

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 231/2022

BETWEEN:

All India Kaimur Peoples Front ...Applicant
Versus
Ministry of Environment, Forest &
Climate Change & Ors. ...Respondents

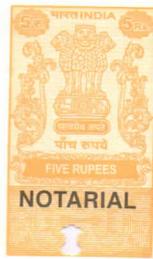
INDEX

| SR.NO. | PARTICULARS | PAGE NO. |
|---------------|--|-----------------|
| 1. | Short Affidavit on behalf of the Respondent No. 15. | |
| 2. | ANNEXURE A: A copy of the Notification dated 15.01.2016 issued by the Ministry of Environment, Forest and Climate Change. | |
| 3. | ANNEXURE B: A copy of the Government Order bearing no. 14/2020/86-2019-57(SA)/2017 dated 30.08.2019 issued by the Government of Uttar Pradesh to all the District Officers in the State of Uttar Pradesh. | |
| 4. | ANNEXURE C: A copy of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963. | |
| 5. | ANNEXURE D: A copy of the Letter of Intent dated 05.01.2022 issued by the District Officer under Rule 52(2) of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963. | |
| 6. | ANNEXURE E: A copy of a pass e-MM-11 dated 24.03.2022 issued by the Respondent No 15 for the transportation of 20 m ³ . | |
| 7. | ANNEXURE F: A copy of the Show Cause Notice dated 25.03.2022 issued | |

| | | |
|-----|--|--|
| | by the Respondent No 8 to the Respondent No 15. | |
| 8. | ANNEXURE G: A copy of the order dated 01.07.2022 in Writ-C No 16473/2022 passed by the Hon'ble High Court of Judicature of Allahabad. | |
| 9. | ANNEXURE H: A copy of the letter dated 07.07.2022 issued by the Respondent No 15 to the Respondent No 8. | |
| 10. | ANNEXURE I: A copy of the letter dated 30.07.2022 issued by the Respondent No 7 to the answering Respondent. | |
| 11. | ANNEXURE J: A copy of the Show Cause Notice dated 09.09.2022 issued by the Respondent No 7 to the Respondent No 15. | |
| 12. | ANNEXURE K: A copy of the reply dated 26.09.2022 issued by the Respondent No 15. | |

Place: New Delhi
Date: 20.10.2022


Adv. For Respondent No. 15
Sangram Singh R. Bhonsle, Samridhi S. Jain,
Nrupal A. Dingankar & Pushkara A. Bhonsle
ADVOCATES
A-10, LGF, Lajpat Nagar III, New Delhi-110024
Mob: 9890210579
samridhi12318@gmail.com



**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 231/2022

BETWEEN:

All India Kaimur Peoples Front

...Applicant

Versus

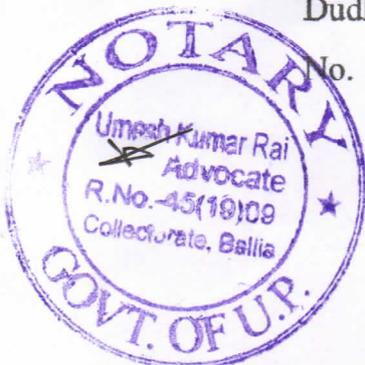
Ministry of Environment, Forest &
Climate Change & Ors.

...Respondents

**SHORT AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO. 15:**

I, Shri Tapeshi S/o Shri Sadan, Gata No. 291, 292 & 294,
Village- Aghori Khas, Area 1.2 hectare, Tehsil- Obra, District-
Sonbhadra, do hereby on solemn affirmation state as follows:

1. That I am the Respondent No. 15 in the aforementioned Original Application and therefore am well versed with the facts of the present case and competent to swear the present affidavit.
2. Vide the present affidavit, the answering Respondent is only bringing on record its objections to the Action Taken Report dated 12.09.2022 filed by the Joint Committee before this Hon'ble Tribunal. The answering Respondent reserves its right to file a Para wise reply to the present Original Application.
3. The issue raised in the present Original Application pertains to alleged illegal mining in Villages Bhagwa, Agorikhas, Khewandha and Rediaya, Tehsil Obra, and Villages Korgi, Tehsil Dudhi, District Sonbhadra, UP being undertaken by Respondent No. 11 to 20.

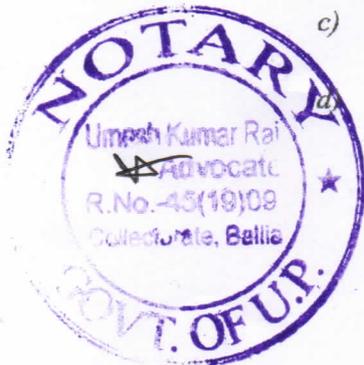


तपेसी

4. This Hon'ble Tribunal vide its order dated 30.03.2022 in O.A. No. 231/2022 found it necessary to require a factual and action taken report and therefore was pleased to constitute a Joint Committee comprising of SEIAA, UP; State PCB and District Magistrate, Sonbhadra wherein, the State PCB was made the nodal agency for coordination and compliance. The Joint Committee was directed to verify the facts and furnish a report to this Hon'ble Tribunal. Further, the Hon'ble Tribunal had also directed that, if any of the parties i.e, Respondent No. 11 to 20 were found to be affected by the course of action proposed by the Joint Committee, the said Respondents may be informed about the present proceedings before this Hon'ble Tribunal by the Respondent No. 7.
5. In compliance of the order dated 30.03.2022 passed by this Hon'ble Tribunal, the Joint Committee filed its Joint Report dated 13.06.2022 before the Hon'ble Tribunal. With regard to the answering Respondent, the Joint Committee in its report dated 30.03.2022 stated the following:

"5. Shri Tapeshi S/o Shri Sadan, Gata No. 291, 292 & 294, Village-Aghori Khas, Area-1.2 hectare, Tehsil-Obra, District-Sonbhadra.

- a) *As per records available in Mining Department, Sonbhadra, mining permit was issued for mining of sand/morrum for 03 months i.e. (08.01.2022-07.04.2022).*
- b) *At the time of inspection mining was being conducted at the site because the mining validity period was lapsed and mining area was partially reclaimed.*
- c) *No mining tools such as poclain, J.C.B machines etc. were present at the site.*
- As per records available in the Mining Department, Sonbhadra, it has been reported that illegal mining of sand/morrum has been done by permit holder beyond the sanctioned permit area and accordingly*



तपेसी

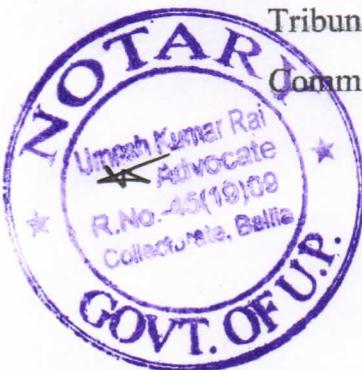
on dated 26.02.2022 & 25.03.2022 Rs.3,68,740/- & Rs.21,44,000/- respectively penalty was imposed against permit holder and also penalty imposed of Rs.3,68,740/- deposited by the concerned permit holder.

- e) Recovery Certificate is issued by the District Magistrate dated 28.05.2022 for due payment of Rs. 21,44,000/- against concerned permit holder.
- f) As per record, the mines permit was issued in compliance of Rule-52 of Uttar Pradesh Minor Mineral (Concession) Rule-2021.
- g) Mining pits were left abandoned without reclaiming which may harm living creatures including human, in rainy season.

As per facts mentioned above, Environmental Compensation should be imposed against mine permit holder for using mechanised tools for mining of sand/morrum and mining beyond the sanctioned permit area.

(All documents related mining lease annexed as Annexure no. 5A, 5B & 5C)”

6. Thereafter, the aforesaid matter was listed before the Hon'ble Tribunal on 13.07.2022, wherein the Hon'ble Tribunal found the Report of the Joint Committee dated 13.06.2022 to be incomplete as the same did not mention the status of preparation of District Survey Report, EIA/EMP, replenishment study and grant of EC in favor of the Project Proponents. Thus, the Hon'ble Tribunal vide its order dated 13.07.2022 directed the Respondent No. 7 to file a further action taken report and also directed the Respondent No. 7 to put the Project Proponents to notice of the present proceedings, for their response, before the next date of hearing.
7. In compliance of the order dated 13.07.2022 passed by this Hon'ble Tribunal, the Joint Committee on 13.09.2022 has filed its Action Taken Report dated 12.09.2022 before this Hon'ble Tribunal. With regard to the answering Respondent, the Joint Committee Report dated 12.09.2022 states as follows:



तपेसी

"2. Shri Tapeshi S/o Shri Sadan, Gata No. 291, 292 & 294, Village-Aghori Khas, Area-1.2 hectare, Tehsil-Obra, District-Sonbhadra.

Compensation charge (In Rs.) = $Dx(1+RF+DF)$

Where: $D=Z \times$ market value of the material per MT or M3

$DF= 0.3$.if $Z/X=0.11$ to 0.40

0.6 . if $Z/X=0.41$ to 0.70

1 .if $ZX \geq 0.71$

$RF=0.25.0.50.0.75. 1.00$ as per risk level mentioned below:-

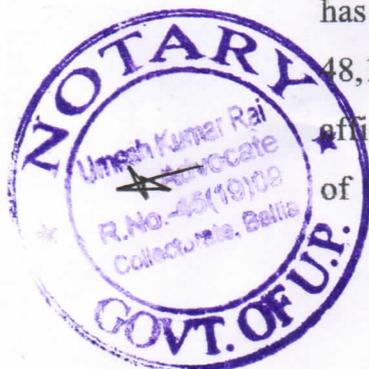
| Risk Level | 1 | 2 | 3 | 4 |
|-------------|------|------|------|---|
| Risk Factor | 0.25 | 0.50 | 0.75 | 1 |

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X) =2400 m3
Total Extraction (Y) =26347.5 m3
Excess Extraction (Z) (Z-Y-X) =2347.5 m3
Market Value of illegally mined material (D) =Zx Market Value of the Material
(Market value of the material as Rs. 1000- per m3) =2347.5 x 1000= 2347500
Risk Factor (RF) RF=0.75. as per Risk Level=3
Expectance in Extraction (ZX) =2347.5/2400=0.0978
Deterrence factor (DF) DF=0.3 as per Z/X=0.0978
Environmental compensation/charge (in Rs.) = $Dx(1+RF+DF)$
=2347500 x (1+0.75+0.3)
=2347500 x 2.05
=Rs. 48.12.375.00

(Forty Eight Lakh Twelve Thousand Three Hundred Seven Five Only"

8. Thus, the Joint Committee vide its Joint Report dated 12.09.2022 has sought to impose an Environmental Compensation of Rs. 48,12,375/- upon the answering Respondent. Vide the present affidavit, the answering Respondent is challenging the imposition of the Environmental Compensation upon the answering



तपेसी

Respondent and the answering Respondent reserves its right to file a detailed Para wise reply to the Original Application No. 231/2022.

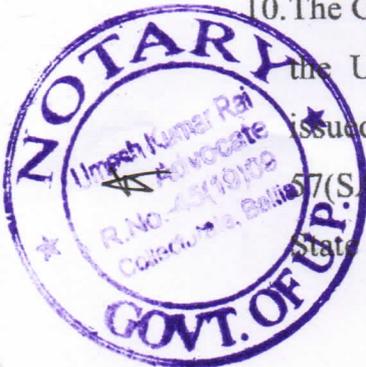
FACTS IN BRIEF:

9. The Ministry of Environment, Forest and Climate Change vide its Notification dated 15.01.2016 in exercise of the power conferred by Sub section 1 of Clause v of Sub section 2 of Section 3 of the Environment Protection Act, 1986 r/w Clause d of Sub rule 3 of Rule 5 of the Environment Protection Rules, 1986, made amendment in the EIA Notification, 2006. In the said Notification vide Appendix IX, a list of certain cases which were exempted from the requirement of Environmental Clearance has been mentioned. In the said list, S. No.3 pertains to:

“3. Removal of sand deposits in agricultural field after flood by farmers.”

It is therefore submitted that, removal of sand by the farmer from the agricultural field, which were accumulated due to flood , has been exempted from the grant of prior Environmental Clearance. A copy of the Notification dated 15.01.2016 issued by the Ministry of Environment, Forest and Climate Change is enclosed herewith as ANNEXURE-A.

10. The Government of Uttar Pradesh in exercise of its powers under the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 issued a Government Order bearing no. 14/2020/86-2019-57(S.A)/2017 dated 30.08.2019 to all the District Officers in the State of Uttar Pradesh directing for the grant of temporary mining



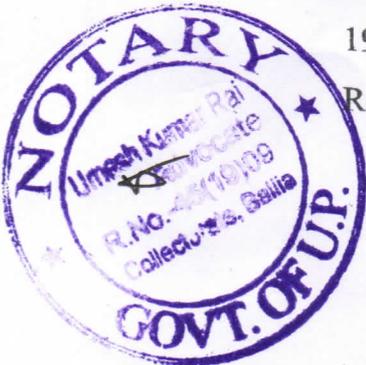
तपेसी

permit for the removal of sand or morrum or bajri or boulder accumulated due to the floods on the agricultural land. Further, vide the said Government Order, the District officers were directed to grant mining permit to the owners of agricultural land, for removal of the accumulated sand/morrum/bajri/boulder due to the flooding on the agricultural land.

A copy of the Government Order bearing no. 14/2020/86-2019-57(SA)/2017 dated 30.08.2019 issued by the Government of Uttar Pradesh to all the District Officers in the State of Uttar Pradesh is enclosed herewith as **ANNEXURE-B**.

A copy of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 is enclosed herewith as **ANNEXURE C**.

11. In terms of the Government Order dated 30.08.2019, the answering Respondent applied to the District Officer under Rule 52 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 vide Form MM8 for grant of mining permit for removal of morrum deposited in the land of the answering Respondent. The District Officer, on the basis of the report of the Revenue and Geology and Mining Department regarding the title of the land and availability of the Minor Mineral on the applied area, deemed it appropriate to grant a Mining Permit to the answering Respondent for 24,000 m³ for the removal of the Morrum from the property of the Respondent No 15. In view thereof, on 08.01.2022, the District Officer, Sonbhadra, U.P. under Rule 52(2) of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 issued an Order granting mining permit in favor of the Respondent No. 15 for a period of three months from 08.01.2022



तपेसी

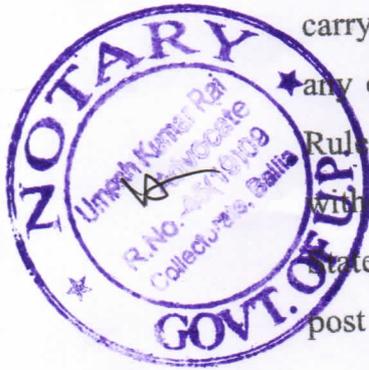
to 07.04.2022 for the removal of morrum from the land of the Respondent No. 15.

12. Also, in terms of Rule 52(2) of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, the answering Respondent was obligated to deposit the royalty for double the amount with the District Officer, in advance for the grant of the mining permit.

13. I say that, in terms of the said permit, I was permitted to remove 24,000 m³ morrum from its land within a period of three months. A copy of the Letter of Intent dated 05.01.2022 issued by the District Officer under Rule 52(2) of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 is enclosed herewith as **ANNEXURE D.**

14. It is submitted that the answering Respondent has undertaken removal of morrum from the land of the Respondent No. 15 from 08.01.2022 to 07.04.2022 for a quantity of 24,000 m³ morrum only and no quantity beyond 24,000 has been removed by the answering Respondent.

15. It is further submitted that Rule 72 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, deals with the restriction on the transport of the minerals. In terms of Rule 72 (1), the holder of the Mining Permit shall issue a pass in form MM-11 or Form e-MM-11 prepared through electronic process to every person carrying, a consignment of Minor Mineral by a vehicle, animal or any other mode of transport. Further, in terms of sub-rule 2 of Rule 72, no person shall carry within the State a Minor Mineral without carrying a pass in Form 11/Form e-MM-11. Also, the State Government under Rule 72 (4) & (5) may establish a check post for any area included in any Mining Lease/Permit and no



लपेसी

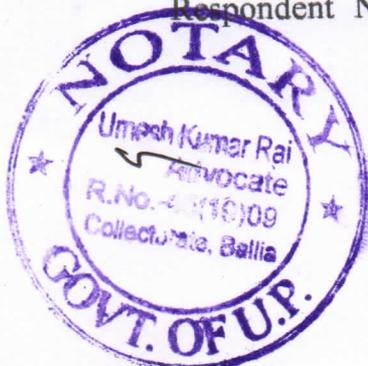
person shall transport a Minor Mineral without first presenting the Mineral at the check post established for that area for verification of the weight or measurement of the mineral. Any person found in contravention of any provision of this Rule, may be penalized by the District Magistrate, in terms of Sub Rule 6 of Rule 72.

16. Thus, in compliance of Rule 72, inter alia the answering Respondent on 24.03.2022 issued Form e-MM-11 to one Mr Shiv Kaal Bherav for the transportation of 20 m³ of Morrum from the property of the Respondent No 15 to Faizabad.

A copy of a pass e-MM-11 dated 24.03.2022 issued by the Respondent No 15 for the transportation of 20 m³ is enclosed herewith as **ANNEXURE E**.

17. It is submitted that, similarly the answering Respondent in compliance of Rule 72 of the UP Minor Mineral (Concession) Rule 1963, issued several passes for the transportation of the entire 24,000 m³ of Morrum from the property of the Respondent No 15. Further, the said transported Morrum in terms of Rule 72 (4) & (5) was also presented at the check post for the verification of the weight of the Morrum.

