

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 389 OF 2021**

IN THE MATTER OF:

SEEMA CHAUHAN

...APPLICANT

VERSUS

STATE OF MADHYA PRADESH

...RESPONDENT

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MP Forest
Department

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क्रमांक/मा.चि./2022/2215
प्रति,

छतरपुर, दिनांक 25-4-2022

कलेक्टर (खनिज)
जिला छतरपुर

(आवश्यक)

विषय :-

माननीय नेशन ग्रीन ट्रिब्यूनल प्रिंसिपल बेंच न्यू दिल्ली के द्वारा पारित आदेश दिनांक 21.01.2022 के संबंध में ।

सन्दर्भ :-

आपका पत्र क्रमांक/333/खनिज/2022 दिनांक 07.02.2022

विषयान्तर्गत संदर्भित पत्र द्वारा माननीय नेशन ग्रीन ट्रिब्यूनल प्रिंसिपल बेंच न्यू दिल्ली के द्वारा आवेदन नंबर 389/2021 सीमा चौहान बनाम म0 प्र0 शासन के संदर्भ में पारित आदेश दिनांक 21.01.2022 के संबंध में चाही गई जानकारी निम्नानुसार है :-

1. अपर प्रधान मुख्य वनसंरक्षक (भू-प्रबंध) भोपाल के पत्र क्र./एफ-1/एफ.पी./एम.पी./एम.आई.एन./45288/2020/2421 भोपाल दिनांक 31.07.2020 के द्वारा वनमंडल छतरपुर, परिक्षेत्र बकस्वाहा के कक्ष क्र. पी. 280, 281 (बीट वीरमपुरा) कक्ष क्र. पी. 284, (बीट शाहपुरा) कक्ष क्र. पी. 285, 286, (बीट सगौरिया) कक्ष क्र. पी. 287, 296 (बीट गड़ोही) कक्ष क्र. पी. 302, (बीट दरदौनिया) के एकत्र रकवा 382.131 हेक्टेयर वन भूमि पर ऐक्सेल माईनिंग एण्ड इण्डस्ट्रीज लिमिटेड के बंदर प्रोजेक्ट (डायमंड उत्पादन) हेतु ऑनलाईन प्रस्ताव को स्वीकार करते हुये हार्ड कॉपी प्राप्त कर कार्यवाही करने हेतु निर्देश प्राप्त हुए थे।
2. कार्यालयीन पत्र क्र./मा.चि./3161 दिनांक 13.08.2020 द्वारा प्रस्ताव की हार्ड कॉपी उप वनमंडलाधिकारी बकस्वाहा के स्थल निरीक्षण हेतु प्रेषित कर निर्धारित बिन्दुओं पर आधारित प्रतिवेदन भेजने के लिए निर्देशित किया गया।
3. अपर प्रधान मुख्य वनसंरक्षक (भू-प्रबंध) भोपाल के द्वारा पत्र क्र./एफ-1/2712 दिनांक 26.08.2020 वन आवेदित अधिक होने के कारण वनक्षेत्र में खड़े वृक्षों की गणना हेतु 35 बिन्दुओं के अक्षांश/देशान्तर भेजते हुए 100X100 मीटर के प्लॉट डालकर गणना करने हेतु निर्देशित किया गया तथा समानुपातिक रूप से 382.181 हेक्टेयर के रकवे की वृक्षों की गणना की जाने हेतु भी निर्देशित किया गया।
4. उप वनमंडलाधिकारी बकस्वाहा द्वारा पत्र क्र. 1197 दिनांक 08.11.2020 द्वारा निर्धारित बिन्दुओं पर आधारित स्थल जांच प्रतिवेदन प्राप्त हुआ, जिसमें वृक्षों का गणना पत्रक संलग्न नहीं था, जो पृथक से बाद में उपलब्ध करवाया गया एवं उक्त क्षेत्र में मौजूद वन्यप्राणी की सूची भी उपलब्ध करवाई गई, जिसमें किसी वन्यप्राणी जीव का उल्लेख नहीं था।
5. अपर प्रधान मुख्य वनसंरक्षक (भू-प्रबंध) भोपाल के पत्र क्र. 4340 दिनांक 21.12.2020 द्वारा वैकल्पिक वृक्षारोपण योजना तैयार करने के संबंध में निर्देश प्राप्त हुए।
6. कलेक्टर छतरपुर द्वारा प्रकरण क्र./0002/अ-59/व्यपवर्तन/2020-21 में पारित आदेश दिनांक 15.12.2020 के अनुसार वैकल्पिक वृक्षारोपण हेतु ग्राम कसेरा स्थित खसरा नंबर 364/1 रकवा 84.000 हेक्टेयर, 26/1 रकवा 150.000 हेक्टेयर एवं 364/1 रकवा 148.131 हेक्टेयर कुल रकवा 382.131 हेक्टेयर वन विभाग को आरक्षित की गई है।
7. तत्कालीन वनमंडलाधिकारी छतरपुर के निर्देशानुसार परिक्षेत्राधिकारी बकस्वाहा के पत्र क्र. 1662 दिनांक 24.12.2020 एवं पत्र क्र. 1661 दिनांक 24.12.2020 द्वारा क्षतिपूर्ति वैकल्पिक वृक्षारोपण योजना बनाकर सम्प्रेषित की गई थी।
8. कार्यालयीन पत्र क्र./मा.चि./2169 दिनांक 28.12.2020 द्वारा मुख्य वनसंरक्षक को मूलतः प्रस्ताव हार्ड कॉपी में एवं तकनीकी स्वीकृति हेतु क्षतिपूर्ति वैकल्पिक वृक्षारोपण योजना सम्प्रेषित की गई है।



