCH AT CHENNAI  
O.A. NO 85 OF 2021**

**IN THE MATTER OF:**

M/s. Parisara Hitharakshana Samithi

Versus

..Applicant

Union of India & Others

..Respondents

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Dated at Chennai on this the 2<sup>nd</sup> Day of September 2021.

*J. Anand*

**COUNSEL FOR RESPONDENT NO. 19**

Government of Karnataka

No. RD 72 L.G.P. 98

Karnataka Government Secretariat  
Multistoried Building,  
Bangalore, Dated 24-2-1999CIRCULAR

We had given instructions on 14-10-1988 vide Circular No. RD 76 L.G.P. 88 that not to grant Gomal Land in the State in favour of any person or to the usage of the Government. Further, instructions have been given on 27-12-1989 in the same Circular No. by relaxing the entire grant and further, to grant the lands for the purpose as listed in the Circular, for the granting purposes proposals for grant should be sent to the Government under Rule 97 (4) of the Karnataka Land Revenue Rules, 1966. Thereafter, this issue has been once again examined in 1995 and further given instructions after deciding to prohibit not to grant any Gomal land to any persons and further not to lease out the Gomal lands.

Prior to these developments, Karnataka Minor Mineral Concession Rules was in force since 19-4-1969 and accordingly, Commerce & Industries Dept., Government of Karnataka, had granted permission to conduct quarrying operation by leasing out in Gomal land, Government Revenue land, private land and etc. The lease areas granted in the Government Gomal land have come for renewal purposes and Commerce and Industries Dept. has requested to examine this issue by giving concurrence, after verifying this aspect and after considering this issue from all angles in detail, the following,

important points have been noticed:-

1. Quarrying lease granted areas in the Gomal land earlier were granted in the big and strong bouldered rocky areas, in these areas the possibility of growing the grass or any type of plants will not be there. Since the quarrying activities have been conducted by cutting the boulders for several years, the original symptoms of Gomal land is not there. If these type of lands are reserved for Gomal lands, then the main purpose of cultivating the Gomal lands will be defeated and further, it may lead to illegal quarrying activities.
2. In spite of earmarked as Government Gomal lands, some of the lands in these areas are completely covered by the boulders, these lands cannot be used as Gomal lands, in case if we do not grant

quarrying leases, then opportunity for illegal quarrying activities may take place.

By considering these aspects along with other relevant facts to this case, and in this background, it has been decided that, the areas earmarked as Gomal lands which is covered by bouldered rocky areas permission may be granted to conduct quarrying activities. In view of this, following guidelines have been issued:-

-: 2 :-

- (a) Quarrying activities being done in the Gomal lands for several years, in these areas if the joint inspection report of the Revenue Department with the officers of the Department of Mines & Geology, that the areas which are covered by the boulders, rocky in nature, barren land and which cannot be used for Gomal purposes, in those areas renewal of the quarrying leases can be considered.
- (b) In the same way, for the areas classified as Gomal lands, after conducting joint inspection by the officers of the Revenue Department and the Department of Mines & Geology, the fresh applications which have been received by the Department for the grant of quarrying leases, can be considered for the grant of quarrying leases.
- (c) The Assistant Commissioner of the Sub-division and the Senior Geologist/Geologist of the applied district, shall be the authorized authorities for conducting joint inspection of the applied area.
- (d) When the application will be under consideration as per (a) and (b) above, the remaining statutory laws shall be duly followed.
- (e) If the forest areas are overlapping with the Gomal lands, in such areas it has been directed not to grant any quarrying leases.

Sd/-  
(G. SATHYAVATHI)  
Deputy Secretary to the Government,  
Revenue Department.

24/2/99

To:

1. The Gazetted Officer, Karnataka, Bangalore-560 001.
2. The Principal Secretary to the Government, Revenue Department, Multistoried Building, Bangalore-1.
3. The Principal Secretary to the Government, Forest, Environment & Ecology Department, Bangalore-1.
4. The Principal Secretary to the Government, Finance Department, Bangalore-1.
5. The Principal Secretary to the Government, Commerce & Industries Dept., Bangalore-1.
6. The Secretary to the Government, Legal Department, Bangalore-1.
7. The Principal Chief Conservator of Forests, Aranya Bhavan, Malleswaram, 18<sup>th</sup> Cross, Bangalore-3.
8. The Director, Department of Mines & Geology, Bangalore-27.
9. All Divisional Commissioners.

GOVERNMENT OF KARNATAKA  
DEPARTMENT OF MINES AND GEOLOGY  
SHORT TERM NOTIFICATION FOR

GRANT OF QUARRYING LEASE THROUGH TENDER-CUM-AUCTION

Tender No:DMG/DD(MA)/M-Sand-01/2014-15

Date:08-12-2014.

In exercise of powers conferred under Rule 31A of Karnataka Minor Mineral Concession Rules, 1994 the areas notified under Rule 8B of KMMCR are put for disposal through this notification for grant of "Building Stone" Quarrying Lease in the District of **Kolar** for the purpose of promoting M-sand units through Tender-Cum-Auction as per chapter IV-A of KMMCR on **As is Where is** basis for a period of 10 years. The interested Individuals/ firm/company can apply through e-procurement portal <https://eproc.karnataka.gov.in>. The details of the area available for grant of quarrying lease in **Kolar** District are as follows.

Sl. No.	Taluk	Village	Sy.No	Extent (Acres)	Block No.	GPS Co-ordinates	Category of Reservation	El. (In	
1.	Malur	Makarahalli	185	10-00	01	A	12°58'51.43"N 78°6'21.45"E	Scheduled Caste	93.7
						B	12°58'47.91"N 78°6'20.62"E		
						C	12°58'47.23"N 78°6'24.78"E		
						D	12°58'44.35"N 78°6'24.03"E		
						E	12°58'44.62"N 78°6'21.62"E		
						F	12°58'41.21"N 78°6'20.98"E		
						G	12°58'42.23"N 78°6'17.01"E		
						H	12°58'52.13"N 78°6'18.82"E		
2	Malur	Makarahalli	185	10-00	04	A	12°58'49.97"N 78°5'50.81"E	Scheduled Tribes	93.7
						B	12°58'40.58"N 78°5'59.91"E		
						C	12°58'38.54"N 78°5'57.31"E		
						D	12°58'47.88"N 78°5'48.23"E		
3.	Malur	Makarahalli	185	10-00	03	A	12°58'52.13"N 78°6'18.82"E	General	1,87,
						B	12°58'42.23"N 78°6'17.01"E		
						C	12°58'43.35"N 78°6'12.79"E		
						D	12°58'53.25"N 78°6'14.74"E		
4.	Malur	Makarahalli	185	10-00	02	A	12°58'53.25"N 78°6'14.74"E	General	1,87,0
						B	12°58'43.35"N 78°6'12.79"E		
						C	12°58'44.55"N 78°6'8.67"E		
						D	12°58'54.10"N 78°6'10.42"E		
5	Malur	Makarahalli	185	10-00	05	A	12°58'47.88"N 78°5'48.23"E	General	1,87,0
						B	12°58'38.54"N 78°5'57.31"E		
						C	12°58'36.46"N 78°5'54.68"E		
						D	12°58'45.82"N 78°5'45.57"E		
6.	Mulbagalu	Devaraya-samudra	199	10-00	06	A	13°7'20.79"N 78°18'26.36"E	General	1,87,0
						B	13°7'28.73"N 78°18'26.19"E		
						C	13°7'30.67"N 78°18'28.96"E		
						D	13°7'25.15"N 78°18'32.41"E		
						E	13°7'20.73"N 78°18'30.41"E		

7.	Mulbagalu	Devaraya-samudra	199	10-00	07	A	13° 7'25.15"N	78°18'32.41"E	Scheduted Caste	93.
						B	13° 7'20.73"N	78°18'30.41"E		
						C	13° 7'31.37"N	78°18'36.36"E		
						D	13° 7'24.66"N	78°18'39.32"E		
						E	13° 7'25.31"N	78°18'34.49"E		
8.	Mulbagalu	Devaraya-samudra	199	10-00	08	A	13° 7'26.83"N	78°18'38.44"E	General	1,87,
						B	13° 7'31.37"N	78°18'36.36"E		
						C	13° 7'32.18"N	78°18'43.60"E		
						D	13° 7'28.18"N	78°18'44.20"E		
						E	13° 7'27.66"N	78°18'49.30"E		
						F	13° 7'25.36"N	78°18'48.58"E		
						G	13° 7'25.69"N	78°18'43.99"E		
						H	13° 7'27.35"N	78°18'43.35"E		
9	Mulbagalu	Devaraya-samudra	199	10-00	09	A	13° 7'11.90"N	78°18'55.16"E	General	1,87,0
						B	13° 7'20.82"N	78°18'59.70"E		
						C	13° 7'17.10"N	78°19'2.88"E		
						D	13° 7'10.75"N	78°19'1.68"E		
0	Mulbagalu	Devaraya-samudra	199	10-00	10	A	13° 7'17.10"N	78°19'2.88"E	General	1,87,0
						B	13° 7'10.75"N	78°19'1.68"E		
						C	13° 7'19.89"N	78°19'6.04"E		
						D	13° 7'14.80"N	78°19'5.69"E		
						E	13° 7'11.72"N	78°19'8.10"E		
						F	13° 7'10.19"N	78°19'12.49"E		
						G	13° 7'8.93"N	78°19'12.22"E		

Director  
Department Of Mines and Geology  
Bangalore

ಸಂಖ್ಯೆ:ಗಭೂಇ/ಉನಿ(ಖ.ಆ)/ಎಂ-ಸ್ಯಾಂಡ್-01/2014-15/

ನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ,  
ನಂ.49,ಖನಿಜ ಭವನ, ರೇಸ್ ಕೋರ್ಸ್ ರಸ್ತೆ,  
ಬೆಂಗಳೂರು, -ದಿನಾಂಕ: 19-05-2015.

ಇವರಿಗೆ,

ಮೆ. ಪಿ.ಎಂ. ಗ್ರಾನೈಟ್ ಎಕ್ಸ್‌ಪೋರ್ಟ್ಸ್ ಪ್ರೈ. ಲಿ,  
ಶ್ರೀ. ಎಂ. ಬಾಬಣ್ಣ,  
#129, 7ನೇ ಮುಖ್ಯ ರಸ್ತೆ, 5ನೇ ಬ್ಲಾಕ್,  
ಜಯನಗರ, ಬೆಂಗಳೂರು 560 041.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕಗಳಿಗೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು Provisional Acceptance Letter ನೀಡುವ ಕುರಿತು.

- ಉಲ್ಲೇಖ: 1. ಟೆಂಡರ್ ಕಂ ಆಕ್ಷನ್ ಮುಖಾಂತರ ಗುತ್ತಿಗೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಹೊರಡಿಸಿರುವ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಗಭೂಇ/ಉನಿ(ಖ.ಆ)/ಎಂ-ಸ್ಯಾಂಡ್-01/2014-15, ದಿನಾಂಕ: 02-12-2014.
2. ಟೆಂಡರ್ ಕಂ ಆಕ್ಷನ್ ಬಗ್ಗೆ ದಿನ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಹೊರಡಿಸಿರುವ ಜಾಹಿರಾತು ಪ್ರಕಟಣೆ ದಿನಾಂಕ: 08-12-2014.
3. ಇ-ಪ್ರೊಕ್ಯೂರ್‌ಮೆಂಟ್ ಪ್ಲಾಟ್ ಫಾರಂ ಮುಖಾಂತರ ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಂತೆ.
4. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಿಐ 184 ಎಂಎಂಎನ್ 2015 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14-05-2015.

\* \* \* \* \*

ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್-1994ರ ನಿಯಮ 8ಬಿ ರಂತೆ ಎಂ-ಸ್ಯಾಂಡ್ ತಯಾರಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕಟ್ಟಡ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಉಲ್ಲೇಖಿತ ಪತ್ರ-1ರಂತೆ ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿ ಉಲ್ಲೇಖಿತ ಪತ್ರ-2ರಂತೆ ಪತ್ರಿಕಾ ಪ್ರಕಟಣೆಯನ್ನು ನೀಡಲಾಗಿತ್ತು.

ಉಲ್ಲೇಖಿತ ಪತ್ರ-3ರಂತೆ ನೀವು ಟೆಂಡರ್ ಕಂ ಆಕ್ಷನ್ ಮೂಲಕ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ನೀಡಲು ನಡೆಸಲಾದ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಕೋಲಾರ ಜಿಲ್ಲೆ ಮುಳಬಾಗಿಲು ತಾಲ್ಲೂಕು ದೇವರಾಯಸಮುದ್ರ ಗ್ರಾಮದ 06ನೇ ಬ್ಲಾಕ್‌ಗೆ ಬಿಡ್ ಸಲ್ಲಿಸಿರುವುದು ಸರಿಯಷ್ಟೆ.

ಸದರಿ ಬ್ಲಾಕ್‌ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಇ-ಪ್ರೊಕ್ಯೂರ್‌ಮೆಂಟ್ ಪ್ಲಾಟ್ ಫಾರಂ ಮುಖಾಂತರ ದಿನಾಂಕ: 30-03-2015 ಮತ್ತು 31-03-2015 ರಂದು ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ನಡೆಸಲಾಗಿರುತ್ತದೆ.

ಮೇಲಿನ ಟೆಂಡರ್ ಕಂ ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ನೀವು 110.5% ನ್ನು ನಮೂದಿಸಿದ್ದು, ಸದರಿ ಮೊತ್ತವು ಈ ಬ್ಲಾಕ್‌ಗೆ ಇತರೆ ಬಿಡ್‌ದಾರರು ನಮೂದಿಸಿರುವ ಮೊತ್ತಕ್ಕಿಂತ ಅತಿ ಹೆಚ್ಚಿನ ಬಿಡ್ ಆಗಿದ್ದು, ನಿಮ್ಮನ್ನು ಯಶಸ್ವಿ ಬಿಡ್‌ದಾರರೆಂದು ಉಲ್ಲೇಖ-4ರ ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ಪರಿಗಣಿಸಲಾಗಿದೆ.

ಆದ್ದರಿಂದ, ಎಂ-ಸ್ಯಾಂಡ್ ತಯಾರಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಲು ಮತ್ತು ಗುತ್ತಿಗೆ ಅಮಲ್ಜಾರಿ ಮಾಡಲು ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರಿಗೆ ಸೂಚನೆ ನೀಡಲಾಗಿದೆ.

ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸಿ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಅಮಲ್ಜಾರಿಗಾಗಿ ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರನ್ನು ಸಂಪರ್ಕಿಸಲು ಕೋರಲಾಗಿದೆ.

**ಷರತ್ತುಗಳು:-**

1. ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಕರಾರು ಪುಸ್ತಕ ಅಮಲ್ಜಾರಿ ಸಮಯದಲ್ಲಿ ಭದ್ರತಾ ಠೇವಣಿ ಮೊತ್ತವನ್ನು ಪಾವತಿಸತಕ್ಕದ್ದು, ಭದ್ರತಾ ಠೇವಣಿ ಮೊತ್ತವನ್ನು ಶೇ.50% ರಷ್ಟು ಡಿ.ಡಿ. ಮೂಲಕ ಹಾಗೂ ಶೇ.50% ರಷ್ಟನ್ನು ಬ್ಯಾಂಕ್ ಗ್ಯಾರಂಟಿ ರೂಪದಲ್ಲಿ ನೀಡತಕ್ಕದ್ದು.

$$\text{SECURITY DEPOSIT} = \frac{2 \times (\text{Annual Production limit}) \times \text{Premium (in percentage)} \times \text{Royalty/Ton}}{100}$$

2. ಯಶಸ್ವಿ ಬಿಡ್‌ದಾರರು ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿ ಅಧಿಸೂಚನೆ ಜಾರಿಯಾದ 15 ದಿನಗಳೊಳಗಾಗಿ ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್ ಸಲ್ಲಿಸಿ, ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್‌ನಲ್ಲಿ ಅಂದಾಜಿಸಿರುವ ಪ್ರಥಮ ವರ್ಷದ ಉಪಖನಿಜ ಉತ್ಪಾದನೆಗನುಗುಣವಾಗಿ ಒಂದು ವರ್ಷದ ಪ್ರೀಮಿಯಂನ ಮೊತ್ತವನ್ನು ಜಿಲ್ಲಾ ಉಪ ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಗಳ ಕಛೇರಿಯಲ್ಲಿ ಪಾವತಿಸತಕ್ಕದ್ದು. ತಪ್ಪಿದ್ದಲ್ಲಿ, ಮಂಜೂರಾತಿ ಅಧಿಸೂಚನೆಯನ್ನು ರದ್ದುಪಡಿಸಲು ಕ್ರಮಜರುಗಿಸಲಾಗುವುದು. ಹಾಗೂ ನಿಯಮಾವಳಿಗಳಂತೆ ಮಂಜೂರಾತಿದಾರರು ಸರ್ವೆ ಮತ್ತು ಮೋಜಣಿ ಶುಲ್ಕ ಹಾಗೂ ಇತರೆ ಶುಲ್ಕಗಳನ್ನು ಪಾವತಿಸತಕ್ಕದ್ದು.

3. ಟೆಂಡರ್ ಡಾಕ್ಯುಮೆಂಟ್ ಮತ್ತು ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್-1994ರ ನಿಯಮಾವಳಿಗಳ ಇತರೆ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು.

4. ಯಶಸ್ವಿ ಬಿಡ್‌ದಾರರು ಪರಿಶಿಷ್ಟ ಜಾತಿ/ ಪರಿಶಿಷ್ಟ ಪಂಗಡಕ್ಕೆ ಸೇರಿದ್ದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರದಿಂದ ಜಾತಿ ದೃಢೀಕರಣ ಪತ್ರವನ್ನು ಪಡೆದು ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

5. ಯಶಸ್ವಿ ಬಿಡ್‌ದಾರರು ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿ ಅಧಿಸೂಚನೆ ಜಾರಿಯಾದ ಮೂರು ತಿಂಗಳೊಳಗಾಗಿ ಪರಿಸರ ಇಲಾಖೆಯಿಂದ ಪರಿಸರ ಅನುಮತಿ ಪತ್ರ ಪಡೆದು ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

ತಮ್ಮ ವಿಶ್ವಾಸಿ

  
ನಿರ್ದೇಶಕರು

**Translated copy of ANNEXURE-R3****Government of Karnataka**

No. GabuE/Uni(K.A)/M-Sand-01/2-14-15

Office of the Director  
Department of Mines and Geology  
No. 49, Khanija Bhavan, Race Course Road  
Bangalore, Date: 19.05.2015

To:

M/s P.M. Granite Exports Pvt Ltd  
Sri. M. Babanna  
No. 129, 7<sup>th</sup> Main Road, 5<sup>th</sup> Block  
Jayanagar, Bangalore 560 041.

Sir,

Sub: Issuance of Provisional Acceptance Letter for  
grant of Quarry Leases to M-Sand Manufacturing  
Unit:

Ref: 1. Notification No. GabuE/Uni(K.A)/M-Sand-  
01/2014-15 dated 02.12.2014 issued for grant of  
leases through Tender cum Auction:

2. Paper Publication dated 08.12.2014 issued for  
Tender cum Auction:

3. As per application submitted through E-  
Procurement Platform.

4. Government order No. CI 184 MMN 2015  
Bangalore Date: 14.05.2015:

With reference to the above subject and references, in order to grant Quarry Lease to manufacture M-Sand under Rule 8B of KMMCR 1994, issued Notification as Ref (1) above and issued paper publication vide Ref (2) above.

As per letter Ref (3), you have submitted your Bid for Block No. 06 in Devarayasamudra Village, Mulabagilu Taluk, Kolar Dist in the Tender process of Tender cum Auction for grant of Quarry Lease.

For the said Block, through E-procurement Platform conducted auction proceedings on 30.03.2015 and 31.03.2015.

In the aforesaid Tender Cum Auction proceedings you have quoted 110.5% and the said amount is highest bid of other bidders bid amount and you have been treated as successful bidder in the Government order vide Ref (4).

It is hereby directed the Senior Geologist Kolar District to issue Notification for grant of Quarry Lease for the purpose of manufacture M-Sand and execute the lease deed.

It is hereby requested you to by fulfilling the following conditions and contract Senior Geologist Kolar Dist for execution of the Quarry Lease Deed.

**CONDITIONS:**

1. At the time of execution of the Quarry Lease you have to pay security deposit, and 50% of the

security deposit is to be paid by way of D.D and remaining 50% is to be paid by way of Bank Guarantee.

SECURITY DEPOSIT=2 X (Annual Production limit) X Premium (in percentage) X Royalty/Ton / 100

2. The Successful Bidder will have to submit quarry plan within 15 days from the date of issuance of Notification for grant of Quarry Lease, and as per the approximate annual production mentioned in the Quarry Plan one year premium amount is to be paid in the office of District Deputy Director/ Senior Geologist, failing which, action will be taken for cancellation of Notification and as per the rules the Grantor has to pay the survey and other charges.
3. You have to follow the Tender Document and KMMCR 1994 rules and other terms and conditions.
4. If the Successful bidder belongs to SC/ST community, you have to obtain caste certificate from the concerned department and submit the same.
5. The Successful Bidder has to submit Environment Certificate from the Environment Department within three months from the date of issue of Notification for grant of Quarry Lease.

Yours faithfully,

Sd/-

Director



Annexure-H

GOVERNMENT OF KARNATAKA

OFFICE OF THE SENIOR GEOLOGIST, DEPARTMENT OF MINES AND GEOLOGY, KOLAR.-563102

E-MAIL : [sgkolar@gmail.com](mailto:sgkolar@gmail.com)

PHONE NO.: 08152-222147

No.DMG/SGK/TCA Block No.06/2015-16

1155

Date: 31-08-2015

Tender cum Auction Rule 8(b) Notification for M-SAND Purpose

FORM-GL

(See Rule (5) of Rule 11, Rule 27 and Sub Rule (2) of Rule 33)

(Government Notification Amendment No.CI 357 MMN 2012 Dtd:16-12-2013)

(Government Tender No.DMG/DD(MA)/M-Sand-01/2014-15 Dtd:02.12.2014)

NOTIFICATION

In pursuance of Rule 27 of the KMMC Rules 1994 sanction is hereby accorded for grant of quarry lease for quarrying of **Building Stone (Mineral)** for 10 ( Ten) years to Sri M.Babanna over an extent of 10-00 acres Government Gomala land in Sy. No.199 of Devarayasamudra Village, Mulabagal Taluk, Kolar District as per the enclosed sketch.