18. I say that on 25.03.2022, the Respondent No 8, issued a Show Cause Notice to the answering Respondent for violation of Rule 3, 58, 72 of the UP Minor Mineral (Concession) Rule 2021 and sec 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957. However, vide the said notice the Respondent No 8 directed the answering Respondent to submit its clarification while depositing the amount of Rs 21,44,000/- within 7 days. The said Show Cause Notice was challenged by the Respondent No 15 vide Writ-C No 16473/2022 before the



तपेसी

Hon'ble High Court of Judicature at Allahabad. The Hon'ble High Court vide its order dated 01.07.2022, in Writ-C No 16473/2022 quashed the Show Cause Notice dated 25.03.2022 in part and directed the answering Respondent to submit his explanation within one week, treating the notice to be Show Cause Notice simplicitor and not an order determining the liability and quantifying the amount.

A copy of the Show Cause Notice dated 25.03.2022 issued by the Respondent No 8 to the Respondent No 15 is enclosed herewith as **ANNEXURE F.**

A copy of the order dated 01.07.2022 in Writ-C No 16473/2022 passed by the Hon'ble High Court of Judicature of Allahabad is enclosed herewith as **ANNEXURE G.**

19. In view of the order dated 01.07.2022 passed by the Hon'ble High Court, the answering Respondent on 07.07.2022 wrote to the Respondent No 8 informing about the order dated 01.07.2022 passed by the Hon'ble High Court. Vide the said letter the Respondent No 15 categorically denied undertaking any illegal mining or undertaken mining beyond the Mining Permit area. Also, the Respondent No 15 in his letter to the Respondent No 8 has denied any inspection being conducted at the property of the Respondent No 15 as stated in the Show Cause Notice dated 25.03.2022.

A copy of the letter dated 07.07.2022 issued by the Respondent No 15 to the Respondent No 8 is enclosed herewith as **ANNEXURE H.**

20. It is submitted that in pursuance of the letter dated 07.07.2022, the Respondent No 8 till date has not issued any further order



लपेरी

pertaining the Show Cause Notice dated 25.03.2022 and therefore the proceedings before the Competent Authority are pending adjudication sine-die. In the absence of any order being passed by the Respondent No 8 in furtherance of the Show Cause Notice dated 25.03.2022, no liability as such can be attributed to the Respondent No 15.

21. In the meantime, on 23.03.2022, the present O.A. No 231/2022 was filed before this Hon'ble Tribunal alleging illegal mining of Minor Minerals being undertaken by the Respondent No 11 to Respondent No 20. In pursuance of the order dated 13.07.2022 passed by this Hon'ble Tribunal in the present matter directing the Respondent No 7 to issue notice about the present proceeding to the affected Project Proponents, on 30.07.2022 the Respondent No 7 vide its letter apprised the answering Respondent regarding the pending proceedings in O.A. No 231/2022 before this Hon'ble Tribunal.

A copy of the letter dated 30.07.2022 issued by the Respondent No 7 to the answering Respondent is enclosed herewith as **ANNEXURE I.**

22. To the utter shock of the Respondent No 15, on 09.09.2022 the Respondent No 7 issued another Show Cause Notice to the answering Respondent directing the Respondent No. 15 to show cause as to why an Environmental Compensation of Rs. 48,12,375/- ought not be imposed upon the answering Respondent. Vide the said Notice, the Respondent No. 7 relied upon the report with recommendation dated 06.09.2022 of the Regional Office to hold that an excess extraction of 2347.5 m³ of Morrum was undertaken by the Respondent No 15. Further, the



तपेसी

Respondent No 7, vide the said notice directed the Respondent No 15 to show cause as to why an Environmental Compensation ought not to be imposed upon the Respondent No 15 for not obtaining valid consent under the Air and the Water Act and for undertaking excessive mining against the prescribed quantity.

A copy of the Show Cause Notice dated 09.09.2022 issued by the Respondent No 7 to the Respondent No 15 is enclosed herewith as **ANNEXURE J.**

23. On 26.09.2022, the answering Respondent replied to the Show Cause notice dated 09.09.2022 issued by the Respondent No 7, whereby the Respondent No 15 categorically denied the allegation of illegal mining being conducted by the Respondent No 15. Further, vide the said reply, the answering Respondent denied the contentions of the letter dated 06.09.2022 alleging excessive mining of 2347.5 m³.

A copy of the reply dated 26.09.2022 issued by the Respondent No 15 is enclosed herewith as **ANNEXURE K.**

SUBMISSIONS:

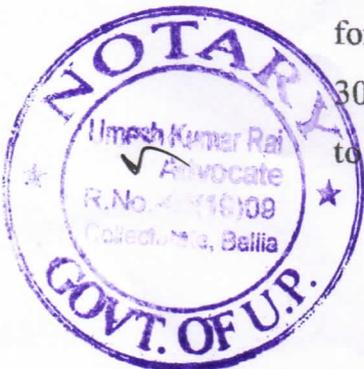
24. In view of the facts mentioned hereinabove, it is the contention of the Respondent No 15 that the Mining Permit dated 08.01.2022 has been issued to the answering Respondent, in terms of the Government Order bearing no. 14/2020/86-2019-57(SA)/2017 dated 30.08.2019 issued under the Uttar Pradesh Minor Minerals (Concession) Rules, 1963. Vide the said Order, the State of Uttar Pradesh had directed all the District Officers to grant temporary mining permit for the removal of sand or morrum or bajri or boulder accumulated due to the floods on the agricultural land.



लपेसी

Thus, the answering Respondent applied to the District Officer under Rule 52 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 vide Form MM8 for grant of mining permit for removal of morrum deposited in the land of the answering Respondent and the District Officer, on the basis of the report of the Revenue and Geology and Mining Department regarding the title of the land and availability of the Minor Mineral on the applied area, deemed it appropriate to grant a Mining Permit to the answering Respondent for 24,000 m³ for the removal of the Morrum from the property of the Respondent No 15. In view thereof, on 08.01.2022, the District Officer, Sonbhadra, U.P. under Rule 52(2) of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 issued an Order granting mining permit in favor of the Respondent No. 15 for a period of three months from 08.01.2022 to 07.04.2022 for the removal of morrum from the land of the Respondent No. 15. Under Rule 69 of the U.P. Minor Mineral (Concession) Rules, 1963 deals with the powers of the State Government for relaxation of the rules in specific cases. Thus, it is the specific case of the Respondent No. 15, that the Respondent No. 15 has been granted mining permit under specific Government order dated 30.08.2019, thereby relaxing the rules, for the mining permit issued for the removal of sand or morrum or bajri or boulder accumulated due to the floods on the agricultural land. Thus, it is submitted that once the Rules under the U.P. Minor Mineral (Concession) Rules, 1963 were relaxed for the mining permits issued under the Government Order dated 30.08.2019, the Respondent No. 15 was not under an obligation to obtain any further permissions, except the mining permit,

लपेसी



unless directed. It is therefore submitted that the removal of the of sand or morrum or bajri or boulder accumulated due to the floods on the agricultural land, was not covered under the Consent Regime under the Air (Prevention & Control of Pollution) Act, 1981 or the Water (Prevention & Control of Pollution) Act, 1974. In view thereof, the removal of morrum being undertaken by the Respondent No. 15 in terms of Rule 52 r/w Rule 69 of the U.P. Minor Mineral (Concession) Rules, 1963 was exempted from the rigors of the grant of Consent to Operate/Establish.

25. Also, the Letter of Intent dated 05.01.2022 issued by the Respondent No. 8 to the Respondent No. 15, does not mention the requirement of obtaining any Consent/Environmental Clearance to the Respondent No. 15. In such circumstances, the Respondent No. 15 was under no statutory obligation to obtain any further permissions/clearances, except the Mining permit in terms of Rule 52 r/w Rule 69 of the U.P. Minor Mineral (Concession) Rules, 1963.

26. Further, it is submitted that the Environmental Compensation of Rs. 48,12,375/- has been calculated by the Respondent No. 7 considering that an excess of 2347.5 m³ of morrum has been excavated by the answering Respondent. I say that the Respondent No 7 has not provided any basis for ascertaining that an excess quantity of 2347.5 m³ of morrum has been removed by the answering Respondent. In this regard, it is once again reiterated that the answering Respondent has undertaken removal of morrum from the land of the Respondent No. 15 from 08.01.2022 to 07.04.2022 for a quantity of 24,000 m³ morrum



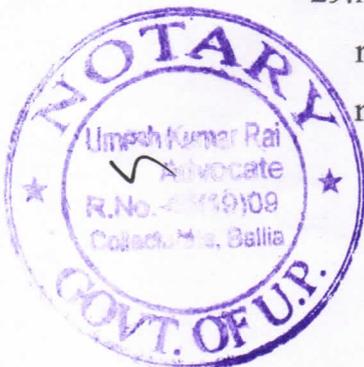
तेपसी

only and no quantity beyond 24,000 has been removed by the answering Respondent.

27. I further say that, in terms of Rule 52(2) of the U.P. Minor Mineral (Concession) Rules, 1963, the District Officer, on the basis of the report of the Revenue and Geology and Mining Department regarding the title of the land and availability of the Minor Mineral on the applied area, grants the mining permit. Thus, it was on the basis of the report of the Revenue and Geology and Mining Department, which found the availability of 24,000 m³ morrum at the site, that the District Officer deemed it appropriate to grant a Mining Permit to the answering Respondent for 24,000 m³ for the removal of the Morrum from the property of the Respondent No 15. Thus, since there was no excess quantity available at the site of the Respondent No. 15, no excess removal could have been undertaken by the answering Respondent.

28. Further, for computing the Environmental Compensation of Rs. 48,12,375/-, the Respondent No. 7 has placed reference upon the report with recommendation dated 06.09.2022 of the Regional Officer. At the outset, the answering Respondent denies the existence of any such report/recommendation as the same has not been submitted to the answering Respondent. Further, the said report/ recommendation neither form a part of the Joint Committee Report submitted before this Hon'ble Tribunal and therefore no reliance at all could be placed on the findings thereunder.

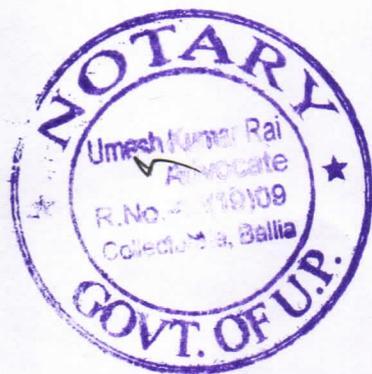
29. Also, the Respondent No. 7 vide its Joint Inspection Report has relied on an alleged report of 06.09.2022 to compute the illegal mining allegedly undertaken between 08.01.2022 to 07.04.2022.



तपेसी

Vide the said report, the Authorities have ascertained during the period between 08.01.2022 to 07.04 2022, in terms of the mining permit granted to the Answering Respondent, total permitted quantity was 23000 m³, however an excess quantity of 2347.5 m³ of morrum has been removed by the answering Respondent and therefore Environmental Compensation of Rs. 48,12,375/- has been imposed upon the answering Respondent. It is submitted that, it is beyond comprehension and unimaginable for any Competent Authority to ascertain the extent to alleged illegal mining undertaken between 08.01.2022 to 07.04.2022 i.e, after a period of 8 months from the alleged illegal mining. Further, the Respondent No. 7 is also silent as to the date wherein the alleged illegal mining was undertaken by the answering Respondent. In the absence of any scientific material to depict as to how the ascertainment of the excess quantity has been computed, the findings of the Respondent No. 7 are based on conjecture and surmises. Thus, the findings of the Respondent No. 7 in the Show cause notice dated 09.09.2022 are baseless and erroneous, and are a mere figment of the imagination of the Respondent No. 7.

30. Lastly, it is submitted that the Notice dated 09.09.2022 is a Show Cause Notice issued to the Respondent No. 15, to show cause as to why an Environmental Compensation ought not to be imposed upon the Respondent No 15 for not obtaining valid consent under the Air and the Water Act and for undertaking excessive mining against the prescribed quantity. The answering Respondent already on 26.09.2022 has submitted its reply to the Respondent No. 7 with regard to the Show Cause Notice dated 09.09.2022, and till date no order has been passed by the Respondent No. 7.



तपेसी

Thus, it can be inferred that the respondent No. 7 is yet to take a final decision on the Show Cause Notice dated 09.09.2022, after due consideration of the objections/reply of the Respondent No. 15.

31. In view of the submissions made hereinabove, it is submitted that the Show Cause Notice dated 09.09.2022 is still under consideration, and yet not culminated into a final order. Considering the same, this Hon'ble Tribunal may be pleased to direct the Respondent No. 7 to consider the submissions of the Respondent No. 15 in reply to the Show Cause Notice dated 09.09.2022 before passing any final orders.

Whatever stated hereinabove is true and correct to the best of my knowledge and belief and no part thereof has been concealed therein.

तपेसी

DEPONENT

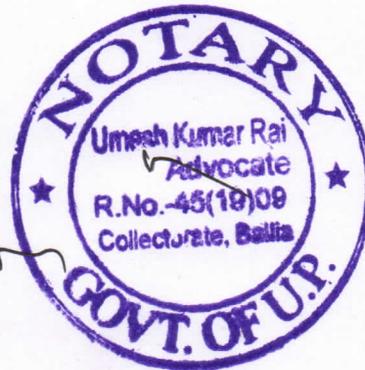
VERIFICATION

Verified at _____ on this 20th October, 2022 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

तपेसी

DEPONENT

This Instrument Presented before me today.....
at 24/10/22 AM/PM at Serial No. By _____
Shri/Smt/Km. _____ P/o. Year.....
S/o D/o W/o.....
R/O.....
Distt..... Who satisfactorily understands the
Contents swears and puts his/her signature on
Identified by _____
which I note Verify attest.
20/10/22
NOTARY





भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 125]

नई दिल्ली, शुक्रवार, जनवरी 15, 2016/पौष 25, 1937

No. 125]

NEW DELHI, FRIDAY, JANUARY 15, 2016/ PAUSA 25, 1937

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय अधिसूचना

नई दिल्ली, 15 जनवरी, 2016

का. आ. 141(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 में कतिपय और संशोधन करने के लिए सं. का.आ. 2588 (अ) तारीख 22 सितम्बर, 2014 द्वारा प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 22 सितम्बर, 2015 को उपलब्ध करा दी गई थीं ;

और केन्द्रीय सरकार द्वारा पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सुझावों या आक्षेपों पर सम्यक्तः विचार किया गया है ;

और दीपक कुमार आदि बनाम हरियाणा राज्य और अन्य आदि के मामले में माननीय उच्चतम न्यायालय के 2009 की विशेष अनुमति याचिका (सि) सं. 19628-19629 तारीख 27 फरवरी, 2012 में आई.ए.सं. 12-13, के आदेश के अनुसरण में खनन पट्टे के क्षेत्र पर विचार किए बिना लघु खनिजों के खनन के लिए पूर्व पर्यावरणीय अनापत्ति अब आज्ञापक हो गई है ;

और माननीय उच्चतम न्यायालय के पूर्वोक्त आदेश के अनुसरण में ऐसे मामले जिनके लिए पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करना अपेक्षित हो गया है, सारवान रूप से बढ गए है ;

और माननीय राष्ट्रीय हरित अधिकरण ने बालू खनन के मामले में 13 जनवरी, 2015 के अपने आदेश द्वारा समूह में लघु खननों के खनन पट्टे की पर्यावरणीय अनापत्ति के लिए नीति बनाने का निदेश दिया है ;

और राज्य सरकारों ने लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति की प्रक्रिया को सुव्यवस्थित बनाने के लिए अभ्यावेदन दिए है ;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने राज्य सरकारों के साथ परामर्श से भरणीय बालू खनन के लिए मार्गदर्शक सिद्धांत तैयार किए है जिसमें क्लस्टर के लिए पर्यावरणीय निकासी के उपबंधों, जिला

- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फ़रवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22nd September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,-

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:-
"and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

"3 A. District Level Environment Impact Assessment Authority:-

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
 - (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
 - (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
 - (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
 - (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
 - (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
 - (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
 - (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
 - (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
 - (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
 - (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. ";
- (c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-
“(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification.” ;
- (d) for paragraph 5, the following paragraph shall be substituted, namely:-

"5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1 and B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

“6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-
“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.”;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

| (1) | (2) | (3) | (4) | (5) |
|-------|------------------------|--|---|--|
| “1(a) | (i) Mining of minerals | ≥50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining | <50 ha of mining lease area in respect of non-coal mine lease ≤150 ha of mining lease area in respect of coal mine lease | General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area); (ii) River bed mining projects on account of inter-state boundary. |

| | | | | |
|--|---|-----------------------------|--|--|
| | | irrespective of mining area | | <p>Note:</p> <p>(1) Mineral prospecting is exempted.”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p> |
| | (ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas. | All projects. | | |

(I) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

- 1. Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
- 2. Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
- 3. Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
- 4. Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII
(See paragraph 6)
FORM 1 M

APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE

(II) Basic Information

- (viii) Name of the Mining Lease site:
(ix) Location / site (GPS Co-ordinates):
(x) Size of the Mining Lease (Hectare):
(xi) Capacity of Mining Lease (TPA):
(xii) Period of Mining Lease:
(xiii) Expected cost of the Project:
(xiv) Contact Information:

