BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WEST ZONE, PUNE

ORIGINAL APPLICATION NO. 81 OF 2023 (WZ)

Jigneshbhai Chhaganbhai Togadiya .....Applicant

Versus

State of Gujarat & Ors. .....Respondents

Affidavit in Reply on behalf of Respondent No.6

IT IS MOST RESPECTFULLY SHOWETH

1. I state that, I have been served with the copy of petition and as I am conversant with the facts and circumstances, I am competent to file this reply and therefore I am filing the present reply.

2. At the outset I deny all the allegations, averments, any seriatim of issues made in the memo of petition, and non-denial of any allegation, averments, any seriatim of issues made in the memo of petition, and non-denial of any allegation, averment or any seriatim of issues should not be consented as admission on my behalf, unless and until it is specifically admitted. It should be categorically taken and treated as denied.

NOTARY P. B. PARIKH Reg.No. 21368 AHMEDABAD DISTRICT INDIA EXPIRES ON : 15/03/2025 GOVERNMENT OF INDIA

3. It is most respectfully submitted that the present respondent herein is filing this reply pursuant to the order passed by this Hon'ble Bench on 15.05.2024. The copy of the order is marked hereto and annexed as **ANNEXURE R1**. That the original application has been filed with the prayer that respondent no.7 M/s. MM Infra Buildcon be directed to stop illegal mining done in riverbed of Tapi river near village Dumas, Taluka Majura in Surat district. That the action of the present respondent no. 6 is under challenge that the permissions for mining was issued to respondent no.7, which is in violation of CRZ Notification 2011.

4. It is submitted that the Industries and Mines Department, Govt. of Gujarat, in exercise of the powers conferred under the Mines and Minerals (Development and Regulation) Act, 1957 published the Gujarat Minor Mineral Concession Rules, 2017 (thereinafter referred to as 'the GMMCR 2017').

5. It is most respectfully submitted that, under the GMMCR 2017 rules, the competent authority is authorised to issue three types of mineral concessions, namely: Quarry lease, Quarry Permit and Quarry Parwana. Chapter-IV of the GMMCR 2017 lays down

the provision for grant of quarry permit. A copy of Chapter-IV of the GMMCR, 2017 is annexed hereto and marked as **ANNEXURE-R2**.

6. It is most respectfully submitted that, under the GMMCR 2017 the competent authority is empowered to issue quarry permit for: 1. Excavation and use of minor mineral for any work relating to central or State Government, or, 2. Lifting and use minor mineral that is excavated while under taking work relating to Central or State Government.

7. It is most respectfully submitted that, in the present case the office of the present deponent, being the competent authority under Rule-23 of the GMMCR 2017, granted permit to the private respondent no.7 herein for lifting and using the material that has been proposed to be excavated during dredging activity to be undertaken pursuant to the NOC issued by the Commissioner of Fisheries respondent no.5 vide communication dated 04.02.2022.

8. It is most respectfully submitted that, the office of the present deponent, in view of the condition no. 1 laid down in the communication stated 04.02.2022, granted quarry permit, for lifting and using the

material excavated during dredging, to the private respondent no.7 vide order dated 04.04.2022 with the condition that the private respondent n0.7 herein has to take prior approval of all the concerned authority before undertaking any mining activity. A copy of the order dated 04.04.2022 granting permission to the private respondent no.7 herein for lifting and using the mineral is annexed hereto and marked as **Annexure-R3.**

9. It is most respectfully submitted that, the permission for lifting and use of dredged material was given in March 2022 and the National Frame-work for Sediment Management was published by the Ministry of Jal-Shakti, GoI, in October 2022, i.e. after the grant of the permission by the office of the present deponent, therefore the observations made by the committee on Page-210 cannot be made applicable in the present case since the same are being made taking into consideration in the 2022 guidelines that came into effect after the permission was granted in the present case.

10. It is submitted that respondent no.7 M/s MM Infra Buildcon applied for grant of quarry permit for

excavation and removal of metric tonnes of 100000.00 (Ordinary Sand) from the area opposite to survey No. 937,938,853,852,851,847,856 in the Tapi river bed of Village Dummas Taluka Majura District Surat under rule 21 of the Gujarat Minor Mineral Concession Rules, 2017. Accordingly, permission is hereby granted to the above applicant to quarry, win and remove 100000.00 metric tonnes. In the said permit at clause (20) it is specifically stated that :

As soon as the removal of the material granted under the permit is over, the permit holder shall furnish to the District Geologist/District Assistant Geologist a complete statement showing the quantities removed, details of transport and usage. Parties to whom this material has been sold and prices obtained therefore, and shall produce any details, books etc., for the scrutiny to the District Geologist/District Assistant Geologist as may be called for by him.

11. It is submitted that the respondent herein has not breached any condition or violated any proviso of the CRZ Notification 2011 as per the office memorandum of the Government of India of the Ministry of Environment, Forest and Climate Change dated

12.07.2023 clarification was issued for exemption from EC for dredging and desilting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of maintenance, upkeep and disaster management. It would be pertinent to bring to the notice of this bench that the permission was sought in the month of February 2022 by the respondent no.7 for NOC from the present respondent for removing only the dumps from the dredging. Further, the said permission has now stopped, as observed by the Committee as well,

12. It is submitted that, the permission was granted from only removing the dumps from dredging. At the relevant point of time there was no such notification or guidelines that permission of EC is to be taken before getting the permit of dredging.