The grant of the above lease for quarrying is subject to the terms and conditions mentioned here under:

1. Quarrying lease shall be in respect of **Building Stone (M-Sand)** Minor Mineral only. If any other mineral (s) is/are found in association with the said the minor mineral, the same should be brought to the notice of the Competent Authority and if the lessee desires to quarry these minerals also he should do so only after the consent of the Competent Authority is obtained in writing.
2. The lessee shall at his own expense erect and at all times maintain and keep in good repair, boundary pillars and marks which are necessary to indicate the boundaries of the area.
3. Quarrying work should not be started based on this Notification. Quarrying should be started only after executing the lease deed.
4. A Board should be displayed boldly at the entrance to the quarry lease giving details of the name of the Quarry, Lease number, Owners name or Company name, Address and date of the execution of the lease deed.
5. Dead rent at rate prescribed in Schedule-I (as may be modified from time to time) of KMMC Rules 1994 and Royalty at the rate prescribed in Schedule-II KMMC Rules 1994 shall be payable by the lessee in accordance with these rules. (NTN No. CI 81 MMN 2014, Dated 05-03-2014).

6. Government shall have the right of purchasing the minor mineral at PWD SR Rates prevailing at the time of such purchase.
7. Security deposit shall be paid before execution of Lease deed as follows:-  

$$\text{SECURITY DEPOSIT} = \frac{2 \times (\text{Annual Production limit}) \times \text{Premium (in Percentage)} \times \text{Royalty /Ton}}{100}$$
8. 50% of the security deposit shall be in the form of DD and balance 50% shall be in the form of Bank guaranty.
9. Successful bidder shall submit quarrying plan within 15 days from the issue of this notification and pay premium equivalent to first year production of approved quarry plan failing which the notification shall stand cancelled.
10. Successful bidder of block reserved for SC & ST shall produced certificate.
11. Successful bidder shall obtain Environment clearance from SEIAA within 6months from the date of notification.
12. Environment protection fee of Rs.3,40,200/- shall be paid to the Government Treasury through SBM challan Head of Account No:0406-1-800-0-11.
13. T.C.S. Charges 2% of the Royalty amount should be paid in favour of Tax recovery officer TCS Range of Kolar District.
14. The grantee shall in accordance with covenants of lease deed part-VII clause V erect and maintain a proper fence/protection wall around the leased area protecting the Men/Cattle's falling in to the Quarry Pit, which other wise would cause injuries/death.
15. If the depth of the mining exceeds six meters then section 2 and 3 of the MINES ACT 1952 shall be complied with by the lessee.
16. The lessee should produce the assured minimum Quantity of 75% of the annual production as per approved quarrying plan and environmental clearance. The lessee failing to produce the minimum assured quantity is liable for payment of royalty and premium for such short fall quantity.
17. The lessee shall abide by the following statutory requirements applicable and as amended from time to time.
  - a. Mines Act 1952
  - b. MCR 1960.
  - c. MMRD Act 1957
  - d. KMMCR 1994

18. Provision of KMMCR 1994 rule 31P shall Mutatis Mutandis apply with respect to transfer of lease.
19. The lessee shall set up the M-sand plant with in a period of six months from the date of executing the lease deed. The lease deed will be terminated and security deposit will be forfeited if fails to comply the same. However the competent authority may extend the above period for another three months for the reasons to his satisfaction, where the lessee is not at fault for such delay.
20. The lessee should produce or manufacture 60% of annual production limit in to M-sand and remaining 40% as other aggregates.
21. The Grant of this quarrying lease for quarrying shall be subject to the various other provisions of the KMMC Rules 1994.
22. The grantee shall be governed by all additional conditions which may incorporated into the lease deed at the time of execution of the licence deed.
23. The grantee shall obtain blasting permission from the concerned authority.

  
 Senior Geologist  
 Department of Mines and Geology  
 Kolar

To,  
 M/s P.M. Granites Exports .Pvt. Ltd.  
 Sri M.Babanna  
 #129, 7<sup>th</sup> Main Road, 5<sup>th</sup> Block  
 Jayanagar, Bangalore-560041.

**Note:** The Grantee should execute the lease deed in FORM-E within a period of Six(6) months from the date of the order sanctioning the quarrying lease, failing which the order of sanctioning this quarry lease for quarrying be deemed to have been revoked under Rule -27 of the KMMC Rules 1994.

**Copy to:-**

1. The Secretary, Commerce & Industries, Vikasasoudha, Bangalore
2. The Director, Department of Mines & Geology, Bangalore.
3. The Deputy Commissioner, Kolar District, Kolar
4. Deputy Conservator of Forest, Kolar Division, Kolar
5. The Asst. Commissioner, Kolar Division, Kolar District.
6. The Tahasildar, Mulbagal Taluk, Kolar District.

  
 Senior Geologist  
 Department of Mines and Geology  
 Kolar



P.M. GROUP

Annexure-R5

14  
**P.M. GRANITE EXPORT PRIVATE LIMITED**

Factory : Plot No. E-9, SIPCOT Industrial Complex, Phase II Expn-I, Hosur - 635109, Tamil Nadu, INDIA.  
TIN No.: 33843322025/01-01-2007 CST: 887551/10-12-2004  
Tel: 04344-260579 / 260577 Fax: 04344 260580 E-mail: pmg.admn@gmail.com Web: www.pmgranite.net

Date: 28/10/2015

To,  
**The Senior Geologist,  
Dept. of Mines & Geology,  
Kolar.**

Sir,

**Sub:** Submission of Quarry Plan for the Building stone quarrying M-Sand Block No-06 granted under Tender Cum Action over an extent of 10.00acres Government Gomala land in Sy.No.199 of Devarayasamudra Village, Mulbagalu Taluk, Kolar District, along with processing fees of Rs 2000/- through bank DD.

**Ref:** 1) Grant Notification No: DMG/SGK/TCA Block No.06/2015-16/1155 dated 31.08.2015.

1. We participated in the tender in respect of the area falling in Sy.No.199 of Devarayasamudra Village, Mulbagalu Taluk, Kolar District. We are the successful bidder quoted 110.5% premium. Further we had been issued grant notification vide No: DMG/SGK/TCA Block No.06/2015-16/1155 dated 20.07.2015. As per Clause No. 9 of the condition of the notification, we hereby submit the Quarrying Plan in three copies for building stone (M-Sand), under Rule 8C of Karnataka Minor Mineral Concession Rule, 1994 and Karnataka Minor Mineral Concession (Amendment) Rule, 2013 prepared by the Recognized Qualified Persons from IBM, along with Demand Draft of Rs 2000/- drawn on State Bank of Mysore as processing fees in favour of Sr. Geologist Dept. of Mines and Geology Kolar.

a. That the conditions No.s 1 to 6, 10, 14 to 21 and 23 mentioned in the Grant Notification are accepted.

b. With respect to condition No.s 7, 8, 11, 12, 13 and 22 of the Grant Notification we request the modification as below.

Condition No. 7 & 8 requires a change that we will pay the security deposit at the time of execution of the Lease Deed depending on the decision of the State Government which is pending consideration.

28/10/15  
ಬೆಂಗಳೂರು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆ  
ಜಿ.ಎ.ಎ. ಕಛೇರಿ  
ಬೆಂಗಳೂರು  
ಶ್ರೀ. ಎ. ಎ. ಬಸವಯ್ಯ. ಕೋಲಾರ

- As per the Clause No. 11, obtaining the Environment clearance within a period of 6 months from the date of notification which needs to be modified as further. The Environment Clearance is dependent on to be given by the SEIIA. In order to obtain Environment Clearance, we need to attach approved Quarrying plan. Unless the approved quarrying plan is attached the SEIIA will not consider. Therefore we request you to modify this clause as six months from the date of Quarrying Plan approval intimation by Department of Mines and Geology.
- Clause No. 12 and 13, the Environment Protection Fee and TCS charges will be paid at the time of execution of lease deed.
- So far as condition No. 22 is concerned, it is vague and any additional condition other than the tender conditions will seriously prejudice and therefore any additional conditions are required to be disclosed before execution of Lease Deed for acceptance.

3. With respect to the **Note** mentioned in the notification we are requesting you to modify as the lease deed has to execute within six months from the date of environmental clearance sanctioned intimation by SEIIA.

Therefore we request to approve the quarry plan submitted and to modify the terms of notification as stated above and oblige.

Thanking you

Your's faithfully,  
For P. M. Granite Exports Private Limited

B. Hemachandra Babu

Director  
(B. Hemachandra Babu)

Enclosure

- 1) Quarrying plan in three sets.
- 2) Demand Draft of Rs 2000/- bearing No 424151 dated 26/10/2015



GOVERNMENT OF KARNATAKA  
OFFICE OF THE SENIOR GEOLOGIST, MINES & GEOLOGY DEPT. KOLAR 563102  
E-mail: [sgdmgkolar@gmail.com](mailto:sgdmgkolar@gmail.com) Telephone: 08152-222147

No. DMG/SG(Kolar)/QL/Q.PLAN/15-16/1602

Date: 06.11.2015

### CERTIFICATE

This is to certified that the Quarry Plan for M-sand over an extent of 10-00 Acre of govt. land in part of Sy. No. 199 of Devarayasamudra Village, Mulbagal Taluk Kolar District, Karnataka, Granted in favor of M/s. P.M. Granite Export Pvt. Ltd. prepared by SRIPAD PUJAR Reg. No. RQP/BNG/083/93/A, under provisions of KMMC Rules and Rule 17 of G.C.D.R 1999. This quarrying plan is verified. We have understood the contents and agree to implement the same in according with the law. Hence the quarrying plan has been approved.

  
Senior Geologist  
Mines and Geology Department  
Kolar



Annexure-R6

## State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 1590 MIN 2015

Date: 05-03-2016

To,

M/s. P M Granite export Pvt. Ltd.,  
#129, 7<sup>th</sup> Main road, 5<sup>th</sup> Block,  
Jayanagar, Bengaluru-560041

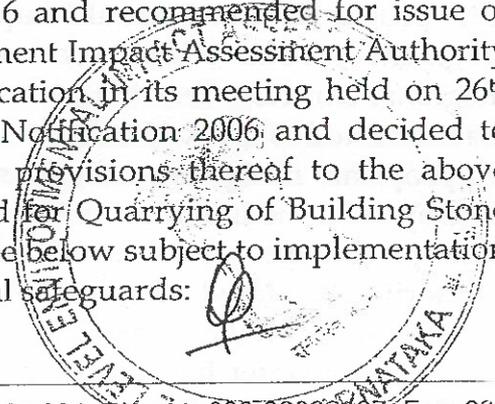
Sir,

Sub: Quarrying of Building Stone at Sy. No.199 of Devarayasamudra Village, Mulabagal Taluk, Kolar District by M/s. P M Granite export Pvt. Ltd - Issue of Environment Clearance - Reg.

\* \* \* \* \*

This has reference to your online application dated 14<sup>th</sup> December 2015 bearing proposal No.SIA/KA/MIN/34554/2015 addressed to SEIAA, Karnataka on the subject mentioned above. It has been noted that the proposal is for grant of Environmental Clearance under the provisions of EIA Notification, 2006, for quarrying of Building Stone. The total quarry lease area of the project is 10 Acres, which is a Government Land. Out of 10 Acres of area, 4.82 Acre area is for quarrying, 0.05 Acre area is for mineral storage, 0.04 Acre area is for infrastructure, 0.02 Acre area is for roads, 1.45 Acre area is for green belt and 3.62 Acre area is as unexplored. Working will be opencast and semi mechanized method. The water requirement for the project is 10 KLD will be met from tankers. The Mines and Geology Department has approved quarrying plan on 6<sup>th</sup> November 2015. Capital cost of the project is about Rs.300 Lakhs. It is reported that the lease area do not attract General Conditions specified in the EIA Notification, 2006 and the amendments made there on.

2. The State Expert Appraisal Committee (SEAC) appraised the project in its meeting held on 27<sup>th</sup> & 28<sup>th</sup> January 2016 and recommended for issue of Environmental Clearance. The State Environment Impact Assessment Authority (SEIAA), Karnataka has examined the application in its meeting held on 26<sup>th</sup> February 2016 in accordance with the EIA Notification 2006, and decided to accord Environmental Clearance under the provisions thereof to the above mentioned M/s. P M Granite export Pvt. Ltd for Quarrying of Building Stone with annual production mentioned in the table below subject to implementation of the following conditions and environmental safeguards:



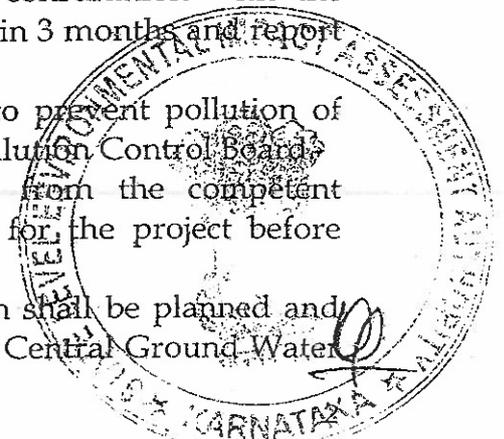
SEIAA 1590 MIN 2015

Quarrying of Building Stone Project of  
M/s. P M Granite export Pvt. Ltd

Year	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	Total
Production in Tons	5,088	1,47,173	1,47,095	1,47,352	1,47,420	5,94,128

**A. SPECIFIC CONDITIONS:**

1. Quarry plan approved by the Department of Mines and Geology shall be strictly implemented and shall not be operated beyond the validity period of the approved quarry plan.
2. Baseline data on health profile of each of the workers shall be maintained.
3. PAs should get the health checkup done for the quarry workers on quarterly basis and submit report periodically.
4. The SEIAA, Karnataka reserves the right to withdraw the environmental clearance subject to any change in the quarrying policy by the State Government as may be applicable to this project.
5. This Environmental Clearance is co-terminus with the lease granted vide quarry lease under MM (D & R) Act 1957/KMMC RULES-1994.
6. Quarrying shall be undertaken strictly in accordance with provisions of MM (D&R) Act 1957/ KMMC RULES-1994.
7. All the conditions stipulated in the Consent for establishment issued (if applicable) by the Karnataka State Pollution Control Board should be effectively implemented.
8. The quarrying operations shall not intersect ground water table. Prior approval of the SEIAA / Ministry of Environment & Forests and Central Ground Water Authority shall be obtained for quarrying below water table.
9. The topsoil if any should be stacked at earmarked site only and should not be kept unutilized for a period more than 3 years. The topsoil should be used for reclamation and plantation.
10. Waste rock shall be stacked at earmarked site (s) only. The maximum height of the stack should not exceed 10m duly providing suitable terraces. The overall slope of the dump shall not exceed 27°. A retention wall shall be built around the waste rock dump to prevent sliding.
11. Catch drains and siltation ponds of appropriate size should be constructed to arrest silt and sediment flows from quarry working area and rock dumps. The water so collected should be utilized for watering the haulage area, roads, green belt development etc., the drains should be regularly de-silted particularly after monsoon and maintained properly.
12. Dimension of the retaining wall at the toe of dumps within the quarry to check run-off and siltation should be based on the rainfall data.
13. The project authority should implement suitable conservation measures to augment ground water resources in the area in consultation with the Regional Director, Central Ground Water Board within 3 months and report be submitted to the Authority.
14. Appropriate mitigation measures should be taken to prevent pollution of nearby water bodies in consultation with the State Pollution Control Board.
15. The project proponent shall submit commitment from the competent authority for drawl of requisite quantity of water for the project before starting work on the project.
16. Suitable rainwater harvesting measures on long-term shall be planned and implemented in consultation with Regional Director, Central Ground Water

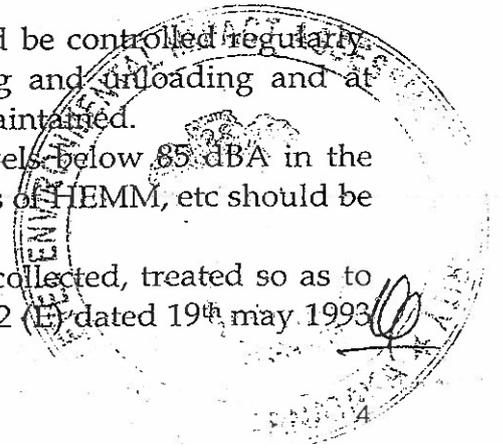


- Board for complete rain water harvesting by constructing check dams/ converting quarried pits to rain water harvesting ponds.
17. Vehicular emissions should be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in quarrying operations and in transportation of blocks.
  18. Digital processing of the entire lease area using remote sensing technique should be done regularly once in three years for monitoring land use pattern and report submitted to SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru.
  19. This environmental clearance does not confer any right to the proponent on the land proposed for quarrying until and unless quarry lease and all other statutory clearance are obtained from the respective department/agencies.
  20. The project authorities should undertake sample survey to generate data on pre-project community health status within a radius of 1 km from proposed quarry.
  21. Consent to operate if applicable shall be obtained from State Pollution Control Board prior to start of production from the quarry.
  22. Proper sanitary facilities should be installed for the colony/work place. Domestic waste generated should be disposed in a scientific manner. Proper first aid facilities and health care facilities should be provided for the labourers.
  23. The project proponent shall take all precautionary measures during quarrying operation for conservation and protection of endangered fauna spotted in the study area. Action plan for conservation of flora and fauna shall be prepared and implemented in consultation with the State Forest and Wildlife Department. The proponent shall contribute towards the cost of implementation of the plan and / or Regional Wildlife Management Plan for conservation of wild life. The amount so contributed shall be included in the project cost. A copy of the action plan may be submitted to the SEIAA, Department of Environment and Ecology, Govt. of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru within 3 months.
  24. The project proponent shall delineate Quarry Closure Plan/ exit protocol to rehabilitate the quarried out land to match its surrounding land use including removal, storage and reuse of waste rock from quarry area to cover reclaimed area. Post Quarry Land Use Plan with rehabilitation of quarried out area (with Plan and Section) provided and submit to SEIAA.
  25. Plantation monitoring programme during post project period for ensuring survival and growth rate of plantation in reclaimed area.
  26. A Final Quarry Closure Plan along with details of Corpus Fund should be submitted to the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka, and the APCCF, Regional Office, MoEF, Bengaluru 5 years in advance of final quarry closure for approval.
  27. Retention walls should be a minimum of 2.5 mtr height with base of 3 mtr.
  28. Check dams and gully plugs along the smaller streamlets in the area, should be constructed to arrest the loose soil flow from the quarry area.
  29. Particulars of dimensioned block production and dispatch shall be provided by the quarry owner yearly.

30. The infrastructure of transport roads should be improved collectively by the quarry owners of the area.
31. Link road from quarry site to main road shall be maintained and black topped by the project proponent.
32. The quarry lease area to be properly demarcated using the lat-long coordinates and duly erecting 4 feet concrete/granite pillars on the ground.
33. No quarrying shall be undertaken outside the lease area.
34. The project Authorities shall maintain a margin of 7.5 meters along the lease boundary.
35. The project authorities shall also earmark at least 5 % of the total turnover of the project towards the corporate social responsibility and item-wise details along with time bound action plan shall be prepared and submitted to the Authority.
36. The project authority shall ensure that the quarry pits are well protected erecting a compound wall of stone masonry of appropriate height conforming to safety norms.
37. The project authority shall avoid stagnation of water in the quarry pits which would turn out to be mosquito breeding centers resulting in spreading of diseases such as malaria, dengue, etc.
38. The project proponent shall prevent damage to adjoining government land, from fire due to activities during quarrying operation.
39. Haulage approach road should not be through village till the main road is reached.
40. The project authorities shall get the annual health checkup of quarry workers as well as people in the nearest vicinity of the quarry for respiratory diseases such as silicosis and maintain records. Appropriate care shall be taken for remedy in case of prevalence of such health disorders.

#### B. GENERAL CONDITIONS:

1. No change in quarrying technology and scope of working should be made without prior approval of the SEIAA Karnataka.
2. No change in the calendar plan including excavation, quantum of mineral and waste should be made.
3. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the MoEF, Govt. of India, New Delhi .
4. Data on ambient air quality (PM10, PM 2.5, SO<sub>2</sub>, NO<sub>x</sub>) should be regularly submitted to the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru and the State Pollution Control Board / Central Pollution Control Board once in six months.
5. Fugitive dust emission from all the sources should be controlled regularly. Water spray arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
6. Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc should be provided with earplugs / muffs.
7. Waste water from the quarry should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19<sup>th</sup> may 1993.

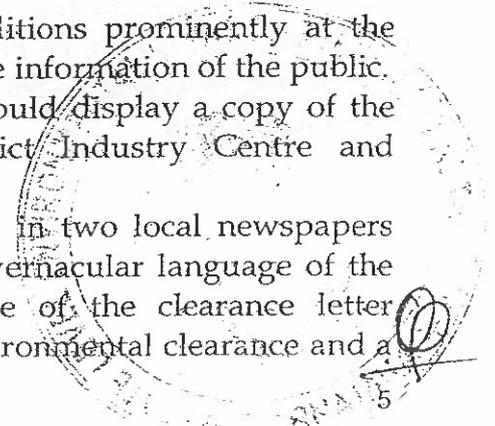


and 31<sup>st</sup> December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of effluents.

8. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.

Occupational health surveillance program of the workers should be undertaken periodically i.e. once in 3 months to observe any contractions due to exposure to dust and take corrective measures, if needed. Quarterly report in this regard should be submitted to the Department of Environment and Ecology, Govt. of Karnataka and the Karnataka State Pollution Control Board and the APCCF, Regional Office, MoEF, Bengaluru.

9. A separate environmental management cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the organization. The Environment management committee should be constituted with one of the member representing nearby village.
10. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the SEIAA Karnataka, the Department of Environment and Ecology, Govt. of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru.
11. The project authorities should inform the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
12. The APCCF, Regional Office of MoEF, Bengaluru; the Department of Environment and Ecology, Govt. of Karnataka and the Karnataka State Pollution Control Board shall monitor compliance of the stipulated conditions. The project authorities should extend full co-operation to the Officer (S) of these offices by furnishing the requisite data / information / monitoring reports.
13. The project proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the SEIAA Karnataka, Department of Environment and Ecology, Government of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru; the Central Pollution Control Board and the Karnataka State Pollution Control Board.
14. A copy of the clearance letter will be marked to the concerned Panchayat. Local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
15. The project proponent should display the conditions prominently at the entrance of the project on a big panel board for the information of the public.
16. The Karnataka State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's office for 30 days.
17. The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a



SEIAA 1590 MIN 2015

Quarrying of Building Stone Project of  
M/s. P M Granite export Pvt. Ltd

copy of the clearance letter is available with the State Pollution Control Board and also at website of the Authority at <http://www.seiaa.kar.nic.in> or <http://seiaa.karnataka.gov.in> or <http://environmentclearance.nic.in> and a copy of the same should be forwarded to the Department of Environment and Ecology, Government of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru.

18. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environmental (Protection) Act, 1986.
19. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
20. The SEIAA or any other competent authority may alter / modify the above conditions or stipulate any further condition in the interest of environment protection.
21. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
22. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under.



Yours faithfully,

  
(RAMACHANDRA) 13/16  
Member Secretary  
SEIAA, Karnataka.

Copy to:

1. The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi- 110 003.
2. The Director, Department of Mines and Geology, Khanija Bhavan, Race course road, Bengaluru - 560 001.
3. The Member Secretary, Karnataka State Pollution Control Board, Bengaluru.
4. The APCCF, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E & F Wings, 17<sup>th</sup> Main Road, Koramangala II Block, Bengaluru - 560 034.
5. Guard File.

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GOVERNMENT OF KARNATAKA  
FORM E.

QUARRYING LEASE/QUARRYING LICENCE

(Specified Minor Mineral/Non Specified Minor Mineral)

The INDENTURE made this 29<sup>th</sup> day of August 2014 200  
BETWEEN THE GOVERNOR OF KARNATAKA (Hereinafter referred as the "State  
Government" which expression shall, where the context so admits, be deemed to include  
his successors in office and assigns) of the one part and when the lessee/licensee is an  
individual.

(1)-(1) When the lessee/licensee in an individual :

1. (Name of the Person).....of (Address and occupation)  
.....(hereinafter referred to as "the  
lessee/licensee" which expression shall, where the context so admits, be deemed to include  
his heirs, executors, administrators, representative and permitted assigns)

(2)-(2) When the lessees/licensees are more than one individual

1. (Name of the person).....of (Address and occupation)  
.....and (Name of Person)  
.....of (Address and occupation).....of address and  
occupation .....and (2) (Name of Person)  
.....(hereinafter referred to as "the lessee/  
licensee" which expression shall, where the context so admits, be deemed to include their  
respective heirs, executors, administrators, representative and other permitted assigns).

(3)-(3) When the lessees/licensee is a registered firm or Syndicate

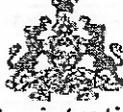
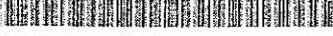
2. (and (3) (Name of person) .....and (Name of Person)  
.....of (address).....and (Name of Person)  
.....of (address).....all carrying on  
business in partnership at (address of the firm or syndicate)  
.....registered under (Act which registered).....(hereinafter  
referred to as "the lessee/ licensee" which expression shall, when the context so admits,  
be deemed to include all the partners of the said firm their representative, heirs, executors,  
administrators and permitted assigns).

For P.M: GRANITE EXPORT PRIVATE LIMITED

B. H. Ch...  
Director

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ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ  
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Department of Registration and Stamps  
Acknowledgement Slip

The Document has been registered with

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Date Of Registration 10/11/2016 12:05:29 PM  
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Verified by

SDA/FDA

Thursday, November 10, 2016

Sub Registrar  
Mulabagal

The Document has been delivered to ಪಿ.ಎಂ. ಗ್ರಾನೈಟ್ ಎಸ್ಕೋರ್ಟ್ ಪ್ರೈ.ಲಿ.ರ ಪರ ಡೈರೆಕ್ಟರ್  
ಹೇಮಚಂದ್ರ ಬಾಬು

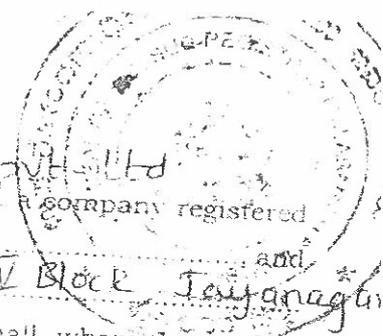
I have received the above document in original and certify that, no papers pertaining to the said document are remaining with the Sub Registrar.

Date : 10/11/2016 02:22:26 PM

Signature

ಪಿ.ಎಂ. ಗ್ರಾನೈಟ್ ಎಸ್ಕೋರ್ಟ್ ಪ್ರೈ.ಲಿ.ರ ಪರ ಡೈರೆಕ್ಟರ್  
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(4)-(4) The lessee/licensee is a registered company:

(3) and (4) (Name of Company) PM Granite Export Pvt. Ltd  
under (Act under which incorporated) Bangalore - 41  
having its registered office at (address) 129, 7<sup>th</sup> Main, V Block, Jayanagar  
(hereinafter referred to as "The lessee / licensee" which expression shall, where the context so admits, be deemed to include its successors and permitted assigns), (4) of the other part.

WHEREAS The lessee / licensee has / have applied to the Competent Authority concerned in accordance with the Karnataka Minor Mineral Concession Rules 1994, (hereinafter referred to as the said Rules) for a quarrying lease / quarrying licence for M-Sand in respect of the lands described in part I of the Schedule hereunder written and has / have deposited with the State Government the sum of Rs. 1,87,000 = 00 as security. AND WHEREAS the Competent Authority, Dept. of mines and Geology has communicated his approval to the grant of this lease / licence.

NOW THIS LEASE WITNESSETH that in consideration of the rents and royalties, covenants and agreements by and in these presents and the Schedule hereunder written reserved and contained and on the part of "lessees / licensees" to be paid observed and performed the State Government hereby grants and demises up to "the lessee/licensee" comes all those the quarries, mines/strata/veins/streams and beds of Devarayasamudra (here state the minerals) hereinafter and in the Scheduled refers to as the Said minerals situated, lying and being in or under the lands which are refered to in Part I of the said Schedule, together with the liberties, powers and privileges to be exercised or (enjoyed in connection herewith which are mentioned in part II of the Schedule subject to restrictions and conditions as to the exercise and enjoyment of such liberties, powers and previlages which are mentioned in Part II of the said Schedule EXCEPT and reserving out are the demise upto the State Government the liberties, powers and privileges mentioned in PART IV of the said Schedule TO HOLD the premises hereby granted and demised upto "the lessees/ licensees from the 29<sup>th</sup> day of August 200 2011 for the term of 10 years hence next ensure YIELDING AND PAYING of upto the State Government the several rents and royalties mentioned in the part V of the said Schedule at the respective times herein specified subject to the provision contained in PART VI of the Schedule and the lessee / Lessees / Licensee/ Licensees hereby / covenant / covenants with the State Government as in PART VII of the said schedule expressed and the State Government hereby covenants with the lessee/ lessees in Part VIII of the Schedule is expressed AND it is hereby mutually agreed between the parties hereto as in PART IX of the said Schedule is expressed.

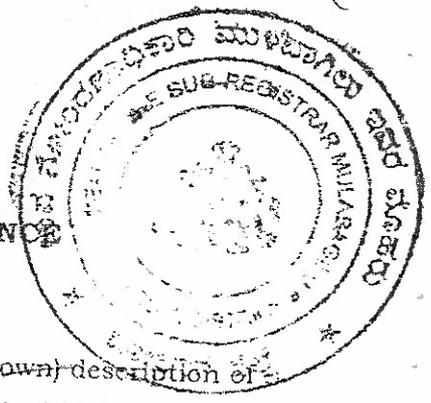
IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.  
The Schedule above referred to

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(A)



PART I

THE AREA OF THIS LEASE / LICENCE

LOCATION AND AREA OF THE LEASE / LICENCE

All the tract of lands situated Devarayusarnudra (Village/town) description of area or areas) Mulabagilu in Kolar in (Mahal/ taluk) the Registration District ..... Sub-district ..... and District ..... (bearing S.Nos. / F.S. NOS/ Forest Coup Nos) Sy. No. 199 Containing an area of 10.00 Acres thereabouts delineated in plan hereto annexed and there on coloured ..... and bounded as follows:

- on the North by : Part of sy. No. 199
- on the South by : Part of sy. No. 199
- on the East by : Part of sy. No. 199
- and On the West of : Part of sy. No. 199

hereinafter referred to "the said lands"

PART II

LIBERTIES, POWERS AND PRIVILEGES TO BE EXERCISED AND ENJOYED

BY

THE LESSEES/LICENSEES SUBJECT TO THE RESTRICTIONS AND CONDITIONS

IN PART III

1. To enter upon land and search for mine work etc.,

Liberty and power at all times during the term hereby demised to enter upon said lands and to search for mine, quarry, bore, dig, drill for win, work, dress, process, convert, carry away and dispose of the said mineral, minerals.

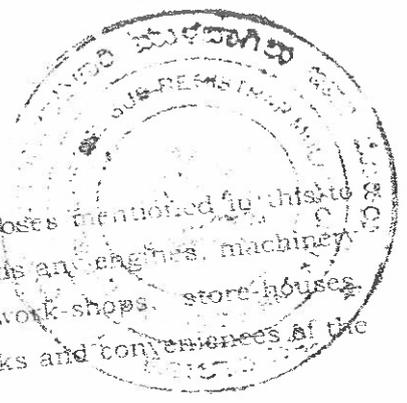
2. To sink, drive and make pits shafts and inclines etc.,

liberty and power for or in connection with any of the purposes mentioned in this part to sink, drive, make, maintain and use in the said lands any pits, shafts, inclines, drifts, levels, water ways and other works.

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3. To bring and use machinery, equipment, etc.,

Liberty and power for or in connection with any of the purposes mentioned in this to plant, construct and maintain and use on or under the said lands any engines, machinery, plant dressing floors, furnaces, coke ovens, brick-kilns, work-shops, store-houses, bungalows, godowns, sheds and other Buildings and other works and conveniences of the like nature on under said lands.

4. To make roads and ways etc., and use existing roads and ways.

Liberty and power for or in connections with any of the purposes mentioned in this part to make any tramways, railways roads and other ways in or over the said lands and to use, maintain and go and repass with or without horses, cattle, wagons, locomotives or other vehicles over the same (or any existing tramways, railways, road and other ways in a (over the said lands) on such conditions may be agreed to.

5. To get building and road materials etc.,

5. Liberty and powers for or in connections with any of the purposes mentioned in this part to quarry and get, ordinary Building stone and gravel and other building and road materials ( except that of specified minor minerals) and ordinary clay and to use and employ the same and to manufacture such ordinary clay into bricks or tiles and to use such bricks or tiles but not to sell any such material, bricks or tiles on payments or royalties prescribed in the said rules.

(Bracketed portion to be deleted in cases the lease/licence in for specified minor mineral).

6. To use water from streams etc.,

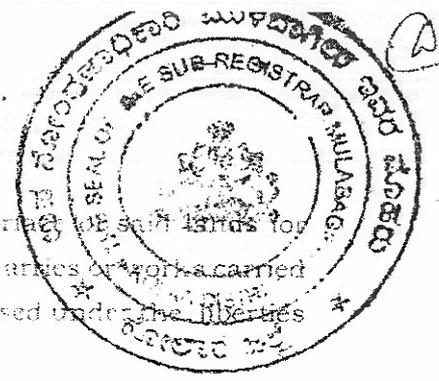
Liberty and power for in connection with any of the purposes mentioned in this part but subject to the rights of any existing or future lessee/ licensee and with the written permission ..... (any officer authorised by the State Government in that behalf to appropriate use of water from any streams, water-courses, springs or other sources or upon the said lands and divert, step up or dam any such streams or water-course a culverts, drains or reservoirs but not as to deprive any cultivated lands, villages, buildi or watering places for livestock of a reasonable supply or water as before accustomed in any way to foul or pollute any stream or springs. Provided that the lessee/licensee s not interfere with the navigation in any navigable streams, nor shall divert such stre without the previous written permission of the State Government.

For P.M. PRIVATE LIMITED

*R. N. Ch. B.*

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7. To use for stacking heaping or depositing purposes

Liberty and power to enter upon and use a sufficient part of surface of said lands for the purpose of stacking heaping thereon any produce of the mines, quarries or works carried on and any equipment, earth and materials and substances dug or raised under the liberties and powers mentioned in this part

8. Beneficiation and carrying away

Liberty and power to enter upon and use a sufficient part of the said land to beneficiate, process, dress convert the said Minerals, produced from the said lands and to carry away such beneficiated/processed, dressed, converted mineral/minerals.

9. To clear brush-wood and to fell utilise trees etc.

Liberty and power for or in connection with any of the purpose mentioned in this part to fell and use any timber or trees or brush wood now standing which hereafter may be standing upon the reserved forest land, included within said lands, provided that not more than ..... square metres or such reserved forest land shall be cleared in any one year nor the same place of tender than once in every year and provided that, the previous permission in writing from the Forest Department and forest Department is obtained which permission shall be granted by the Forest Department under time to time for an area, not exceeding ..... acres at a time on written application of the lessees/licensees to the effect that the lessees/licensees requires/ require the additional area for bona fide also immediate extention of quarrying operation under this lease/ licence and provided also that the exercise of the liberty and power expressed in this clause shall be-subject to the observance of the terms and conditions contained in the other part of this schedule.

PART III

RESTRICTIONS AND CONDITIONS AS TO THE EXERCISE OF THE LIBERTIES

POWER AND PRIVILEGES IN PART II

1. No building etc., upon certain places.

No building or thing shall be erected, set up, placed and no surface operations shall be carried on in or upon any public pleasure ground, burning or burial ground or place held sacred by any class of persons or any house or village site, public road or other place with the State government may determine as public ground nor in such manner as to injure or prejudicially affect any building work, property or rights of other persons and no land shall be used for surface operations which is already occupied by persons other than the Government for works or purposes not included in this lease/licence. They shall also not interfere with any right of away well or tank

FC: P.M. GRANT

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2. **permission for surface operations in a land not already in use**

Before using for surface operations any land which has not already been used for such operations the lessee/licensee shall give to the Competent Authority, sixty days previous notice in writing specifying the name or other designation of the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be used if objection is issued by the competent authority within one month after the receipt by him of such notice unless the objections so stated shall on references to the State Government be annulled or waived.

3. **To cut trees in the unreserved lands.**

- (a) The lessee/licensee shall not cut or injure any tree in the leased/licenced areas without the previous sanction in writing of the Competent Authority.
- (b) Notwithstanding anything contained in sub-clause (a) the lessee/ licensee shall not cut or injure any tree in leased/ licensed area falling within reserved/protected forest without the previous permission in writing from the Forest Department or the Office authorised by the Forest Department in this behalf.

4. **Permission for surface operations in a land not already in use:**

Save as provided in clause 9 part II of this schedule, the lessees/licensees shall not without the previous sanction from the Forest Department cutdown or injure any timber or trees on the said but, may, without such sanction clear away any brush-wood or under-growth which interferes with any operations authorised by these presents and notwithstanding anything contained in this shedule shall not enter upon any reserved forest included in the said lands without seven days previous notice in writing to the Forest Department or the officer authorised by the Forest Department.

5. **No mining operations within 50 meters of public works etc.**

The lessee/licensee shall not work or carry on allow to be worked or carried on any quarrying operations at or to any point within a distance of 50 meters if no blasting is involved from the boundary of any railway line except with the previous written permission of the Railway administrative concerned or from the boundaries or reservoir canal, hightention electric line or other public works. or buildings or inhabited site except with the previous permission of Government or any other officer authorised by the Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions and either general or special which may be attached to such permission. The said distances of 50 metres or 200 metres shall be measured in the case of railway Reservoir or canal horizontally from the outer to of the bank of the outer edge of the cutting as the case may be and of building horizontally from the plinth thereof.

FOR P.M. D.V. 2001 2002

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#### 6. Facilities for adjoining Government licences and leases

The lessee/licensee shall allow existing and future holders of Government licences or leases over any land which is comprised in or adjoins or is reached by the land held by the lessee/ licensee reasonable facilities of access thereto. Provided that no substantial hindrance or interference shall be caused by such holder of licences or leases to the operations of the lessee/licensee under these presents and the lessee/licensee shall be entitled to compensation as may be mutually agreed upon between the lessee/licensee and such holders and in events of disagreement such fair compensation may be determined by the Competent Authority or any other officer authorised by the State Government in respect of all loss or damage sustained by the lessee/ licensee by reason of or the exercise of this liberty.

7. if the said lands or part thereof are forest lands the lessees/ licensees shall take all steps to ease the slopes and restore top soil in lands worked out, exploited or mined and it shall be open to the Government to afforest such lands even during existence of the lease.

#### PART IV

#### LIBERTIES, POWERS AND PRIVILEGES RESERVED TO THE STATE GOVERNMENT

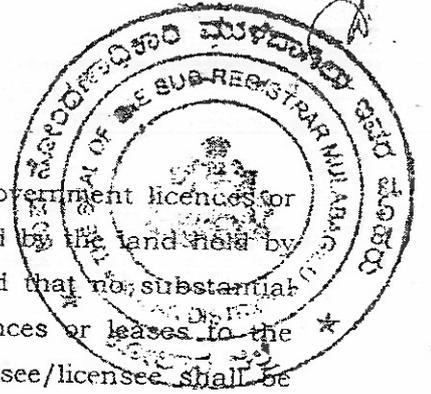
##### 1. To work other minerals.

Liberty and power for the State Government or any lessee/licensee or persons authorised by it in that behalf to enter into and upon the said lands and to search for win, work, dig, get, raise, dress, process, convert and carry away any minerals other than said minerals and any other substances and for those purposes to sink, drive, make erect, construct, maintain and use such pits, shafts inclines drifts, levels and other lines, waterways, airways, water courses, drains reservoirs engines machinery. plant buildings canals, tramways, railways and other work and conveniences as may be deemed necessary or convenient. Provided that in the exercise of such liberty and power no substantial hindrance or interference shall be caused to with the liberties powers and privileges of the lessee/licensee under these presents and that the lessee/licensee shall be entitled to such fair compensation as may be mutually agree upon or in the event or disagreement as may be determined by the Competent Authority appointed by the State Government in respect of all loss or damage sustained by the lessee/licensee by reason or in consequences. of the exercise of such liberty and power.

##### 2. To make railways and roads.

Liberty and power to the State Government or Central Government of construct any road, railways or canal reservoir or to carry electric or telephone lines in or over the lands under the lease/licence is reserved.

Provided that before such liberty or power is exercised a notice of not less than thirty



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days shall be granted to the lessee/ licensee and the area utilised by of the aforesaid purpose shall be excluded from the area under the lease/ licence not be entitled to claim any compensation for such exclusion.

3. Liberty and power to the State Government to determine, at any time by giving to the lessee/ licensee a notice in writing the lease/ licence if the area for which the lease/ licence has been granted or any part thereof is required by the State Government for any public purpose and a declaration under the signature of the Director that the area, or as the case may be, the part of the area is so required shall, as between the lessee/ licensee and the Government, be conclusive.

On the determination of the lease/ licence under this power the area under the lease/ licence shall be resumed by the Government and the lessee/ licensee shall be paid such compensation as may be determined by an officer appointed by the Government for the purpose and in assessing the amount of compensation, the officer so appointed shall be guided by the principles laid down in the Acquisition Act, 1894, for such assessment.

**PART V**

**RENT AND ROYALTIES RESERVED BY THE LEASE**

**1. Rate and mode of payment of dead Rent**

As from the day of 29<sup>th</sup> Aug. 2016 200 . during the subsistence of lease/ licence, the lessee/ licensee shall pay the dead rent in advance at Rs 93,750/- per 10-00 per Acre per annum as per Schedule I in accordance with Rules.

**2. Rate of mode of payment of royalty**

The lessee/ licensee shall pay royalty in advance to Government in respect of minor minerals removed or consumed by him or his agent, manager employee, contractor or buyer at the rates prescribed Schedule 2 in accordance with the Rules

**3. Mineral Despatch Permits.**

The lessee/ licensee or his agents, managers, employees, contractors or buyers/ consumers shall not move the mineral quarried without obtaining valid Mineral despatch Permit ( in short PERMIT ) issued by the Competent Authority may order for determination of the lease/ licence with the prior approval of the Controlling Authority.

**4. Penalty**

Subject to the provision of clause (3) of this part. any lessee/ licensee or his agents, managers, employees, contractors consumers or buyers contravening the above clause and transport mineral without valid PERMIT, such persons will be liable for penalty at 5 times of royalty if any lessee/ licensee or his agent etc., or buyers continue to indulge in such

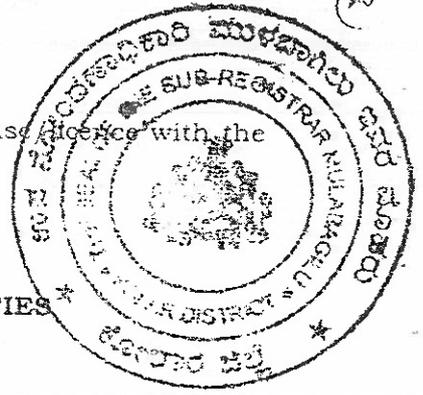
FOR P.M. GRANT TO EXP...

*B. H. Ch. B.*

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offence the Competent Authority May order for determination of the lease/licence with the prior approval of the controlling Authority.



## PART VI

### PROVISIONS RELATING TO THE RENTS AND ROYALTIES

#### 1. Rent and Royalties to be free deduction etc.,

The rents and royalties in PART V of this Schedule shall be paid from any deductions the State Government at District- Sub Treasury at ..... and in such manner as the Competent Authority may prescribe.

#### 2. Mode of Computation of Royalty

For the purpose of computing the said royalties the lessee/licensee shall Keep a correct account of the mineral/ minerals actually produced from the quarries/ mines, Lands and despatched from the quarry and maintained stock, in the from prescribed by Government/ competent Authority. The lessee/ licensee shall also Keep a correct account of the number of persons employed therein and shall also maintained a complete set of plans and cross sections of the quarry and furnish to the Competent Authority concerned such information, reports and returns as required from time to time under these Rules together with representative samples of minerals and processed materials from the same obtained during the operations. The accounts as well as quantity ( in volume or in weight as the case may be) of the mineral/minerals in stock or in the process of despatch from the quarry may be checked by any officer authorised by the State Government and or by the Competent Authority.

#### 3. Course of action if rents and royalties are not paid in time.

Should the royalty and/or rent reserved and made payable by the lessee/licensee is not paid within thirty days after the date fixed in lease/licence for the payment of the same. State Government may enter upon the premises and restrain all or any of the mineral or beneficiated/processed or movable property there and may order the sale of the property to restrained or so much of it as will suffice of the satisfaction of the rent and royalties due, and all cost and expenses occasioned by the non-payment thereof.