Environmental Sensitivity

| Sl. No. | Areas | Distance in kilometer / Details |
|---------|---|---------------------------------|
| 1. | Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc. | |
| 2. | Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps | |
| 3. | Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value | |
| 4. | Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests | |
| 5. | Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration | |
| 6. | Inland, coastal, marine or underground waters | |
| 7. | State, National boundaries | |
| 8. | Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas | |
| 9. | Defence installations | |
| 10. | Densely populated or built-up area, distance from nearest human habitation | |
| 11. | Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities) | |
| 12. | Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals) | |
| 13. | Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded) | |
| 14. | Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions) | |

| | | |
|-----|---|--|
| 15. | Is proposed mining site located over or near fissure / fracture for ground water recharge | |
| 16. | Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given. | |
| 17. | Forest land involved (hectares) | |
| 18. | Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project. | |

(Signature of Project Proponent
Along with name and address)

APPENDIX – IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
- (b) District wise availability of sand or gravel or aggregate resources.
- (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

| S. No. | Name of the River | Area drained (Sq. Km) | % Area drained in the District |
|--------|-------------------|-----------------------|--------------------------------|
| | | | |
| | | | |

Salient Features of Important Rivers and Streams:

| S. No. | Name of the River or Stream | Total Length in the District (in Km) | Place of origin | Altitude at Origin |
|--------|-----------------------------|--------------------------------------|-----------------|--------------------|
| | | | | |
| | | | | |

| Portion of the River or Stream Recommended for Mineral Concession | Length of area recommended for mineral concession (in kilometer) | Average width of area recommended for mineral concession (in meters) | Area recommended for mineral concession (in square meter) | Mineable mineral potential (in metric tonne) (60% of total mineral potential) |
|---|--|--|---|---|
| | | | | |
| | | | | |

Mineral Potential

| Boulder (MT) | Bajari (MT) | Sand (MT) | Total Mineable Mineral Potential (MT) |
|--------------|-------------|-----------|---------------------------------------|
| | | | |
| | | | |

Annual Deposition

| | | | |
|--|--|--|--|
| | | | |
| | | | |

| S. No. | River or Stream | Portion of the river or stream recommended for mineral concession | Length of area recommended for mineral concession (in kilometer) | Average width of area recommended for mineral concession (in meters) | Area recommended for mineral concession (in square meter) | Mineable mineral potential (in metric tonne) (60% of total mineral potential) |
|------------------------|-----------------|---|--|--|---|---|
| | | | | | | |
| | | | | | | |
| Total for the District | | | | | | |

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form IM, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

| Area of Lease (Hectare) | Category of Project | Requirement of EIA / EMP | Requirement of Public Hearing | Requirement of EC | Who can prepare EIA/ EMP | Who will apply for EC | Authority to appraise/ grant EC | Authority to monitor EC compliance |
|--|---------------------|--------------------------------------|-------------------------------|-------------------|--------------------------|-----------------------|---------------------------------|--|
| EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease | | | | | | | | |
| 0 - 5ha | 'B2' | Form -IM, PFR and Approved Mine Plan | No | Yes | Project Proponent | Project Proponent | DEAC/ DEIAA | DEIAA SEIAA SPCB CPCB MoEFCC Agency |

| | | | | | | | | |
|---|------|---|-----|-----|---|-------------------|--------------|--|
| > 5 ha and < 25 ha | 'B2' | Form -I, PFR and Approved Mine Plan and EMP | No | Yes | Project Proponent | Project Proponent | SEAC / SEIAA | nominated by MoEFCC |
| ≥ 25ha and < 50ha | 'B1' | Yes | Yes | Yes | Project Proponent | Project Proponent | SEAC/ SEIAA | |
| ≥ 50 ha | 'A' | Yes | Yes | Yes | Project Proponent | Project Proponent | EAC/ MoEFCC | |
| EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation | | | | | | | | |
| Cluster area of mine leases up to 5 ha | 'B2' | Form -IM, PFR and Approved Mine Plan | No | Yes | State, State Agency, Group of Project Proponents, Project Proponent | Project Proponent | DEAC/ DEIAA/ | DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC |
| Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha | 'B2' | Form -I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster | No | Yes | State, State Agency, Group of Project Proponents, Project Proponent | Project Proponent | DEAC/ DEIAA/ | |
| Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha | 'B1' | Yes | Yes | Yes | State, State Agency, Group of Project Proponents, Project Proponent | Project Proponent | SEAC/ SEIAA | |
| Cluster of any size with any of the individual lease ≥ 50ha | 'A' | Yes | Yes | Yes | State, State Agency, Group of Project Proponents, Project Proponent | Project Proponent | EAC/ MoEFCC | |

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- (b) Unique Barcode.
- (c) Unique Quick Response (QR) code.
- (d) Fugitive Ink Background.
- (e) Invisible Ink Mark.
- (f) Void Pantograph.
- (g) Watermark.

2. Requirement at Mine Lease Site:

- (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.”

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

Drupal

-TRUE COPY-

प्रेषक,

डा0 रोशन जैकब,
विशेष सचिव,
उ0प्र0 शासन।

ANNEXURE B

सेवा में,

समस्त जिलाधिकारी
उत्तर प्रदेश।

भूतत्व एवं खनिकर्म अनुभाग

लखनऊ, दिनांक : 30 अगस्त, 2019

विषय- भूमिधरी कृषिकीय भूमि पर बाढ़ के कारण जमा बालू/मोरम/बजरी/बोल्डर या इनमें से कोई भी, जो मिली जुली अवस्था में हो, को हटाकर भूमि को कृषि योग्य बनाने हेतु खनन अनुज्ञा पत्र की स्वीकृति।

महोदय,

उपर्युक्त विषय से सम्बन्धित शासनादेश सं0-2883/86-2017-198/2011टीसी-1, दिनांक 02 नवम्बर, 2017 द्वारा उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 के नियम-52क में कृषि भूमि के भूमिधर द्वारा भूमि पर बाढ़ के कारण जमा बालू/मोरम को हटाने के सम्बन्ध में विस्तृत दिशा-निर्देश निर्गत किया गया है। अधिसूचना सं0-1868/ 86-2019-57(सा0)/2017, दिनांक 13.08.2019 द्वारा प्रख्यापित उत्तर प्रदेश उपखनिज (परिहार) (47वां संशोधन) नियमावली-2019 का नियम-52क निम्नवत् है:-

52क- कृषिकीय भूमि पर खनन अनुज्ञा पत्र स्वीकृत करने की प्रक्रिया:-

- (1) नियम-72 में किसी बात के होते हुए कृषि भूमि का भूमिधर अपनी कृषि भूमि पर बाढ़ के कारण जमा बालू या मोरम या बजरी या बोल्डर या इनमें से कोई भी जो मिली जुली अवस्था में हो, को हटाने के लिये खनन अनुज्ञा पत्र की स्वीकृति हेतु प्रपत्र एम0एम0-8 पर तीन प्रतियों में रु0-2000/- (रुपये दो हजार) मात्र की फीस एवं भू-कर सर्वेक्षण मानचित्र की दो प्रतियां, जिसमें आवेदित क्षेत्र स्पष्ट रूप से चिन्हांकित हो, में आवेदन जिलाधिकारी के समक्ष प्रस्तुत कर सकता है।
- (2) जिलाधिकारी यदि आवश्यक समझे तब सम्बन्धित तहसीलदार और खान अधिकारी/खान निरीक्षक के द्वारा निम्नलिखित बिन्दुओं पर जाँच करा सकता है -
 - (क) क्या बालू या मोरम या बजरी या बोल्डर या इनमें से कोई भी जो मिली जुली अवस्था में हो, आवेदित भूमि पर बाढ़ के कारण जमा हुए हैं,
 - (ख) क्या आवेदक/आवेदकों का/के नाम आवेदित क्षेत्र में भूमिधर के रूप में अभिलिखित है/हैं,
 - (ग) क्या बालू या मोरम या बजरी या बोल्डर या इनमें से कोई भी जो मिली जुली अवस्था में हों के जमाव के कारण आवेदक/आवेदकगण आवेदित क्षेत्र के उपयोग न किये जाने पर क्षति वहन कर रहा/रहे हैं,
 - (घ) क्या ऐसी भूमि विगत 05 वर्षों में कृषि कार्य हेतु उपयोग की जा रही थी,
 - (ड.) क्या आवेदक द्वारा उपखनिज की आवेदित मात्रा आवेदित क्षेत्र में उपलब्ध है,
 - (च) क्या खनन अनुज्ञा पत्र का आवेदित क्षेत्र खनन हेतु उपयुक्त है?
- (3) ऊपर उल्लिखित तहसीलदार/खान अधिकारी या खान निरीक्षक जैसाकि अभिप्रेत हो, कि बिन्दुवार आख्या के प्रकाश में जिलाधिकारी एक फसली वर्ष में तीन माह से अनाधिक अवधि के लिये भूमिधर के पक्ष में स्वामित्व की दो गुनी धनराशि को अग्रिम रूप में जमा कराकर खनन अनुज्ञा पत्र स्वीकृत कर सकता है।
- (4) सिवाय उपरिलिखित उपबन्धों के इस नियमावली के अन्य उपबन्ध, इस नियम के अधीन स्वीकृत खनन अनुज्ञा पत्र पर आवश्यक परिवर्तन सहित लागू होंगे।

2. अतः वर्णित स्थिति में मुझे यह कहने का निदेश हुआ है कि भूमिधर कृषकों को अपनी कृषि भूमि पर बाढ़ के कारण जमा बालू या मौरम या बजरी या बोल्टर या इनमें से कोई भी, जो मिलीजुली अवस्था में हो, को हटाकर भूमि को कृषि योग्य बनाने हेतु प्रशगनत नियमावली के उपरिलिखित प्राविधानों और उपखनिजों के परिवहन आदि के सम्बन्ध में समय-समय पर निर्गत अद्यतन निर्देशों के अनुसार अनुज्ञा-पत्र निर्गत करने के सम्बन्ध में आवश्यक कार्यवाही करने का कष्ट करें।

भवदीय

(डा० रोशन जैकब)

विशेष सचिव।

संख्या- 2027(1)/86-2019-57(सा०)/2017 तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. समस्त मण्डलायुक्त, 30प्र०।
2. निदेशक, भूतत्व एवं खनिकर्म, 30प्र०, लखनऊ को उनके पत्र सं०-799/एम-1ए 15/2019 (VII) दिनांक 19.08.2019 के संदर्भ में।
3. समस्त प्रभारी अधिकारी, क्षेत्रीय कार्यालय, भूतत्व एवं खनिकर्म विभाग, 30प्र०।
4. समस्त जनपदीय ज्येष्ठ खान अधिकारी/खान अधिकारी/खान निरीक्षक (द्वारा-निदेशक, भूतत्व एवं खनिकर्म, 30प्र०, लखनऊ)।
5. गार्ड फाईल।

आज्ञा से,

(हृदय नारायण सिंह यादव)

अनु सचिव।

No. 14/2020/2027/86-2019-57(Sa0)/2017

Sender,

Dr. Roshan Jacob

Special Secretary

Uttar Pradesh Government

Date:- 30th August 2019

To,

All the District Magistrates

Uttar Pradesh

Mines and Mineral section

Subject :- Sanction of the Mining permit for removal of sand/morum/bajari/bolder or mix of these from self occupied agricultural land deposited after flood to make the land fit for agriculture.

Sir,

Detail guidelines have been issued vide govt. order no. 2883//86-2017/198/2011 TC-1, dated 02nd November 2017 for removal of sand /morum deposited due to flood, by the Land owners ybder rule 52 (a) of UP Mining rules 1963. Rule 52(a) of the 47th amendment of rule 2019 issued vide notification no. 86-2019-57(Sa)/2017 dated 13.8.2019 is as under :-

(1) Under rule -72 any land owner may make an application before the District Magistrate for removal of sand/morum/bajari/bolder or mix of these from self occupied agricultural land deposited after flood, in three copies in Form MM-08 along with fee of Rs. 2000/- (Rupees two thousand) and two copies of land revenue survey map for sanction of mining permit.

(2) The District Magistrate, if he so deems fit, may get the investigation done through the concerned Tahsildar and mining officer / mining inspector on the following points:-

- (a) Whether sand/morum/bajari/bolder or mix of these hasz been deposited on the said land during the flood.
- (b) Whether the name/s of the applicant/s is recorded as the title holder/s of the said land.
- (c) Whether the applicant/s are suffering from loss due to deposit of sand/morum/bajari/bolder or mix of these on the land making it unfit for use.
- (d) Whether such land is being used for agriculture since the last five years.
- (e) Whether the quantity of mineral as applied for is available in the said land.
- (f) Whether the land applied for is suitable for mining.
- (3) Based on the point wise remark by the concerned Tahsildar and mining officer / mining inspector, as the case may be, may issue mining permit to the title holder of the land for not more than three months in a crop year on advance deposit of double the amount of title holder.
- (4) Except the above mentioned clause, other provisions of this rule would apply for mining permit after necessary changes.
- (2) Thus, in light of above, I am directed to intimate that necessary action may be taken in light of the aforesaid changes in the said rules while grant of mining permit for removal of sand/morum/bajari/bolder or mix of these from self occupied agricultural land deposited after flood for transportation from time to time.

(Dr. Roshan Jacob)

Special Secretary

No. 2027(1)/86-2019-57(Sa0/2017 of even date.

Copy forwarded to the following for information and necessary action:-

1. All the Divisional Commissioners, Uttar Pradesh.
2. Director, Mines and Minerals, Uttar Pradesh, Lucknow in reference to his letter no. 799/M-1A 15/2019 (VII) dated 19.8.2019

3. All in-charge officers, regional offices, Mines and Minerals department, U.P.
4. All senior district mine officers/mine inspectors (through Director, Director, Mines and Minerals, Uttar Pradesh, Lucknow)
5. Guard File,

By order of
(Hridaya Narain singh yadav)
Sec. Secretary .


-TRUE COPY-

Bhutatva Evam Khanikarm Anubhag

In pursuance of the Provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of following English translation of notification no. 1157 /86-2021-03(Sa)/2021 dated 29 October ,2021.

Notification

No. 1157/86-2021-03(Sa)/2021

Dated : Lucknow 29, October ,2021

In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act no. 67 of 1957), read with section 21 of the General Clauses Act, 1897 and in supersession of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, the Governor is pleased to make the following rules with a view to regulating the concession of minor minerals and other purposes connected therewith.

**THE UTTAR PRADESH MINOR MINERALS
(CONCESSION) RULES, 2021**

CHAPTER-1

Preliminary

Short title,
extent,
commencement
and application

- 1.(1) These rules may be called the **Uttar Pradesh Minor Minerals (Concession) Rules, 2021.**
(2) They shall extend to the whole of Uttar Pradesh.
(3) They shall come into force with effect from the date of their publication in the Gazette.
(4) They shall apply to all the minor minerals available in the State.

Definitions

2. (1) In these rules, unless the context otherwise requires,-
(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act No. 67 of 1957);
(b) "Captive mines" shall mean the mining lease where more than 50 percent of the entire quantity of mineral extracted from the lease is used in an industry owned by the lessee;
(c) "Committee" means the Committee, consisting of the District Officer as Chairman and the representatives of the Director and the Divisional Forest Officer as members, constituted by the State Government by Notification No. 4343/18-12-90-601/87, dated August 29, 1990, whom the State Government has delegated its power under rule 71 in respect of reserve forest areas;
(d) "Director" means the Director of Geology and Mining, Uttar Pradesh;

- (e) "District Officer" means the Collector or Deputy Commissioner of the district in which the land is situated;
- (f) "Form" means a form set out in the Third Schedule to these rules;
- (g) "In situ rock deposit" means the mineral found in the form of rock and not displaced from the place of its origin;
- (h) "Mine" and "Owner" shall have the meanings respectively assigned to them in the Mines Act, 1952 (Act No. 35 of 1952);
- (i) "Mining operations" means any operations undertaken for the purpose of winning any minor mineral;
- (j) "Mining permit" means a permit granted under these rules to extract a specified quantity of minor mineral within the period stipulated in the permit;
- (k) "Minor minerals" means building stones, gravel, ordinary clay or, ordinary earth, ordinary sand other than sand used for prescribed purposes, **sand-bajri- boulders in mixed state found in river bed (RBM)** and any other mineral which the Central Government has declared from time to time or may declare, by notification in the official Gazette, to be a minor mineral, under clause (e) of section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act No. 67 of 1957);
- (l) **"M- sand" means manufactured sand produced by crushing of in-situ-rock /overburden;"**
- (m) "Pits mouth value" means the sale price of the minor mineral at the pit head or at the point of production;
- (n) "Railway" and "Railway Administration" shall have the meanings respectively assigned to them in the Indian Railways Act, 1890 (Act NO.9 of 1890);
- (o) "Schedule" means a Schedule appended to these rules;
- (p) "State" and "State Government" respectively mean the State of Uttar Pradesh and Government of Uttar Pradesh.

(2) **Words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them under the Act.**

3. (1) No person shall undertake any mining operations in any area within the State of any minor mineral to which these rules are applicable except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these rules:

Provided that nothing shall affect any operations undertaken in accordance with the terms and conditions of mining lease or permit duly granted before the commencement of these rules.

Explanation:- For the purposes of this rule manual digging or manual extraction of ordinary clay, ordinary earth for making bricks and pottery shall not be treated as mining operations:

Provided that pit created by such digging or extraction should not be deeper than two meters.

- (2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules.