13. It is submitted that if the FORM E for QUARRY PERMIT is perused it is a computerised generated FORM which is uploaded in the online website of the department. The respondent no.7 had made an application vide application no. 12668 vide quarry permit no. QP210001550. The joint committee report as well as the applicant has made allegations that the department has issued permission for excavation and

removal of metric tonnes of ordinary sand and sand mining is therefore been done by respondent no.7. It would be pertinent to read the contents of the FORM which is computer generated wherein no permission is given for sand mining further it is submitted that no officer can make changes in the said form of computer generated system.

14. It is submitted that the respondent no.5 Commissioner of Fisheries had granted NOC on 4.2.2022 only for dredging in the CRZ area. Further it is submitted that the translation of the said letter which is place by the applicant herein is not proper and correct translated copy. The respondent no.5 has not given any NOC for mining of any sand, clay, gravel or silt to the respondent no.7 vide its letter dated 4.2.2022. The said permission was granted by the respondent no.5 to the respondent no.7 for dredging in the said area, therefore the respondent no.6 gave permission to the respondent no.7 to remove the dredged material.

15. It is submitted that if we peruse the joint committee report than there are contradictory observations made by the expert. The contentions raised by respondent no.5 are very clear that they have not given permission

for any type of mining; rather the permission for mining was to be sought from respondent no.6. The report says that dredging was allowed without prior permission of environment clearance. The committee has failed to take into consideration that the guidelines were issued in the year 2023 for getting EC and the respondent no.7 was given permission in 2022. Further no guidelines has been provided by the committee with respect to SoP to be followed while granting such permission and from where and which department the permissions are to be taken for dredging. It is submitted that the respondent no.6 has not done any act which violates the notification or which gives illegal permission to respondent no.7 for mining.

16. It is most respectfully submitted that the observation made by the committee, that the mining department didn't keep any supervision over the excavation, is not correct since the office of the Geologist, Surat carried out inspection of the area in question on 06.02.2023 as well as 23.05.2022. In the said inspection no illegal excavation was observed. Furthermore, the office of the Geologist, Surat, established temporary check post to

prevent any illegal transportation from the area in question and the same was brought to the knowledge of the committee.

AFFIDAVIT

I, Dharmendra K Patel, Geologist, Surat, hindu, adult, do hereby state on solemn affirmation that what is stated in the foregoing paragraphs no.1 to 16 is true to the best of my knowledge, information, and belief and I believe the same to be true.

Solemnly affirmed at on 30th day of October, 2024.

BOOK NO. 02
PAGE NO. 77
SR. NO. 293
DATE 30 OCT 2024

P. B. PARIKH
NOTARY
GOVT. OF INDIA
30 OCT 2024

NOTARY P. B. PARIKH Reg. No. 21358 AHMEDABAD DISTRICT INDIA EXPIRES ON : 15/03/2025 GOVERNMENT OF INDIA

Deponent

SOLEMNLY AFFIRMED BEFORE ME

P. B. PARIKH
NOTARY
GOVT. OF. INDIA
30 OCT 2024

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ANNEXURE · R1

Item No.02 (Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.81 OF 2023 (WZ)

Jigneshbhai Chhaganbhai Togadia Applicant

Versus

State of Gujarat and Ors. Respondents

Date of hearing : 15.05.2024

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicant : Mr. Rahul Choudhary, Advocate

Respondents : Mr. Maulik Nanavati, Advocate for R-2, R-3, R-4 and R-8
Ms. Ritu Guru, Advocate for R-6

ORDER

1. From the side of applicant, learned counsel Mr. Rahul Choudhary has appeared and states that he has effected service on all the respondents by registered post and in proof thereof, he has filed service-affidavit on record, as per which service is found to be sufficient.

2. From the side of respondent No.2-Gujarat CZMA, respondent No.3-District Magistrate, Surat, respondent No.4-GPCB and respondent No.8-Gujarat SEIAA, learned counsel Mr. Maulik Nanavati has appeared and filed Joint Committee report, which is annexed at pages 184 to 248 of the paper-book, wherein it is recorded that the respondent No.7-M/s M.M. Infra Buildcon/Project Proponent has obtained NOC from Fisheries Department, which did not have authority to grant such kind of permission although it is also recorded that the mining activity has stopped since February, 2023 which was carried out during the period between March, 2022 to January, 2023.

3. Learned counsel for respondent Nos.2, 3, 4 and 8 states that the total Environmental Damage Compensation (EDC) has been calculated to be Res.4,74,15,196 on account of illegal mining having been done by respondent No.7 under the garb of permission for dredging. The learned counsel for the applicant has filed response/objection against the said report, which is taken on record.

4. None has appeared from the side of respondent No.7 – M/s M.M. Infra Buildcon despite sufficient service. But we find it essential to serve a copy of the Joint Committee report on respondent No.7 on its address on which the applicant has effected the service of notice and the same has been delivered. Hence, copy of the Joint Committee report be sent/ served on respondent No.7 by registered post, by the Registry of this Tribunal within two weeks and respondent No.7 may file objections against the same, if any within two weeks thereafter, failing which it will be treated that respondent No.7 has no objection against the said Joint Committee report.