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9. मुख्य वनसंरक्षक छतरपुर के पत्र क्र./मा.चि./5005/दिनांक 30.12.2020 द्वारा क्षतिपूर्ति वैकल्पिक वृक्षारोपण योजना त्रुटिपूर्ति हेतु प्राप्ता हुई, त्रुटिपूर्ति परघात कार्यालयीन पत्र क्र./8459 दिनांक 30.12.2020 द्वारा पुनः मुख्य वनसंरक्षक छतरपुर को सम्प्रेषित की गई।
10. मुख्य वनसंरक्षक छतरपुर के आदेश क्र./652, 653, 655, 656, 657 दिनांक 31.12.2020 द्वारा तकनीकी स्वीकृति प्रदान की गई है।
11. मुख्य वनसंरक्षक छतरपुर के कार्यालयीन पत्र क्र./मा.चि./02 दिनांक 02/0/2021 द्वारा प्रकरण भाग-III की प्रतिलिपि कर प्रधान मुख्य वनसंरक्षक (भू-प्रबंध) भोपाल को सम्प्रेषित किये गये।
12. आवेदित वन भूमि में मिश्रित प्रजाति का IVB श्रेणी का जंगल है एवं 0.1 से 0.6 घनत्व का जंगल है।
13. वन भूमि में खड़े कुल 2,15,875 वृक्षों का आंकलन किया गया है, जिसमें अनुमानित 37,334 वृक्ष सागौन के हैं। उक्त वृक्षों का विदोहन कार्य प्रारंभ के बाद क्रमशः 10 से 12 वर्षों में काटे जायेंगे।
14. प्रधान मुख्य वन संरक्षक (भू-प्रबंध) भोपाल के कार्यालयीन पत्र क्र/एफ-1/822/20-21/ 10-11/128 भोपाल दिनांक 12.01.2022 से इस संबंध में वन महानिरीक्षक भारत सरकार, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय नई दिल्ली को विस्तृत ब्यौरा दिया गया है, जिसमें प्रकरण के संबंध में अभिमत प्रदाय किया गया है, छायाप्रति अवलोकनार्थ संलग्न है।
15. वर्तमान में प्रकरण भारत सरकार, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय नई दिल्ली के पास सैद्धांतिक स्वीकृति हेतु लंबित है। प्रकरण से संबंधी सभी निर्णय भारत शासन द्वारा ही लिये जाना है। वनमंडल स्तर से केवल नियमानुसार निर्धारित प्रक्रिया का पालन करते हुए प्रकरण ऑन लाइन सम्प्रेषित किया जाता है, जिसका उल्लेख पूर्व के बिन्दुओं में किया गया है। वर्तमान में इस कार्यालय से कोई भी कार्यवाही की जाना लंबित नहीं है।