CHAPTER II

GRANT OF MINING LEASE

4. No mining lease shall be granted to any person who is not an Indian national.

Explanation:- For the purpose of this rule a person shall be deemed to be an Indian national,-

- (a) in the case of a public company as defined in *the Companies Act, 2013(Act no. 18 of 2013)*, only if a majority of the directors of the company are citizens of India and not less than fifty-one percent of the share capital thereof is held by persons who are either citizens of India, or Companies as defined in *the Companies Act, 2013(Act no. 18 of 2013)*;
- (b) in the case of a private company as defined in *the Companies Act, 2013* only if all the members of the company are citizens of India(*Act no. 18 of 2013*);

Application for grant of mining lease

(c) in the case of firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India; and

(d) in the case of an individual, only if he is a citizen of India.

5. (1) An Application in form MM-1 for grant of a mining lease shall be addressed to the State Government.
- (2) The application referred to in sub-rule (1) shall be submitted in quadruplicate to the District Officer or to the officer authorized in this behalf by the State Government. Such officer shall endorse the receipt of the application on all the four copies entering the place, time and date of receipt. One copy shall be returned immediately to the person presenting the application.
- (3) The application referred to in sub-rule (1) shall be entered in a register of mining lease application in form MM-2.

Application fee and deposit for grant of mining lease

6. (1) Every application for grant of mining lease shall be accompanied by,-
- (a) a **non refundable** fee of five thousand rupees,
- (b) a deposit of ten thousand rupees for meeting the preliminary expenses, other than those specified in rule 17;
- (c) four copies of the cadastral survey map **with coordinates** on which the area applied for is clearly marked and in case such area is not covered by cadastral survey, four copies of topographical survey map on a scale of at least 4" = 1 mile, on which the area applied for is accurately marked;
- (d) a certificate, issued by District Officer or by such officer as may be authorised by the District Officer **not below the rank of the Mines Inspector** in this behalf, showing that no mining dues are outstanding against the applicant:

Provided that such certificate shall not be required where the applicant has furnished an affidavit to the satisfaction of the State Government, stating that he does not hold or had not held any mining lease or any other mineral concession in the territory of the State;

- (e) a certificate of caste and residence of the applicant, where the application is for mining lease of sand or morrum or bajri or boulder or any of these in mixed state;
- (f) a character certificate given by the District Officer of the District, where the applicant permanently resides.
- (2) If the application is not complete in any respect or is not accompanied by the fee, deposit or the documents mentioned in sub-rule (1) the District Officer or the officer authorised by the State Government in this behalf, shall, by fifteen days notice, require the applicant to complete the application in all respects or, to deposit the fee or furnish the documents within such time as may be specified in the notice and if the applicant fails to do so within the specified time, such application shall not be considered.

Enquiry and reports

7. The District officer shall, unless he is authorised to grant the mining lease cause an enquiry to be made into all relevant matter and, within two months from the date of receipt of application of mining lease, forward two copies of the application alongwith his report to the State Government or to such other authority as the State Government may authorize in this behalf.

Disposal of Application

8. The State Government or the authority authorised by it in this behalf may approve or reject, subject to the provisions of these rules and after making such further enquiry as it may consider necessary, refuse or grant the application for grant of the mining lease for the whole or part of the area applied for and for such period as it may consider proper:

Provided that where an application for grant of mining lease is refused or the area is reduced, reasons therefore shall be recorded and communicated to the applicant.

Preferential right of certain persons

9. (1) Where the availability of area/areas are declared by the District Officer for grant of mining lease under the provisions of rule 74, all the applications received during the period specified in such declaration shall be deemed to be received on the same day and shall be considered simultaneously **according to the procedure laid down by**

the State Government.

(2) Notwithstanding anything contained in sub-rule (1) leases for one third of the mining areas of Naxal affected villages, as declared by the State Government by general order, may be granted to the Self Assistance groups containing the members of the local residents where such leases are situated and such one third areas shall be marked for the purpose by the District Officer of the district, after seeking such approval from the Government:

Provided that those Self Assistance groups will be entitled for getting preference under this sub-rule in which one third members belong to Schedule Caste/Schedule Tribe/members of the Castes traditionally engaged in sand mining such as Mallah, Kewat, etc. and are resident of the same village, where the lease areas are situated.

Extent of area for which a mining lease may be granted

10.(1) Minimum area for grant of a mining lease for sand or morrum or bajri or boulder or any of these in mixed state exclusively found in river bed shall ordinarily be five hectares and mineral found in the form of rock and not displaced from the place of its origin and other minor minerals shall be one hectare:

Provided that in case of non availability of such extent of area, this sub rule shall not apply.

(2) No mining lease shall be granted in respect of any area which is not compact and contiguous or otherwise not suitable to scientific development:

Provided that in respect of small deposits not suitable to scientific mining in isolated patches, a Mining lease may be granted for a cluster of such deposits without any division.

(3) No person shall acquire in respect of any minor mineral, except sand or morrum or bajri or boulder or any of these in mixed state exclusively found in river-bed, exceeding three mining leases, covering a total area of more than 25 Hectares:

Provided that mining leases in respect of sand or morrum or bajri or boulder or any of these in mixed state, exclusively found in the riverbed exceeding two in number or total fifty Hectares in area shall not be granted in favour of any person in the State of Uttar Pradesh:

Provided further that if the State Government is of opinion that in the interest of mineral development, it is necessary so to do, it may for reasons to be recorded in writing permit any person to acquire one or more mining leases covering an area in excess of the limits mentioned above.

Explanation: For the purposes of these rules, a person acquiring by or in the name of another person a mining lease which is intended for himself shall be deemed to be acquiring it himself

Length and breadth of the area to be leased

11. The length of an area under a mining lease shall ordinarily not exceed four times its breadth.

Period of Mining lease

12. (1) Except as provided in sub-rule(2), a mining lease in respect of sand or morrum or bajri or boulder or any of these in mixed state exclusively found in the river bed shall be granted for a maximum period of five years and in respect of other minor minerals for a period not less than five years and not more than ten years.

(2) If the State Government is of opinion that in the interest of mineral development, it is necessary so to do, it may for reasons to be recorded in writing grant a mining lease of minor minerals, except the minerals exclusively found in the river bed, for any period exceeding 10 years but not exceeding 15 years.

Security deposit

13. An application for a mining lease shall, before the deed referred to in rule 14 is executed and in such manner as the State Government may by order specify deposit as security, for the due observance of the terms and conditions of the lease, a sum equal to twenty five percent of the annual dead rent or annual lease amount of the leased area subject to the minimum of Rs. 10,000.00 (Rupees ten thousand). No interest shall be payable on such security deposit.

Lease deed to be executed within three

- 14.(1) Where an order has been made for the grant of mining lease other than a mining lease for sand or morrum or bajri or boulder or any of these in mixed state a lease deed in Form MM-3 or in a form as near thereto as the circumstances of each case may require, shall be executed within three months of the communication of the said order or within such further period as the State Government may allow, in this behalf. If no such deed is executed within the aforesaid period due to any default on the part of the applicant, the State Government may revoke the order granting the lease and in that event the application fee and security amount shall be forfeited to the State Government.
- (2) The date of commencement of a mining lease referred to in sub rule(1) shall be the date on which the deed is executed under the said sub-rule.
- (3) Where an order has been made for the grant of a mining lease for sand or morrum or bajri or boulder or any of these in mixed state, twenty five percent of the annual lease amount shall be deposited within seven days of the order or within such further period as may be allowed by the District Officer not exceeding seven days and a lease deed in form MM-3 or in a Form as near there-to-as the circumstances of each case may require, shall be executed within one month of the communication of the said order or within such further period as the State Government may allow in this behalf. The lease amount shall in respect of sand or morrum be determined on the basis of the average of the amount received during the last three years from that area or the amount received in the preceding year from such area which ever is higher and in respect of sand, bajri, and boulder or any of these in mixed state be determined on the basis of the highest amount received during the last three years. If no lease amount is deposited or no lease deed is executed within the aforesaid period due to any default on the part of applicant, the State Government may revoke the order granting the lease and in that event the application fee and security amount shall be forfeited to the State Government.
- (4) The date of commencement of mining lease referred to in sub-rule(3) shall be the date on which the deed is executed under the said sub-rule or the date of actual commencement of mining operation which ever is earlier.
- (5) In case a lease referred to in sub-rule (3) is granted during the period of an year mentioned in column I of the schedule below, the annual lease amount shall be deposited in respect of the first and subsequent years of the period of lease, in the instalments of such percentage of the annual lease amount and before such dates as are mentioned against each in the respective columns thereof namely:-

Schedule of Deposit

| Period During which lease is Granted I | Percentage of lease amount deposited under subrule (3) II | Instalments in the first Year III | | | Instalments in the Subsequent years IV | | |
|---|--|--------------------------------------|-----------------|----------------|---|----------------|-----------------|
| | | 1st | 2nd | 3rd | 1st | 2nd | 3rd |
| January to March | 25% | 25% July, 1 | 25% Oct., 1 | 25% Jan., 1 | 50% April, 1 | 25% Oct., 1 | 25% Jan. 1 |
| April to June | 25% | 25% Oct., 1 | 50% Jan., 1 | - | 25% Oct., 1 | 25% Jan., 1 | 50% April, 1 |
| July to September | 25% | 25% Jan., 1 | 50% April, 1 | - | 25% Oct., 1 | 25% Jan., 1 | 50% April, 1 |
| October to December | 25% | 50% April, 1 | 25% July, 1 | - | 25% Oct., 1 | 25% Jan., 1 | 50% April, 1 |

Refund of fee

- 15.(1) Where an application for grant of a mining lease is refused, the fee paid by the applicant under clause (a) of sub-rule (1) of rule 6 shall **not** be refunded to him.
- (2) Where the whole or part of the amount deposited under clause (b) of sub-rule (1) of rule 6 has not been expended for the purposes specified in the said clause, it shall be refunded to the applicant:

Provided that in case the amount to be expended for the purposes specified in the said clause (b) is more than the amount deposited under that clause, that applicant shall have to deposit the extra amount as may be determined by the State Government.

Restriction on determination of mining lease

16. No lessee shall determine a mining lease except after giving a notice in writing of not less than six months to the State Government.

Survey of the area leased

- 17.(1) When a mining lease is granted, arrangement shall be made by the Director for survey and demarcation of the area granted under the lease for which lessees shall be charged at the following rates:

(a) in the plains

- (i) for areas up to 10 hectares Rs. 5,000.00
- (ii) for areas beyond 10 hectares at the rate of Rs. 500.00 per hectare subject to the minimum of Rs. 6,000.00

(b) in the hills

- (i) for areas up to 10 hectares Rs. 8,000.00
- (ii) for areas beyond 10 hectares at the rate of Rs. 800.00 per hectare subject to the minimum of Rs. 10,000.00

(2) The lessee shall, after the lease is granted to him, pay the demarcation charges through treasury challan and submit a map of the area granted under the lease, certified by the District Officer, to the concerned Mines Officer or to such other officer as may be authorised by the Director in this behalf. The Mines Officer or the officer so authorised shall, on receipt of the certified map and upon being satisfied that demarcation charges have been duly deposited, within fifteen days from the date of such receipt, survey and demarcate the area taking as reference atleast two fixed points on the map and denoting the geo-coordinates of all the boundary pillars of the demarcated lease area .

(3) The Mines Officer or the officer so authorised may, for the purpose of survey and demarcation of the area, take the help of such officer of the revenue and forest department of the district as he may consider necessary.

(4) If any dispute arises in respect of demarcation of the area, the matter shall be referred to the Director, who shall, after giving the parties a reasonable opportunity of being heard, decide the matter.

(5) The decision of the Director under sub-rule (4) shall be final.

Boundaries below the surface

18. The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth,-

Transfer of lease

- 19.(1) A lessee shall not, -

- (a) assign, sublet, mortgage or in any other manner transfer the mining lease or any right, title or interest therein; or
- (b) enter into or make any arrangement, contract or understanding whereby the lessee may be directly or indirectly financed to a substantial extent or may be substantially controlled in mining operations by any person or body of persons other than himself:

Provided that a lessee may, with the prior approval of the State Government and subject to such conditions and restrictions as may be imposed by it, mortgage to a finance corporation owned and controlled by the State Government or to a scheduled Bank as defined in clause (a) of section 2 of the Reserve Bank of India Act, 1934 or a Bank specified in Column of the First Schedule to the Banking Companies (Acquisition and transfer of undertaking) Act 1970; or, assign to any other person a mining lease or any right, title or interest therein.

(2) The State Government, may by an order in writing, determine any lease at any time if the lessee has, in the opinion of the State Government assigned, sublet, mortgaged or in any other manner transferred the mining lease or any right, title or interest therein or entered into or made any arrangement, contract or understanding without

its prior approval or has committed breach of any condition or restriction specified by the State Government in this behalf:

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

Registers

20. The following registers shall be maintained in the office of the District Officer:

- (1) a register of applications for mining leases in Form MM-2, and
- (2) a register of mining leases in Form MM-4.

CHAPTER-III

PAYMENT OF ROYALTY AND DEADRENT

Royalty

21. (1) The holder of a mining lease granted on or after the commencement of these rules shall pay royalty in respect of any mineral removed by him from the lease area at the rates for the time being specified in the First Schedule to these rules.

(2) Notwithstanding anything to the contrary contained in rule 3, royalty should be payable by concerned brick kiln owner or *user* of ordinary clay or ordinary earth at the rate, for the time being, specified in First Schedule to these rules:

Provided that the State Government shall take fees to be known as Regulating Fees from brick kiln owners in respect of district categorized, on the basis of paya's at such rates as may be notified from time to time by it.

(3) The State Government may, by notification in the Gazette, amend the First Schedule so as to include therein or exclude there from or enhance or reduce the rate of royalty in respect of any mineral with effect from such date as may be specified in the notification:

Provided that the State Government shall not enhance the rate of royalty in respect of any mineral for more than once during any period of three years and shall not fix the royalty at the rate of more than 20 percent of the pit's mouth value.

(4) Where the royalty is to be charged on the pit's mouth value of the mineral, the State Government may assess such value at the time of the grant of the lease and the rate of royalty will be mentioned in the lease deed. It shall be open to the State Government to re assess not more than once in a year the pit's mouth value if it considers that an enhancement is necessary.

(5) Regulating Fees may be determined by the State Government from time to time on minerals entering the State from other States.

Dead Rent

22. The holder of a mining lease shall, during the terms of the lease, pay advance, in instalments for every year of the lease, such amount as dead rent at the rates mentioned in the Second Schedule to these rules, as may be specified in the lease deed by the State Government, and if the terms of lease permit the working of more than one mineral in the same area, the said dead rent shall be paid separately for each such minerals:

Provided that the lessee shall in respect of each mineral, pay the dead rent or the royalty, whichever is higher in amount and not the both.

CHAPTER-IV

AUCTION LEASE

Declaration of area for e-tender/e-auction /e-tender -cum-e-auction lease

23. (1) The State Government may by general or special order declare the area or areas with geo-coordinates which may be leased out by e-tender/ e-auction /e-tender -cum-e-auction.

(2) Subject to direction issued by the State Government from time to time in this behalf-

(a) The area or areas for mining leases in respect of sand or morrum or bajri or boulder or any of these in mixed state exclusively found in the river-bed shall be leased out only by e-tender or e-auction or e-tender-cum-e-auction for a maximum period of five years at a time:

Provided that, if for any reason, it is not possible to settle the river bed mining areas for the long term, the areas may be settled through short term mining permit. Short term permit will be granted for a maximum period of six months by e-tender/e-auction, under terms and conditions laid down by the State Government from time to time:

Provided further that in case of grant of mining permit, the permit holder shall make payment of all due amount in advance.

- (b) New area of natural rocks of building stones and earlier leased area/areas, which has/have been treated as redeemed after expiration of period of lease and will not be renewed, may be leased for a maximum period of twenty years only through the process of e-tender/e-auction/e-tender cum e-auction:

Provided that the earlier lease-holder of the concerned lease area, whose lease had been determined recently, has to be accommodated an opportunity to offer bid of higher amount than the highest bid shorted out for the concerned lease, within one working-day after the finalization of the entire process of e-tender/e-auction/e-tender cum e-auction and before issuance of Letter of Intent, before the District Magistrate having territorial jurisdiction over the concerned lease area, however with conditions that:-

- I) the character of the earlier lease-holder bears good conduct;
- II) he has abided fairly all the norms during the course of the entire lease period;
- III) he has no any due amount concerning mineral/mining;
- IV) his name is not mentioned inter alia black list;
- V) he has been a lease- holder of the concerned area or more than that area and has produced certified document/s concerning the same;
- VI) he has participated for bid as per the prescribed process/procedures through e-tender/e-auction/e-tender cum e-auction with the required proper document/s concerning the e-tender/e-auction/e-tender cum e-auction:

Provided that the lease holder of more than 02 hectare area will have to install stone crusher within two years from execution of lease deed.

- (c) Naturally available rock type such mineral deposit which had been defined earlier as major mineral and that has been declared minor mineral, vide Notification No. S.O.423(E) Dated 10.02.2015 issued by the Government of India and new mining area containing embedded Granites (sized dimensional) shall be leased out as prospecting license cum mining lease for the maximum period of thirty two (32) years in one term through the proper process of e-tender/e-auction/e-tender cum e-auction, however out of the above mentioned period of thirty two years, two years period will be reserved for prospecting works and on being proved availability of mineral the lease period shall be for maximum thirty (30) years.