5. From the side of respondent No.6 – Commissioner, Geology and Mining, Gov4ernment of Gujarat, learned counsel Ms. Ritu Guru has appeared and states that she may be provided a copy of the Joint Committee report. Learned counsel Mr. Nanavati for respondent Nos.2, 3, 4 and 8 states that respondent No.6 was the one who had granted permission to respondent No.7 and therefore it need not be served copy of the Joint Committee report. However, if this Tribunal directs, he is ready to supply a copy of the said report to respondent No.6. We direct learned counsel Mr. Nanavati to provide a copy of the Joint Committee report to the learned counsel for respondent No.6 within a week and within two weeks thereafter, objections against the same, if any may be filed along with reply-affidavit by respondent No.6.

6. None has appeared from the side of respondent No.1-Chief Secretary, State of Gujarat but the same is found to be a formal party.

7. None has appeared from the side of respondent No.5-Commissioner of Fisheries, Government of Gujarat, despite sufficient service.

8. Put up this matter along with O.A. No.76/2023, for further consideration on 16.08.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 15, 2024
O.A. NO.81/2023(WZ)
npj

ANNEXURE - R2

same shall be deemed to become the property of the Government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation or to account to the lessee in respect thereof.

(6) **Acquisition of land of third parties and compensation thereof-** If after the receipt of an offer of compensation for any damage which is likely to arise from the proposed operation of the lessee, the occupier of the surface or any part of the said lands refuses his consent to the exercise of the rights and powers reserved to the Government and granted by the quarry lease, the lessee shall report the matter to the Government and shall deposit with it the amount offered as compensation and if the Government is satisfied that the amount of compensation is reasonable or if it is not so satisfied and the lessee shall have deposited with it such further amount as the Government may consider reasonable, the Government shall order the occupier to allow the lessee to enter upon the said land and carry out such operations as may be necessary for the purpose of the quarry lease. In assessing the amount of such compensation the Government shall be guided by the principles of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(7) **Changes to demarcation of the lease area** – Where subsequent to grant of a quarry lease, the landowner refuses his consent to the exercise of the rights and privileges of the lessee pursuant to the rules, the landowner may submit a written application to the Government for exclusion of the land owned by him from the lease area. The Government may, on being satisfied about the genuineness of the reasons for such request, consider exclusion of such land from the lease area.

CHAPTER IV: QUARRY PERMIT

20. Grant of a quarry permit-

[23][The Competent Authority under rule 23 may, upon receipt of an application in writing, grant a quarry permit in accordance with the provisions of this Chapter to an individual who is an Indian national or a company as defined in clause (20) of section 2 of the Companies Act, 2013, for extracting to use or otherwise deal with any minor mineral specified in Part A of the Schedule III for the work relating to item (i) the Central or the State Government, Government Undertaking and any work being of national or state importance, as the case may be; or item (ii) basement or levelling of land for any industrial or residential or commercial purposes:

Provided that, no such quarry permit shall be required for extracting any minor mineral specified in Part A of Schedule III, if the extracted mineral is not being transported out of the same revenue survey number or It has been extracted out of the same land-owner's another revenue survey number of the same village and is being used for levelling of the land of the same land-owner:

Provided further that, no such quarry permit for extracting to use or otherwise deal with ordinary sand or minerals specified in Part A–II of Schedule III will be granted for the purpose of the work mentioned at item (ii) above unless such permit is applied in accordance with the provisions of this chapter by;

(a) an individual who is an Indian national or a co-operative housing society registered under the Gujarat Co-operative Societies Act, 1961, for using up to one hundred metric tonnes for construction of residential unit(s) for dwelling purposes;

[23] Subs. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019).

(b) labour co-operative societies registered under the Gujarat Co-operative Societies Act, 1961 as on the date of commencement of these rules and traditionally undertaking manual mining:

Provided also that a quarry permit for the purpose of work mentioned at item (ii) above may be granted, recording reasons in writing by the granting authority as specified in rule 23 and on the submission of applicant adequate documentary evidence including consent to establish or approval for land use or building design plan approval from relevant urban local body or any other relevant Government authority authorised in this regard, or any other relevant documents establishing bona fide requirement of basement or levelling of land for any industrial or residential or commercial purposes:

Provided also that if any minor mineral specified in Part B of Schedule III is discovered by any person undertaking work relating to item (i) above, then such minor mineral may be used or dealt with by that person only upon obtaining necessary prior written approval of the competent authority who is authorised to grant the quarry permit as specified in sub-rule (1) of rule 23 and upon making all payments in advance as prescribed in sub rule (1) of rule 22.]

21. Application for quarry permit:

(1) [24][An application for the grant of a quarry permit may be made to the Government in Form D along with payment of a refundable security deposit of an amount equivalent to twenty per cent. of royalty payable on the total quantity of mineral for which the permit is being sought and a non-refundable fee at the rates mentioned below in the table.