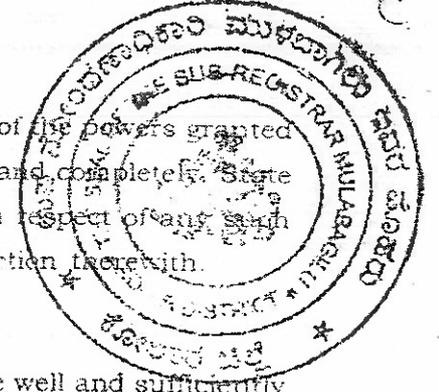
3A. if the lessee or licence makes any default in the payment of royalty or dead rent payable under rule 26, the competent authority shall give notice to such lessee or licences, requiring him to pay the royalty or dead rent within sixty days from the date of receipt to the notice. failing which the competent authority may, without prejudice to any other action that may be taken against lessee or licence the lease or licensee or forfeit the whole or part of the Security Deposit.

#### 4. Any rent, royalty tax fees, penalty or other sums due to Government under said Rules

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damage, injury or disturbance which may be done by him in exercise of the powers granted by this lease, licence and shall indemnify and Keep indemnified fully and completely State Government against all claims which may be made by any person in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

**5. To secure and Keep in good condition pits shafts etc.,**

The lessee/licensee shall during the substance of this lease/licence well and sufficiently secure and Keep open with timber or other durable means all pits shafts and make and maintain sufficient fences to the satisfaction of the State Government round every such pit, shaft or working in the said lands, except such as may be abandoned accessible free from water and foul air as far as possible. The lessee/licensee shall also take adequate steps to ensure that:

- (a) Height and widths of trenches in open quarries are properly maintained to facilitate easy removal of the mineral and the muck.
- (b) The working faces are always Kept clean.
- (c) The mineral and or beneficiated, processed, dressed products there from won are staked in suitable dimensions and each such stock is numbered or marked in a manner prescribed by the Competent Authority
- (d) The proper sanitation of the area leased/licenced to him maintained.

**6. To strengthen and support the quarry to necessary extent.**

The lessee/licensee shall strengthen and suport to the satisfaction of the Railways administration concerned or the State Government or any other Competent Authority controlling the provisions or the any law for the time being in force relating to the working of quarries and matters affecting safety health and labour matter as the case may be any part of the quarry which in its opinion requires such strengthening of suport for the safety of any railway, reservoirs, canal, road, high tension electric line and other public works or structures.

7. (1) The lessees/licensee shall submit from time to time or when required progress reports to the Director of Mines and Geology, along with analysis and representative sample of the minerals collected during the quarrying operations as also the periodical returns prescribed in the said Rules or in manner prescribed by him from time to time
- (2) The lessee/licensee shall submit to the Director of Mines and Geology. the Competent Authority and any other officer as may be specified by the Director of mines and Geology in the behalf, quarterly returns in FORM-Q and annual retruns in FORM.Y appended to the said rules, for each financial year ending 31st march, before the 30th April the Succeeding year, and to allow inspection of working.

of P.M. GR.

*B. Hem Chandra*

~~12th August 2012~~ 3506



**8. To allow inspection of working.**

The lessee licensee shall allow any officer authorised by the Central Government or the State Government or the Competent Authority or the Director of Mines and Geology under the Rules in the behalf to enter upon the premises including any building excavation or land comprised in the lease/licence for the purpose of inspecting, examining, surveying and making plans thereof, sampling and collecting any data and the lessee/licensee shall with proper person employed by the lessee/licensee and acquainted with the mine/quarry and works effectively assist such officer agents servants and workmen in conducting every such inspection and shall afford them all facilities, information connected with the working of the quarry which they may reasonably require. Such officer may issue such reasonable directions as he may deem fit to prevent wasteful extraction of minerals and it shall be the duty of the lessee/licensee, his/ their agent/manager to carry out directions within such period as the officer may specify if the lessee/licensee, his/their agent or management fails to carryout such directions within the specified period, the Competent Authority may detemine the lease/licence or may impose a penalty not exceeding twice the amount of the annual dead rent.

**9. To report accidents.**

The lessee/licensee shall report all accidents to the Director of Mines and Geology the District magistrate and the District Superintendent of Police concerned, in case of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this lease/licence the lessee/licensee shall send a complete report without any delay of such an accident to the said officers.

**10. To report discovery of other minerals.**

Whenever the lessee/licensee shall find, in the said lands, any mineral other than the said mineral/minerals the lessee/licensee shall immediately report such discovery in writing to the Competent Authority with full particulars of the nature and position of each such find.

**11. The lessee/licensee shall, at all times, during the said term Keep or cause to be Kept, at an officer to be situated upon or near the sid lands, correct and intelligable books of accounts which shall contain entries, showing from time to time.**

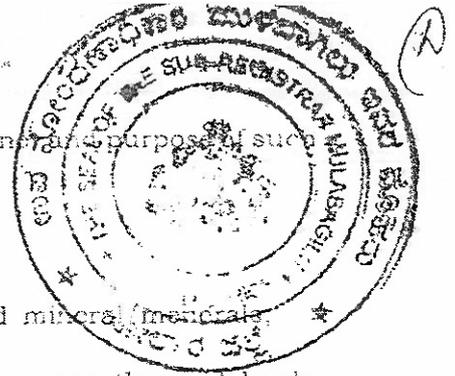
- (1) Quantity and quality of the said mineral/minerals realised from the said lands.
- (2) Quantity of the various qualities of the said mineral/minerals beneficiated, processed or converted.
- (3) Quantities of the various quantities of the said mineral/minerals sold at the quarry head or despatched to any mineral processing units, granite cutting and polishing

For P.M. GRANITE EXPORT PRIVATE LIMITED

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lands within the country and quantity exported and the means and purpose of such sale and disposal.

- (4) Detail of royalty paid and PERMITS obtained.
- (5) The prices and all other particulars of all sale of the said mineral (minerals).
- (6) The number of persons employed in the mines or work or upon the said lands specifying nationality, qualifications and pay of the technical personnel.
- (7) Such other facts, particulars and circumstances as the Competent Authority or the Director of Mines and Geology may from time to time require and shall also furnish of charge to such offices and at such times they may prescribe true and correct abstracts of all or any such books of accounts and shall at all reasonable times allow such officers or any officers at the State Government shall, in the behalf appoint, to enter into have free access to, for the purpose of examining and inspecting the said books of accounts and to make copies thereof and to make extracts there from.

#### 12. To maintain plans etc.,

the lessee/licensee shall at all times during the said term maintain at the quarry officer correct, intelligible. Up-to-date and complete Contour and Geological plans and cross sections of the quarries in the said lands. They shall show all the operations, workings and all the trenches, pits and drilling made by the lessee/licensee in the course of operations carried on by him/them under the lease/licence. The lessee/licensee shall update such quarry plans and section at the end of each year or any period specified from time to time and the lessee/licensee shall furnish free of charge such plans sections and mineral specimens, to the Competent Authority whenever these required. Accurate records of trenches pits and drilling shall show:-

- (a) The sub-soil and strata through which they pass.
- (b) Any other minerals encountered.
- (c) Any other mater of interest and all data required by the State Government the Competent Authority from time to time.

#### 13. To abide by the Provisions of the laws in force in respect of labour welfare, safety measures, ecology and environment.

The lessee/licensee shall be bound by the provisions of law to abide by the provisions any laws for the time being in force of the laws in force in relating to ecology and environment, of the laws in force in the working of the quarries (Mines in respect of labour welfare and minerals) are matters affecting safety measures, ecology safety health and convenience of and environment. The lessee, licensee employees or the public. The lessee/ licensee shall abide by the conditions laid down in the payment of wages act 1936 (Central

SANTE ENG. CO. LTD.

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Act No. IV of 1936), the Mines Act, 1952 (Central Act No. XXXV of 1952), the Indian Explosives Act, 1984 (Central Act IV of 1884) and the Water and Air (prevention and control of pollution) Act, 1974.

14. The lessee/licensee shall respect all existing rights of way, water and other basements and shall not carry on mining/quarrying or other operations under the said lease/licence in any way than as prescribed under the Rules.

**15. Government indemnified from paying compensation for injury to third parties**

The lessee/licensee shall make and pay responsible compensation for all damage, injury disturbance to person or property which may be caused by or on the part of lessee/licensee in exercise of the liberties and power granted by these presents and shall at all times have harmless and kept indemnified the State Government from and against all suits, claims and damages which may be brought or made by any person or persons in respect of any such damage, injury or disturbance.

**16. Not to obstruct working of other minerals**

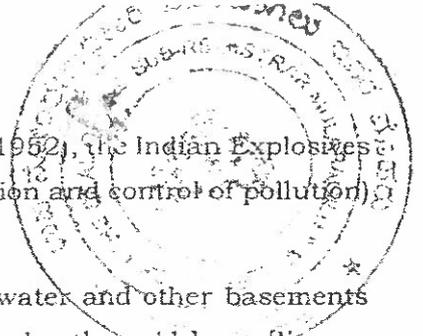
The lessee/licensee will exercise the liberties and powers hereby granted in such a matter as to offer no unnecessary or reasonable avoidable obstructions or interruption to the development and working within the said lands of any minerals not included in this lease/licence and shall at all times afford to the Central and State Government and to the holder quarrying lease, of quarrying licence and prospecting licence or mining lease in respect of any such minerals or any minerals within any land adjacent to the said lands as the case may be reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting working, developing and quarrying away the same provided that the lessee/licensee shall have receive reasonable compensation for any damage or injury which he may sustain by reason or in consequence of the use of such passage by such lessee/licensee or holders of prospecting licences.

**17. Lessee shall deposit any additional amount necessary equal to the security deposit**

Whenever the security deposit as provided in the 9(1) and 2(1) of the said Rule or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the Competent Authority pursuant to the power hereinafter declared in that behalf the lessee/licensee shall deposit with the State Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the State Government up to the sum of equal to the said full security deposit amount.

**18. Delivery of working in good order to State Government after determination of lease**

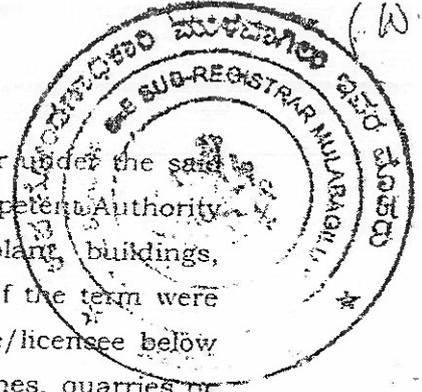
The lessee/licensee shall at the expiration or sooner determination of the said term or any renewal thereof deliver upto the State Government all mines, quarries, pits, shafts,



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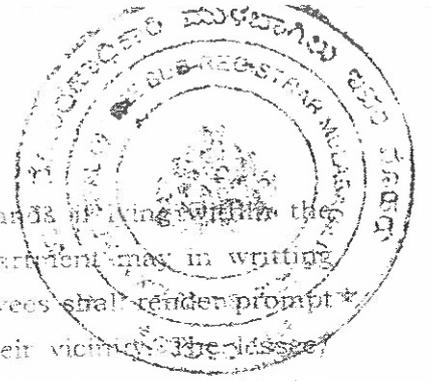


inclines, other works now existing or here after to be sunk or made on or under the said lands except such as have been abandoned with the sanction of the Competent Authority in an ordinary and fair course of working all engines, machinery, plant, buildings, structures, other works and conveniences which at the commencement of the term were upon or under the such lands and all such machinery set up the lessee/licensee below ground level which cannot be removed without causing injury to the mines, quarries or works under the said lands (except such of the same may with the sanction of the Competent Authority) and all buildings and structure of bricks or stone erected by the lessee/licensee above ground level in good repaired order and condition and fit in all respects for further working of the said mines and the said minerals.

#### 19. Right of pre-emption.

- (a) The Government shall from time to time and all times during the said terms have right to be exercised by notice in writing to the lessee/licensee of pre-emption of the said minerals (and all products therefore lying in or upon the lands hereby demised or elsewhere under the control of the lessee/licensee shall with all possible expedition deliver all minerals or products of minerals purchased by the State Government under the power conferred by this provision be exercising the said right.
- (b) In the events of the existence of State or War or emergency (of which existence the President of India shall be the sole judge and a notification to his effect in the Gazette of India shall be conclusive proof) the State Government with the consent of the Central Government shall from time to time and all times during the said term have right to be exercised by a notice in writing to the lessee/licensee shall forth with take possession and control of the works plant, machinery premises of the lessee/licensee on or in connection with the said lands or preparations under the lessee/licensee and during such possession or control the lessee/licensee shall confirm and obey all directions given by or on behalf of the Central or State Government regarding the use of employment of such works, plants premises and minerals, PROVIDED THAT after compensation which shall be determined in default of agreement by the State Government shall be paid to the lessee/licensee or all loss or damage sustained by him/them by reason or in consequence of the exercise of the powers conferred by this clause and PROVIDED ALSO that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this cause. The Government or the Competent Authority shall have the right to dispose of the minor mineral waste generated during the course of quarrying in accordance with the provision of Schedule 2.

*B. H. Chaudhary*  
 Director



## 20. Not to light fire in forest Areas

The lessee/licensee shall not light any fire upon the said lands reserved forest except under such conditions as the Forest Department may in writing specify and the lessee/licensee and his/their workmen and employees shall render prompt assistance in extinguishing any fire on the said lands or in their vicinity. The lessee/licensee shall be liable for all damages resulting from fire caused by the act or omission of the lessee/licensee or his/ their employees and shall pay such compensation for Forest Department. The decision of the Forest Department as the amount of compensation payable by the lessee/licensee shall be final and binding on the lessee/licensee.

## 21. No right over produce other than minerals, ores mentioned in the lease/licence

- (a) The lessee/licensee shall not remove any other produce except the minor mineral mentioned in this lease. The lessee/licensee shall without delay, report to the Competent Authority and the Director of Mines and Geology, the discovery in this areas, comprised in his/their lease/licence of any minerals not specified in the lease.
- (b) If any mineral/s not specified in the lease/licence is/are discovered in the leased/licenced area he/they shall not win and dispose of such mineral/s, without obtaining lease/licence therefore. If he fails, they fail to apply for such lease/licence within three months from the discovery of the said mineral/minerals, the Competent Authority may grant a lease/licence in respect of such mineral/minerals to any other person/persons in respect of such mineral/minerals to any other person/persons.
- (c) Without the prior permission of the Director of Mines and Geology the lessee/licensee shall not use the minor minerals quarried under these rules for a purposes which will classify them as major minerals.

22. The lessee/licensee shall make available to the Government of India beryl or any other "Substance prescribed" under Section of the Atomic Energy Act (Act XXIX of 1948) if they are found to occur in the said lands.

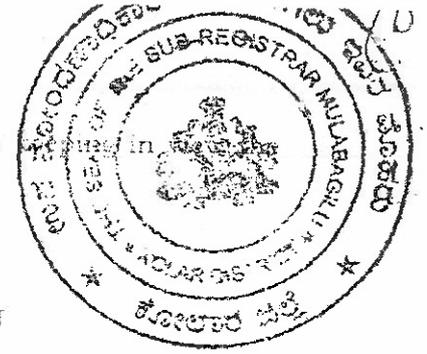
23. The State Government shall be immune from the lessee/licensee claims for damage and account or any having been included in this lease which may subsequently be discovered have not been available for the lease.

24. The lessee/licensee or his assignees shall not erect by building in contravention of the provisions of any law for the time being in force relating to the erection of buildings or in contravention of any order is issued by any officer or authority composed to issue such order any such law within whose jurisdiction the leased area is situated.

25. The lessee/licensee shall abide by such reasonable instructions and direction as may be issued by the Director of Mines and Geology from time to time regarding conservation and development of minerals.

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26. The lessee/licensee shall not pollute the air and water pollution local atmosphere environment.

#### PART VIII

#### THE COVENANTS OF THE STATE GOVERNMENT

##### 1. Lessee may hold and enjoy rights quietly

(1) Lessee/licensee paying the rents and royalties hereby reserved and observing and performing all the covenants and agreements herein contained and on the part of the lessee/licensee is to be observed and performed shall and may quietly hold and enjoy the rights and premises hereby demised for and during the term hereby granted without any unlawful interruption from or by the State Government, or any person rightfully claiming under it.

##### 2. To renew

If the lessee/licensee be desirous of taking lease/licence of the premises hereby demised or of any part of them for a further term on the expiry of the term hereby granted and if he/they give the Competent Authority an application in writing twelve months before the expiry of the lease/licences as prescribed in the said Rules and shall pay the rents and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the lessee/licensee to be observed and performed upto the expiration of the term hereby granted the Competent Authority will upon his/their executing and delivering to the State Government if required a counterpart thereof execute and deliver to the lessee/licensee a renewal lease/licence of the said premises for the further term not exceeding the term of this lease/licence at such rents and royalties and no such terms and subject to such covenants and agreements including this present covenants to renew as shall be in accordance with the said Rules applicable to M. Sand (name of minerals) on the day next following the expiration of the term hereby granted.

##### 3. Liberty to surrender this lease/licence.

The lessee/licensee shall be at liberty to surrender this lease/licence by giving notice of not less than three months in writing to the Competent Authority and no fresh liability shall accrue to the lessee/licensee from the date of such surrender provided that all the Government dues on rents, royalties and taxes shall be declared off arising upon the date of surrender.

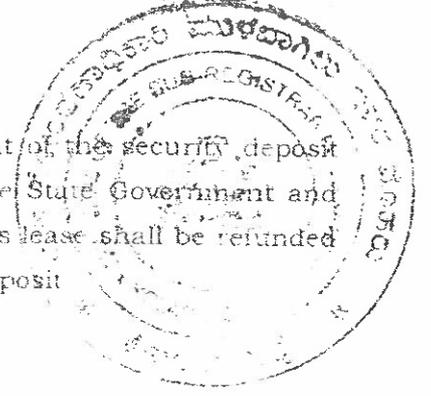
##### 4. Refund of Security Deposit.

On such date as the competent Authority may within two months after the

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determination to this lease or of any renewal thereof, the amount of the security deposit paid in respect of the lease and then remaining deposit with the State Government and not required to be applied to any of the purpose mentioned in this lease shall be refunded to the lessee/licensee. No interest shall run on the security deposit



### PART IX

#### GENERAL PROVISION

##### 1. Breach of conditions.

In case of breach of any of the conditions of the lease other than mentioned in clause 2 and 3 of this part then the Competent Authority may require the lessee/licensee or his/their assigns to pay penalty not exceeding an amount equivalent to twice the amount of the annual dead rent specified under clause I part V.

##### 2. Obstruction to Inspection.

In case lessee/licensee or his/their assignees does/do not allow or obstruct entry or inspection by the Officers authorised by the State Government the Competent Authority may cancel the lease and forfeit the whole or part of the deposit made under Rule 9(1) and 21(1) of the said Rules.

3. In case lessee/licensee or his/their assignees commit any breach of any of the conditions specifies in the clauses sub rule (1) and (2) of rule 6 of the said Rule then and in any such case the Competent Authority shall give notice in writing to the lessee/licensee or his/thier or assignees as the case may be, asking him/them to remedy the breach within thirty days from the date of the notice and if the breach is not remedied within such period the Competent authority under the said Rules determine the lease provided that nothing therein contained shall debar the State Government from enforcing any other right or remedy that the State Government may have against the lessee/licensee or his/her assignees under any other provisions herein contained.

##### 4. To pay penalty in case of breach.

In case of the breaches of the covenants and agreements by the lessee/licensee or any other officer authorised by the Government on which aforesaid notice has been given the Competent Authority under the said Rules in lieu of Giving notices, may impose such penalty appropriate in accordance with the sub-Rule (3) of Rule 6.

5. If the lessee/licensee ceases/cease to work the quarry for a continuous period of one year the lease/licence shall liable to cancellation as per the Rules.

Provided that the lease/licence shall not be cancelled. If the lessee/licensee are prevented from working the quarry owing to some reasonable cause or if the lessee/licensee ceases/ cease to work with prior permission of the Competent Authority.

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ಕೋಲಾರ

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**6. Interpretation.**

If there is any dispute regarding their lease/licence or any other matter or thing, construction of a term or condition in the lease, licence anything connected with the lease or minor minerals specified in this lease/licence or the working or nonworking of the land operated under the lease/licence, the amount of payment of royalty or dead rent or its mode of payment to the Competent Authority it shall be referred to the Government whose decision shall be final and binding on the lessee/licensee.

**7. Omitted.**

**8. Lessee/licensee to remove his properties on the expiry of lease.**

The lessee/licensee having first paid and discharged the rents and royalties payable by virtue of these presents may at the expiration or sooner determination of the said terms or within three months thereafter (unless the lease/licence shall be determined under clause 1 and 2 or this PART and in that case at any time not less than three calendar months after such determination), take down remove for his own benefit all or any engines, machinery plant, building structures, tramways, railways other works erection and conveniences which may have been erected set up or placed by the lessee/licensee in or upon the said lands and which the lessee/licensee is /are bound to deliver to the State Government under clause 18 of PART VII of this Schedule and which the State Government shall not desire to purchase.

**9. Forfeiture of property left more than six months after determination of lease.**

If at the end of three months after the expiration or sooner determination of the said term or after the date from which after determination of lease any surrender by the lessee/licensee of part under the provisions contained in Clause 3 of PART VII of this Schedule become effective there shall remain or upon the said land or the surrendered part or parts thereof the case may be any engine, machinery, plant, building, structures, tramways, railways and other work, erections and conveniences or other property which are not required by the lessee/licensee in connection with his/ their operations in these parts of the said lands which he/they has/have surrendered or in any other lands held by him/ them under quarrying lease the same shall not removed by the lessee/licensee within one calendar month after notice in writing requiring their removal has been to the lessee/licensee by the State Government be deemed to become the property of the State Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay compensation or to the lessee/licensee in respect thereof.

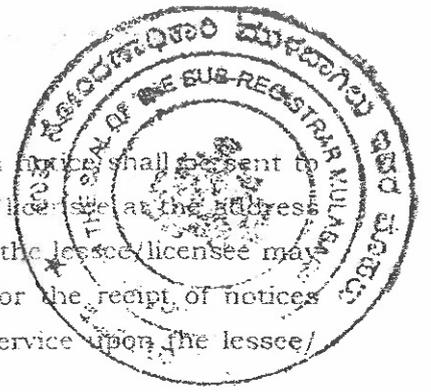
**10. Service of notice.**

Every notice by these present required to be given to Service notice. The lessee/licensee shall be given in writing to such person resident on the purpose of receiving such notices

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and if there shall have been no such appointment they every such notice shall be sent to the lessee, licensee by the registered post addressed to the lessee/licensee at the address recorded in this lease/licence or at such other address in India as the lessee/licensee may from time to time in writing to the State Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/licensee and shall not be questioned or challenged by him.