If any area has remained on lease since before or availability of mineral has already been approved within the concerned area then in such cases the mining lease will be approved directly for a maximum period of thirty years :

Provided that the earlier lease-holder of the concerned lease area whose lease had terminated recently has to be accommodated an opportunity to offer bid of higher amount than the highest bid shorted out for the concerned lease, within one working-day after the finalization of the entire process of e-tender/e-auction/e-tender cum e-auction and before issuance of Letter of Intent, before the District Magistrate having territorial jurisdiction over the concerned lease area however with conditions that:-

- I) the character of the earlier lease-holder bears good conduct;
- II) he has abided fairly all the norms during the course of the entire lease period;
- III) he has no any due amount concerning mineral/mining;
- IV) his name is not mentioned inter alia black list;
- V) he has been a lease – holder of the concerned area or more than that area and has produced certified document/s concerning the same;
- VI) he has participated for bid as per the prescribed process/procedures through e-tender/e-auction/e-tender cum e-auction with the required

proper document/s concerning the e-tender/e-auction/e-tender cum e-auction.

- (d) Naturally available in-situ-rock type mineral found in private land of minimum area one hectare shall be leased out for a maximum period of ten years through e-tender/e-auction/e-tender cum e-auction:

Provided that in respective mine area the District Officer after confirming the availability of mineral, suitability of area, certificate of land ownership, land owner's affidavit for consent, shall process e-tender/e-auction /e-tender cum e-auction after determination of quantity and period not exceeding ten years. The land owner/ owners after completion of e-auction process of the area will take cognizance of the highest bid and within seven working days get an opportunity to present an offer higher than the highest bid before the District Officer having territorial jurisdiction over the concerned area. If this right of first refusal is not exercised by the land owner/owners, the lease will be approved in favour of the highest bidder and the land owner/owners will have the right to receive a compensation equal to the amount as decided by the State Government from time to time, which will be in addition to the amount payable to the State Government. Payment to land owner/owners will be mandatory along with the payment to the State Government.

- (e) Private land situated in the river bed of area minimum one hectare in which sand or morrum or bajri or boulder or any of these in mixed state is available shall be leased out for the maximum period of six months through e-tender/e-auction/e-tender cum e-auction:

Provided that in respective mine area the District Officer after confirming the availability of mineral, suitability of area, certificate of land ownership, land owner's affidavit for consent, shall process e-tender/ e-auction/e-tender cum e-auction after determination of quantity and period not exceeding six months. The land owner/ owners after completion of e-auction process of the area will take cognizance of the highest bid and within seven working days get an opportunity to present an offer higher than the highest bid before the District Officer having territorial jurisdiction over the concerned area. If this right of first refusal is not exercised by the land owner/owners, the lease will be approved in favour of the highest bidder and the land owner/owners will have the right to receive a compensation equal to the amount as decided by the State Government from time to time, which will be in addition to the amount payable to the State Government. Payment to land owner/owners will be mandatory along with the payment to the State Government.

- (3) On the declaration of the area under sub-rule (1) the provisions of chapters II, III, VI and IX except rules 10, 17 and 95 shall not apply to the area or areas in respect of which the declaration has been issued. Such area or areas may be leased out according to the procedure described in this chapter.
- (4) The District Officer shall get the area or areas declared under sub-rule (1), evaluated for quality and quantity of mineral for fixing minimum bid or offer by the Director, Geology and Mining, Uttar Pradesh or by an officer authorised by him before the date fixed for e-tender/e-auction /e-tender-cum-e-auction.

Withdrawal of area
from e-auction or e-
tender or e-auction-
Cum-e-tender

24. The State Government may by declaration withdraw any area or areas declared under sub-rule (1) of rule 23 or part thereof from any system of lease referred to therein and from the date of withdrawal specified in the declaration which shall not be the date during the subsistence of a lease granted under this chapter, the provision of chapter II, III, VI and IX of these rules shall become applicable to such area or areas.

Register of area or areas declared for e-tender/e-auction/e-tender-cum-e-auction lease

Restriction on grant of lease

25. The District Officer shall cause to be maintained a register of areas declared under sub-rule (1) of rule 23 in Form MM-5.

26. No person shall be allowed to bid or take part in *e-tender/e-auction/e-tender cum e-auction* for a lease-

- (a) who is not an Indian National;
- (b) against whom mining dues are outstanding;
- (c) who has not obtained a character certificate from the District Magistrate or State Government or the Officer of the District duly authorized by it where he permanently resides, issued on the basis of concerned police verification;
- (d) who has not produced his Aadhar Card;
- (e) whose name has been mentioned in the Black List;
- (f) in the cases of Firm/Company, which has not produced/furnished its PAN No. and G.S.T. Registration Certificate;
- (g) who has not submitted solvency certificate or solvency certificate with bank guarantee, of worth not less than 25% of the bid amount.,

27.(1) Where the granting of lease of e-tender/e-auction/e-tender cum e-auction is expedient, the District Officer or Committee, as the case may be, shall fix the date, time and web portal determined by the State Government for e-tender/e-auction/e-tender cum e-auction, the procedure of which shall be such as may be determined by the State Government from time to time.

(2) Lease through e-tender/e-auction/e-tender cum e-auction shall be granted in the following manner:-

(a) the Committee authorized by the District Officer or the State Government shall publish public notice at least thirty days earlier to the concerned e-tender/e-auction/e-tender cum e-auction mentioning inter alia Date, Time and Web-portal determined by the State Government for such e-tender/e-auction/e-tender cum e-auction:

Provided that where e-tender/e-auction/e-tender cum e-auction, has not been completed due to any reason, whatsoever, such e-tender/e-auction/e-tender cum e-auction may be completed again after giving short term notice of not less than seven days;

(b) the public notice of e-tender/e-auction/e-tender cum e-auction shall be published in the manner given below :-

- i. copies of the notice shall be displayed/pasted at the notice board of the office of the District Magistrate;
- ii. copy of the notice shall be displayed on the web portal or website determined by the State Government;
- iii. the notice shall be published in at least two national newspapers having circulation in the District for the information of general public; and
- iv. In such other manner as may be directed by the State Government from time to time;

(c) the District Magistrate may appoint an officer subordinate to him not below the rank of Additional District Magistrate, as presiding officer, for the purpose of e-tender/e-auction/e-tender cum e-auction;

(d) the details of area or areas and terms and conditions of the lease for e-tender/e-auction/e-tender cum e-auction shall be mentioned in the notice to be issued;

(e) any person, who might be interested in participation with the proceedings concerning e-tender/e-auction/e-tender cum e-auction, will deposit rupees fifteen thousand as fee which shall be non-refundable as prescribed and provided by the State Government;

(f) every bidder/tenderer desiring to participate in e-tender/e-auction/e-tender cum e-auction shall deposit such amount as earnest money as specified in the notice;

(g) the earnest money deposited by the bidders/tenderers will be returned to them except the successful bidder/tenderer.

Procedure for approval/grant of Lease by e-tender/e-auction/e-tender-cum-e-auction

Grant of
lease

- (3) Upon grant of lease, the lease holder of river bed minerals such as sand, morrum, bajri, boulder shall make payment of such amount as mentioned in the Fifth Schedule and the lease holder of other minerals shall make payment of such amount as mentioned in the Fourth Schedule.
- 28.(1) The District Officer or the Committee, as the case may be, shall in the case of e-tender accept the highest offer, in the case of e-auction accept the highest bid and in the case of e-auction-cum-e-tender accept the bid or offer whichever is highest.
- (2) The District Officer shall declare the highest bid/offer of concerned e-tender/e-auction/e-tender-cum-e-auction and a letter of intent shall be issued to the person whose bid or offer is accepted which shall include,-
- (i) the successful bidder shall immediately deposit twenty-five percent of the amount of bid as security for execution of the lease deed and due observance of the terms and conditions of the lease and an equal amount as first installment of royalty within two working days. The amount of earnest money will be adjusted into the first installment amount;
 - (ii) the amount payable for the first year will be determined by multiplying mineral quantity mentioned in the environment clearance certificate with the rate obtained in the e-tender/e-auction;
 - (iii) for the subsequent years the amount payable will be increased at the rate of ten percent on the preceding year's payable amount, except in case of in-situ rocks:
Provided that for in-situ rocks minerals the amount payable for the first ten years shall be the bid rate or the royalty rate specified in the rules from time to time, whichever is higher:
Provided further that amount payable will be increased by twenty- five percent in every 10 years but in subsequent years the amount payable will not be less than the royalty rate specified in the rules;
 - (iv) The amount of e-tender/e-auction shall be determined for river bed mineral such as sand, morrum, bajri boulder as mentioned in the Fifth Schedule and for other mineral as mentioned in the Fourth Schedule;
 - (v) Demarcation of an area granted under lease shall be done in accordance with the provisions of rule-17 and boundary-pillars shall be fixed in accordance with rule 36 and maintenance thereof shall be done in accordance with the said rule;
 - (vi) The conditions of lease shall be mentioned.
- (3) If any bid or offer in e-tender/e-auction/e-tender-cum-e-auction is not satisfactory in the opinion of the District Magistrate, he may reject all the bids and offers in e-tender/e-auction/e-tender-cum-e-auction and order for fresh e-auction or e-tender or e-tender cum e-auction after recording reasons therefore.

Execution of
lease deed

- 29.(1) The successful bidder/tenderer after receiving letter of intent of concerned e-tender/e-auction/e-tender cum e-auction shall produce, approved Mining Plan and clean Environment Certificate prescribed as per rule, and a lease deed concerning the same will be executed in form MM-6 or in similar format. The registration of the said executed lease deed will be registered within three month period. The period of lease will be counted from the date of execution of the concerned lease deed. If due to fault on the part of lease holder, registration of said executed lease deed is not registered within three months, then the said lease deed will be treated as null and void and the amount of security will be seized by the District Magistrate.
- (2) A copy of the lease deed together with the map of the area shall be sent by the District Officer or the Committee, as the case may be, to the Director within fifteen days from the date of execution thereof.

Surrender of
Mining
Lease

30. Lease holder, on the intended day of surrender, shall submit an amount **equivalent to twenty-five percent of the annual instalment of that year which may be adjusted against the security deposit** and apply for surrender along with the following documents :-

(a)no objection for transfer of Environment Clearance Certificate obtained for the concerned lease area in favour of the State Government or subsequent proponent. certificate of money deposited for difference between quantity mentioned in Environment Clearance Certificate and mined out quantity or in case of no difference, a Certificate in this regard for the concerned lease issued by Senior Mines Officer/Mines Officer/Mines Inspector.

In accordance with the above, lease holder will be prohibited from carrying out mining activities from the date of application for surrender of lease and the area will be deemed to be vacant.

Register of lease

31. A register of mining lease shall be maintained in the office of the District Officer in Form MM-7 and a copy there of shall be sent by the District Officer to the Director, Geology and Mining, Uttar Pradesh.

CHAPTER - V

CONDITIONS OF A MINING LEASE

Conditions mentioned in this chapter to apply to all leases

32. Every mining lease shall be subject to the conditions mentioned in this chapter which shall be deemed to be incorporated in every mining lease granted under these rules.

Discovery of other minerals

- 33.(1) The lessee shall report to the State Government the discovery in the leased area of any mineral not specified in the lease, within thirty days of such discovery.
(2) If any mineral not specified in the lease is discovered in the leased area the lessee shall not win and dispose of such mineral unless a separate lease is obtained therefore.

Foreign national not to be employed

34. Except with the prior approval of the State Government, the lessee shall not employ in connection with the mining operations any person who is not an Indian national.

Mining operations to commence within six months

- 35.(1)The 'Selected Applicant' before the execution of mining lease deed under the provision of chapter II, IV and IX or issuing a mining permit under chapter VI of these rules, shall get prepared a mining plan by the person, recognized and registered by the Director, having the qualification and experience namely:-

(i) a degree in Mining Engineering or post-graduate degree in Geology granted by University established or incorporated by or under Central Act or a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956; and

(ii) professional experience of five years of working in a supervisory capacity in the field of mining after obtaining the degree.

- (2) The selected applicant shall, within one month of issuance of letter of intent, submit the mining plan for approval to the Officer authorized by notification in this behalf by the State Government, who may within thirty days from the date of receipt of mining plan approve, modify or reject it positively. The project proponent shall, within one month of approval of mining plan, submit the application for grant of Environment Clearance to the competent authority.
(3) The mining plan once approved shall be valid for entire duration of the mining lease/permit or for five years whichever is earlier. If the lease period is more than five years, then in that case the lease holder will resubmit mining plan before the Officer authorized by notification in this behalf by the State Government:

Provided that in case of premature termination or surrender of any mining lease/permit the approved mine plan shall be deemed transferred to the legal person in favour of whom such lease/permit is subsequently settled.

- (4) Mining operations shall in respect of all minor mineral be undertaken in accordance with the mining plan, detailing yearly development schemes, aspect of reclamation and rehabilitation of mined out areas including progressive mine closure scheme duly approved by the Officer authorized by notification in this behalf by the State Government:

Provided that the lessee shall start the mining operation after obtaining environmental clearance if required under the provisions of Environment Impact

Assessment Notification, dated September 14, 2006 issued by the Ministry of Environment, Forest and climate change, Government of India as amended from time to time. During the process of grant of Environment clearance, the proponent shall be bound to complete all desired formalities to resolve the objections raised by the competent authority within the required time frame:

Provided further that an application seeking prior environmental clearance in all cases shall be made by the project proponent or end-user agency as the case may be, in as provided in Paragraph 06 of the Environment Impact Assessment Notification, dated September 14, 2006 as Amended from time to time.

- (5) The mining lease deed will be executed only after approval of mining plan by the officer authorized by notification in this behalf by the State Government *and within one month from the date of issuance of environment clearance certificate in favour of the proponent*. Mining operation shall commence, immediately for the lessee of river bed mineral, within 03 (three) months from the date of the execution of the lease deed by the lessee of other minor minerals and the lessee shall thereafter conduct such operations without deliberate intermission in a proper, skillful in work-man like manner:

Provided that even after termination of lease/permit by the Government in accordance with law or in any legal proceeding or is surrendered by the lease/permit holder the environmental clearance granted in favour of such lessee /permit holder may be transferred to the legal person in favour of whom such lease/permit is settled within the lease validity period.

- (6) Financial assurance has to be furnished by every lease holder. The amount of financial assurance shall be rupees Twenty five thousand for in-situ-rock deposit and rupees Fifteen thousand for sand or morrum or bajri or boulder or any of these in mixed state exclusively found in the river bed mines per acres of the mining lease area put to use for mining and allied activities. However, the minimum amount of financial assurance to be furnished in any of the forms referred to in sub-rule (7) shall be Rupees Two Lacs for each category of mines be respective of area:

Provided that a lease holder shall be required to enhance the amount of financial assurance with the increase in the area of mining and allied activities:

Provided further that where a leaseholder undertakes reclamation and rehabilitation measures as part of the progressive closure of mine, the amount so spent shall be reckoned as sum of the financial assurance already spent by the leaseholder and the total amount of financial assurance, to be furnished by the lessee, shall be reduced to that extent.

- (7) The Financial assurance shall be submitted by the lessee before the execution of lease deed in one of the following forms to the District officer or the officer authorised by the State Government in this behalf, as the case may be, or any amendment to it :-
- (a) letter of Credit from any Scheduled Bank;
 - (b) performance or surety bond;
 - (c) any other form of security or any other guarantees acceptable to the competent authority.
- (8) Release of Financial assurance shall be effective upon the notice given by the lessee for the satisfactory compliance of the provisions contained in the mine closure scheme and certified by the District Officer or the Officer authorised by the State Government in this behalf, as the case may be.
- (9) If the district Officer or the Officer authorised by the State Government in this behalf, has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved 'mine closure scheme' as given in mining plan in respect of which financial assurance was given has not been or will not be carried out in accordance with the 'mine closure scheme' either fully or partially, the District Officer or the Officer authorized by the State Government in this behalf shall give the lessee a written notice of his intention to issue the orders

for forfeiting the sum assured at least thirty days prior to the date of the order to be issued.

(10) Within the thirty days of the receipt of notice referred in sub-rule (9), if no satisfactory reply has been received in writing from the lessee, the District Officer or the Officer authorised by the State Government in this behalf, as the case may be, shall pass an order for forfeiting the surety amount and a copy of such order shall be endorsed to the State Government.

(11) Upon the issuance or order by the District Officer or the officer authorised by the State Government in this behalf, the State Government may realise any letter of credit or bond or any other surety, guarantee provided or obtained as financial assurance for the purpose of performance of protective reclamation, rehabilitation measures and shall carry out those measures, or appoint an agent to do so.

Explanation: For the purpose of this rule mining operations shall include the erection of machinery, use of machine laying of a tramway or construction of road in connection with the working of the mines.

Demarcation of leased area, erection of boundary marks, determination of coordinates and their maintenance

36. (1) At the time of the survey and demarcation of the area granted under the lease the coordinates will be marked on the demarcating map of the concerned mining lease area and earlier to the execution of lease deed, lessee at his own expense, erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease deed.

(2) The mining lease holder whose mining lease area is more than five hectare, will construct, at his own expenses, check post/gate for observations of the vehicles transportation with accommodations/installation of four C.C.T.V. cameras capable of recording visuals at the 360 degree angle. The lease holder will also keep Radio Frequency Identification (R.F.I.D.). Scanner at the said check post/gate to facilitate read and save data of bar code scribed over e-form M.M.-11 issued against each and every vehicles used for transportation in the concerned mining leased area and will care properly and maintain in working condition at all point of time. The lease holder shall preserve the entire recordings done by the said C.C.T.V. cameras and R.F.I.D. Scanners at least for the thirty days and will produce the said recordings before the authorized officer as provided under the provisions of rule 67.