Sr. No.	Quantities	Application Fees in Rupees
1.	2.	3.
1.	Not exceeding twenty thousand metric tonnes	Rs. 5,000/-
2.	Exceeding twenty thousand metric tonnes	Rs. 10,000/-]

(2) In case the land for which the quarry permit is applied for is occupied by someone, a letter of no objection to the extraction of the mineral obtained from the occupier of such land, shall be attached with the application:

[24] Subs. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019). Earlier sub-rule (1) was substituted GU/2017/30/MCR-102017-MM-1755-CHH, dated 11th October, 2017 (w.e.f. 11-10-2017). Sub-rule (1), before substitution by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019), stood as under:
"(1) An application for grant of a quarry permit may be made to the Government in Form D with a non-refundable fee at the rates mentioned below in table for the mineral to be extracted under the quarry permit.

Table

Sr. No.	Quantities	Application fees in rupees
1.	Not exceeding twenty thousand metric tonnes.	Rs. 5,000/-
2.	Exceeding twenty thousand metric tonnes.	Rs. 10,000/-."

[25] [Provided that in case of private lands, opinion of the Revenue Authority shall be enclosed.]

(3) Every application shall be accompanied by certified true copies of the relevant extract of the record of rights in respect of the land from which the minor mineral is proposed to be extracted and removed along with a map of the area from which the mineral is to be excavated.

22. Procedure for grant.-

(1) [26][On an application made in writing to the Government by any person in accordance with the provisions of rule 20 and rule 21 along with the payment of an application fee and security deposit prescribed thereunder, the Government may grant a quarry permit, in Form E, to such person:

Provided that such security deposit shall be refunded without any interest thereon, subject to any adjustments as may be deemed appropriate by the Government, after ninety days from the date of expiry of the quarry permit.]

[27][(1A) The holder of a quarry permit shall, before dispatching for use or otherwise dealing with the mineral from the parcel of land where from it has been extracted, make the following payments;

(a) the royalty payable to the Government in respect of the minor mineral extracted and being dispatched as specified in these rules;

(b) permit premium equivalent to fifty per cent. of the royalty to the Government under clause (a) above;

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[25] Subs. by GU/2019/30/MCR-102019-MM-720(3)-CHH dated 08th August, 2019 (w.e.f. 08-08-2019).

[26] Subs. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019). Earlier sub-rule (1) was substituted by GU/2017/30/MCR-102017-MM-1755-CHH, dated 11th October, 2017 (w.e.f. 11-10-2017). Sub-rule (1), before substitution by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019), stood as under:

"(1) On an application made to the Government in writing and on payment of the following sums of money by the applicant, the Government may grant a quarry permit, in **Form E**, to any person:

(a) payment of one hundred per cent of the royalty to the Government as specified in the rules;

(b) payment of a permit premium equivalent to fifty per cent of the royalty to the Government as specified in the rules;

(c) in addition to the payments made under clauses (a) and (b), payment of a sum equivalent to ten per cent of the aggregate of royalty and permit premium as a security deposit, which shall be refunded without any interest payments, after any adjustments as may be deemed appropriate by the Government, after ninety days from the date of expiry of the quarry permit;

(d) contribution of such amounts as may be required under section 15A to designated account of the District Mineral Foundation; and

(e) payment of such other amounts as may be required under any law for the time being in force to the concerned authorities."

[27] Ins. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019).

(c) contribution of amounts as prescribed under the Gujarat District Mineral Foundation Rules, 2016;

(d) payment of such other amount as may be required under any law for the time being in force to the concerned authorities.]

(2) In the event that the royalty rates are increased by the Government during the tenure of the quarry permit, the permit holder shall pay to the Government, within fifteen days of the date of such notification, the additional royalty, permit premium, security deposit and district mineral foundation contribution amounts.

(3) The Government may refuse to grant a quarry permit for reasons to be recorded and communicated to the applicant in writing. The amount of royalty, permit premium, security deposit and contributions to the District Mineral Foundation shall be refunded on refusal to grant a quarry permit.

(4) No quarry permit for building limestone shall be granted in areas containing more than eighty five per cent CaCO3, except in the areas of less than four hectares containing isolated pockets of limestone.

(5) A quarry permit shall be granted in a Scheduled Area, only upon receiving a recommendation from the *Gram Sabha* within whose area the quarry permit is applied for.

23. Conditions on which the quarry permit shall be granted.-

(1) Every quarry permit granted under rule [28][20] shall be subject to the following conditions:

(a) [29][quarry permits for extraction of minor minerals for the following thresholds and limits may be granted by the below mentioned authorities:

(i) quantity not exceeding [30][ten thousand] metric tonnes for a period of up to 90 days shall be granted by the District Geologist or District Assistant Geologist, as the case may be;

(ii) quantity exceeding [31][ten thousand] metric tonnes but not exceeding twenty thousand metric tonnes for a period of up to 90 days shall be granted by the District Collector:

Provided that the District Collector may, for the reasons to be recorded in writing, extend the period of quarry permit beyond 90 days for the quantities not exceeding twenty thousand metric tonnes, if the permit holder applies for extension 30 days prior to the expiry of the quarry permit;

(iii) quantity exceeding twenty thousand metric tonnes but not exceeding

[28] Subs. by GJ/2017/26/MCR-102017-MM-995-CHH, dated 10th August, 2017 (w.e.f. 10-08-2017).
[29] Subs. by GJ/2018/12/MCR-102018-325-CHH, dated 9th March, 2018 (w.e.f. 09-03-2018).
[30] Subs. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 for words 'five thousand' (w.e.f. 21-06-2019).
[31] Subs. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 for words 'five thousand' (w.e.f. 21-06-2019).