11. In respect of quarrying leases consisting of an area of five acres and more a quarrying plan containing the particulars specified in clause (c) shall be submitted by the lessee within six months from the date of grant of lease as per sub-rule 3(a) of Rule 18 of K.M.M.C. Rules 1994.

In Witness whereof these presents have executed in the manner here under apprising the day and year first above written.

For P.M. GRANITE EXPORT PRIVATE LIMITED

Signed by P. H. Ch. B.

for and on behalf of the Governor of Karnataka in the presence of

1. M. Shimshim

ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಯವರ ಕಛೇರಿ  
ಖನಿಜ ವಿಭಾಗ  
ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆ  
ಪಿ.ಸಿ. ಬಜಾವಣಿ, ಕೋಲಾರ.

Signed by

for and on behalf of

in the presence of

1. J. M. NAGENDRA PRASAD. I

246, 9th main, Joyo nager, Bangalore  
ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ

ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆ  
ಕೋಲಾರ

2. H. R.

(N. HARI)  
#19, 6th Main,  
Bana Shankari 3rd stage,  
Bangalore - 85.

Factory : Plot No. E-9, SIPCOT Industrial Complex, Phase II Expn-I, Hosur - 635109, Tamil Nadu, INDIA.  
 TIN No. : 33843322025/01-01-2007 CST : 887551/10-12-2004  
 Tel : 04344-260579 / 260577 Fax : 04344 260580 E-mail : pmg.admn@gmail.com Web : www.pmgranite.net

To,  
 The Deputy Commissioner,  
 Kolar District,

18-10-2016

Kolar,

Sub: Grant of Blasting Permission for the Quarry Lease bearing Number QL-1017 Executed on 29.08.2016 for Block No-6 in Sy No 199 of Devarayasamudra village, Avani Hobli, Mulbagal Taluk, Kolar District in favour of P.M. Granite Export Private Limited.

Ref: Quarry Lease Deed bearing No - QL 1017 dated 29.08.2016

With reference to the above subject we would like to bring to your kind information that the Quarry Lease bearing No QL-1017 is executed and the lease deed is signed on 29.08.2016 (copy enclosed) for M-Sand making through Tender-cum-Auction conducted by the Govt. of Karnataka for Block No-6 in Sy No 199 of Devarayasamudra village, Avani Hobli, Mulbagal Taluk, Kolar District in favour of P.M. Granite Export Private Limited.

In continuation to this we would like to start the quarry operation by conducting blasting to produce M-sand further. We are making the agreement with Mr. Ramu Konar having valid Explosive License LE-3 along with Explosive van permit (copy Enclosed). Further as a blaster Mr. G. Manikanta (copy enclosed) having valid Blaster's Certificate for shot fire.

Hence we are requesting your kind self to issue the blasting permission to start work to produce M-sand and No Objection certificate to conduct blasting in the quarry lease area as above at the earliest.

Kindly do the needful & oblige.

Thanking you,

Yours truly

For P.M. Granite Export Private Limited

*R. Henchappa*  
 Director

- Encl: A) Quarry lease deed  
 B) Grant notification  
 C) Explosive Licence In LE-3  
 D) Explosive Van Licence  
 E) Shot fire permit  
 F) Sketch of Quarry Area



45

Annexure-9

**P.M. GRANITE EXPORT PRIVATE LIMITED**

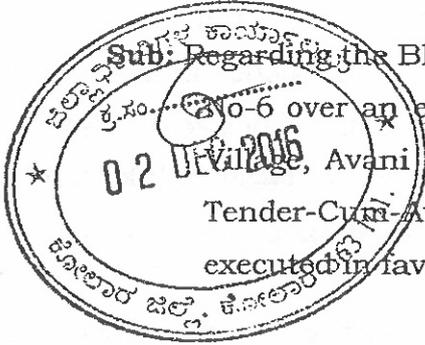
100% EOU

Factory : Plot No. E-9, SIPCOT Industrial Complex, Phase II Expn-I, Hosur - 635109, Tamil Nadu, INDIA.  
TIN No. : 33843322025/01-01-2007 CST : 887551/10-12-2004  
Tel : 04344-260579 / 260577 Fax : 04344 260580 E-mail : pmg.admn@gmail.com Web : www.pmgranite.net

To  
The Deputy Commissioner,  
Kolar District,  
Kolar

Date: 02.12.2016

Sir,



Sub: Regarding the Blasting permission for M-sand quarry operation at Block No-6 over an extent of 10.00 acres in Sy.No-199 of Devarayasamudra Village, Avani Hobli, Mulbagal Taluk, Kolar District granted through Tender-Cum-Auction process by the Gok for which lease deed being executed in favour of M/s P. M. Granite Export Pvt. Ltd.

- Ref: 1.Your office Letter no: MAG3.MSC.CR153/2016-17 dated 26.11.2016 received on 29.11.2016.  
2. Our letter dated 18.10.2016

In continuation to the above subject and reference we would like to bring to your kind information that the GoK called for an area for grant of quarry lease to produce M-Sand through Tender cum Auction. We are the highest bidder for the area Block No-6 over an extent of 10.00 acres in Sy.No-199 of Devarayasamudra Village, Avani Hobli, Mulbagal Taluk, Kolar District.

There after the Dept. of Mines & Geology had issued grant notification vide No: DMG/SGK/TCA Block No.06/2015-16/1155 Dated 31.08.2015 after submission of all the statutory clearances necessary, the Dept. of Mines & Geology executed the lease deed for above said area in favour of P. M. Granite Export Private Limited bearing quarry lease No.QL-1017 dated 29.08.2016. After having possession of the area we supposed to start quarry operation for which it is necessary to conduct Blasting while production of M-Sand.

Therefore it is necessary to obtain Blasting permission from concern authority. Further we had applied for blasting permission through our letter dated.18.10.2016 to in the office The Deputy Commissioner, Kolar along with

all the necessary documents pertaining to the land where which we are going to conduct blasting.

We have received a letter from your good office on 29.11.2016(ref.1) calling upon us to produce the required document pertaining to the blasting area. Hence here with once again we are submitting copy of lease deed including the sketch of Block No-6 over an extent of 10.00acres in Sy.No-199 of Devarayasamudra Village, Avani Hobli, Mulbagal Taluk, Kolar District granted for M-sand production through Tender cum Auction in favour of P. M. Granite Export Private Limited, issued by the Dept. Mines & Geology. The same are being registered at Sub-Register office, Mulbagal Taluk, Kolar District on 10.11.2016 after payment of necessary charges/ stamp duty.

Hence we are requesting your kind self to grant the Blasting permission at the earliest

Thanking you

**Yours faith fully ,  
For P. M. Granite Export Private Limited**



**Director**

Factory : Plot No. E-9, SIPCOT Industrial Complex, Phase II Expn-I, Hosur - 635109, Tamil Nadu, INDIA  
 TIN No. : 33843322025/01-01-2007 CST : 887551/10-12-2004

Tel : 04344-260579 / 260577 Fax : 04344 260580 E-mail : pmg.admn@gmail.com Web : www.pmgranite.net

PMG/QL/Block-06/Devarayasamudra/2016-17/

Date: 23/03/2017

To,  
 The Deputy Commissioner  
 Kolar District  
 Kolar.

Respected Sir,

**Sub:** Blasting permission made reject by the Panchayat Development Officer, Devarayasamudra Grama Panchayat, Mulbagal Taluk which is applied for M-Sand Quarry Lease bearing No. 1017 at Block No-06 in Sy. No 199 of Devarayasamudra Village, Mulabagal Taluk, Kolar District, executed after grant under Tender-cum-Auction in favour of P.M. Granite Export Private Limited.

**Ref:** Resolution letter from the Panchayat Development Officer (PDO) of Devarayasamudra Grama Panchayat dated 08/03/2017 received on 11/03/2017

We would like to bring to your kind information that we had participated in the Tender-cum-Auction in respect of the area falling in Sy.No.199 of Devarayasamudra Village, Mulbagalu Taluk, Kolar District. We have been issued a provisional acceptance letter from the Dept. of Mines & Geology stating that we are the successful bidder, quoted 110.5% premium in addition to the Government royalty per Metric ton.

In connection to this we had been issued a grant notification vide No: DMG/SGK/TCA Block No.06/2015-16/1155 dated 31.08.2015 by the Senior Geologist, Dept of Mines & Geology Kolar in favour of P.M. Granite Export Private Limited.

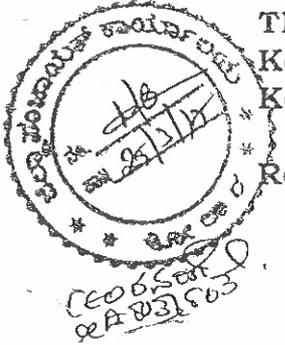
Most importantly the above said M-sand Block is granted after the approval of the District Taskforce Committee under the Chairmanship of the Deputy Commissioner of Kolar District along with other members.

As per Clause No. 9 of the condition of the grant notification, we have submitted the Quarrying Plan under Rule 8C of Karnataka Minor Mineral Concession, Rule, 1994 and Karnataka Minor Mineral Concession (Amendment) Rule, 2013 prepared by the Recognized Qualified Persons from IBM.

The Dept of Mines & Geology, Kolar the office headed by the Sr. Geologist had approved the Quarry Plan vide No. DMG/SG(Kolar)/QL/Q.Plan/15-



PM GROUP™



228/3/17  
 LETTER RECEIVED  
 Dept. of Mines & Geology  
 Bangalore - 1

127  
 23/3/17

Received  
 P.M. Granite Export Private Limited  
 23/3/17

24/3/17

Received  
 Industries Department  
 Commerce & Industries Section  
 Vikasa Soudha, Bangalore - 01

16/1602 dated 06.11.2015 after payment of advance royalty premium amount of Rs. 3,37,335/- equivalent to 1<sup>st</sup> year production quantity.

We have obtained the Environment Clearance vide No SEIAA 1590 MIN 2015 dated 05.03.2015 from the Dept. of Forest, Ecology & Environment, Government of Karnataka.

After obtaining all the statutory clearances the Govt. of Karnataka had issued a Quarry Lease Deed by executing the grant area of 10 Acres for M-sand production with the Quarry Lease No 1017 dated 29.08.2016 in favour of P.M. Granite Export Private Limited and registered at Sub-registrar office of Mulbagalu Taluk by paying stipulated stamp duty, Environment protection fees and Financial assurance of Rs. 10,670/-, Rs. 3,40,200/- & Rs. 50,000/- Fixed Deposit respectively.

In continuation to this we would like to bring to your kind notice that we have applied for blasting permission on 18.10.2016 to this office for quarry lease Deed No 1017 executed through Tender-cum-Auction over an area of 10 Acres to produce M-sand at the Block No-06 in Sy. No 199 of Devarayasamudra Village, Mulabagal Taluk, Kolar District.

This office had sent our blasting permission proposal seeking the spot inspection report by

- i. The Superintendent of Police, Kolar district
- ii. The Director of Karnataka State Fire & Emergency Services
- iii. The Executive Engineer, Dept. of PWD Kolar
- iv. The Senior Geologist, Dept. of Mines & Geology Kolar
- v. The Tahasildar, Mulbagal Taluk
- vi. The Environment officer KSPCB Kolar
- vii. The Panchayat Development Officer, Grama Panchayat, Devarayasamudra to issue the blasting permission.

Blasting permission proposal is pending consideration at all other department as above said in different stages except the Panchayat Development Officer, Grama Panchayat, Devarayasamudra.

But we are shocked to receive the letter addressed directly to our company from the Panchayat Development Officer, Grama Panchayat Devarayasamudra stating that it is not possible to give blasting permission due to the objections submitted to his office against the quarry operation in the above said premises by the people of Bellamballi village, Gramabhivridi Sangha Doddashettihalli village, Gramabhivridi Sangha Yalagondahalli village, Gramabhivridi Sangha Doddaganahalli village, Gramabhivridi Sangha Hosakere village, Gramabhivridi Sangha Keuluholali village, Gramabhivridi Sangha Mallapanahalli village, people of Devarayasamudra village and other

public. But there is no logic behind this protest because already there are lots of other quarrying activities are active in this area legally and illegally. The thing is that without blasting no quarry operation either legally or illegally is not possible in this hard granite terrain.

The PDO of the Devarayasamudra is stating that quarrying permission for M-sand production cannot be given due to

1. The hillock of Devarayasamudra is comprised of Temples.

Our

Objection: there is no even single temple existed in the above said hillock within radius of more than 700mtrs of the M-sand Block sanctioned to us and the allegation is far from the truth.

2. The water collecting in surrounding tanks and ponds after the rain comes and the same water is used by the trees, plants, birds, animals and the farmers.

Our

Objection: there is no harm for the runoff water from the rain from any kind of quarry operation. The M-sand block sanctioned for is not at the top of the hill but at the foothill of this hillock. Our M-sand quarry is not stopping any runoff water in any manner which flow from the hill top upon raining. Hence there is no question of arresting the runoff rain water by this quarry activity. Hence there is no effect for the runoff water collection in nearby tanks and ponds.

3. If at all the Government or Panchayat give permission for M-sand quarry operation there is a possibility of effect on the environment, and health problems, and the surrounding villagers and the animals will be deteriorating.

Our

Objection: again we would like to bring to your kind notice that the Quarry Lease sanctioned in favour of us is existed well within the safer zone and all the safer zone criteria for quarrying with blasting is matching. The village/settlements are existed far away (more than 1.0km) from the quarry area and also all the tanks and ponds are situated more than 700mtrs. All environment protection measures like dust suppression by water sprinkling, afforestation by planting the saplings are going to take during the quarry period as per the approved quarry plan. Hence there is no environmental hazardous and health effect is expected.

4. Physical and economical losses happen by the m-sand production by using blasting.

Our

Objection: since this project is sanctioned through the Tender-cum-Auction process, we the project proponent are paying the royalty and the premium of 110.5% on royalty in addition to the royalty to the Government per Metric Ton. On the top of that we are paying 10% of royalty per Metric Ton as the District Mineral Foundation (DMF) which will be used for the villages affecting by the quarry operation in the district. Out of this DMF collected 25% will be allocate to the nearby Grama Panchayat for its development through the budget from the Government. From this project lot of direct and indirect employment will create. With this at least a level of per capita income will rise to the nearby villagers. Hence there is a physical and economical gain is expected instead physical and economical lose.

After all the statutory payments and clearances as a CSR work the Socio Economic activities such as Drinking water, Medical assistance, Education, Vocational training and Agricultural improvements will be taken up by the company.

Once again we would like to bring to your kind notice that this M-sand project in the above mentioned location is approved in the District Taskforce Committee of Kolar District under your Hon'ble Chairmanship along with the committee members. After that the area is granted and we have complied the necessary Quarry Plan approval and Environment Clearance. Then the area is executed as a Quarry Lease Deed bearing No-1017.

As a procedure we have approached you for the permission to conduct the blasting in the Quarry lease bearing No 1017 premises. The blasting is very much necessary because the raw material for M-sand production is a rock called Granite which is very hard in nature.

Hence we strongly object the resolution passed by the PDO of Devarayasamudra Grama Panchayat because the factors considered for the decision of the PDO are not true and not acceptable. If there is no objection or any issues or problem from the already existing and illegal quarries in and around this Grama Panchayat why the objection for the M-sand project that too which is approved and sanctioned through the Tender-cum-Auction process by the State Government.

Therefore we request your kindself to set aside the resolution passed based on the false statements of the nearby villagers by the Panchayat Development Officer of the Devarayasamudra Grama Panchayat vide his letter dated 08/03/2017 and issue the blasting permission for the Quarry Lease already

sanctioned in favour of "M/s P. M. Granit Exports Private Limited" at the earliest and oblige.

Thanking you

Your's faithfully

For P. M. Granite Exports Private Limited

  
Director

Copy to:

1. Hon'ble MLA of Mulbagalu Assembly Constituency
2. The Superintendent of Police, Kolar District, Kolar
3. The Secretary, Dept. of Industries and Commerce (Mines) Vikasa Soudha, Bengaluru
4. The Director, Dept. of Mines & Geology, Khanija Bhavan, Bengaluru
5. The CEO of the Zilla Panchayat Kolar
6. The Senior Geologist, Dept. of Mines and Geology, Kolar
7. The PDO of Devarayasamudra Grama Panchayat, Mulbagal Taluk

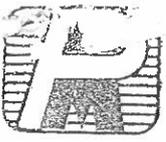
Encl:

1. Copy of letter from the PDO of Devarayasamudra Grama Panchayat dated 08.03.2017 received on 11.03.2017
2. Copy of Provisional Acceptance letter issued by the Dept. of Mines & Geology Bengaluru dated 19.05.2015
3. Copy of Grant Notification issue by the Sr. Geologist, Dept. of Mine and Geology Kolar dated 31.08.2015
4. Copy of the Quarry Plan approval letter by the Sr. Geologist Dept. of Mines & Geology Kolar dated 06.11.2015
5. Copy of the Environment Clearance issued by the Dept. of Forest, Ecology and Environment Govt. of Karnataka dated 05.03.2015
6. Copy of the Quarry lease Deed bearing No. 1017 executed and registered at the Sub-registrar office of Mulbagalu Taluk
7. Copy of the letter of this office dated 22.12.2016
8. Copy of the meeting proceedings of the District Taskforce committee Kolar.
9. Distances of the Villages on the Quarry area location map on the Google image.
10. Distances of the Tanks & ponds on the Quarry area location map on the Google image



**P.M. GRANITE EXPORT PRIVATE LIMITED**

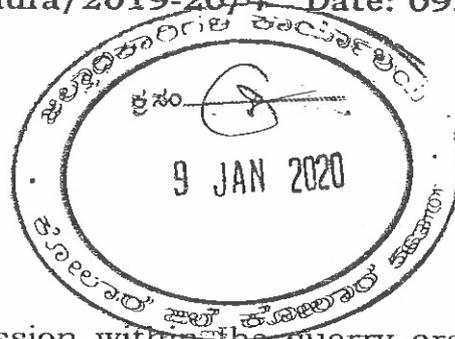
M - SAND DIVISION



PM GROUP™

PMG/Block 6/Devarayasamudra/2019-20/4 Date: 09.01.2020

To,  
The Deputy Commissioner  
Kolar District  
Kolar



Respected Sir,

**Sub:** Grant of blasting permission within the quarry area for which lease deed is executed by the Government of Karnataka through Tender-Cum-Auction Process to produce M-sand in favour of P.M. Granite Export Private Limited vide Quarry Lease No-1017 at Block No-6, Sy No.199, Devarayasamudra Village, Mulbagal Taluk, Kolar District.

**Ref:** 1. Your office letter vide no MAG3:MSC:CR153/2016-17 dated 22/12/2016  
2. Our office letter vide No. PMG/QL/Block-06/Devarayasamudra/2016-17 dated 23.03.2017

In connection to the above subject and reference, we would like to bring to your kind information that the quarry Lease Deed is executed by the Government of Karnataka in favour of P.M.Granite Export Private Limited through Tender-Cum-Auction to produce M-sand vide Quarry Lease No-1017 at Block No-6, Sy No.199, Devarayasamudra Village, Mulbagal Taluk, Kolar District on 29/08/2016 and registered on 10.11.2016 at Sub-Registrar office Mulbagal Taluk.

In continuation to the above we have submitted an application for grant of blasting permission to carry out blasting within the Quarry Lease area to produce M-sand.

Further your good office had sent a letter dated 22.12.2016 seeking for the NoCs from the offices of;

1. The Superintendent of Police, Kolar
2. The Director, Fire Extinguish Department, Bengaluru
3. The Executive Engineer, Department of PWD, Kolar
4. The Senior Geologist, Department of Mines & Geology, Kolar
5. The Tahsildar, Mulbagal Taluk, Mulbagal

6. The Environment Officer, Karnataka Pollution Control Board, Kolar
7. The Panchayat Development Officer (PDO), Devarayasamudra Village Panchayat, Mulbagal Taluk.

Unfortunately, The Panchayat Development Officer, Devarayasamudra Village Panchayat, Mulbagal Taluk had sent a letter dated 08.03.2017 addressing directly to us and served a copy to your good office stating that there is an objection from the local villagers to operate M-sand quarry and crusher and the same is decided in the Panchayat Member's meeting. Hence the Panchayat has decided not to give the **no objection certificate as sought by you.**

Here we would like to bring to your kind notice that the PDO letter dated 08.03.2017 is erroneous and illegal in law as far as the reply to the letter of opinion issued by the Deputy Commissioner Kolar dated 22.12.2016 for blasting permission;

**Because,** letter for opinion was issued by the Deputy Commissioner of Kolar seeking the opinion of the PDO to him. Hence the responsibility remained on the part of the PDO to send his opinion directly to the Deputy Commissioner, not to the Lessee because we the Lessee did not sought any NoC from PDO. But here the PDO had sent his opinion directly addressing to us which is illegal and without the authority of law. Copy of the PDO letter dated 08.03.2017 is enclosed as **Annexure-1**

**Because,** the block No-06 is decided and demarcated as a safer zone by the District Taskforce Committee after thorough discussion held in the District Taskforce Committee meeting headed by the Deputy Commissioner of Kolar dated 20.06.2015. Copy of the meeting proceedings of the District Taskforce Committee dated 20.06.2015 is enclosed as **Annexure-2**

**The Chairman and members of the District Taskforce Committee, Kolar is as follows:**

**Officers Present:**

1. The Deputy Commissioner, Kolar (Chairman)
2. The Superintendent of Police, Kolar (Member)
3. The Deputy Conservator of Forest, Kolar (Member)

4. The Environment Officer Pollution Control Board, Kolar (Member)
5. The Regional Transport Officer, Kolar (Member)
6. The Senior Geologist, Department of Mines & Geology, Kolar (Member Secretary)

**Special Invitees:**

1. Additional Deputy Commissioner, Kolar
2. Assistant Commissioner, Kolar Sub-division

**Because**, quarry lease area Block No-6 in Sy No.199 granted and executed the lease deed in our favour is falling in the Government land. The block No-06 over an area of 10 Acres to produce M-sand with the specific boundary co-ordinates and which is notified in the official Gazette of Karnataka State. Copy of the Gazette Notification, is enclosed as **Annexure-3**

**Because**, the area granted to us was through the Tender-Cum-Auction process after the District Taskforce Committee approval exclusively for production of M-sand. *We have participated in the Tender process and we are the highest bidder agreed to pay premium of 110.5% on Royalty (Rs.60/- per ton) in addition to the Royalty amount per ton and we are bound to pay the District Mineral Fund (DMF) of 10% on Royalty and totally we are agreed to pay Rs. 132.3/- per ton to the Government* for this block No-06 in Sy No 199 of Deverayasamudra village to produce M-sand. Copy of the Provisional Acceptance letter dated 19.05.2015 is enclosed as **Annexure-4**

**Because**, we are the highest bidder for this block No-06 and we have been granted the lease and we have obtained the approval of the quarry plan, the Environment Clearance and the Survey Demarcation of the lease. Copy of the Grant Notification dated 31.08.2015, quarry plan approval dated 06.11.2015 and Environment Clearance dated 05.03.2016 is enclosed as **Annexure-5, 6 and 7 respectively**

**Because**, the quarry lease deed was executed between the Hon'ble Governor of Karnataka (Referred as State Government) and our Company M/s P M Granite Export Private Limited on 29.08.2016 for the period of 10years and the quarry lease is allotted a **No - QL1017**. Copy of the Lease Deed dated 29.08.2016 is enclosed as **Annexure-8**

**Because**, after the Quarry Lease Deed was executed the lease deed is registered by paying the stipulated stamp duty to the Government on 10.11.2016 before the Sub-Registrar, Mulbagal Taluk. Copy of the Registration dated 10.11.2016 is enclosed as **Annexure-9**

**Because**, we have approached the Deputy Commissioner for the Blasting permission which is necessary to obtain as per the Indian Explosives Act, 1884, to conduct the blasting within the quarry lease to produce M-sand.