उपरोक्तानुसार प्रतिवेदन आपकी ओर अवलोकनार्थ एवं अग्रिम कार्यवाही सम्प्रेषित है।

संलग्न : उपरोक्तानुसार

वनमंडलाधिकारी

सा. वन मण्डल छतरपुर

छतरपुर, दिनांक

पृष्ठां. क्रमांक/मा.चि./2022/

प्रतिलिपि :-

1. सदस्य सचिव, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड भोपाल की ओर सूचनार्थ सम्प्रेषित।
2. क्षेत्रीय अधिकारी, क्षेत्रीय कार्यालय, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड, सागर की ओर सूचनार्थ सम्प्रेषित।

वनमंडलाधिकारी

सा. वन मण्डल छतरपुर

No./M.Ch. / 2022/2215

Chhatarpur, Dated 25-4-2022

To,

(Necessary)

The Collector (Mineral)

District Chhatarpur

Subject: Regarding Order dated 21.01.2022 passed by Hon'ble Nation Green Tribunal Principal Bench at New Delhi.

Reference: Your letter number / 333 / Mineral / 2022 dated 07.02.2022

The information sought in relation to the order dated 21.01.2022 passed by Hon'ble Nation Green Tribunal Principal Bench at New Delhi in the context of application number 389/2021 Seema Chauhan vs. Government of M.P. is as follows:

1. Additional Principal Chief Conservator of Forests (Land Management) Bhopal vide letter no. / F-1 / FP / MP / MIN / 45288 / 2020 / 2421 Bhopal dated 31.07.2020, the room no. P. 280, 281 (Beat Veerampura) Room No. P. 284, (Beat Shahpura) Room No. P. 285, 286, (Beat Sagoriya) Room No. P. 287, 296 (Beat Gadohi) Room No. P. 302, (Beat Dardauniya) accepted the online proposal of Essel Mining and Industries Limited for the Bundar project (Diamond production), on the accumulated area of 382.131 hectares of forest land, and instructions

were received to take action after receiving the hard copy.

- 2.** Vide Official letter no. / M.Ch. / 3161 dated 13.08.2020 the hard copy of the proposal for site inspection of the Deputy Divisional Officer Bakswaha was sent and directed to send the report based on the fixed points.
- 3.** The Additional Principal Chief Conservator of Forest (Land Management) Bhopal vide letter no. / F-1 / 2712 dated 26.08.2020, due to the excess of forest applied, while sending latitude / longitude of 35 points for the calculation of trees standing in the forest area, directed to calculate by putting plots of 100X100 meters and It was also directed to count the trees proportionately in the area of 382.181 hectares.
- 4.** Deputy Divisional Officer Bakswaha vide letter no. 1197 dated 08.11.2020, the site investigation report was received based on the points, in which the tree count sheet was not annexed, which was made available separately later and the list of wildlife present in the said area was also made available, in which any wild animal was not mentioned.
- 5.** Received instructions regarding preparation of alternative plantation plan vide letter no. 4340 dated

21.12.2020 of the Additional Principal Chief Conservator of Forests (Land Management) Bhopal.

6. According to the Order dated 15.12.2020 passed by Collector Chhatarpur in Case no./ 0002 / A-59 / Diversion /2020-21, Khasra No. 364/1 admeasuring 84.000 hectares, no. 26/1 admeasuring 150.000 hectares and 364/1 admeasuring 1481.131 hectares total area 382.131 hectares has been reserved for the forest department for alternative plantation.
7. As per the instructions of the then Divisional Forest Officer Chhatarpur, letter no. 1662 dated 24.12.2020 and letter no. 1661 dated 24.12.2020, The compensation was communicated after making an alternative plantation plan.
8. Vide Official letter no. / M.Ch. / 2169 dated 28.12.2020 hard copy of the original proposal and compensation for technical approval and alternative plantation plan has been sent to the Chief Conservator of Forests.
9. Chief Conservator of Forests Chhatarpur vide letter no. / M.Ch. / 5005 / dated 30.12.2020, the compensation for the alternative plantation plan was received for rectified, after the correction, the official letter no.