one lakh metric tonnes for a period of up to 180 days shall be granted by the Commissioner of Geology and Mining:

Provided that the Commissioner of Geology and Mining may, for the reasons to be recorded in writing, extend the period of quarry permit beyond 180 days for the quantity exceeding twenty thousand metric tonnes but not exceeding one lakh metric tonnes, if the permit holder applies for extension 30 days prior to the expiry of the quarry permit;

(iv) Quantity exceeding one lakh metric tonnes but up to five lakh metric tonnes for a period of up to 180 days shall be granted by the Secretary or Principal Secretary or as the case may be Additional Chief Secretary, Industries and Mines Department:

Provided that the Secretary or Principal Secretary or Additional Chief Secretary, as the case may be, may, for the reasons to be recorded in writing, extend the period of quarry permit beyond 180 days for the quantities exceeding one lakh metric tonnes but up to five lakh metric tonnes, if the permit holder applies for extension 30 days prior to the expiry of the quarry permit;

(v) the Government may grant a quarry permit for a period as it may deem fit, for quantities exceeding five lakh metric tonnes:

Provided that the Government, may, for the reasons to be recorded in writing, extend the period of quarry permit, if the permit holder applies for extension 30 days prior to the expiry of the quarry permit.]

[32][(aa) Any application for extension by a permit holder, if not applied prior to 30 days prior to the expiry of the quarry permit but before expiry of quarry permit, such application may be admitted, if the Government is satisfied that the applicant had just and sufficient cause for not submitting the application in stipulated period.]

(b) [33][the depth of the pit below the surface shall be specified by the Competent Authority at the time of grant of the quarry permit, and the dimension of the pit shall be as per the Maps verified by the District Geologist;]

(c) the mineral shall be used for the specific purpose for which quarry permit is granted;

(d) the holder of a quarry permit shall commence quarrying operations in accordance with the approved mining plan and after obtaining all applicable environmental clearances for the area; and

(e) the holder of a quarry permit shall comply with all laws, rules, regulations, notifications, orders and the like, as may be applicable to the activities

[32] Ins. by GJ/2018/12/MCR-102018-325-CHH, dated 9th March 2018 (w.e.f. 09-03-2018).

[33] Subs. by GU/2019/30/MCR-102019-MM-CHH dated 08th August 2019 (w.e.f. 08-08-2019). Sub-clause (b), before substitution by GU/2019/30/MCR-102019-MM-CHH dated 08th August 2019 (w.e.f. 08-08-2019) stood as under:

"(b) The depth of the pit below the surface shall not be more than six meters below the surface or such lesser depth limit prescribed under applicable environmental laws;"

undertaken pursuant to a quarry permit.

(2) The Government may incorporate relevant additional conditions in the quarry permit, as it may deem fit, regarding:

(a) the time-limit, mode and place of payment of rents and royalties;

(b) the compensation for damage to land for which the quarry permit is granted;

(c) the felling of trees;

(d) entering and working in any reserved or protected forest;

(e) reporting of all accidents;

(f) indemnity to Government against claims of third parties;

(g) the period within which the minor mineral shall be extracted and removed;

(h) forfeiture of property left on the land for which the quarry permit is granted after cancellation of the permit; and

(i) plugging of bore holes and filling up or fencing all excavations in the land for which the quarry permit was granted, on the expiry or cancellation of the permit.

(3) The Government may cancel a quarry permit in case of breach of any of the conditions subject to which it is granted. On cancellation of the permit, the quarried materials lying on the land from which they are extracted shall become the absolute property of the Government [34][and the advance amount paid along with the security deposit shall stand forfeited by the Government:

Provided that, such cancellation order shall be in writing by the relevant authorized officer to grant the quarry permit as specified in sub-rule (1).]

(4) If a holder of a quarry permit discovers any minerals which are not included in the quarry permit, he shall immediately inform the Government in writing and shall stack such minerals and shall dispose the same only in accordance with instructions issued by the Government in writing.

[35][23A. **Refund of Payments-**

(1) Any payments made to the Government by the holder of a quarry permit pursuant to rule 22 (1A) shall be refunded by the relevant officer who is authorized to grant the quarry permit as specified in sub-rule (1) of rule 23, in case such mineral is not dispatched for the reasons beyond the control of the permit holder.

(2) The refundable security deposit furnished by the permit holder to the Government pursuant to rule 22 (1) shall be refunded within 90 days of the expiry of the quarry permit by the relevant officer who is authorized to grant the quarry permit after adjusting any payments due towards the Government.]

[34] Ins. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019).
[35] Ins. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019).

CHAPTER V: EXEMPTIONS

24. Departmental Excavation.-

Any Department of the Government, municipality or panchayat may extract minor minerals for captive purposes, subject to a general or special order or instructions issued by Government from time to time.

25. Extraction permitted under the Gujarat Land Revenue Rules, 1972.-

The extraction of minor minerals in accordance with the provisions of rules 67, 68, 69 and 70 of the Gujarat Land Revenue Rules, 1972 or any rules corresponding to such rules shall be undertaken subject to applicable terms and conditions.