**Therefore**, aggrieved by the letter issued by the PDO directly to our company we have submitted a letter dated 23.03.2017 requesting your kindness to set aside the resolution passed by the PDO and also we have filed an appeal before the Executive Officer, Taluk Panchayat Mulbagal Taluk an Appellate Authority as per the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 on 07.04.2017. The case is registered and is pending before the Executive Officer and the Appellate Authority Taluka Panchayat Mulbagal Taluk. Copy of the appeal dated 07.04.2017 is enclosed as **Annexure-10**

We would also like to bring to your kind information that we have come to know that surprisingly the Superintendent of Police Kolar District also rejected the proposal to issue NoC for blasting permission to us to your good office.

We would like to state that the Superintendent of Police Kolar District is also one of the Member of the District Taskforce Committee headed by the Deputy Commissioner Kolar District and he was also present in the meeting held on 20.06.2015 wherein the M-sand Block No-06 and other 4 blocks of 10 Acres each is notified in the official Gazette of Karnataka State in the Sy No. 199 Govt. Land of Devarayasamudra Village is decided to grant to the highest bidder in the Tender-Cum-Auction.

*Very disappointing matter is that there are 3 (three) active Quarry Leases and 2 (two) Active Stone Crusher existed in the same Sy. No 199 Govt. Land of Devarayasamudra village & Panchayat Limit. There are no problems for the surrounding villagers and no objection for those existed Quarry and Stone Crusher from the villagers. So we are shocked to see that the*

L

*objection to the Auctioned M-sand Blocks leased to us in the same Sy No.199 Govt. Land of Devarayasamudra Village which is decided in the District Taskforce Committee and executed to us by the Government of Karnataka. Copy of list of quarries & crushers are enclosed as **Annexure-11***

Hence Once again we would like to bring to your kind notice that other departments as said above also have not sent their opinion to your office even after 3years of duration.

**Therefore,** in view of all the above facts and circumstances we are humbly requesting your kindness to consider the opinions of all the departments are deemed to have been received and set aside the letter issued by the Panchayat Development Officer, Devarayasamudra Grama Panchayat dated 08.03.2017 and the letter issued by the Superintendent of Police Kolar District and kindly grant us the blasting permission at the earliest in our favour in view of the natural justice.

Thanking You

Yours Faithfully

For P.M. Granite Export Private Limited



Director

## IN THE HIGH COURT OF KARNATAKA AT BANGALORE

## PRESENTATION FORM

W.P.NO. 15798 /2020

## ADVOCATE

SRI.M.SHIVAPRAKASH,  
RAVISHANKARA  
M/s. JANADRANA & JANARDANA,  
NO.105, 3<sup>RD</sup> CROSS,  
GANDHINAGAR,  
BANGALORE -09.

9844858203

KOLAR DISTRICT

## BETWEEN

Parisara Hitha rakshna Samithi.

## -VERSUS-

The State of Karnataka &amp; others.

SL. NO.	DESCRIPTION OF PAPER PRESENTED	COURT FEE AFFIXED
1.	MEMORANDUM OF WRIT PETITION	Rs.
2.	ON VAKALATH	Rs. -
TOTAL		Rs.

PRESENTED BY

OTHER SIDE SERVED

ADVOCATE FOR PETITIONER

RECEIVED PAPER WITH COURT FEE

LALES AS ABOVE

Date: 23 / 12 / 2020

BANGALORE

RECEIVING CLERK



## IN THE HIGH COURT OF KARNATAKA; AT BANGALORE.

W. P. No.

/2020

**BETWEEN:**

M/s.Parisara Hitharakshana  
Samithi (Regd) Rep. by its  
President Sri. V. Rajappa

.. PETITIONER

**AND**

State of Karnataka &amp; Others

..RESPONDENTS

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BANGALORE  
DATE: 23/12/2020

ADVOCATE FOR PETITIONER  
M. SHIVAPRAKASH

## IN THE HIGH COURT OF KARNATAKA AT BANGALORE

W.P.No.

/2020

**BETWEEN:**

M/s Parisara Hitharakshna Samithi

...PETITIONER

**AND**

The State Of Karnataka &amp; others

...RESPONDENTS

**SYNOPSIS**

Sl.No	Date	Descriptions
1	NIL	<p>The Petitioner Samithi, a group of like-minded Environmentalists in the Village of Devarayasamudra, Mulabagil Taluk, Kolar District, with likeminded group Environmentalists to protect the Environment more particularly the Mountain Region of Devarayasamudra assigned with Sy. No.199 measuring an extent of 1296.21 Acres, classified as 'Mountain &amp; Gomala', earlier the entire land has been transferred to Department of Forest, State of Karnataka, to safeguard and protect by a forestation.</p>
2	2009-10	<p>The Devarayasamudra Mountain is having special features and significance it is Single Rock Hill. The wild animal viz., Flock of Deers, Wild Boar, Cheetahs and plenty of Peacocks are the natural habitants of this region. The Rain water catchment in this region of 1200 Acres and odd hill region there are several tanks (lake) in and around villages are existing</p>

		tanks, the source is the Devarayasamudra/ <sup>Avani</sup> Hillock/Mountain.
3	2011-12	In the Village Keelahollali & Devaraya-samudra/ <sup>Avani</sup> presently Government has established 'Murarji Desai Residential School' where 150 to 200 children are given residential accommodation, hardly about 400 meters away from the Mountain, the Village Honnashettahalli identified in the country. The 'Grama Vikas' an N.G.O., established by Sri.M. V. N. Rao, in the State of Karnataka, is an Administrative Training Centre for all Departments are assigned to this 'Grama Vikas Institution', recognized catering the needs of Government local bodies in the matter of affording training to the people, it is located hardly 400 meters from the Hill.
4	16/2/2013	The said Devaraya- samudra Mountain is proposed for Quarry, Granite Crushing and M-Sand extraction, the State Government and the Departments concerned having knowledge and are aware of the terrain of the village mountain environment, wild life and tanks, the State Government for extraneous considerations without disclosing these facts have caused notification declaring the area as 'safe Zone for Granite Extraction'.

5	02/3/2017	The Local Grama Panchayath called Special General Body Meeting and passed a Resolution and opposed with serious objection not to permit for Quarry or Stone Crushers and not to deface the Mountain/ Hill in the Region of Devarayasamudra <sup>Avani</sup>
6	29-11-2018	The Villagers of Devarayasamudra <sup>Avani</sup> and surrounding villages have made detail representation and serious objections to permit the Crushers and Granite Work in the surrounding area.
7	2019-20	Despite strong agitation and serious objection by the general public, the authorities are not taking steps to prevent the exploitation of nature and natural resources, having yielded to the pressure of granite mafia or for any other extraneous reasons have declared the "Safer Zone" and issued Notification.

### BRIEF FACTS.

The State Government and the Departments concerned having knowledge and are aware of the terrain of the village mountain environment, wild life and tanks, agriculture surrounding hillock knowing fully well, the State Government for extraneous considerations without disclosing these facts have caused notification declaring the area as 'safe Zone for Granite Extraction'. The authorities are obviously in nexus with Granite Lobby/ Mafia, it is for commercial exploitation, the environment and rarest species are

sacrificed by the authorities/ bureaucrats, it is most heinous act and unpardonable act, despite strong agitations, protest by the people, the authorities either ignoring or having yielded to the pressure of Granite Mafia for political reasons have declared the 'Safe Zone'. In furtherance the authorities are preparing to lease the Mountain/ Hillock to the Granite Lobby.

The Respondent Authorities have totally suppressed, bypassed the objections filed by the citizen, gramapanchayat and Environment Activists in the year 2010 onwards, the authorities have not applied prudent mind in order to evaluate and assess the quantum of damage which would cause by permitting the Granite Lobby to denude the entire mountain region of 1200 Acres declared as Forest. The population surrounding 20 kms with water resource from the same mountain in the tank/ lake or perennial resources to the livelihood of the villagers in growing crops rearing cattle, sheep and animal husbandry activities.

The Notification is issued behind the back of public and at the instance of local powerful politicians having directly or indirectly nexus with Granite Lobby, the common man and common citizens cannot raise objection and cannot question the arbitrary action of the authorities, since the persons involved in the Granite Lobby are most 'Dangerous' to the life and limb of ordinary citizen. The entire bureaucratic machinery is acting at the instance of Granite Lobby. The declaration of Safer Zone is back door entry behind the back of public and Environment Activists, thus aggrieved by the arbitrary action on the part of respondent authorities, this memorandum of writ petition.

**BANGALORE**  
**DATE: 23/12/2020**

  
**ADVOCATE FOR PETITIONERS**  
**M. SHIVAPRAKASH**

IN THE HIGH COURT OF KARNATAKA; AT BANGALORE.

(ORIGINAL JURISDICTION)

WRIT PETITION NO. /2020 (PIL- ENVN)

**BETWEEN:**

**M/s. PARISARA HITHARAKSHANA SAMITHI(Reg)**

Somashekar Building,  
1<sup>st</sup> Floor, Devarayasamudra  
Mulbagal Taluk- 563 127  
Kolar District, Kolar,  
Karnataka

**Rep. by President**

**SRI. V. RAJAPPA**

**...PETITIONER**

**AND**

**1. The State of Karnataka**

**By its Chief Secretary**

Vidhanasoudha  
Bangalore – 560 001.

**2. The Union of India**

Department of Forest &  
Environment

Parisara Bhavana  
New Delhi – 560 001.

**3. The Secretary**

**Department of Forest & Environment**

State of Karnataka

Vidhana Soudha

Bangalore – 560 001.

**4. The Principal Secretary**

**Department of Revenue**

State of Karnataka

Vidhana Soudha

Bangalore – 560 001.

**5. The Secretary**

**Department of Industries & Commerce,**

**Mines & Geology,**

State of Karnataka

Vidhana Soudha

Bangalore – 560 001.

**6. The Director**

**Department of Mines & Geology,**  
Khanija Bhavan  
Race Course Road  
Bangalore-560 001.

**7. The Deputy Commissioner**

Kolar District,  
Kolar-563 101.

**8. The Superintendent of Police**

Kolar District,  
Kolar-563 101

**9. The Chairman/Member Secretary**

**Pollution Control Board**  
Church Street,  
Bangalore-5600 75.

**10. The Chief Conservator of Forest**

State of Karnataka,  
Aranya Bhavana,  
Malleshwaram,  
Bangalore- 560 003.

**11. The Deputy Conservator of Forest**

Kolar District,  
Kolar-563 101.

**12. The Senior Geologist**

D. C. Office Complex,  
Tamaka,  
Kolar-563 101.

**13. The Tahasildar,**

**Mulabagal Taluk**  
Mulabagal.  
Kolar Dist-563 127.

**14. The Panchayath Development Officer**

**Devarayasamudra Grama Panchayath**  
Mulbagal Taluk  
Kolar District-563 127.

**15. M/s. G. V.V. Construction**  
**Varadapura Village**  
 Mulabagal Taluk  
 Kolar District-563 127.

**16. M/s. Balaji Granites**  
 #39, Balaji Nilaya  
 Basavanapura Main Road  
 K. R. Puram  
 Bangalore- 560 036  
 Rep. by Sri. B. Bhagavan Singh

**17. M/s. SVS Associates**  
 Yelagondahalli Village  
 Mulabagal Taluk,  
 Kolar District-563 127.

**18. Sri. S. Kumar**  
 Chamarahalli Village & Post  
 Uthur Hobli  
 Mulabagal Taluk-563 127.

**19. Sri. T. V. Srinivas**  
 Devarayasamudra  
 Mulabagal Taluk  
 Kolar District-563 127.

**20. M/s. P.M.Granites Export Pvt., Ltd.**  
 #129, 7<sup>th</sup> Main, V Block  
 Jayanagar  
 Bangalore - 560 041.

**21. M/s.PMU Constructions Pvt. Ltd.,**  
 #17, 38<sup>th</sup> Cross, 8<sup>th</sup> Block,  
 Jayanagar,  
 Bangalore-560 041.

**22. Sri. Ram .K**  
 Manjula Bran Traders  
 'Srinilaya', 2<sup>nd</sup> Floor  
 Ashwini Layout,  
 KSRTC Depot  
 Bangalore Road,  
 Chintamani  
 Chikkaballapura Dist.,-563 125.

**23. M/s. United Infra Corpn. Ltd.**  
At Devarayasamudra  
Mulbagal Taluk  
Kolar District-563 127.

**24. Sri Venkateshwara Crushers**  
Hosakere Village  
Devarayasamudra  
Mulbagal Taluk & Post  
Kolar District-563 127.  
**Rep. by its Proprietor**  
**Sri. Sonne Gowda**

**25. M/s. Millennium Crushers**  
Sy. No.179 Devarayasamudra  
Mulbagal Taluk  
Kolar District-563 127  
Rep. by Sri. Lakshminarayan

...RESPONDENTS

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE**  
**226 & 227 OF CONSTITUTION OF INDIA**

The Petitioner most respectfully submits as under:

1. The Petitioner is a registered legal entity duly registered before the competent Registering Authority at Kolar assigned with Registration Certificate bearing No.DRKL/SOR/87/2020-2021 dated 24/08/2020, copy of the Registration Certificate issued is herewith produced and marked at **ANNEXURE-A**.

2. The Petitioner Samithi, a group of like-minded Environmentalists in the Village of Devarayasamudra with likeminded group Environmentalists to protect the

Environment more particularly the Mountain Region of Devarayasamudra<sup>Avani</sup> assigned with Sy. No.199 measuring an extent of **1296.21 Acres**, classified as 'Mountain & Gomala', earlier the entire land has been transferred to Department of Forest, State of Karnataka, to safeguard and protect by afforestation. In order to evidence the nature of land and its extent, recent RTC Extract in respect of land bearing Sy. No.199 of Devarayasamudra<sup>Avani</sup> Village, Mulbagal Taluk is herewith produced and marked at **ANNEXURE-B**. This petition is **presented as 'probono-publico' in the larger interest of 16 (Sixteen) Villages surrounding Devarayasamudra<sup>Avani</sup>**, Mulabagil Taluk, Kolar District, the petitioner having no personal interest in whatsoever manner.

3. The place is a blessed place with the Mountain as well as Environment Beauty. The Hillock having checkered history, the entire Hillock and Mountain Region is with Lush Green Trees and Shrubs. In and around the Mountain the villages viz., (1) Hosakere, (2) Thattanagunte (3) Keeluholali, (4) Varadaganahalli, (5) Avani, (6) Cholanagunte, (7) Ramasandra, (8) Devaraya-samudra, (9) Honnashetta-halli, (10) Yalagondahalli, (11) Mallapanahalli, (12) Putheri, (13) Dodiganahali, (14)

Ramanathpura, (15) Belamballi & (16) Kempapura villages with perennial water sources from the Mountain. In and around the village of Devarayasamudra<sup>Avani</sup> water source is good and agricultural produce is highly appreciable with potential 2 or 3 crops per year.

4. It is submitted that, one another Historical feature of this place is nearby a small Hilly Mountain called 'Hanumanahally' 'Bodi Bande', rarest species of the Bats called 'Leaf Mouth Bats' and "Durgadas Leaf Face Bats" are habitants, a rare species in the World. There are several special features of this Devarayasamudra<sup>Avani</sup> Village and the Mountain, few photographs evidencing the present scenario are herewith produced and marked at **ANNEXURE-C1 to C10.**

5. The Petitioner submits that, in the year 2017, there has been authentic information that the said Devarayasamudra Mountain is proposed for Quarry, Granite Crushing and M-Sand extraction, at that that time, Grama Panchayath called Special General Body Meeting and passed a Resolution and opposed with serious objection not to permit for Quarry or Stone Crushers not to deface the Mountain/ Hill in the Region of Devarayasamudra<sup>Avani</sup>. The

Resolution passed in the Special General Body Meeting is herewith produced and marked at **ANNEXURE-D**.

6. In the year 2017, the Village Grama Panchayath passed Resolution there was protest, agitation, by the large number of people in the 16 (Sixteen) villages, widely circulated newspapers in the District of Kolar and in the State of Karnataka published and brought to the notice of Government, the attempt made by the local authority to deface the Historical, Bio-diversity mountain of Devarayasamudra, few paper report/ cuttings are herewith produced and marked at **ANNEXURE-E1 & E2**.

7. The Petitioner states the Villages of Hosakere, Devarayasamudra<sup>havan</sup> and surrounding villages have made representations commencing from 2010 onwards, few representations and strong opposition to permit the Crushers and Granite Work in the surrounding area has been acknowledged by the authorities, copies of the representations are herewith produced and marked at **ANNEXURE-F1 to F2**.

8. The Petitioner states that the Devarayasamudra<sup>havan</sup> Mountain is having special features and significance it is Single Rock Hill as can be seen in the photograph. The

wild animal viz., Flock of Deers, Wild Boar, Cheetahs and plenty of Peacocks are the natural habitants of this region. The Rain water catchment in this region of 1200 Acres and odd hill region there are several tanks (lake) viz., Hosakere, Shamaiahna Lake, Devarayasa-mudra Tank, Chikka Lake, Dodda Lake, Venkatamma Lake, Pallikunte, Uddina Kunte Tank, Thammegowdana Lake are existing tanks, the source is the Devarayasamudra<sup>Avani</sup> Hillock/Mountain. In the Village Keelahollali & Devarayasamudra, presently Government has established '**Murarji Desai Residential School**' where 150 to 200 children are given residential accommodation, hardly about 400 meters away from the Mountain, the Village Honnashettahalli identified in the country. The '**Grama Vikas**' an N.G.O., established by **Sri.M. V. N. Rao** in the State of Karnataka, is an Administrative Training Centre for all Departments are assigned to this 'Grama Vikas Institution', recognized catering the needs of Government local bodies in the matter of affording training to the people, it is hardly 400 meters from the Hill.

9. The Petitioner states that the people of Honnashettahalli made detailed representation in the year 2010 onwards. The State Government and the Departments

concerned having knowledge and are aware of the terrain of the village mountain environment, wild life and tanks, agriculture surrounding hillock knowing fully well, the State Government for extraneous considerations without disclosing these facts have caused notification and accord permission to mining activities, The Certificate issued for M-sand purpose dated 25-11-2015, copies of the certificates are herewith produced and marked at **ANNEXURE-G1 & G2**. The authorities are obviously in nexus with Granite Lobby/ Mafia, it is for commercial exploitation, the environment and rarest species are sacrificed by the authorities/ bureaucrats, it is most heinous act and unpardonable act, despite strong agitations, protest by the people, the authorities either ignoring or having yielded to the pressure of Granite Mafia for political reasons have declared the 'Safe Zone'. In furtherance the authorities are preparing to lease the Mountain/ Hillock to the Granite Lobby.

10. The Petitioner states that the manner in which the authorities knowing fully well the ground reality, more specifically the significance of the Mountain Devarayasamudra<sup>and</sup> and rarest species of 'Leaf Mouth Bats' are in existence and there are several other eco

*friendly natural habitants.* The report of the competent authority and the representation of the surrounding villagers which evidence prima-facie that the entire region is with the natural greenery/shrubs and several wild life animals are in the region, besides the water source in the rainy season surrounding 1200 Acres is natural water resources, catchment to 16 Villages the lands are fully cultivated with annual two crops, the usual crops grown in the lands are Paddy, commercial crops viz., vegetables, mulberry etc. The catchment area is covered with vast extent. The water collected in the catchment area saved in the tanks viz., Avani Tank. By either allowing or permitting the Excavation of Stone crushing, certainly cause irreparable damage to the village/s. The members in the Petition Society have conveyed complaints before the competent authorities, the authorities are not taking steps with abundant caution to prevent the exploitation of nature and natural resources, the representations made are herewith produced and marked at **ANNEXURE-H1 & H2.** The Petitioner aggrieved by the inaction on the part of respondent authorities, this Memorandum of Writ Petition amongst following other grounds.

11. The Respondent authorities, more specifically Respondent Nos.4, 5, 6, & 7 having vested interest for the reason the lobby of Granites and Crushers are more powerful having political power and money power, the Respondents ought to have examined independently the terrain situation a rare species of Bats and the Lakes/Tanks surrounding 16 Villages with radius of 15 to 20 Kms and the Wild Animals particularly spotted Deers', Wild Boar, Pea-cocks since time immemorial is habitants in the locality and in the hillock region. By declaring the area as safer zone is most irrational and illegal. The law declared and laid down by the Hon'ble Apex Court in 'T.N.Godavarman Thirumalpad -Vs- Union of India' is not either in the knowledge of authorities or for political reason they have overlooked and have declared the region as safe zone. On enquiry, it is found that the office of the Deputy Commissioner issued Notification of the year 2013 bearing No.MAS/CR/2451/12-13 dated 16/2/2013, copy of the same is herewith produced and marked at **ANNEXURE-J**.

12. The Notification is issued behind the back of public and at the instance of local powerful politicians having directly or indirectly nexus with Granite Lobby, the common man and common citizens cannot raise objection

and cannot question the arbitrary action of the authorities, since the persons involved in the Granite Lobby are most **'Dangerous'** to the life and limb of ordinary citizen. The entire bureaucratic machinery is acting at the instance of Granite Lobby. The declaration of Safer Zone is back door entry behind the back of public and Environment Activists, this fact to be taken into consideration seriously by this Hon'ble Court in the light of 'T.N. Godavarman Thirumalpad -Vs- Union of India' case, thus the petitioner aggrieved by the arbitrary, indiscriminate, illegal acts and deeds of respondent authorities.