Maintenance of correct accounts of minerals

37. The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained and dispatched from the mine, giving mode of transport, registration number of vehicle, person incharge of vehicle or animal and nature and quantity of minerals carried, the prices and all other particulars of all sales of mineral, the number and nationality of persons employed therein, and complete plans of the mine and shall allow any officer authorised by the Central or the State Government in this behalf to examine at any time any accounts, plans and records maintained by him and shall furnish to the Central or the State Government or any officer authorised by either in this behalf, may require.

Maintenance of record of trenches, pits, etc

38. The lessee shall keep accurate records of all trenches, pits and drilling made by him in the course of mining operations carried on by him under the lease and shall allow any officer authorised by the Central or the State Government to inspect the same. Such records shall contains the following particulars, namely:-

- (a) the sub-soil and strata through which such trenches, pits or drilling pass;
- (b) any mineral encountered;
- (c) such other particulars as the Central or the State Government may, from time to time, require.

Lessee to strengthen, support, etc.

39. The lessee shall strengthen and support to the satisfaction of the Railway Administration concerned or the State Government, as case may be, any part of the mine which in the opinion of such administration or Government requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or buildings.

Right of pre-emption

40.(1) The State Government shall at all times have the right of pre-emption of the minerals or products of minerals won from the land in respect of which the lease has

been granted, the price to be paid being the fair market price prevailing at the time of pre-emption.

- (2) In order to assist in arriving at the said price the lessee shall, if so required furnish to the State Government for its confidential information, the description and prices of such minerals or products thereof sold to other customers and of charters entered in to of freight for carriage of the same.

Liberties,
powers and
privileges of the
lessee

41. Subject to the restrictions and conditions mentioned in rule 42 and the directions issued from time to time, by the Ministry of Environment, Forest and Climate Change of Government of India, a person holding a mining lease under these rules may have the liberty, power and privilege which are as under,-
- (a) to enter upon the lands mentioned in the lease and to search for mine, bore, dig, drill or win, work, dress, process, convert, carry away and dispose of the mineral for which the lease is held;
 - (b) to make in the said lands any pits, shafts, inclines, levels, waterways or other works;
 - (c) The lessee may quarry with the help of machine except in the stream of water, and may also use machine for loading and unloading as per the condition specified in the Environmental Clearance certificate. With prior approval from the District Officer the lessee may erect and construct on the land any machinery, plant, dressing, floors, furnaces, brick kiln, workshop, storehouse and other buildings of like nature;
 - (d) to make any roads and other ways over the said lands and use and pass over the same;
 - (e) to quarry and get stone gravel and other building and road materials and clay and to use the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles but not to sell any such materials, bricks or tiles;
 - (f) to use a sufficient part of the surface of the said lands for the purpose of storing or depositing any produce of the mines or works carried on and any tools, equipment, earth and materials and substances dug or raised; and
 - (g) subject to the existing rights of others and save as provided in clause (d) or rule 42 to clear undergrowth and brushwood and to fell and utilize any tress or timber standing or found on the said lands, provided that the lessee may be asked by the District Officer to pay for any trees or timber felled and utilized by him at the rates to be determined, having regard to their market value, by the District Officer;
 - (h) in the event of disruption of mining operation in the lease area owing to any special circumstances, the District Officer with the prior approval of the State Government shall adjust the amount equivalent to the instalment payable during the disrupted period, online against the forthcoming instalment.

Restrictions and
conditions as to
exercise of the
liberties,
powers and
privileges of :

42. The holder of a lease shall exercise the liberties, power and privileges mentioned in rule 41 subject to the following restrictions and conditions:-
- (a) nothing shall be erected or setup and no surface operations shall be carried on,-
 - (1) in or upon any public pleasure ground, burning or burial ground, or any place held (sacred) by class of persons, or house or village site, public road and or other place which may be declared by the District Officer as public place, and
 - (2) in such a manner as to injure or prejudicially affect any building work, property or rights of other persons;
 - (b) no land shall be used for surface operations by persons, which is already occupied by persons, other than the State Government, for works or purposes not included in the lease;
 - (c) no right of way, well or tank shall be interfered with;
 - (d) no entry shall be made on any reserved, protected or vested forest without the previous sanction in writing of the Divisional Forest Officer nor shall any trees or timber be felled, cut or used without obtaining the sanction in writing of that

Officer nor otherwise than in accordance with such conditions as the State Government may impose in this behalf;

- (e) no mining operation shall be carried on at or to any point within a distance 50 metres from any railway line except with the previous written permission of the Railway Administration concern, or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site except with *the* previous written permission of the District Officer or any other officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions and conditions either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in case of railway, reservoir, canal or road horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be, and in case of a building horizontally from plinth thereof:

Provided that the distance in the case of a village road shall be 10 metres from the outer edge of the cutting; and

Explanation: For the purpose of this sub-rule, the expression 'public road', shall mean a road which has been constructed after being artificially surfaced as distinct from a track resulting from repeated use, and 'village road' will include any track shown in the revenue record as village road;

- (f) the existing and future holders of Government lease or permit in respect of any land which is comprised in or adjoins or is reached by the land held by the lease shall be allowed reasonable facilities of the access thereto. In case any loss or damage is caused by such lease or permit-holders by exercise of this liberty a fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be payable there for by such lease or permit-holder to the lessee;
- (g) the lessee is bound to keep vigilance for not polluting the environment of the lease-hold area and nearby area in connection with mining operation and also maintain ecological balance of the area. If at any time it is found that the mining operation are leading to environment pollution or imbalance of ecology, then after giving an opportunity of being heard, the lease may be prematurely terminated;
- (h) (1) The lessee shall not do any mining operation beyond the depth of three meters or water level whichever is less in the river bed and no mining shall be carried out in the safety zone so worked out by the District Officer:
Provided that no mining shall be carried out into the water stream with the help of suction machine or the lifter etc.
- (2) Lessee/permit holder will display the rate of sale price at the place where e MM-11/MM-11 is issued:

Provided that if in the opinion of the State Government the maximum rate of sale price is to be fixed, it may be directed to the concession holder.

- (i) the lessee shall be bound to undertake the loading of minerals in his approved lease area in accordance with the norms laid down by the Government of India.

Lessee to indemnify Government against all claims

- 43. The lessee shall guarantee the payment and pay such reasonable compensation as may be assessed by the State Government for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease and shall indemnify and keep indemnified fully and completely the State Government from and against all claims, suits and demands which may be made or brought by any person or persons in respect of any such damage injury or disturbance and all costs and expenses in connection therewith.

Lessee to secure and keep in good condition pits shafts, etc.

- 44. The lessee shall during the subsistence of the lease sufficiently secure and keep open with timber or other durable means all pits, shafts and working that may be made or used in the land and make and maintain sufficient fences to the satisfaction of the State Government, round every such pit, shaft or working, whether the same is abandoned or not, and shall during the same period, keep all working in the land,

except such as may be abandoned, accessible and free from water and foul air, as far as possible.

- Lessee to allow inspection of working:
45. The lessee shall allow any officer authorised by the Central Government or the State Government in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying and making plans thereof, sampling and collecting any data and the lessee shall with suitable person in his employ and acquainted with the mines and work, properly assist, such officer and his agents, servants and workmen in conducting every such inspection, and shall afford and furnish to them all facilities information, etc. connected with the working of the mines, which they may reasonably require, and shall also confirm to and observe all orders and regulations, which the Central Government or the State Government, as a result of such inspection or otherwise, may from time to time see fit to make.
- Lessee to report accident:
46. The lessee shall without delay, send to the District Officer a report 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 or any operations under the lease.
- Lessee shall deposit any additional amount necessary:
47. Whenever the security deposit or any part thereof or any further sum deposited with the State Government in replenishment thereof is forfeited or applied by the State Government pursuant to the power given by these rules, the lessee shall deposit with the State Government such further sum as may be necessary to make good, the deficiency caused by such forfeiture or application.
- Recovery of expenses incurred by the Government:
48. If any of the works or matters which, in accordance with these rules, are to be carried out or performed by the lessee be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the lessee shall pay to the State Government on demand all expenses incurred by the State Government in connection therewith. The decision of the State Government as to such expenses shall be final.
- Refund of security deposits:
49. After the determination of a mining lease the amount of the security lying in deposit with the State Government and not required to be applied to any of the purposes mentioned in these rules shall be refunded to the lessee ordinarily within a period of six months from the date of the determination of the lease.

CHAPTER-VI MINING PERMIT

- Restrictions on grant of mining permit:
50. No mining permit shall be granted to a person who is not an Indian national and for a period of more than six months.
- Application for grant of mining permit:
51. An application for the grant of a mining permit shall be submitted in form MM-8, in triplicate, to the District Officer or to such other authority who may be authorised by the State Government to grant such permit. It shall be accompanied by,-
- (i) a *non refundable* fee of Rs. 2,000, and
 - (ii) two copies of a cadastral survey map or in case of area not covered by such survey two copies of a topographical survey map, on a scale of at least 4" = 1 mile, on which the area applied for is clearly marked.
 - (iii) a character certificate given by the District Magistrate of the district, where the applicant permanently resides.
 - (iv) an earnest money in the form of Bank draft, payable in favour of District Officer to the concerned District, equivalent to amount of ten percent of the amount of royalty due on minerals proposed to be mining at the rate prescribed in the second schedule of this rule:

Provided that when mining permit is granted earnest money to be adjusted in the amount of royalty and in other hand if the application of mining permit is rejected the amount of earnest money is returned to the applicant hence forth:

Provided further that if the applicant fail to deposit the amount of royalty within the granted period or fail to execute the mining permit , then the amount of earnest money is forfeited in the favour of State Government.

Procedure for
Grant of Mining
Permit on
Agricultural Land:

- 52 (1) Notwithstanding anything contained in rule 74, **the bhumidhar of agricultural land may apply for grant of mining permit for removal of sand or morrum or Bajri or Boulder or any of these in mixed state deposited on his land** in Form MM-8, in triplicate to the District Officer, accompanied by a **non refundable** fee of Rs. 2,000/- (Rupees two thousand) Only, and two copies of a cadastral Survey map on which the area, applied for, is clearly marked. **The District Officer shall cause an enquiry, if deemed necessary, through Revenue and Geology & Mining Departments regarding the title of the land and availability of minor mineral on the applied area.**
- (2) In the light of the report submitted by the concerned Officer, the District Officer, may grant the mining permit for a period not exceeding three months in favour of the bhumidhar, after realizing double the amount of royalty in advance.
- (3) Except above mentioned provisions, the other provisions of these rules will apply mutatis mutandis to the mining permit granted under this rule.

Procedure for
grant of permit for
mineral found in
the process of
construction of
Building/Develop
ment Projects

- 53(1) Notwithstanding anything contained in these rules, where any mineral found in the process of construction of any building or a development project has to be extracted in the process of execution of such project, the same shall be disposed off or consumed on a permit issued by the District Magistrate.
- (2) Upon receipt of the application, the District Magistrate may accept or reject the same within one month after site inspection and assessment of the available mineral by the District **Senior Mines Officer/Mines Officer/Mines Inspector.**
- (3) The said permit may be granted upon payment of the royalty applicable as prescribed in Schedule-1 to **these rules.**

Provided that non commercial private residential buildings shall be exempted from the above:

Provided further that if the application is not disposed off within the said period, the permit shall be deemed to have been issued upon payment of the amount of royalty of the assessed quantity.

Disposal of
application

54. The officer authorised to grant the permit may after making such enquiries as may be deemed necessary, refuse to grant the permit or by an order grant it for the whole or a part of the area applied for and subject to such terms and conditions as the said officer may consider necessary:

Provided that an application for the grant of mining permit for such area which is already held under a lease or mining permit shall be deemed to be premature and shall be refused and the application fee thereon if paid shall be refunded.

Deposit of
royalty

- 55.(1) When an order granting a mining permit has been made under rule 54, the applicant shall, within fifteen days of the communication of the order, deposit the royalty for the total quantity of the mineral permitted in the said order at the rate of the time being specified in the first Schedule to these rules and, if the holder of the permit, due to any reason attributable on his part, could not remove the mineral within the permitted time, any amount deposited as royalty shall not be refunded.
- (2) If the applicant fails to deposit the royalty within the period mentioned in sub rule (1) or within such further period, as may be allowed by the officer granting the permit, the order granting the permit shall stand revoked and the fee mentioned in clause (1) of the rule 51 shall be forfeited to the State Government.

Issue of mining
permit

56. A mining permit in form MM-10 with such additional terms and conditions subject to which the order is made under rule 54 shall be issued to the applicant within fifteen days of the deposit of the royalty in accordance with sub-rule (1) of rule 55 and the permit so issued shall be valid until the date of expiry of the period specified in the permit or till such date when the permitted quantity of the mineral is removed, whichever is earlier.

Register of mining permits

57. A register of all applications for mining permits, with details of permits issued, shall be maintained in Form MM-9, in the office of District Officer or the officer authorised to grant mining permits.

CHAPTER VII

CONTRAVENTIONS, OFFENCES AND PENALTIES

Penalty for unauthorized mining

58. Whoever contravenes the provisions of rule 3 shall on conviction be punishable with imprisonment of either description for a term which may extend up to five years or with fine which shall not be less than of 2 lacs rupees per hectare and which may extend to five Lacs rupees per hectare of the area, or with both.

Consequences of non-payment of royalty rent or other dues

- 59.(1) The State Government or any officer authorised by it in this behalf may terminate the mining lease after serving a notice on the lessee to pay within thirty days of the receipt of the notice any amount due or dead rent under the lease including the royalty due to the State Government if it was not paid within fifteen days next after the date fixed for such payment. This right shall be in addition to and without prejudice to the right of the State Government to realise such dues from the lessee as arrears of land revenue.

- (2) Without prejudice to the provisions of these rules, simple interest at the rate of 18 percent per annum may be charged on any rent, royalty, demarcation fee and any other dues under these rules, due to the State Government after the expiry of the period of notice under sub-rule (1):

Provided that the District Magistrate, after adjusting the security money against the total amount due, shall issue recovery certificate for recovery of the outstanding amount.

Consequences of contravention of certain conditions

- 60.(1) The proponent who has received letter of intent however has not produced mining plan or has not applied for grant of Environment Clearance within the stipulated period of one month as per the provisions mentioned in rule-35 shall be liable for penalty of Rs. Ten thousand per day. On failure to deposit the amount of penalty, the same shall be deducted by the District Magistrate from the security money deposited against the concerned lease. *In case the proponent fails to execute the lease deed within one month of obtaining environment clearance certificate, the District Magistrate shall, subsequent to cancelling the letter of intent, forfeit the first installment and security money deposited by the proponent in favour of the State Government.*

- (2) The lessee who does mining works contravening the terms and conditions mentioned in the approved mining plan and clean environment certificate issued as per the provisions provided under rule-35, then he will be liable for penalty at the rate of Rs. 50,000/- per occasion of default that shall be recovered by the District Magistrate.

- (3) If the lease holder disobeys the provisions of rule-36 then penalty at the rate of rupees twenty five thousand per day for each and every default shall be levied by the concerned District Magistrate. In case of default on deposit of such levied penalty the concerned District Magistrate will deduct the said amount from the amount of security deposited against the said mining lease.

- (4) According to the provisions provided under rule 42(h) mining work through suction machine/lifter into the water stream will be prohibited. If any lessee is found contravening the provisions of the said rule then he will be liable for penalty at the rate of Rs. five lakh per occasion of contravening act, which will be recovered on the order of District Magistrate or Director. On failure to deposit of the above mentioned amount of penalty the same shall be deducted by the District Magistrate from the security money deposited against the concerned lease.

- (5) Any lessee holding a mining lease who commits a breach of any of the conditions provided in rule 45 shall be liable for levy/penalty of Rs. fifty thousand. On failure to deposit the said amount of penalty the same shall be deducted by the District Magistrate from the security money deposited against the concerned lease.

- (6) Where the lease holder fails to confirm to the prescribed loading norms, penalty of Rs. 25,000.00 per occasion of default shall be imposed by the District Magistrate.

Upon failure to deposit the said penalty, the same shall be deducted by the District Magistrate from the security money deposited against the concerned lease.

(7) Where the proponent fails to complete all desired formalities for obtaining Environment Clearance as required by the competent authority within the stipulated time frame, the District Officer may cancel the letter of intent issued in his favour.

Consequences of contravention of rules and conditions of lease generally

61. (1) In case of any breach or contravention by a lessee of any of these rules or conditions and covenants contained or deemed to be contained in the lease except those relating to payment of royalty, rent or other sums due to the State Government, the State Government may, after giving the lessee a reasonable opportunity to state his case, terminate the lease. The right shall be in addition to and without prejudice to the provisions of rule 60
- (2) If a lease is terminated under sub-rule(1) or rule 59, the lessee may be black listed by the District Officer for such period, not exceeding two years, as he may consider proper which shall be uploaded on the website of the department and during the said period no mineral concession under these rules shall be granted to him. An entry in this regard shall be made in the remarks column of the registers of mining lease or the auction lease, as the case may be.
- (3) If any person other than the mining lease holder or entity held is convicted for the charge of illegal mining/transportation, then beside the penalty/ punishment, name of such person or entity will be listed into the black-list by the State Government and will be uploaded and displayed on the website of the department and no mining lease under these rules shall be granted within such period in favour of the said person or entity.