26. Chipping of Outcrops.-

The search for and winning of minor minerals on the surface by chipping of outcrops by a geologist's hammer without involving any disturbance of the soil by way of digging of pits, trenches or otherwise shall not require a mineral concession.

Explanation: For the purpose of this rule chipping of rock samples from the outcrop or collection of a few samples from the depth of up to a metre shall not be deemed as disturbing the soil or the surface.

27. Digging of wells and foundation for building.-

The digging of wells for water and foundation for building and disposal of the minor mineral extracted thereof shall not require a mineral concession.

28. [36][Removal from agricultural land.-

Any occupant of an agricultural land shall be permitted to remove the minerals specified in Part A of Schedule III from the agricultural land for the betterment thereof:

Provided that, any sale or commercial use of such mineral shall require a permit from the Government:

Provided further that, any sale or any removal of the mineral specified in Part B of Schedule III by any person from agricultural lands shall require a grant of permit from the Government, in accordance with the procedure notified by the Government for each mineral.]

CHAPTER VI: GRANT OF QUARRY LEASE PURSUANT TO EXISTING APPROVAL

29. Existing applications and right of holder of letter of intent.-

(1) All applications for grant of a quarry lease received prior to the date of commencement of these rules shall become ineligible.

(2) [37][Without prejudice to sub-rule (1), where before the commencement of these rules, the Government has communicated a prior written approval for grant of a quarry lease to an applicant; or if a letter of intent has been issued in writing to an applicant by the Government to grant a quarry lease, the quarry lease shall be granted in

[36] Subs. by GU/2019/12/MCR-102019-MM-720(1)-CHH, dated 21st June 2019 (w.e.f. 21-06-2019).
[37] Subs. by GJ/2018/12/MCR-102018-325-CHH, dated 9th March, 2018 (w.e.f. 09-03-2018).

ANNEXURE - R3

Permit No : 50/22 C1 - 73

QP Application No : 75/22

FORM E(GRANT ORDER)
QUARRY PERMIT
(See rule 22(1))

Quarry Permit No : QP210001551
Application No. : 12670
SURAT Office
Date : 04/04/2022
Whereas Shri M M INFRA BUILDCON applied for grant of quarry permit for excavation and removal of metric tonnes of 100000.00 (Ordinary Sand) from Survey No. OPP B NO 1005,1003,1002,951,950,937/2 of Village DUMMAS Taluka MAJURA District SURAT Under rule 21 of the Gujarat Minor Mineral Concession Rules, 2017 and has paid an application fee of rupees 0.00 pursuant to the requirements of rule 22(1) of the Gujarat Minor Mineral Concession Rules, 2017. Accordingly, permission is hereby granted to the above applicant to quarry, win and remove 100000.00 metric tonnes of (Ordinary Sand) from the aforesaid area more fully described below on the following condition.
Village - DUMMAS Taluka - MAJURA District - SURAT Gujarat

Boundaries	
On North : AS PER MAP	On West : AS PER MAP
On South : AS PER MAP	On East : AS PER MAP

Co-Ordinates	
Latitude	Longitude
21.10.68.000	72.71.15.000

(as shown in the detailed plan along with the co-ordinates annexed with the application)

Village	Taluka	District	Survey No	Field Area (Approx. in Hectares)	Mineral	Quantity (metric tonne)
DUMMAS	MAJURA	SURAT	OPP B NO 1005,1003, 1002,951,950,937/2	34.16.83	Ordinary Sand	100000.00

Signature valid
Digitally signed by SINGH ROOPWANT
Date: 2022.04.04 [illegible] IST
Reason: Secure document
Location: Gujarat

Payment done by Applicant

Particulars	Total Amount (in Rs.)	Amount to be paid (in Rs.)
Royalty	4000000.00	400000.00
Permit Premium	2000000.00	200000.00
Security Deposit	800000.00	800000.00
DMF	400000.00	40000.00
TCS	120000.00	12000.00
Total Payment	7320000.00	1452000.00

1.	This permit shall be activated by concerned District Geologist / Asst. Geologist on successful payment mentioned above. The validity of the permit shall be 180 days from the date of activation.
2.	The depth of the pit below the surface shall not exceed 6 metres.
3.	This permit is non-transferable. No other mineral except that for which the permit is granted shall be excavated or removed without proper sanction being obtained from the officer authorised of the Government.
4.	When the mining of ninety per cent of the quantity of the mineral is finished, the quarry permit holder shall inform the District Geologist/ District Assistant Geologist and then, the District Geologist/ District Assistant Geologist shall carry out an inspection of the mining area. Even the quarry permit holder should be vigilant enough to be alert to get the inspection on time. The quarry permit holder should be careful to take precautions not to dig or to mine more mass than what is permitted to him.
5.	The quarry permit holder should adhere to all terms and conditions pertaining to quarry permit stated under the Gujarat Minor Mineral Concession Rules 2017.
6.	The quarry permit holder should dig out and transport the allowed mineral only from the permitted areas of the quarry within the limits of quantity endorsed under this permit.
7.	The quarry permit holder should implement and maintain the procedure of transit permit or the equivalent mandatorily.
8.	If any other minor or major mineral is found during quarrying operations, it shall be reported to the officer authorised of the Government within a week's time after such discovery.