8459 dated 30.12.2020 was again sent to the Chief Forest Conservator Chhatarpur.

- 10.** Vide Order No. / 652, 653, 655, 656, 657 dated 31.12.2020 of Chief Conservator of Forest Chhatarpur, technical approval has been given.
- 11.** Vide Official letter of Chief Conservator of Forest, Chhatarpur No. /M.Ch./02 dated 02/0/2021, The copy of the case part-III was sent to the Principal Chief Conservator of Forests (Land Management) Bhopal.
- 12.** There is IVB category forest of mixed species and forest of 0.1 to 0.6 density in the applied forest land.
- 13.** A total of 2,15,875 trees standing in the forest land have been assessed, in which an estimated 37,334 trees are of teak wood. The above trees will be cut in 10 to 12 years respectively after the commencement of the exploitation work.
- 14.** Official letter No. / F-1 /822/20-21/10-11/126 Bhopal dated 12.01.2022 of Principal Chief Conservator of Forests (Land Management) Bhopal to Inspector General of Forests, Government of India, Environment and Climate Change, details have been given to the Ministry, New Delhi, in this regard, in

which comments have been given regarding the matter, photocopy is attached for perusal.

- 15.** Presently the matter is pending with the Government of India, Ministry of Environment and Climate Change, New Delhi for principal approval. All the decisions related to the matter have to be taken by the Government of India only. The matter is communicated online from the forest division level only by following the prescribed procedure as per rules, which has been mentioned in the earlier points. Presently no action is pending from this office.

The report is forwarded as above to you for your consideration and further action.

Attached: As above

SD
FOREST DIVISIONAL OFFICER
GENERAL FOREST DIVISION
CHHATARPUR,

No./M.Ch. / 2022/

Chhatarpur, Dated

Copy:

8

संज्ञा-2

**Government of Madhya Pradesh
Mineral Resources Department
Mantralaya**

:: Letter of Intent ::

No. - F 3-26/2019/12/1

Bhopal, Date:- 19/12/2019

To,

✓ Essel Mining & Industries Ltd.,
Aditya Birla Centre,
'B' Wing, 4th Floor,
S. K. Ahire Marg,
Mumbai, (Maharashtra) - 400030.

Sub: Letter of Intent with reference to e-auction dated December 11, 2019 for grant of a Mining Lease for Bunder Diamond Block for Diamond in Sagoria Village, Buxwaha Tehsil, Chattarpur District on 364.00 Hectare Area of Survey of India Toposheet No. 54P/7.

1. Background:

1.1. The Directorate of Geology and Mining (DGM), Government of Madhya Pradesh, pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 (the "Act") and the Mineral (Auction) Rules, 2015 as amended from time to time (the "Auction Rules"), issued the notice inviting tender dated July 05, 2019 to commence the auction process for grant of Mining Lease for Diamond located in Chattarpur District of Madhya Pradesh. The e-auction process was conducted in accordance with the tender document for the said mineral block and Essel Mining & Industries Ltd. was declared as the 'Preferred Bidder' under Rule 9(4)(b)(iii) of the Auction Rules.

1.2. As required under Rule 10(1) of the Auction Rules and the tender document for the said mineral block, Essel Mining & Industries Ltd. has made payment of the first installment, being 10% (ten percent) of the upfront payment of Rs. Rs. 27, 52, 48, 440 (Rupees Twenty Seven Crore Fifty Two Lakhs Forty Eight Thousand Four Hundred Forty only) through RTGS (with UTRN: HDFCR52019121359372005) dated December 13, 2019 which was received on December 13, 2019.