13. The Petitioner and group of Environmentalists are crusade against the illegal Mining carried out by the respondents. In this regard, the Petitioner and villagers made several complaints before the Police Authorities as well as Revenue Authorities, it is unfortunate that police authorities at the instance of Granite Mafia are causing harassment, humiliation to the Petitioner members, by calling to the police station and insisting to give an undertaking etc. Further, the police authorities have stooped to the level of receiving frivolous complaints from the Granite Lobby and foisting false cases against the Environmentalists, it causes serious hindrance to the



down in 'T. N. Godavarman Thirumalpad -Vs- Union of India', in W.P No.202/1995, the authorities in flagrant violation have declared the Forest Area as 'Silent Zone' at Annexure-K and issue of licence to the Granite Lobby at Annexure- series are patent illegalities by respondent authority, warrants issue of appropriate writ and to quash the notification and licenses issued by the respondent authorities in favour of Respondent Nos.15 to 24.

ii. The Respondent No.5 and 6 knowing fully well that the entire area of Devarayasamudra<sup>Aravani</sup> Mountain/ Hill is Forest area with rare species of wild life have ventured to issue licence obviously for extraneous reasons and having vested interest, it is dangerous and cause irreparable injury to the Environment, nature, more so, the terrain region harboring habitants of rarest species.

iii. It is the statutory duty of the authorities to Exercise powers and Article 48-A and 51-A(g) of the Constitution of India, the exploitation of natural resource, natural mountains, terrain, having disasters effect on the environment surrounding and livelihood of 20 Village population besides inviting serious climatic hazardous, thus warrants issue of appropriate writ at the hands of

this Hon'ble Court to protect safeguard the entire terrain region of Devarayasamudra/<sup>Avani</sup> Mountain in the same statute.

iv. The Respondent Authorities have totally suppressed, bypassed the objections filed by the citizen, gramapanchayat and Environment Activists in the year 2010 onwards, the authorities have not applied prudent mind in order to evaluate and assess the quantum of damage which would cause by permitting the Granite Lobby to denude the entire mountain region of 1200 Acres declared in the Forest area.

v. The population surrounding 20 kms with water resource from the same mountain in the tank/ lake or perennial resources to the livelihood of the villagers in growing crops raring cattle, sheep and animal husbandry activities.

vi. The Village surrounding Devarayasamudra Mountain having 2 crops potential lands only out of the source of water (catchment) in the event of granting permission for Crushers and Granites the entire region becomes draught and land becomes waste land, thus by considering all these facts, the permission granted by the

authorities is patent illegality, calls for issue of appropriate writ and directions at the hands of this Hon'ble Court.

vii. The Respondent Revenue Authorities, Forest Authorities, Pollution Authorities, have brought the situation under very serious threat and the act of Granite Lobby is lawlessness the provision U/Sec.2 of the Forest (Conservation) Act 1980 Sec.2(ii) &(iv) - '2(ii) No State Government or other Authority shall make except with the prior approval of the Central Government, in order directing that any Forest Land or any portion thereof may be used for any non forest purpose' ; '2(iv) - that any Forest Land or any portion thereof may be cleared off trees which have grown naturally in that land', thus it is the statutory obligation on the part of Respondent autho

viii.

ix. rities to act in accordance with law as provided but failed thus warrants interference and pass appropriate order and direction

### 30. GROUND FOR INTERIM PRAYER

The Respondent authorities despite protest and objections since 2010 are having audacity to issue

permission/licence to carry Crusher/ Granite work in the Mountain, the petitioner has produced prima-facie documents, which established the serious objections and nature of objections, thus the petitioner having prima-facie case for granting interim prayer in the event of not granting Interim Prayer, certainly the villagers of 10 Villages suffered more hardship and inconvenience to the natural habitants, wild life, Greenery and crops would be destroyed, the impact on the environment is irreparable and cannot be assessed.

31.

**PRAYER**

**WHEREFORE**, the petitioner most respectfully prays that this Hon'ble Court be pleased to:

1. Call for the entire records in respect of land bearing Sy. No.199 measuring an extent of 1296.21 Acres of Forest in Devarayasamudra<sup>Pravara</sup> Village/ Panchayath, Mulbagal Taluk, Kolar District;
2. Issue writ of certiorari and quash the notification bearing No.MAS/CR/2451/12-13 dated 16/2/2013 at **ANNEXURE-J** consequently declaring that the entire area is **safe zone** and to declare that the area of Devaraya-samudra is protected area, not to permit any activists which would cause damage to the terrain and natural environment.

3. Issue Writ of Mandamus directing the Respondent No.3 to 12 to consider the representation dated 18-03-2010 dated.13-03-2017 at ANNEXURE-F1 & F2 and representations dated 05-07-2020 & 29-09-2020 at Annexure-H1 & H2 respectively, taking into consideration the serious objections by the people and residents in 20 villages and to pass appropriate order.
4. Issue Writ of Mandamus against Respondent No.1 to 14 to take immediate effective steps and protect the entire region from the on-slot of intruder, illegal quarry operators and to fence the entire area by cancelling the licence issued to Respondent Nos.15 to 25 declare that the licence are illegal in the light of 'T. N.Godavarman Thirumalpad -Vs- Union of India' declared law.
5. Issue Writ of Mandamus directing the Respondent No.8 Superintendent of Police to extend protection the life and limb of the petitioner members as well as villagers of Devarayasamudra, <sup>Mulabagal</sup> Mulabagal Taluk, Kolar District.
6. Pass such other order/s as this Hon'ble Court deems fit and proper in the circumstances of the case.

32.

**INTERIM PRAYER**

Pending final disposal of the above writ petition Petitioners most respectfully pray this Hon'ble Court be pleased to stay all further proceedings in pursuance of the licence issued in favour of respondent Nos. 15 to 25 in

respect of Devarayasamudra/<sup>Avani</sup> Village and Panchayath,  
Mulbagal Taluk, Kolar District not to operate Quarry  
machineries, in the interest of justice and equity.

**SCHEDULE**

All that piece and parcel of the land presently  
classified as Mountain - Gomala bearing Sy. No.199  
measuring an extent of 1296.21 Acres situated at  
Devarayasamudra/<sup>Avani</sup> Village, Mulbagal Taluk, Kolar District  
and bounded on:

East by : Village boundary of Cholanagunte & Ramasandra  
& Varadaganahalli.

West by : Holalli Village & Palar River

North by : National Highway & Kurubara halli gadi

South by : Hosakere Village.

**BANGALORE**  
**DATE: /12/2020**

  
**ADVOCATE FOR PETITIONER**  
**M. SHIVAPRAKASH**

**ADDRESS FOR SERVICE:**  
**M.SHIVAPRAKASH**  
**K.RAVISHANKAR,**  
**M/S JANARDANA & JANARDANA,**  
**NO.105, 3<sup>RD</sup> CROSS,**  
**GANDHINAGAR,**  
**BANGALORE-560 009**

IN THE HIGH COURT OF KARNATAKA; AT BANGALORE.

(ORIGINAL JURISDICTION)

WRIT PETITION NO. /2020

BETWEEN:

M/s.Parisara Hitharakshana  
Samithi (Regd) Rep. by its  
President Sri. V. Rajappa

.. PETITIONER

AND

State of Karnataka & Others

..RESPONDENTS

**VERIFYING AFFIDAVIT**

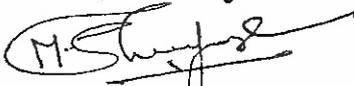
I, V. Rajappa, President, Parisara Hitharakshana, Samithi (Regd), Somashekar Building, 1<sup>st</sup> Floor, Devarayasamudra, Mulbagal Taluk, - 563 127, Kolar District, Kolar, on a visit to Bangalore, do hereby solemnly affirm and state on oath as follows:

1. I state that I am the petitioner in the above case. I know the facts and circumstances of the case, hence, I am swearing the contents of this affidavit.
2. I state that the averments made in Writ Petition Paras 1 to 3<sup>rd</sup> are true and correct.
3. I state that the Annexure A to I annexed to the petition are true copies of the originals.

**VERIFICATION**

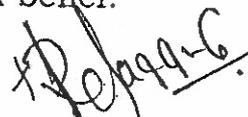
I, V. Rajappa, deponent herein do hereby verify and declare that what is stated above is true and correct to the best of my knowledge, information and belief.

Identified by me

  
Advocate  
Bangalore.

Date: 23/12/2020

No. of corrections

  
DEPONENT

ಅಧ್ಯಕ್ಷರು  
ಬರಿಸರ ಹಿಠರಾಕ್ಷಣ ಸಮಿತಿ (ರಿ)  
ದೇವರಾಯಸಮುದ್ರ ಗ್ರಾಮ ಮುಖ್ಯ ಅಂತ್  
ಮುಖ್ಯಾಧಿಕಾರಿ ಕಛೇರಿ, ಕೋಲಾರ ಜಿಲ್ಲೆ

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE****W.P.NO.15798 OF 2020(GM-MMS)****BETWEEN:**M/S.PARISARA HITHARAKSHANA  
SAMITHI (REG.)

.....PETITIONER

**AND:**

STATE OF KARNATAKA AND OTHERS

.... RESPONDENTS

**STATEMENT OF OBJECTIONS ON BEHALF OF 20<sup>TH</sup>  
RESPONDENT UNDER RULE 21 OF THE HIGH COURT WRIT  
PROCEEDINGS RULE**

The above named Respondent begs to state as follows:

1. The Petitioner in the above Writ Petition has sought for an order, direction or writ in the nature of Certiorari, quashing the Notification dated 16.2.2013 Annexure-J declaring that the property granted to this Respondent and declaration safer zone for grant of license under Karnataka State Stone Crushers Act and also sought for a direction not to carry on any activities which accordingly to the Petitioner would cause damage to the terrain and natural environment. Further, the Petitioner has also sought for a writ of Mandamus, directing the Respondents 3 to 12 to consider the representations stated to have been filed by the Petitioner. Further the Petitioner has also sought for a writ in the nature of Mandamus, directing the Respondents 1 to 14 to take steps to protect the entire

region from the alleged on-slot or intruder, illegal quarry operators and to fence the entire area by cancelling the license granted to these Respondents and others. Further the Petitioner has also sought a Writ of Mandamus, directing the Supdt. Of Police to provide protection to Petitioner and members.

2. That this Respondent submits that the above Writ Petition is filed by one V.Rajappa who claims to be the President of the Petitioner Society. The Petitioner society is indulging in illegal acts, threatening the persons who are having subsisting Quarry Lease and extracting money from others. The Petitioner and their members are not concerned about the environment as sought to be projected by the Petitioner. The Petitioner and this Respondent have been informed by various Lessees who have been granted the Quarry Leases under the provisions of Karnataka Minor Mineral Concession Rules for short hereinafter referred to as KMMC Rules and the license in Form-C.

3. The above Writ Petition is liable to be rejected for following reasons:

a) That the Petitioner is established only in the year 2020-21, the Petitioner does not have any track record of espousing the public cause and therefore the above Writ Petition is a motivated petition filed before this Hon'ble Court.

b) Subsequent to the filing of the Writ Petition the Petitioner has already approached the National Green Tribunal, Southern Zone, and Chennai by filing the application under Sec.18 (1) read with 14, 15 of the National Green Tribunal Act and therefore the Writ Petition on the face of it is not maintainable in law when the Petitioner subsequently availed of alternative remedy.

c) That the conduct of the Petitioner and its office bearers does not entitle to maintain the Writ Petition and therefore the above Writ Petition is liable to be rejected at the threshold itself.

4. Some of the facts which are necessary to decide the matters in controversy are as hereunder:

5. That the land bearing Sy.No.199 of Devarayasamudra village is a Gomal land, consisting of boulders and stones which is not suitable for grazing the cattle and for any other purposes. This Respondent submits that the Government of Karnataka issued a Circular on 22.4.1999 making the Gomal lands for grant of Quarry Leases subject to certain conditions. The copy of the Notification dated 24.2.1999 issued by the State Government is produced herewith as **ANNEXURE-R1**.

6. That this Respondent submits that the Schedule Property has building stone which can be used for manufacturing M. sand. In order to prevent the illegal conduct of quarrying operations by the villagers in the said land and others the Government of Karnataka

has decided to grant the Quarry Lease through Tender cum Auction as provided Rule-31A of the KMMC Rules. Much before the issuance of Notification under Rule-31A of the KMMC Rules, the Director of Mines and Geology wrote a letter to the Assistant Commissioner and the Deputy Conservator of Forest, seeking their opinion for making various blocks available for grant of Quarry Lease to the general public through tender cum auction. The Assistant Commissioner and the Deputy Conservator of Forest have submitted a report to the Director of Mines and Geology that the Sy.No.199 of Devarayasamudra Village consist of boulders and stones suitable for grant of Quarry Lease for removing building stone. Likewise the Deputy Conservator of Forest has also granted the no objection for grant of Quarry Lease inter alia stating the schedule property is not a forest land.

7. That this Respondent submits that after obtaining the opinions of the revenue and forest officials, the 2<sup>nd</sup> Respondent in exercise of power conferred under Rule-31A of KMMC Rules issued a Notification making various blocks of land in Sy No.199 of Devarayasamudra Village available for grant of Quarry Lease to general public through e-auction conducted through e-portals of the Government. The

copies of Notifications issued under Rule-31A of KMMC Rules are produced herewith as **ANNEXURE-R2**.

8. That this Respondent submits this Respondent is a Company, registered under the Companies Act. This Respondent has decided to establish M-Sand manufacturing unit by investing huge amount of money. Accordingly this Respondent submitted the pre-qualification bid provided under Rule-31 C of the KMMC Rules. In the pre-qualification bid, this Respondent was found to be eligible for participating in 2<sup>nd</sup> round of price bid as provided under Rule-31 C (4) of the KMMC Rules. This Respondent participated in the 2<sup>nd</sup> round of bid and this Respondent offered greater than the base price and therefore this Respondent was eligible for participating in the live bid conducted by the Director of Mines and Geology for grant of Quarry Lease for extracting and removing building stone. Accordingly, this Respondent participated in the live bids for Block No 6 situated at Mulbagal Taluk in all measuring 10 acres which is more fully set out in the schedule and for short hereinafter referred as **SCHEDULE PROPERTY**. In the live bid, this Respondent quoted 110.5% above the base rate and therefore this Respondent was H1 for grant of Quarry Lease and accordingly in exercise of power under Sub-Rule &) of Rule-31C of KMMC Rules this Respondent was

declared as highest bidder. The Copy of Provisional Acceptance is produced herewith as **ANNEXURE-R3**. After declaring this Respondent as the highest bidder the bid documents of this Respondent was sent to the State Government which is the controlling authority under Rule-31(I) for the confirmation of the bid of this Respondent in respect of Schedule Property. The State Government on 31.08.2015 confirmed the bid to this Respondent permitting the Director of Mines and Geology and the Senior Geologist to grant the Quarry Lease in respect of Block No.6.

9. That this Respondent further submits that after receiving the confirmation from the State Government, the 2<sup>nd</sup> Respondent issued a provisional Letter of Acceptance accepting the bid of this Respondent and called upon this Respondent to pay 50% of the security deposit and obtain environment clearance and approval of quarry plan for execution of the Lease Deed.

10. This Respondent paid the security deposit and others for issuing the Notification. The Senior Geologist after receiving the order from the 2<sup>nd</sup> Respondent issued a Notification on 31.8.2015 notifying the grant of Quarry Lease in respect of Block No.6 called upon this Respondent to obtain the approval of quarry plan and the Environment Clearance required for executing the lease deed. The

copy of the Notification dated 31.8.2015 in prescribed Form granting the Quarry Lease in favour of this Respondent is produced herewith as **ANNEXURE-R4**.

11. This Respondent submits this Respondent submitted the approval of the quarry plan on 28.10.2015 to the Senior Geologist the 3<sup>rd</sup> Respondent, who is the competent authority for approval of Quarry Plan and the Senior Geologist on 06.11.2015 approved the Quarry Plan permitting this Respondent to conduct quarrying operations in terms of quarry plan. The copy of the letter dated 28.10.2015 seeking approval of quarry plan and the approval of quarry plan dated 6.11.2015 by the 3<sup>rd</sup> Respondent are produced herewith as **ANNEXUERS-R5 & R6** respectively.

12. That this Respondent simultaneously made an application to the State Level Impact Assessment Authority for grant of Environmental Clearance for conduct of quarrying operations in the Schedule Property. The said State Level Impact Assessment Authority on the basis of the recommendation made by the State Expert Appraisal Committee granted Environmental Clearance for conducting quarrying operations in the Schedule Property. The copy of the Environment Clearance dated 05.03.2016 bearing No.SEIAA/1590/MIN/2015 is produced herewith as **ANNEXURE-R7**.

13. That this Respondent submits in order to establish M-Sand manufacturing unit in the portion of block No.6, the Respondent has made an application in prescribed A1 to the District Licensing Authority for grant of Form-C enabling this Respondent to establish M-Sand manufacturing unit in the portion of the schedule property. The copy of Form A1 is produced herewith as **ANNEXURES-R8**.

14. That this Respondent submits that the 3<sup>rd</sup> Respondent on 29.8.2016 executed QL No.1017 authorizing this Respondent to conduct the quarrying operations in Schedule Property. The copy of QL No.1017 dated 29.8.2016 is produced herewith as **ANNEXURE-R9** and same was registered before jurisdictional registrar thereby there is a concluded contract between State Government and this Respondent authorizing this Respondent to conduct quarrying operations of removing building stone from Schedule Property.

15. That this Respondent submits that this Respondent application for grant of the License is still pending consideration with the District Licensing Authority and the same is not yet disputed. In order to conduct the quarrying operations blasting license is required from the Deputy Commissioner. Without the grant of blasting license it is not possible to conduct quarrying operations in the Schedule

Property. Therefore, the Petitioner has made an application on 18.10.2016 requesting the Deputy Commissioner to grant the explosive license for carrying out explosive activities to remove the building stone from Schedule Property. The Deputy Commissioner has not granted any license on account of certain alleged objection by the villagers. This Respondent has been writing letters to the Deputy Commissioner, requesting to grant the blasting permission to use the explosives to conduct the quarrying operations. The copies of the letters written by this Respondent to Deputy Commissioner are produced herewith as **ANNEXURES-R 10, 11, 12, 13 and 14 respectively.**

16. That this Respondent submits that the Deputy Commissioner has not granted the license for using blasting materials and therefore the quarrying activity could not be conducted by this Respondent. Further the licensing authority is required to consider and pass an order and the licensing authority. For extraneous considerations has not granted the license.

17. That this Respondent submits that the Quarry Lease is granted in the year 2016 after following the procedure prescribed under the provisions of KMMC Rules. Some of the quarries have already started quarrying operations. Some of them have also established

M-Sand manufacturing unit and they are manufacturing M-Sand pursuant to the license granted by the licensing authority under the provisions of Karnataka Regulation of Stone Crusher Act. The Petitioner who claims to be the Environment Protection body never raised any objection for the last 6 years. For the first time in the year 2020-21 some anti-social elements has filed the objections objecting the grant of Quarry Lease to this Respondent and various others for extraneous and irrelevant consideration. All the authorities including the Director of Mines and Geology examined the complaint of the Petitioner and did not find any merit. Therefore accordingly did not take any action in cancelling the Quarry Lease sought by the Petitioner. This Respondent submits that this Respondent has paid huge amount of security deposit. This Respondent has already paid advances for procurement of M.Sand manufacturing unit in the Schedule Property. This Respondent has taken steps for establishing M.Sand manufacturing unit. After 6 years of the execution of the lease deed authorizing this Respondent to conduct the quarrying operations, the Petitioner has filed the above Writ Petition making false, baseless claims which are totally false and baseless. After filing the Writ Petition, the Petitioner has filed an Application under Sec-18(1) of National Green Tribunal Act,

2010 seeking some of identical reliefs. The Copy of Memorandum of Application filed before National Green Tribunal is produced herewith as **ANNEXURE-R15**. The above Writ Petition filed by the Petitioner is wholly misconceived not maintainable in law and as such the same is required to be rejected at the threshold.

18. Several statements made by the Petitioner except those admitted herein below are denied as incorrect.

19. **With Regard to Para No.2** : That the statement of the Petitioner at Para-2 of the Writ Petition that the Petitioner is a Samithi established by environmentalist in the village of Devarayasamudra is totally incorrect and the same is put to strict proof of the same. The Petitioner has not produced any documents. Further statement of the Petitioner that Sy.No.199 is measuring 1296.2 acres is true. The entire area consists of boulders and stones which cannot be used for any other purpose. Further statement of the Petitioner that they are filing above Writ Petition in the form of public interest litigation is totally incorrect. Kolar district is a drought ridden district. The people are migrating to Bangalore and other places in search of the employment. The grant of Quarry Lease will generate huge employment opportunity to the large number of people and therefore the above Writ Petition is not a public interest

litigation, the same is detrimental to the public interest. The Petitioner who has no credentials has filed the above Writ Petition without any basis what so ever.

20. **With Regard to Para No.3** : Further, the statement of the Petitioner at Para-3 of the Writ Petition that the Sy.No.199 is entire hillock mountain region consist of lush green and shrubs is totally incorrect and put to strict proof of the same. As submitted above it is a Gomal land consisting of boulders and stones and it is not suitable for any other purposes. It consists of the building stone which can be used for generating employment to the general public. The further statement of the Petitioner that in and around the villages of Devarayasamudra/Avani water source is from this mountain is incorrect and false. Conducts of quarrying operations will not in any manner prevent the source of water flowing to the tanks and canals and therefore the entire claim made by the Petitioner is completely based on assumption and conjecture.

21. **With Regard to Para No.4** : That the further statement of the Petitioner at Para-4 of the Writ Petition that the hillock mountain is called 'Hanumanahalli Bodi Bande' rarest species of the Bats is totally incorrect. The schedule property consist of boulders and

stones and therefore no Bats can survive in boulders and stones in acute hot.

22. **With Regard to Para No.5:** Further statement of the Petitioner at Para-5 of the Writ Petition that there has been authentic information that the said Devarayasamudra is proposed for quarry and granite crushing and M.Sand extraction is misleading in nature. As submitted above after amendment to the KMMC Rules, the Director of Mines and Geology in order to make available the lands for establishing M.Sand manufacturing units has made available the various blocks in 2014 itself that too on objecting all opinion from the Assistant Commissioner and Deputy Conservator of Forest. The Petitioner or any other person have not made any claim at any point of time that the conduct of quarrying operation will hamper environment. The Director of Mines and Geology after considering the reports submitted by the Revenue Officials as well as by the officials of Forest Department has issued Notification, notifying the grant of Quarry Lease through tender cum auction. Several persons have already conducting quarrying operations. Large number of persons have established stone crusher unit in their respective Quarry Lease and have been conducting quarrying operations and crushing operations for the last several years.