Signature valid
Digitally signed by SINGH ROOPWANT
Date: 2022.04.04 18:09:04 IST
Reason: Secure document
Location: Gujarat

C1-75

9.	The permit holder shall maintain complete and correct accounts of the minerals excavated, quantity removed from the permit area, wages paid and royalty and other charges leviable for this purpose.
10.	The permit holder shall allow the District Geologist/ District Assistant Geologist to verify the books of accounts maintained in relation to the mining of the said mineral. The District Geologist/ District Assistant Geologist should also visit the site in question, to tally the amount of quantity actually dug out with the amount of quantity mentioned in the books of accounts of the permit holder. Then, the facts found during the inspection shall be reported to the Commissioner of Geology and Mining by the District Geologist/ District Assistant Geologist.
11.	In the event that the royalty rates are increased by the Government during the tenure of the quarry permit, the permit holder shall pay to the Government, within fifteen days of the date of such notification, the additional royalty, permit premium, security deposit and district mineral foundation contribution amounts.
12.	The permit holder shall not commence any quarrying operations without obtaining all applicable environmental clearances for the area.
13.	The permit holder shall allow the District Geologist/ District Assistant Geologist to enter and inspect, at any time, the quarrying and mining operations.
14.	The permit holder shall immediately report all accidents to the officer authorised of the Government and the District magistrate and the District Superintendent of police of the district in which the permit area is situated.
15.	The permit holder shall have no right over the quarry material and other property lying in the permit area after the expiry of the permit.
16.	The permit holder shall not cut or damage any trees without prior sanction and without payment of compensation therefore as may be fixed by the Divisional forest Officer or such officer authorised by him in this behalf.
17.	If any excess quantity over that permitted quantity is found to be removed, the permit holder shall be liable to pay the amount equal to the value of mineral so removed and shall be liable for punishment under the provisions of the Indian Penal Code, 1860 and the Gujarat Minor Mineral Concession Rules, 2017.
18.	If any breach of these conditions or the provisions of section 15 and section 23C is detected, this permit shall be terminated and the material lying on the site will be seized and dealt with in accordance with applicable laws.
19.	Every transportation vehicle of the said mineral should have to be weighed and the receipt of weighing should have to be kept safely on record, mandatorily by the permit holder.

20.	As soon as the removal of the material granted under the permit is over, the permit holder shall furnish to the District Geologist/ District Assistant Geologist a complete statement showing the quantities removed, details of transport and usage, parties to whom this material has been sold and prices obtained therefor, and shall produce any details, books etc., for the scrutiny to the District Geologist/ District Assistant Geologist as may be called for by him.
21.	After submission of the information contemplated vide para 20 above, District Geologist/ District Assistant Geologist shall visit the area for which permit was given within fifteen days and conduct such survey as may be deemed appropriate to check compliance with the terms of the relevant quarry permit. The said officer shall thereafter submit his report within fifteen days of aforesaid survey to the Commissioner of Geology and Mining.
22.	The findings pursuant to para 21 above shall be factored in for determining the final settlement with the quarry permit holder.

S/D,
Commissioner
Geology and Mining
Gandhinagar, Gujarat
Date :

CC to - Sarpanchshri Village DUMMAS, Taluka - MAJURA
- Mamlatdarshri Ta. - MAJURA
- Surveyor, Geology and mining dept.

Signature valid
Digitally signed by SINGH ROOPWANT
Date: 2022.04.04 16:09:04 IST
Reason: Secure document
Location: Gujarat

Permit No : 49/22 C-83

QP Application No : 74/22

FORM E(GRANT ORDER)
QUARRY PERMIT
(See rule 22(1))

Quarry Permit No : QP210001550
Application No. : 12668
SURAT Office
Date : 04/04/2022
Whereas Shri M M INFRA BUILDCON applied for grant of quarry permit for excavation and removal of metric tonnes of 100000.00 (Ordinary Sand) from Survey No. OPP 937,938,853,852,851,847,856 TAPI RIVER BED of Village DUMMAS Taluka MAJURA District SURAT Under rule 21 of the Gujarat Minor Mineral Concession Rules, 2017 and has paid an application fee of rupees 0.00 pursuant to the requirements of rule 22(1) of the Gujarat Minor Mineral Concession Rules, 2017. Accordingly, permission is hereby granted to the above applicant to quarry, win and remove 100000.00 metric tonnes of (Ordinary Sand) from the aforesaid area more fully described below on the following condition.
Village - DUMMAS Taluka - MAJURA District - SURAT Gujarat

Boundaries	
On North : AS PER MAP	On West : AS PER MAP
On South : AS PER MAP	On East : AS PER MAP

Co-Ordinates	
Latitude	Longitude
21.10.68.000	72.71.15.000

(as shown in the detailed plan along with the co-ordinates annexed with the application)

Village	Taluka	District	Survey No	Field Area (Approx. in Hectares)	Mineral	Quantity (metric tonne)

Signature valid
Digitally signed by SINGH ROOPWANT
Date: 2022.04.04 18:02:29 IST
Reason: Secure document
Location: Gujarat