2. Grant of Letter of Intent

2.1. Accordingly, pursuant to Rule 10(2) of the Auction Rules, the Government of Madhya Pradesh is issuing this Letter of Intent for grant of Mining Lease for Bunder Diamond Block for Diamond in Sagoria Village, Buxwaha Tehsil, Chattarpur District on 364.00 Hectare Area of

3. **Conditions**

- 3.1. This Letter of Intent and the subsequent grant of aforesaid Mining Lease shall be subject to the provisions of the Act and the Rules made there under, as amended from time to time, and the Essel Mining & Industries Ltd. shall be designated as the 'successful bidder' and subsequently granted the Mining Lease only upon satisfactory completion of all the requirements under the Act and the Rules made there under.
- 3.2. This Letter of Intent shall be valid only if Essel Mining & Industries Ltd. ensures that the Bid Security is valid until the Performance Security is furnished to the Government of Madhya Pradesh, failing which this Letter of Intent shall become invalid from the date of expiry of the Bid Security.
- 3.3. For reference, the requirements under the Auction Rules for designation of Essel Mining & Industries Ltd. as the 'successful bidder' and subsequent grant of the Mining Lease are reiterated below under para 3.3(a), (b) and (c). It is clarified that the requirements mentioned below under para 3.3(a), (b) and (c) are only for reference and in the event of any change in the Act or the Rules made thereunder, the requirements under the modified Act or the Rules made thereunder, as the case may be, shall be applicable.

(a) Designation as the "Successful Bidder":

Essel Mining & Industries Ltd. shall be considered to be the 'successful bidder' upon:

- (i) continuing to be in compliance with all the terms and conditions of eligibility;
- (ii) payment of the second installment being 10% (ten percent) of the upfront payment;
- (iii) furnishing performance security of Rs. 275,24,84,400 (Rupees Two Hundred and Seventy Five Crore Twenty Four Lakh Eighty Four Thousand Four Hundred);

- (iv) satisfying the conditions specified in clause (b) of sub-section (2) of section 5 of the Act with respect to a mining plan; and
- (v) Complying with the special condition for Bunder Diamond Block as approved by the Ministry of Mines, Government of India vide their letter no 7/46/2015-M.IB which is reproduced below:

मउप्र0 शासन द्वारा गठित अंतर्विभागीय समिति के निर्णय -

1. खदान से खनन होने वाले समस्त हीरा खनिज को नियमानुसार विभाग द्वारा प्रथम दृष्टया आंकलन कर प्रारंभिक एवं अनुमानित मूल्य वर्तमान प्रक्रिया अनुसार हीरा विशेषज्ञ के माध्यम से घोषित किया जाएगा।

2. खननकर्ता लीजधारी कंपनी द्वारा समस्त हीरा खनिज की प्रथम बार नीलामी मध्यप्रदेश में ही की जायेगी। इस हेतु लीजधारी द्वारा आरक्षित मूल्य निर्धारित किया जाएगा जो शासकीय खनिज (हीरा) विशेषज्ञ द्वारा निर्धारित मूल्य से कम नहीं होगा।

नीलामी सफल होने पर वास्तविक बिक्री मूल्य के आधार पर राज्य को रॉयल्टी प्राप्त होगी।

नीलामी असफल होने पर खननकर्ता लीजधारी कंपनी द्वारा निर्धारित आरक्षित मूल्य (जो शासकीय मूल्यांकनकर्ता द्वारा निर्धारित मूल्य से कम नहीं होगा) के आधार पर राज्य शासन को अंतरिम रॉयल्टी प्रदान की जाएगी। इसके पश्चात हीरा खनिज को निर्यात या बिक्री या मूल्य संवर्धन के लिए स्वतंत्र रूप से ले जा सकता है, लीजधारी को हीरा खनिज की बिक्री के 02 माह के अंदर राज्य शासन को उक्ताशय की सूचना देना अनिवार्य है। अंतिम रॉयल्टी का निर्धारण वास्तविक बिक्री मूल्य (जो कंपनी द्वारा सूचित किया गया हो) अथवा प्रथम बार नीलामी के समय निर्धारित किया गया, आरक्षित मूल्य दोनों में से जो भी अधिक हो, के आधार पर निर्धारित किया जाएगा।



(b) Signing of the Mine Development and Production Agreement

Essel Mining & Industries Ltd. shall sign the Mine Development and Production Agreement with the Government of Madhya Pradesh upon obtaining all consents, approvals, permits, no-objections and the like as may be required under applicable laws for commencement of mining operations.