CHAPTER VIII MISCELLANEOUS

Power to rectify apparent mistakes

62. Any clerical or arithmetical mistake in any order passed under these rules by the State Government or any other competent authority or officer may be corrected by the State Government, authority or officer, as the case may be;

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

Registers to be open to inspection

- 63.(1) All registers prescribed to be maintained by these rules shall be open to inspection on payment of a fee of twenty rupees for an entry.
- (2) Certified copy of an entry of the registers referred to in sub-rule (1) and the orders passed by the District Officer on any application may be obtained by any person on payment of a fee of -
- (a) Rs. 100.00 for obtaining the copy within seven days, and
- (b) Rs. 200.00 for obtaining the copy within twenty four hours.

Explanation I: 'An entry' means all entries in respect of one permit or mining lease or auction lease, as the case may be.

Explanation II: The fee shall be paid in the manner prescribed under rule 65 and the treasury challan shall be accompanied with the application for inspection or for certified copies, as the case may be.

Change of name, nationality etc.

- 64.(1) An applicant for or the holder of a mining lease shall intimate to the State Government within sixty days any change that may take place in his name, nationality or other particulars mentioned in the relevant Forms.

(2) In the case of the death of an applicant / leaseholder, application of the mining lease /executed mining lease will be considered in favour of his legal heir. In this regard, after proper examination, order will be issued by the District Magistrate.

Mode of payment of fees and deposit

65. Any amount payable under these rules shall be paid in such manner as the State Government may specify in this behalf

Facilities for training of students

- 66.(1) Every *owner*, agent or manager of a mine shall permit students of mining and geological institutions approved by the State Government to acquire practical training of the mines and plants operated by them and provide all necessary facilities required for the training of such students.

Power of
assessment, entry
and inspection

(2) Applications for training from students of institution teaching mining or Geology should be forwarded to the owner, agent or manager of a mine through the Principal or Head of the institutions. Cases of refusal to provide facilities for practical training by any owner, agent or manager of a mine should be referred to the Director.

67.(1) For the purpose of assessment of royalty and for ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any purposes connected with these rules, the District Officer or the officer of the Directorate of Geology and Mining, Uttar Pradesh, not below the rank of Mines Inspector appointed for such purposes by the Director or any other officer authorised in this behalf by the State Government by general or special order may,-

(a) enter and inspect any mine;

(b) survey and take measurement in any such mine;

(c) weigh, measure or take measurement of the stock of mineral laying at any mine;

(d) examine any document, book, register or record in the possession or power of any person having the control of, or connected with any mine and place marks of identifications thereon and take extracts from or make copies of such document, book, register or records;

(e) summon or order the production of any such document, book, register or record as is referred to in clause (d);

(f) summon or examine any person having the control of, or connected with any mine; and

(g) call for such information or return as may be considered necessary.

(2) Every person authorised by the State Government under sub-rule (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Act no. 45 of 1860) and every person to whom an order or summons is issued by virtue of power conferred by clause (e) or clause (f) of the said sub-rule shall be legally bound to comply with such order or summons, as the case may be.

No restriction etc.
to be imposed by
owner of land on
mining operation
except demand of
compensation

68.(1) No person, who has right in any capacity on the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or restriction on the mining operations by the holder of such lease or permit of such land or to demand any sum by way of premium or royalty for the removal of minor mineral:

Provided that such person shall be entitled to get annual compensation from the said holder of mining lease or permit for the use of surface of the land for mining operations, as may be agreed upon between them.

(2) Where the holder of a mining lease or permit and the owner of the surface of the land could not agree upon the amount of annual compensation and a dispute arises in respect thereof, it shall be determined by the District Officer in such manner that,-

(a) in the case of agricultural land, the amount of annual compensation shall be worked out on the basis of the average annual net income from the cultivation of similar land for the past three years; and

(b) In the case of non-agricultural land, the amount of annual compensation shall be worked out on the basis of average annual letting value of similar land for the previous three years.

Relaxation of
rules in
special cases

69. The State Government may, if it is of opinion that in the interest of mineral development it is necessary so to do, by order in writing and for reasons to be recorded, authorise in any case the grant of any mining lease or the working of any mine for the purpose of winning any mineral on terms and conditions different from those laid down in these rules.

Power of State
Government to
reserve mines

70.(1) Notwithstanding anything to the contrary contained in these rules, the State Government may, by a written order, reserve any area to a Government organization or any person/company in the interest of industrial promotion, for mining operation subject to such terms and conditions as may be specified in the said order.

(2) Upon such reservation, mining lease or mining permit as the case may be for the area so reserved, shall be granted to the Government organization or any

person/company in the interest of industrial promotion, in whose favour the reservation has been made subject to such terms and conditions as may be decided by the State Government.

(3) The mining lease for a period not exceeding ten years may be granted under this rule, as may be decided by the State Government.

(4) The Lessee, to whom a lease has been granted under this rule, shall pay to the Government all amount payable by a lessee under these rules and such additional charges as may be decided by the State Government from time to time.

Explanation:- For the purposes of this rule, "Government organization" shall mean a Government department or corporation established under any Central or State Act or a Government company within the meaning of clause (45) of section-2 of the Companies Act, 2013 and includes State authorities or organization controlled substantially by Central or State Government.

Royalty or dead
rent may be
collected
through a
contractor

71.(1) The Government may arrange to collect the royalty or dead rent from the holders of mining leases through a contractor, and such holders when directed by the State Government to do so, shall pay the royalty or dead rent to such contractors at the rates specified in their lease during such period as may be directed.

(2) The consequences of non-payment to the contractor of royalty or dead rent, as the case may be, by the holders of mining leases shall be the same as on default of payment to the State Government, and the State Government shall in that case, have all the powers for the recovery of the arrears from the lessee and in respect of determination of the lease as provided in these rules.

(3) The State Government may enter into agreement with any person who is considered suitable, whether by holding an auction or by inviting tenders or in any other manner to collect royalty or dead rent of the holders of mining leases in a specified area during a period not exceeding three years on such terms and conditions as are considered suitable.

Restriction on
transport of the
minerals

72.(1) The holder of a mining lease or permit or a person authorised by him in this behalf shall issue a pass in Form MM-11 or Form e-MM-11 prepared through electronic process to every person carrying, a consignment of minor mineral by a vehicle, animal or any other mode of transport, the State Government may, through the District Officer, make arrangements for the supply of printed MM-11 Form books on payment basis.

(2) No person shall carry, within the State a minor mineral by a vehicle, animal or any other mode of transport, without carrying a pass in Form MM-11/ Form e-MM-11 issued under sub rule (1), valid transit pass issued under rule 7(3) of Uttar Pradesh Mineral (Prevention of Illegal Mining, Transportation and storage) Rules, 2018 or similar valid transit pass issued by any other State:

Provided that if the State Government enters into an agreement to collect the Royalty through contractor, receipt of royalty or zero receipt as the case may be shall be issued by such contractor and in such cases carrying out such receipt with Form MM-11/ form e-MM-11 will be mandatory for transportation.

Provided further that the transportation of the mineral will be valid only after the State Government has determined the regulation fees imposed from time to time on the mineral coming from other State.

(3) Every person carrying any minor mineral shall, on demand by any officer authorised under Rule 67 or such officer as may be authorised by the State Government in this behalf, show the said pass to such officer and allow him verify the correctness of the particulars of the pass with references to the quantity of the Minor Mineral.

(4) The State Government may establish a check post for any area included in any mining lease or permit and when a check post is so established public notice shall be given to this fact by publication in the Gazette and in such other manner as may be considered suitable by the State Government.

(5) No person shall transport a minor mineral for which these rules apply from such area without first presenting the mineral at the check post established for that area for verification of the weight or measurement of the mineral.

(6) Any person found to have contravened any provision of this rule then the District Magistrate will recover penalty of Rs. 25, 000/- (twenty five thousands) **alongwith** the price of such minor mineral including royalty **and any such penalty for violation of environmental norms, as prescribed by the State Government from time to time.** After deposit of the entire amount mentioned above the vehicle etc including minor mineral will be released.

Delegation

73. The State Government may, by notification in the Gazette, direct that any power exercisable by it under these rules, may in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

Availability of area for regrant on mining lease to be notified

74. (1) If any area, which was held under a mining lease under chapter-II or reserved under section 17-A of the Act, becomes available for regrant on mining lease, the District Officer shall notify the availability of the area through a notice inviting for applications for grant of mining lease specifying a date, which shall not be earlier than thirty days from the date of notice and giving description of such area and a copy of such notice shall be displayed on the notice board of his office and shall also be sent to the Tehsildar of such area and the Director.

(2) The applications for grant of mining lease under sub-rule (1) shall be received within seven working days from the date specified in the notice referred to in the said sub-rule, if, however, the number of applications received for any area is less than three, the District Officer may further extend the period for seven more working days and if even thereafter, the number of applications remain less than three, the District Officer shall notify the availability of the area a fresh in accordance with the said sub-rule.

(3) An application for grant of mining lease for such area, which is already held under a lease or notified under sub-rule (1) or rule 23 or reserved under section-17A of the Act and whose availability has not been notified under sub-rule (1) shall be deemed to be premature and shall not be considered and the application fee thereon if paid shall be refunded.

Returns

75. (1) The holder of a mineral concession under these rules, shall submit quarterly return in respect of the preceding quarter in Form MM-12 to the District Officer and to the Regional office of the Director, in the second week of July, October, January and April every year.

(2) Whenever any holder of mineral concession fails to submit the return within the time specified in sub-rule (1) he shall be liable to a penalty of Rs. 2,000.00.

Cognizance of offences

76 (1) No court shall take cognizance of any offence punishable under these rules except on a complaint in writing of the fact constituting such offence by the District Officer or by any officer authorised by him in this behalf.

(2) No court inferior to that of a Magistrate of the First Class, shall try any offence under these rules.

Compounding of offence

77 (1) Any offence punishable under these rules may, either before or after the institution of the prosecution be compounded by the District Officer or by such officer as the State Government may by general or special order authorise in this behalf on payment to the State Government of such sum as such officer may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine, which may be imposed for that offence.

(2) Where an offence is compounded under sub-rule (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender if in custody **shall be released forthwith along with the seized vehicle, equipment or mineral if any after deposition of cost of mineral along with the compounding fee :**

Provided that where the application for compounding has not been received within 3 working days, the officer concerned shall file a complaint in writing before the competent court.

(3) The officer compounding the offence under sub-rule (1) shall maintain a register showing the following details:

- (a) serial number (by financial year),
- (b) name and address of the offender,
- (c) date and details of offence,
- (d) sum of compounding amount and date of its payment,
- (e) signature of the officer with date and seal.

Assistance of
Police

78. The Officer referred to in rule 67 may request for the help of the local police for lawful exercise of his powers under these rules and the local Police shall render all possible assistance, as may be necessary to enable the officer to exercise the powers under these rules.

Appeal

79. An appeal against an order passed under these rules by the District officer or the Committee shall lie to the Divisional Commissioner within a period of sixty days from the date of communication of such order to the party aggrieved.

Revision

80. The State Government may, either *suo moto* at any time or on an application made within ninety days from the date of communication of the order, call for the examine the record relating to any order passed or proceeding taken by the District Officer, Committee, Director or the Divisional Commissioner under these rules and pass such orders as it may think fit.

Fees:

81. The appeal under rule 79 or an application under rule 80 shall be presented in form MM-13 in duplicate and be accompanied with a treasury receipt showing that a fee of twenty five hundred rupees has been paid in Government treasury to the credit of the State Government under the head specified under rule 65.

CHAPTER- IX

GRANT OF PROSPECTING LICENSE OR MINING LEASE FOR DIASPORE, PYROPHYLITE, FELDSPAR, CALCITE, SILICA SAND, CHINA CLAY, QUARTZ, etc.

82. The provisions of this chapter shall be applicable for diaspare, pyrophyllite, dolomite, feldspar, calcite silica sand, china clay, quartz and any other minerals notified by the Government of India, by notification no.S.O. 423(E), dated 10-02-2015 as a minor mineral.

83. The provision of chapter II, IV and VI shall not be applicable to the lease granted under this chapter.

Restriction on the
grant of
prospecting
license or mining
lease

84. No mining lease or prospecting license shall be granted to any person who is not an Indian National.

Explanation - For the purpose of this rule a person shall be deemed to be an Indian National,-

(a) in the case of a public company as defined in the Companies Act, 2013, (Act no. 18 of 2013) only if a majority of the directors of the company are citizens of India and not less than fifty-one percent the share capital thereof is held by persons who are either citizens of India, or Companies as defined in the Companies Act, 2013(Act no. 18 of 2013);

(b) in the case of a private company as defined in the companies Act, 2013 (Act no. 18 of 2013), only if all the members of the company are citizens of India;

(c) in the case of firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India; and

(d) in the case of an individual, only if he is a citizen of India :

Provided that no mining lease shall be granted unless it is being satisfied that there is evidence to show that the area for which the mining lease is applied for has been prospected earlier or existence of the mineral therein has been otherwise established .

Application for
grant of prospecting
license

Application for
grant of prospecting
license

85. (1)An application in the form MM-15 for grant of prospecting license shall be addressed to the State Government .

(2)The application referred to in sub-rule (1) shall be submitted in quadruplicate to the District Officer or to the officer authorised in this behalf by the State Government. Such officer shall endorse the receipt of the application on all the four copies entering the place, time and date of receipt. One copy shall be returned immediately to the person presenting the application.

(3)The application referred to in sub-rule (1) shall be entered in a register of prospecting license application in form MM-19.

Application for grant of mining lease

86. (1)An application in form MM-16 for grant of a mining lease shall be addressed to the State Government.

(2)The application referred to in sub-rule (1) shall be submitted in quadruplicate to the District Officer or to the officer authorised in this behalf by the State Government. Such officer shall endorse the receipt of the application on all the four copies entering the place, time and date of receipt. One copy shall be returned immediately to the person presenting the application.

(3)The application referred to in sub-rule (1) shall be entered in a register of mining lease application in form MM-17.

Application fee and deposit for grant of prospecting license

87. (1) Every application for grant of prospecting license shall be accompanied by,-
(a) a non refundable fee of ten thousand rupees, other than those specified in rule 102;

(b) four copies of the toposheet map on a scale of 1: 50000 which shows coordinates and corresponding cadastral survey map on which the area applied for is clearly marked or four copies of topographical survey map on a scale of at least 4"=1 mile, on which the area applied for is accurately marked;

(c) a certificate, issued by District Officer or by such officer as may be authorised by the District Officer in this behalf, showing that no mining dues are outstanding against the applicant :

Provided that such certificate shall not be required where the applicant has furnished an affidavit to the satisfaction of the state Government, stating that he does not hold or had not held any mining lease of any other mineral concession in the territory of the state;

(d) a certificate of residence of the applicant;

(e) a character certificate given by the District officer of the district, where the applicant permanently resides.

(2) If the application is not complete in any respect or is not accompanied by the fee deposit or the documents mentioned in sub rule(1) the District Officer or the officer authorised by the State Government in this behalf, shall, by fifteen days notice require the applicant to complete the application in all respects or, to deposit the fee or furnish the documents within such time as may be specified in the notice and if the applicant fails to do so within the specified time, such application shall not be considered.

Application fee and deposit for grant of mining lease

88. (1) Every application for grant of mining lease shall be accompanied by,-
(a)a non-refundable fee of twenty five thousand rupees, other than those specified in rule 100; and

(b)four copies of the topographical survey map on a scale of 1: 50000 with coordinate and corresponding cadastral survey map on which the area applied for is clearly marked or four copies of topographical survey map on a scale of at least 4"=1 mile, on which the area applied for is accurately marked;

(c)a certificate, issued by District officer or by such officer as may be authorised by the District officer in this behalf, showing that no mining dues are outstanding against the applicant :

Provided that such certificate shall not be required where the applicant has furnished an affidavit to the satisfaction of the State Government, stating that he does not hold or had not held any mining lease or any other mineral concession in the territory of the state;

(a)certificate of residence of the applicant;

(b)a character certificate given by the District officer of the district, where the

applicant permanently resides;
(c) solvency certificate.

(2) If the application is not complete in any respect or is not accompanied by the fee, deposit or the documents mentioned in sub-rule(1) the District Officer or the officer authorised by the State Government in this behalf, shall, by fifteen days notice require the applicant to complete the application in all respects or to deposit the fee or furnish the documents within such time as may be specified in the notice and if the applicant fails to do so within the specified time, such application shall not be considered.

Enquiry and reports

89. The District Officer shall, unless he is authorised to grant the mining lease or grant prospecting licence cause an enquiry through *Senior Mines Officer* / Mines Officer / Mines Inspector of the concerned district to be made into all relevant and technical matters and, within two months from the date of receipt of application of mining lease, forward two copies of the application alongwith his report to the State Government or to such other authority as the State Government may authorise in this behalf.

Disposal of application

90. The State Government or the authority authorised by it in this behalf may, subject to the provisions of these rules and after making such further enquiry as it may consider necessary in case of application for grant of a mining lease or prospecting licence, refuse or grant the mining lease for the whole or part of the area applied for and for such period as it may consider proper:

Provided that where an application for grant of a mining lease or grant of prospecting licence is refused or the area is reduced, reasons thereof shall be recorded and communicated to the applicant :

Provided further that if the application for the grant of mining lease or prospecting licence is not disposed off within 12 months from the date of receipt, it shall be deemed to be refused.