23. **With Regard to Para No.6 :** That the statement of the Petitioner at Para-6 of the Writ Petition that the Village Gram Panchayat passed a resolution requesting not to grant 'Quarry Lease is not within the knowledge of this Respondent and the same is put to strict proof of the same. In all economic activities some persons for extraneous considerations are protesting for the reasons which are untenable in law and just to make unlawful gain. There is no justification for some of the villagers to protest in as much as the establishment of the stone crusher unit and quarrying activities will generate huge employment opportunities to the general public and it will prevent migration of workers from Kolar to Bangalore besides providing M .sand which is substitute for river sand which is environmental friendly.

24. **With Regard to Para No.7 :** That the statement of the Petitioner at Para-7 of the Writ Petition that the villagers of Hosakere, Devarayasamudra and surrounding villages have made a representation way back in the year 2010 is not within the knowledge of this Respondent and the same is put to strict proof of the same. Therefore, there is no merit in the claim made on behalf of the Petitioner. The representation of the year 2010 was examined by the Government and found that there is no merit in the claim and

accordingly issued notification under Rule-31A of the KMMC Rules making available various blocks of lands in Sy.No.199 for grant of Quarry Lease. None of the villagers have challenged the grant of Quarry Lease at any point of time. For the first time the society which claims to be the Environment Protection Society has challenged the same without any basis what so ever.

25. **With Regard to Para No.8** : That the further statement of the Petitioner at Para-8 of the Writ Petition that the Devarayasamudra mountain is having a special feature significance and it is a special rock single rock hill is absolutely false and baseless. It consists of rocks which cannot be described as a single rock and no documents is produced to make such false and baseless claim against this Respondent. Further statement that the area is inhabited by Deers, wild Boar, Cheetahs and Peacocks is absolutely false and baseless. The Sy.No.199 is a barren land consist of boulders and stones which cannot be habitat any wild animals as sought to be projected. The further statement of the Petitioner that there are several tanks and lakes is totally incorrect and false. The Quarry Leases are granted to this Respondent is far away from the tanks and lakes. The further statement of the Petitioner that the Government has established Morarji Desai Residential School which

is about 200 mtr away from mountain is absolutely false and baseless. Morarji Desai Residential School is about 6 KM away from the Quarry Lease granted to this Respondent and therefore the said statement on the face of it is false. Further statement of the Petitioner that Administrative Training Centre, Gram Vikas institutions are hardly 400 mtrs from the hill is misleading in nature. The Quarry Leases granted to this Respondent is about 6 to 7 km away from the village and there are no Administrative Training Centre, Gram Vikas as sought to be projected by the Petitioner without any basis what so ever.

26. **With Regard to Para No.9:** That the further statement of the Petitioner at Para-9 of the Writ Petition that the people of Honnashettahalli gave a detailed representation in the year 2010 is sufficient ground to reject the above Writ Petition in as much as the Petitioner have approached this Hon'ble Court after 11 years of the representation that too by registering in the year 2020. The further statement of the Petitioner that the government and the Departments are aware of the mountains of the village environment, wild life and tanks is misleading in nature. The State Government after verifying that none of the tanks are nearby have notified under rule-31A of the KMMC Rules for the grant of Quarry Lease through

tender cum auction. The further statement of the Petitioner that certificate of M.sand issued is only selective in nature. There are large number of persons have been granted the license Form-C for establishing the stone crusher unit in the said place several persons have already established the stone crusher unit long back. The further statement of the Petitioner that the authorities in nexus with Granite Lobby / Mafia are under the pressure of granite lobby / mafia to declare certain areas of Sy.No199 as safer zone is absolutely false and baseless. The Government of Karnataka to prevent the illegal quarrying operations has been conducting auctions of the Quarry Leases to protect the property of the State Government. This Respondent is not a granite lobby or mafia which on the face of it is defamatory in nature. Further the declaration of safer zone is done by a committee constituted under Sec-9(2) (a) of the Karnataka Regulations of Stone Crushers Act and it is not done individually as falsely sought to be projected by the Petitioner. Only after the report the proposed M.sand unit does not come within the prohibited areas. The area is declared as a safer zone by the Licensing Authority headed by the Deputy Commissioner.

27. **With Regard to Para No.10:** That the further statement of the Petitioner at Para-10 of the Writ Petition that the mountains of

Devarayasamudra and has rarest species of Leaf Mouth Bats is absolutely false and baseless. There is no such report at any point of time recorded by the Governmental authorities stating that there is Leaf Mouth Bats in the said area as falsely claimed by the Petitioner. The further statement of the Petitioner that the villagers have given the representations are repetitive in nature. The government examined those representations and found that there is no substance in those complaint and accordingly way back in the year 2014 notified for grant of Quarry Lease through tender cum auction, e-auction the leases are granted in accordance with the provisions of KMMC Rules. At the time of conduct of e-auction by the Officials of the Department of Mines and Geology, no person has made any complaint alleging that the grant of Quarry Leases will affect the water and environment as sought to be projected by the Petitioner for the first time. The further statement of the Petitioner that the area is covered with two crops and the farmers grow paddy, commercial crops viz., vegetables, mulberry etc., is absolutely false and baseless. As submitted above the area consisting of boulders and stones wherein no agricultural activities can be carried on. Kolar District does not have water to grow the paddy as falsely claimed by the Petitioner and there are paddy field in Kolar District.

The agricultural lands are far away from the Quarry Leases granted to this Respondent. The further statement that the water is collected in catchment area stored in the Avani tank is totally incorrect. Avani tank is 6 kms away from Quarry Lease granted to this Respondent/the further statement of Petitioner that the members of the Petitioner society filed a complaint is not within the knowledge of this Respondent and same has not been made available to this Respondent at any point of time. The complaint is filed for the purpose of filing the above Writ Petition before this Hon'ble Court.

28. **With Regard to Para No.11** : That the statement of the Petitioner at Para-11 of the Writ Petition that the Respondent 5, 6 & 7 are having vested interest on account of the lobby of granites and crushers is absolutely false and baseless. The area is notified by the Director of Mines and Geology for grant of Quarry Lease in exercise of power under Rule-31A of KMMC Rules. In the competitive bidding the Quarry Leases are granted to large number of persons and therefore the allegations that there are granite and crusher lobbies who made the Respondents 4, 5, 6 & 7 are not acting on the representation is absolutely false and baseless. The further statement of the Petitioner that wild animals such as Deer, Boars, Peacock are inhabited for the last immemorial in the locality is

absolutely false and baseless. No document is produced to show in support of the same except making false and baseless claim against this Respondent. The further statement of the Petitioner that by declaring the area safer zone is most irrational and illegal is incorrect. Under Sec-9(2) (a) of the Karnataka Regulation of Stone Crushers Act, Thasildar, Environment Officer, Senior Geologist and the Range Forest Officer inspect the land applied for grant of license to ascertain whether the area is suitable for declaration as a safer zone and the same were placed before the District Licensing Authority consisting of forest officials, revenue officials and officials of the Department of Mines and Geology for declaration of the land as a safer zone. Therefore the allegation made against all the officials is totally incorrect. Further reliance placed on T.N.Godavarman Thirumalapad Vs. Union of India is totally incorrect. Sy.No.199 is consisting of boulders and stones and therefore it cannot be declared as a forest land attracting the law laid down by the Hon'ble Supreme Court of India in T.N.Godavarman Thirumalapad Vs. Union of India. The area is not declared as a Forest land as required under Karnataka Forest Act.

29. **With Regard to Para No.12** : That the statement of the Petitioner at Para-12 of the Writ Petition that the Notification is

issued behind the back of the order at the instance of local powerful politicians is absolutely false and baseless. The Quarry Leases are granted through e-auction conducted by the Department of Mines and Geology by following transparent process. The further statement of the petitioner that the persons involved are granite lobby and are most dangerous to the life and limb of ordinary citizen is absolutely false and baseless besides being defamatory in nature. On the other hand the conduct of quarrying operation, manufacturing of M.sand will provide employment opportunity to large number of persons. The economic level of the people have gone up on account of economic activities therein. The prices of land have gone up on account of the large number of crushers and also the Quarry Leases. On account of the grant of Quarry Leases there is a reverse migration to the villages in Kolar District from Bangalore and adjoining areas and therefore the basis of the statement made by the Petitioner is totally without any basis. There is no arbitrary exercise of power as alleged. There is no indiscriminate illegal act as falsely made by the Petitioner without any basis what so ever.

30. ***With Regard to Para No.13:*** That the statement of the Petitioner at Para-13of the Writ Petition that the Petitioner and

group of environmentalists are crusade against illegal mining is absolutely false and baseless. The Petitioner or its members have not made any allegations at any point of time. For the first time such allegations are made without any basis. They have not produced any documentary evidence to support their credibility before this Hon'ble Court. The repetitive reliance placed on T.N.Godavarman Thirumalapad Vs. Union of India is totally untenable in law. The Hon'ble Supreme Court in T.N.Godavarman Thirumalapad Vs.Union of India has directed that in case of forest land mining and quarrying activity shall not be allowed without the prior permission of the Central Government under Sec-2 of the Forest Conservation Act. The further statement of the Petitioner that the police authorities and revenue authorities at the instance of granite mafia are causing harassment, humiliation to the petitioner members is totally incorrect. This Respondent has never seen anyone of the members of the Petitioner to allege that this Respondent is causing harassment, humiliation. The further statement of the Petitioner that the police authorities have stood to the level of receiving frivolous complaint from the granite lobby and foisting false cases against environmentalists is absolutely false and baseless. The Petitioner has not produced a single document to

show that the police have registered the case at the instance of granite lobby much less this Respondent. Further statement of the Petitioner that the police authorities in the local jurisdiction of Mulbagal are acting at the instance of moneyed persons indulging in illegal mining are wild imagination and false allegations without any basis what so ever. The further statement of the Petitioner that it is a serious misconduct and dereliction of duty by the statutory authorities is absolutely false and baseless. The Petitioners are indulged in making reckless allegations against the Government is without any basis what so ever.

31. **With Regard to Para No.14** : That the further statement of the Petitioner at Para-14 of the Writ Petition that the Petitioner is a registered association with intent to keep the environment surrounding safe and protect the environment is put to strict proof of the same and no document is produced to establish the same before this Hon'ble Court. The Petitioner samithi is established in year 2020 and it has no credentials of espousing any public interest much less interest in protecting the environment as sought to be projected by the Petitioner.

32. **With Regard to Para No.15:** That the Petitioner has already filed appeal, the same is not disclosed before this Hon'ble Court.

33. Several grounds urged in support of the Writ Petition are totally untenable and incorrect and same do not constitute a ground to entertain above Public Interest Litigation by this Hon'ble Court.

34. **With Regard to Para No.17 (i):** The statement of the Petitioner at Para No.17 (i) of Writ Petition that the Respondent state authority are acting detrimental and in utter violation, flagrant disobedience of the law laid down in the statutes such as Forest Conservation Act, Wild Life Protection Act is totally incorrect and false besides being bald and vague. Admitted the area granted to this Respondent is dry barren land consisting of boulders and stones. That the land granted to this Respondent is not a forest land nor is it protected forest to attract Section 20 of the Forest Conversation Act. The further reliance placed on T.N.Godavarman Thirumalpad Vs. Union of India is absolutely misleading in nature. The judgment of the Hon'ble Supreme Court of India in W.P.No.202/1995 is applicable to forest lands. It is not applicable to the revenue lands and therefore the Petitioner is trying to mislead this Hon'ble Court. Further statement that the area has been declared as silent zone at Annexure-K is absolutely false and baseless. Several

persons have been conducting illegal quarrying operations and have established stone crusher unit for long period of time in the Schedule Property. If the State Government does not give the Quarry Leases, the third parties will carry on illegal quarrying activities making the Government to lose huge amount of royalty charges and therefore in order to prevent the illegal quarrying operations the grant of Quarry Lease is a necessity as the state was generating huge royalty charges. The further statement that the license are issued to this Respondent and the same is patently illegal is totally illegal. As submitted above, before inviting the tender under Rule-31A of the KMMC Rules the Assistant Commissioner and the Deputy Conservator of Forest have submitted a report inter alia stating that the area proposed to be notified for grant of Quarry Lease consist of boulders and stones and not suitable for any other purpose. After thread bare inspection of the property Notification is issued under Rule-31A of the KMMC Rules making available various lands for grant of Quarry Lease through tender cum auction. The Notification issued proposing to grant Quarry Lease through Tender cum auction was not challenged before this Hon'ble Court and there is no prayer in the present Writ Petition. Without even challenging the same the above Writ Petition is filed making false and baseless allegations without any basis what so ever. That this Respondent

L M CHIDANANDAYYA  
ADVOCATE

has already invested huge sums of money in establishing M.Sand manufacturing unit. This Respondent could not carry on the quarrying operations on account of non-availability of blasting permission from the Deputy Commissioner.

34. **With Regard to Para No.17 (ii):** That the further statement of the Petitioner that the Respondents 5 & 6 were fully aware of the entire Devarayasamudra is a forest area with rare species of wild life is absolutely baseless. As per the revenue records Sy No.199 of Devarayasamudra is Gomal land consisting of boulders and stones which cannot be used for any other purpose. There is no evidence of any wild life living in the said area as sought to be projected by the Petitioner. Further statement of the Petitioner that the stone crushing license have been granted for extraneous reasons having vested interest is totally incorrect. The Quarry Leases are granted by conducting Tender Cum Auction on a transparent manner and therefore, there is no merit in the claim. The stone crushing license are granted after the spot inspection of senior officers consisting of Range Forest Officer, Pollution Control Board. The repetitive claim that conduct of quarrying operation will result in irreparable injury to the environment and nature is absolutely false and baseless. The conduct of quarrying operations will provide employment to large

number of persons and prevent illegal quarrying operations. Even as on today there are illegal quarrying operations conducted in the Schedule Properties. Lot of persons are carrying on quarrying operations without even obtaining a lease or license. The grant of Quarry Lease will prevent the illegal quarrying operations and will fetch revenue to the state. The Petitioner which claims to be the environmentalist has not taken any steps of illegal quarrying operation which is going in some parts of the area. The Petitioner has not sought any direction to register the criminal case against those who are illegally conducting quarrying operations.

35. **With Regard to Para No.17 (iii):** The further statement of the Petitioner that it is a statutory duty of the authorities to exercise power under Article-48A and 51-A (g) of the Constitution of India is totally incorrect. The authorities are bound by the law applicable. The law applicable is MMDR Act and KMMC Rules. After following the procedure prescribed under the provisions of KMMC Rules the Quarry Leases have been granted to this Respondent the same cannot be found fault with. The further statement of the Petitioner that the exploitation of natural resources, natural mountains, terrain will have disasters effect on the environment surrounding and livelihood is repetitive in nature. The conduct of quarrying operation

of removing the boulders and stones for manufacture of M.Sand will be environmental friendly as it provides M.sand preventing over exploitation of river sand and therefore supply M-Sand General Public is environmental friendly. That the manufacture of M.sand will make the lesser demand for ordinary river sand since river sand is already over exploited which is environment friendly. Therefore, the conduct of quarrying operations and removing of the building stone for manufacture of M.sand is environmental friendly. The further statement of the Petitioner that the livelihood of villagers of 20 villages will be affected is absolutely false and baseless. None of the villagers have any complaint against the grant of Quarry Lease, conduct of quarrying operations in as much as the conduct of quarrying operations and manufacturing of M.sand generates employment opportunities to the villagers and it will help to improve economic conditions.

36. **With Regard to Para No.17 (iv) :** The further statement of the Petitioner that the Respondents have totally suppressed the objections filed by the citizen, Gramapanchayat and environment activists way back in the year 2010 is totally incorrect. As submitted before notifying under Rule-31A of KMMC Rule the reports are sought from Senior functionaries of the state the Assistant

Commissioner, Deputy Conservator of Forest have submitted a report stating that the area consist of boulders and stones and suitable for grant of Quarry Lease through tender cum auction. Thereafter the officer of the rank of Director of Mines and Geology who represent the whole State Government issued a notification. None of the environmentalist questioned the notification issued under Rule-31A of KMMC Rules. After more than 4 years of the grant of Quarry Lease the Petitioner has come out before this Hon'ble Court making false, baseless allegations. The further statement of the Petitioner that the authorities have not applied prudent mind in order to evaluate the quantum of damage which would case by permitting the quarrying lease is totally incorrect. The State Government has taken conscious decision to grant Quarry Lease which will provide huge employment to large number of persons besides preventing illegal quarrying operation. Further statement that the entire 1200 acres be declared as forest land is totally incorrect and false. The Petitioner cannot seek the order directing the State Government to declare the area which consist of boulders and stones as forest area and therefore the above Writ Petition is motivated.

37. **With Regard to Para No.17 (v):** The further statement of the Petitioner at para 17(v) of the Writ Petition that the population surrounding 20 kms with water resources from same mountain will be affected and the livelihood of the villagers and cattle and animal husbandry will be affected is totally incorrect without any basis. The grant of Quarry Lease on the other hand will provide employment opportunity to large number of persons and therefore, the above Writ Petition is wholly misconceived.

38. **With Regard to Para No.17(vi) :** The further statement of the Petitioner of Para 17(vi) of the Writ Petition that the villages surrounding Devarayasamudra Mountain having two crops potential lands is absolutely false and baseless. As submitted above Kolar is a drought ridden area, there is a proposal to bring Krishna water even for drinking purposes. In order to grow two crops in an agricultural lands sufficient water sources is required, none of the farmer in Kolar district grow paddy. Further that the Devarayasamudra Mountain is not catchment area for rivers and lakes as sought to be projected by the Petitioner. The grants of Quarry Lease will not in any manner affect the catchment area as the conduct of quarrying operations will not affect the flow of water to the lakes even there is no lakes in the nearby area. Further statement of the Petitioner that

the entire region will become draught land waste land and permission granted by State Government is patent illegal calls for issue of appropriate writ from this Hon'ble Court is totally incorrect and State Government has made thorough study and thereafter issued notification under Rule-31A of the KMMC Rules making the land available for grant of Quarry Lease through tender cum auction. This Respondent submits there are number of persons who are illegally conducting quarrying operations. The Petitioners are required to approach this Hon'ble Court, directing the Department of Mines and Geology to stop illegal quarrying operations. The Petitioner is not raising any voice of illegal quarrying operation conducted.

39. **With Regard to para No.17(vii)** : The further statement at Para 17 (viii) of the Writ Petition that the revenue authorities, forest authorities and pollution authorities have brought the situation of a serious threat to the environment at the instance of granite lobby and creating lawlessness is absolutely false and baseless. There is no granite lobby in Kolar District as there is no granite deposit in Kolar District to make such false and baseless allegations. Further, by conducting quarrying operations, this Respondent will provide huge employment to large number of persons. By conducting quarrying operations, this Respondent is going to establish the

M.sand manufacturing unit which is going to provide huge employment opportunities to the local persons and it will augment the income of the people of the area. That the reliance placed on Forest Conservation Act is totally incorrect and false. The Petitioner has made deliberate, false statement before this Hon'ble Court that the Devarayanasamudra attracts Sec-2 of the Forest Conservation Act. The further statement that under Sec-2 of Forest Conservation Act no forest land can be acquired thereof without clearance under Sec-2 of the Forest Conservation Act is totally incorrect. That the removal of stone from the barren land by any stretch of imagination cannot be considered as the diversion of the forest land in as much as the said property is not declared as forest land.

40. **With Regard to Para No.17 (ix):** The authorities have not acted in accordance with law and warrants interference is without the authority of law.

41. There is no prima-facie case for grant of an interim order. The State Government after verification of the matter has issued a notification under Rule-31A of KMMC Rules. The Petitioners did not challenge the Notification issued under Rule-31A of KMMC Rules making the land available for grant of Quarry Lease. They did not challenge the tender process conducted by the officials of

Department of Mines and Geology. The Petitioner which has come into being only in the year 2020 and with a view to make false, baseless allegations, the Petitioner has filed the above Writ Petition without any basis what so ever. If the interim order is granted, the Petitioners will be put to irreparable injury and hardship. The balance of convenience is in favour of refusing the interim order. If the interim order as prayed for is granted this Respondent will be put to irreparable injury and hardship.

42. All other statements which have not been specifically traversed in this objection statement are hereby denied as incorrect and the Petitioner is put to strict proof of the same.

**THEREFORE**, it is prayed that this Hon'ble Court may be pleased to **REJECT** the above Writ Petition by imposing exemplary cost on the Petitioner, in the interest of justice.

Bangalore,  
Dated: 9-8-2021

(L.M.CHIDANANDAYYA)  
ADVOCATE FOR 20<sup>TH</sup> RESPONDENT

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE****W.P.NO.15798 OF 2020****BETWEEN:**M/S.PARISARA HITHARAKSHANA  
SAMITHI (REG.)

.. PETITIONER

**AND:**

STATE OF KARNATAKA AND OTHERS

.. RESPONDENTS

**AFFIDAVIT**

I, M.Babanna, son of late Munivenkatappa, aged about 52 years, residing at No. 1, 1<sup>st</sup>-A Main, 7<sup>th</sup> Cross, BTM 2<sup>nd</sup> Stage, Kuvempu Nagar, Bannerghatta Road, Bengaluru 560 076, do hereby solemnly affirm and state on oath as follows:

1. I submit that I am the Respondent No.20 in the above case. I am aware of facts and circumstances of this case. Hence, I am deposing as hereunder.
2. I submit that the statement made in paragraphs 1 to of Statement of Objection are true and correct to best of my knowledge, information and belief.
3. I submit that Annexure- are the true copies of the original.

**VERIFICATION**

I, M. Babanna, son of late Munivenkatappa, aged about 52 years, the Deponent above named do hereby declare that the statements made at Para 1 to 3 are true and correct to the best of my knowledge, information and belief.

Identified by me

Advocate  
Bangalore  
Dated:  
DEPONENT

No. of corrections:

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**O.A No. 85 of 2021**

M/s. Parisara  
Hitharakshana  
Samithi

..Applicant

Versus

Union of India  
& Others

..Respondents

**TYPED SET OF DOCUMENTS**

**FILED BY RESPONDENT NO. 19**

M/s. Rahul Balaji

Vishnu Mohan

Janani Shankar

Simran Srinivasan

**COUNSEL FOR RESPONDENT NO.19**