(c) Grant of Mining Lease

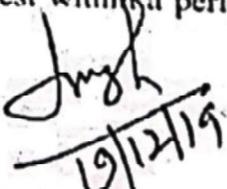
Subsequent to signing of the Mine Development and Production Agreement, Essel Mining & Industries Ltd. shall make payment of the third installment being 80% (eighty percent) of the upfront payment and thereafter the Government of Madhya Pradesh shall grant the aforementioned Mining Lease.

4. **Validity**

- 4.1. This letter of intent is valid for a period of 3 (three) years from the date of its issuance, within which time all the above conditions must be fulfilled and the Mining Lease deed must be executed between the Essel Mining & Industries Ltd. and the Government of Madhya Pradesh. In case there is a delay in execution of Mining Lease deed due to reasons beyond the control of the Preferred Bidder, then it may submit an application to Government of Madhya Pradesh, requesting for further extension

If the Government of Madhya Pradesh is satisfied that there is a delay in execution of Mining Lease deed due to reasons beyond the control of the Preferred Bidder longer period is required to enable the Preferred Bidder to satisfy all or any of the above conditions, then it may extend the validity of this letter of intent for such period or periods as the Government of Madhya Pradesh may specify. Provided that: (a) this letter of intent shall be extended for a maximum period of 2 years; and (b) the total period for which this letter of intent would remain valid must not exceed 5 (five) years from the date of issuance.

Kindly return the duplicate copy of this Letter of Intent duly signed by authorized signatory of the Company and furnish a suitable Board Resolution in token of having accepted the above terms and conditions. The accepted copy of Letter of Intent along with Board resolution should be submitted latest within a period of one (1) month from the date of receipt of this Letter of Intent.


19/12/19

(Prakash Pandre)

Under Secretary

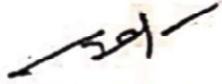
Government of Madhya Pradesh
Mineral Resources Department

Endt. No. - F 3-26/2019/12/1

Bhopal, Date:- 19/12/2019

Copy to:

1. Secretary, Government of India, Ministry of Mines, Shastri Bhavan, New Delhi.
 2. Additional Chief Secretary, Govt. of M.P., Forest Department, Mantralaya, Bhopal.
 3. Chief Controller of Mines, Indian Bureau of Mines, Indira Bhavan Seminiari Hills, Nagpur.
 4. Director, Geology and Mining (M.P.) Bhopal.
 5. District Collector, District Chhatarpur, (M.P.).
 6. Regional Head, Geology and Mining, Regional Office, Jabalpur (M.P.)
 7. District Forest Officer, District Satna, (M.P.).
- For information and necessary action please.
8. Guard File.


Under Secretary
Government of Madhya Pradesh
Mineral Resources Department

(iv) satisfying the conditions specified in clause (b) of sub-section (2) of section 5 of the Act with respect to a mining plan; and

(v) Complying with the special condition for Bunder Diamond Block as approved by the Ministry of Mines, Government of India vide their letter no 7/46/2015-M.IB which is reproduced below:

Decisions of the Interdepartmental Committee constituted by the Government of MP –

1. All the diamond minerals to be mined from the mines shall prima facie be declared by the department as per rules and the initial and estimated value be declared through the diamond specialist according to the present process.
2. The first auction of all diamond minerals will be done by the mining lessee company in Madhya Pradesh itself. For this, the reserve price will be fixed by the lessee, which shall not be less than the price fixed by the government mineral (diamond) expert.

On successful auction, the state will receive royalty based on the actual sale price.

In case of failure of auction, interim royalty will be paid to the State Government on the basis of reserve price fixed by the mining leasehold company (which shall not be less than the price fixed by the official valuer). After this, diamond can be taken freely for export or sale or value addition, it is mandatory for the lessee to inform the state government within 02 months of the sale of diamond mineral. The final royalty shall be determined on the basis of the actual selling price (as intimated by the Company) or the reserve price determined at the time of the first auction, whichever is higher.