DUMMAS	MAJURA	SURAT	O P P 937,938,853,852,851,847,856 TAPI RIVER BED	16.24.50	Ordinary Sand	100000.00

Payment done by Applicant

Particulars	Total Amount (in Rs.)	Amount to be paid (in Rs.)
Royalty	4000000.00	400000.00
Permit Premium	2000000.00	200000.00
Security Deposit	800000.00	800000.00
DMF	400000.00	40000.00
TCS	120000.00	12000.00
Total Payment	7320000.00	1452000.00

1.	This permit shall be activated by concerned District Geologist / Asst. Geologist on successful payment mentioned above. The validity of the permit shall be 180 days from the date of activation.
2.	The depth of the pit below the surface shall not exceed 6 metres.
3.	This permit is non-transferable. No other mineral except that for which the permit is granted shall be excavated or removed without proper sanction being obtained from the officer authorised of the Government.
4.	When the mining of ninety per cent of the quantity of the mineral is finished, the quarry permit holder shall inform the District Geologist/ District Assistant Geologist and then, the District Geologist/ District Assistant Geologist shall carry out an inspection of the mining area. Even the quarry permit holder should be vigilant enough to be alert to get the inspection on time. The quarry permit holder should be careful to take precautions not to dig or to mine more mass than what is permitted to him.
5.	The quarry permit holder should adhere to all terms and conditions pertaining to quarry permit stated under the Gujarat Minor Mineral Concession Rules 2017.
6.	The quarry permit holder should dig out and transport the allowed mineral only from the permitted areas of the quarry within the limits of quantity endorsed under this permit.
7.	The quarry permit holder should implement and maintain the procedure of transit permit or the equivalent mandatorily.

Signature valid
Digitally signed by SINGH ROOPWANT
Date: 2022.04.04 18:02:29 IST
Reason: Secure document
Location: Gujarat

C-85

8.	If any other minor or major mineral is found during quarrying operations, it shall be reported to the officer authorised of the Government within a week's time after such discovery.
9.	The permit holder shall maintain complete and correct accounts of the minerals excavated, quantity removed from the permit area, wages paid and royalty and other charges leviable for this purpose.
10.	The permit holder shall allow the District Geologist/ District Assistant Geologist to verify the books of accounts maintained in relation to the mining of the said mineral. The District Geologist/ District Assistant Geologist should also visit the site in question, to tally the amount of quantity actually dug out with the amount of quantity mentioned in the books of accounts of the permit holder. Then, the facts found during the inspection shall be reported to the Commissioner of Geology and Mining by the District Geologist/ District Assistant Geologist.
11.	In the event that the royalty rates are increased by the Government during the tenure of the quarry permit, the permit holder shall pay to the Government, within fifteen days of the date of such notification, the additional royalty, permit premium, security deposit and district mineral foundation contribution amounts.
12.	The permit holder shall not commence any quarrying operations without obtaining all applicable environmental clearances for the area.
13.	The permit holder shall allow the District Geologist/ District Assistant Geologist to enter and inspect, at any time, the quarrying and mining operations.
14.	The permit holder shall immediately report all accidents to the officer authorised of the Government and the District magistrate and the District Superintendent of police of the district in which the permit area is situated.
15.	The permit holder shall have no right over the quarry material and other property lying in the permit area after the expiry of the permit.
16.	The permit holder shall not cut or damage any trees without prior sanction and without payment of compensation therefore as may be fixed by the Divisional forest Officer or such officer authorised by him in this behalf.
17.	If any excess quantity over that permitted quantity is found to be removed, the permit holder shall be liable to pay the amount equal to the value of mineral so removed and shall be liable for punishment under the provisions of the Indian Penal Code, 1860 and the Gujarat Minor Mineral Concession Rules, 2017.
18.	If any breach of these conditions or the provisions of section 15 and section 23C is detected, this permit shall be terminated and the material lying on the site will be seized and dealt with in accordance with applicable laws.

19.	Every transportation vehicle of the said mineral should have to be weighed and the receipt of weighing should have to be kept safely on record, mandatorily by the permit holder.
20.	As soon as the removal of the material granted under the permit is over, the permit holder shall furnish to the District Geologist/ District Assistant Geologist a complete statement showing the quantities removed, details of transport and usage, parties to whom this material has been sold and prices obtained therefor, and shall produce any details, books etc., for the scrutiny to the District Geologist/ District Assistant Geologist as may be called for by him.
21.	After submission of the information contemplated vide para 20 above, District Geologist/ District Assistant Geologist shall visit the area for which permit was given within fifteen days and conduct such survey as may be deemed appropriate to check compliance with the terms of the relevant quarry permit. The said officer shall thereafter submit his report within fifteen days of aforesaid survey to the Commissioner of Geology and Mining.
22.	The findings pursuant to para 21 above shall be factored in for determining the final settlement with the quarry permit holder.

S/D.
Commissioner
Geology and Mining
Gandhinagar, Gujarat
Date :

CC to - Sarpanchshri Village DUMMAS, Taluka - MAJURA
- Mamlatdarshri Ta. - MAJURA
- Surveyor, Geology and mining dept.

Signature valid
Digitally signed by [illegible]
Date [illegible]
Reason: Secure [illegible]
Location: [illegible]