Preferential right for prospecting licence or mining lease where area has been declared under rule 105

91. (1) Where the availability of area/areas are declared by the District Officer for grant of prospecting licence or mining lease under the provisions of rule 105, all the applications received during the period specified in such declaration shall be deemed to be received on the same day and shall be considered simultaneously after taking into consideration matters specified in sub-rule (2) and shall grant the mining lease to such one of the applicants as he/she may deem fit.

(2) The matters referred to in sub-rule (1) are -

- (a) any special knowledge or experience possessed by the applicant;
- (b) an intent to establish any value addition or processing or manufacturing unit;
- (c) the financial resources of the applicant;
- (d) the nature and quality of the technical staff employed or to be employed by the applicant;
- (e) the conduct of the applicant in carrying out mining operations on the basis of any previous lease or permit and complying with conditions of such lease or permit of the provisions of any law in connection there with; and
- (f) such other matters, as may be considered necessary by the State Government.

(3) Notwithstanding anything contained in sub-rules (1) and (2) leases for one third of the mining areas of Naxal affected villages as declared by the State Government by general order may be granted to the Self Assistance groups containing the members of the local residents where such leases are situated and such one third areas shall be marked for the purpose by the District officer of the district, after seeking such approval from the State Government:

Provided that those Self Assistance groups will be entitled for getting preference under sub-rule (3) in which one third members belong to Scheduled Caste/ Scheduled Tribe/members of the caste traditionally engaged in sand mining such as Mallah, Kewat, etc. and are resident of the same village, where the lease areas are situated.

- Preferential right for prospecting licence where area is not declared for grant under rule 105
- Preferential right for mining lease where prospecting licence has been granted in respect of any land
- Extent of area for which a mining lease or prospecting licence may be granted
- Length and breadth of the area to be leased
- Period of mining lease and prospecting licence
- Security deposit
- Every prospecting licence granted under these rules be subject to the following condition
- Condition of prospecting licence
92. (1) An application which has been received earlier shall have preference over subsequent application .
 (2) If the application is received on same day , the preference shall be decided on following matter :
 (a) any special knowledge or experience in prospecting operation and the nature and quality of technical staff employed or to be employed by the applicant ;
 (b) such other matters as may be considered necessary by the State Government.
93. Where a prospecting licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person if the State Government is satisfied that the licensee has,-
 (a) undertaken prospecting operations to establish mineral resources;
 (b) not committed any breach of the terms and conditions of the prospecting licence.
94. (1) Minimum area for grant of a prospecting licence or mining lease for minerals mentioned in chapter IX shall be five hectare.
 (2) No mining lease shall be granted in respect of any area which is not compact and contiguous or otherwise not suitable to scientific development :
 Provided that in respect of small deposits not suitable to scientific mining in isolated patches a mining lease may be granted for a cluster of such deposits without any division.
 (3) No person shall acquire in respect of minor mineral mentioned in this chapter more than three mining lease, covering a total area of four hundred hectare .
 (4) No person shall acquire one or more prospecting licence , covering a total area of five hundred hectare :
 Provided that if the State Government is of opinion that in the interest of mineral development, it is necessary so to do, it may for reasons to be recorded in writing permit any person to acquire one or more mining leases covering an area in excess of the limits mentioned in this rule .
Explanation: For the purposes of these rules, a person acquiring by or in the name of another person a mining lease which is intended for himself shall be deemed to be acquiring, it himself.
95. The length of an area under a mining lease shall ordinarily not exceed four times its breadth.
96. (1) A mining lease in respect of minerals shall be granted for a period not less than twenty years and not more than thirty years.
 (2) Prospecting licence shall be granted for a fixed period of two years .
97. (1) An applicant for a mining lease shall, before the deed referred to in rule 100 is executed and in such manner as the State Government may by order specify deposit as security, for the due observance of the terms and conditions of the lease, a sum equal to twenty five percent of the annual deadrent of the leased area subject to the minimum of Rs. 50,000.00 (fifty thousand rupees) and no interest shall be payable on such security deposit.
 (2) The security deposit for prospecting licence shall be Rs. 25,000.00 (twenty five thousand rupees) and no interest shall be payable on such security deposit.
98. Where an order has been made for grant of prospecting licence , the deed in Form MM-3(A) shall be executed within 3 months and the date of commencement of prospecting licence shall be effective from the date of execution or within such further period as the District officer or the Committee, as the case may be, allow in this behalf.
99. Every prospecting licence granted under these rules be subject to the following condition :-
 (1) The licensee shall pay a prospecting fee of Rupees 100.00 per hectare of land covered by license for each year or part thereof for which the license is granted subject to minimum of Rupees 5000.00, which can be changed from time to time by the State Government.

- (2) The licensee may win and carry for purposes other than commercial purposes—
- (a) thirty cubic meter of such mineral without any payment ;
 - (b) hundred cubic meter of such mineral on payment of royalty :
- Provided that if any quantity in excess of the quantities mentioned above is won and carried away, the State Government may recover the cost of the excess quantity of minerals mentioned in clause(b) above, won and carried away .
- (3) With the written approval of the State Government, the licensee may carry away quantities of minerals in excess of the limits specified in sub-rule (2) .
 - (4) Save in the case of land in respect of which the licensee is granted a mining lease , the licensee shall , within ninety days from the date of determination of the licence or the date of **abandonment of the** prospecting operations , whichever is earlier , securely plug all bores and fill up or fence all excavations .
 - (5) The licensee shall report to the State Government the discovery-of any mineral not specified in the licence within sixty days from the date of such discovery .
 - (6) The licensee shall not transfer his licence except with the previous sanction of the State Government.
 - (7) The licensee shall restore , to the extent possible , other flora destroyed by prospecting operation .
 - (8) The licensee shall pay to the occupier of surface of land such compensation as may become payable under these rules .
 - (9) The State Government may impose such further conditions as may be considered necessary in the interest of mineral development .
 - (10) In case of breach of any condition imposed on any holder of prospecting licence under these rules , the State Government may , by order in writing , cancel the licence and / or forfeit the security amount deposited by the licensee under rule 97(2) after giving opportunity of hearing .
 - (11) Any security deposit made under rule 97(2) , if not forfeited under these rules , shall be refunded to the applicant after expiry of the licence.
 - (12) Every licensee shall maintain account of all expenses incurred by him on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their dispatch thereof.
 - (13) The licensee shall, after the survey and demarcation of the area granted under the licence and before executing the licence deed, at his own expense, erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the licence deed.
 - (14) The licensee shall pay such reasonable compensation as may be assessed by the State Government if any damage, injury or disturbance occurs by any action of the licensee.
 - (15) The licensee shall allow any officer authorised under rule 67 or by the Central Government or the State Government in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying and making plans there of, sampling and collecting any data and the licensee shall with suitable person in his employment and acquainted with the mines and work, properly assist, such officer and his agents, servants and workmen in conducting every such inspection, and shall afford and furnish to them all facilities information, etc..connected with the working of the mines, which they may reasonably require, and shall also conform to and observe all orders and regulations, which the Central Government or the State Government, as a result of such inspection or otherwise, may from time to time deem fit to make.
 - (16) The licensee shall without delay, send to the District officer a report 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 or any operations under the licence.

Mining Lease deed
to be executed
within six month

Restriction on
determination of
mining lease

Survey of the area
licenced or leased

Boundaries below
the surface

Registers

Availability of area
for regrant on
prospecting licence
or mining lease, to
be notified

100. (1) Where an order has been made for the grant of mining lease, a lease deed in Form MM-3(A) or in a form as near thereto as the circumstances of each case may require, shall be executed within six months of the communication of the said order or within such -further period as the State Government may allow, in this behalf. If no such deed is executed within the aforesaid period due to any default on the part of the applicant, the State Government may revoke the order granting the lease and in that event the application fee and security amount shall be forfeited to the State Government.
- (2) The date of commencement of a mining lease referred to in sub-rule (1) shall be the date on which the deed is executed under the said sub-rule.
101. No lessee shall determine a mining lease except after giving a notice in writing of not less than six months to the State Government.
102. (1) When a mining lease or prospecting licence is granted, arrangement shall be made by the Director for survey and demarcation of the area granted under the lease or licence for which lessees/ licensees shall be charged at the following rates:-
- (A) For mining leases :- (i) for areas upto 10 hectares Rs. 10, 000.00
(ii) for areas beyond 10 hectares at the rate of Rs. 500.00 per hectare subject to the minimum of Rs. 15,000.00
- (B) For prospecting licence (i) for areas upto 10 hectares Rs. 5,000.00
(ii) for areas beyond 10 hectares at the rate of Rs. 250.00 per hectare subject to the minimum of Rs. 10,000.00
- (2) The lessee or licensee shall, after the lease or licence is granted to him , pay the demarcation charges through treasury challan and submit a map of the area granted under the lease or licence, certified by the District Officer, to the concerned **Senior Mines Officer/Mines Officer /Mines Inspector** or to such other officer as may be authorised by the Director in this behalf the **Senior Mines Officer/Mines Officer /Mines Inspector** or the officer so authorised shall, on receipt of the certified map and satisfying that demarcation charges have been deposited, survey and demarcate the area within thirty days from the date of such receipt.
- (3) The **Senior Mines Officer/Mines Officer /Mines Inspector** or the officer so authorised may, for the purpose of survey and demarcation of the area, take the help of such officer of the revenue and forest department of the district as he may consider necessary.
- (4) If any dispute arises in respect of demarcation of the area, the matter shall be referred to the Director, who shall, after giving the parties a reasonable opportunity of being heard, decide the matter.
- (5) The decision of the Director under sub-rule (4) shall be final.
- 103 The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.
- 104 The following registers shall be maintained in the office of the District-office-
- (a) a register of applications for mining leases in Form MM-17, and
(b) a register of mining leases in Form MM-18,
(c) a register of applications for prospecting licence in Form MM-19, and
(d) a register of prospecting licence in Form MM-20.
- 105 (1) If any area, which was held under a mining lease under Chapter - IX or under **Mineral Concession Rules, 2016** or reserved under section 17- A of the MMDR Act., becomes available for regrant on prospecting licence or mining, lease, the District officer shall notify the availability of the area through a notice inviting applications for grant of prospecting license or mining lease specifying a date, which shall not be earlier than thirty days from the date of notice and giving description of such area and a copy of such notice shall be displayed on the notice board of his office and shall also be sent to the Tehsildar of such area and the Director.

- (2) The applications for grant of prospecting licence or mining lease under sub-rule (1) shall be received within seven working days from the date specified in the notice referred to in the said sub-rule, if, however, the number of applications received for any area is less than three, the District officer may further extend the period for seven more working days and if even thereafter, the number of applications remain less than three, the District Officer shall notify the availability of this area a fresh in accordance with the said sub -rule.
- (3) An application for grant of prospecting licence or mining lease for such area which is already held under a lease or notified under sub-rule (1) of rule 23 or reserved under section 17-A of the Act and whose availability has not been notified under sub-rule (1) shall be deemed to be premature and shall not be considered.

By Order,

(Dr. Roshan Jacob)
Sachiv.

FIRST SCHEDULE
Rate of Royalty (rule-21)

| Sl. no. | Minerals | Rate of Royalty |
|---------|---|--|
| 1 | Limestone | Rs. 150.00 per tonne or Rs. 275.00 per cubic meter |
| 2 | Marble or Marble chips (Sangmermer) | Rs. 206.00 per tonne or Rs. 405.00 per cubic meter |
| 3 | Brick earth | Nil |
| 4 | Building Stone | |
| | (i) Granite (Sized dimensional stone) | |
| | (a) 1 meter or above size | Rs. 5000.00 per cubic meter |
| | (b) below 1 meter size | Rs. 3000.00 per cubic meter |
| | (ii) Sized dimensional stone including slabs and ashlar (sand stone, quartzite) | Rs. 650.00 per cubic meter |
| | (iii) Millstone and Hand Chakis (Sand stone, Quartzite) | Rs. 600.00 per cubic meter |
| | (iv) Khandas and Boulders | |
| | (a) Granite and Dolostone sized up to 25cm. x 25cm. x 25cm | Rs. 125.00 per cubic meter |
| | (b) Sand stone and Quartzite sized up to 25cm. x 25cm. x 25cm | Rs. 100.00 per cubic meter |
| | (v) Ballast (Gitti) | |
| | (a) Granite and Dolostone | Rs. 160.00 per cubic meter |
| | (b) Sand Stone/Quartzite | Rs. 110.00 per cubic meter |
| | (c) Stone Dust | Rs. 100.00 per cubic meter |
| 5. | Morrum | |
| | (a) available in the river bed | Rs. 150.00 per cubic meter |
| | (b) red morrum deposit due to erosion of hills | Rs. 75.00 per cubic meter |
| 6. | Ordinary sand (Other than sand used for prescribed purposes) | |
| | (a) First category (found in districts mentioned in schedule second) | Rs. 65.00 per cubic meter |
| | (b) Second category (found in districts mentioned in schedule second) | Rs. 55.00 per cubic meter |
| 7. | Bajri (Single) | Rs. 110.00 per cubic meter |
| 8. | Ordinary Clay or Ordinary earth | Nil |
| 9. | Pyrophyllite | Rs. 300.00 per tonne |
| 10 | Diaspore | Rs. 500.00 per tonne |
| 11 | Silica Sand | Rs. 100.00 per tonne |
| 12. | China Clay | 12% of Pit mouth value |
| 13. | Calcite | 12% of Pit mouth value |
| 14. | Quartz | Rs. 100 per tonne |
| 15. | Any other minor mineral for which the rate of royalty not specified | 10% of Pit mouth value. |

Second Schedule
Rate of dead rent (Rule-22)

| Name of Minor Mineral | | Name of Districts/River | Rate of dead rent per acre per annum |
|-----------------------|---|---|--|
| 1 | | 2 | 3 |
| 1- | Marble and Marble Chips | Sonbhadra and other districts if any | Rs. 40000.00 |
| 2- | Limestone | Sonbhadra and other districts if any | Rs. 40000.00 |
| 3- | Building Stone | | |
| | (A) Sandstone and Quartzite | Lalitpur, Banda, Mirzapur, Sonbhadra, Prayagraj, Mathura and other district if any | Rs. 65,000.00 |
| | (B) Granite Dolostone | Jhansi, Lalitpur, Hamirpur, Mahoba, Banda, Jalaun, Sonbhadra and other district if any | Rs. 1,20,000.00 |
| 4- | Such Building Stone, Ballast, Bajri and ordinary Sand as are found in mixed form in the river bed | Bijnor, Saharanpur, Bahraich, Lakhimpur Kheri, Balrampur and other districts if any | Rs. 90000.0 (Boulder) Rs. 90000.00 (Bajri) Rs. 40000.00 (ordinary Sand) The separate rate will be charged on each minerals. |
| 5- | Morum (1) River bed | Hamirpur, Mahoba, Jhansi, Banda, Chitrakoot, Jalaun, Lalitpur, Kaushambi (Yamuna), Fatehpur, Sonbhadra and other districts if any | Rs. 90,000.00 |
| | (2) Red Morrum deposited due to erosion of hills | All districts where available | Rs. 24,000.00 |
| 6- | Ordinary Sand Category-I | Prayagraj (Yamuna), Mirzapur, Firozabad, Agra, Meerut, Mau, Ghaziabad, Bagpat, Gautam Buddha Nagar, Varanasi, Gorakhpur, Chandouli, Sant Ravidas Nagar, Azamgarh, Kanpur Nagar, Bijnor, Unnao, Etawah, Auraiya, Balia, Ayodhya, Bulandsahar, Muzaffarnagar, Ambedkar Nagar, Deoria, Kushinagar, Basti, Sant Kabir Nagar, Gonda, Maharajganj, Siddharth Nagar, Balrampur, Ghazipur, Bahraich, Shrawasti, Barabanki, Saharanpur, Shamli, Hapur, Kasganj, Sambhal, Amroha, Kanpur Dehat, | Rs. 50,000.00 |
| 7- | Ordinary Sand Category - II | Shahjahanpur, Mathura, Moradabad, Badaun, Rampur, Lucknow, Aligarh, Hardoi, Raebareilly, Fatehpur (Ganga), Kaushambi (Ganga), Prayagraj (Ganga), Pratapgarh, Etah, Bareilly, Sultanpur, Sitapur, Farukhabad, Kannauj, Pilibhit, Mainpuri, Hathras, Jaunpur, Lakhimpur Khiri, Amethi | Rs. 30,000.00 |
| 8- | Ordinary clay or ordinary earth | In all districts where available | Rs. 10,000.00 |
| 9- | Pyrophyllite, Diaspore, Silica sand, China clay, Calcite and other Minor Minerals | In all districts where available | Rs. 20,000.00 |

तृतीय अनुसूची
THIRD SCHEDULE

प्रपत्र एम.एम.-1

खनन पट्टे के लिए प्रार्थना पत्र (नियम-5)

(चार प्रतियों में प्रस्तुत किया जायेगा)

दिनांक.....19.....

(समय)..... बजे

(स्थान).....

(दिनांक).....को प्राप्त हुआ। सभी प्रकार से पूर्ण/अपूर्ण

(पाने वाले अधिकारी का हस्ताक्षर)

प्रार्थना पत्र सभी प्रकार सेको पूर्ण किया गया।

(पाने वाले अधिकारी का हस्ताक्षर)

सेवा में,

.....
.....
.....

महोदय,

मै/हम निवेदन करता हूँ/करते हैं कि मुझे/हमें उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 2021 के अधीन खनन पट्टा दिया जाय।

2. उक्त नियमावली में नियम 6 के उपनियम (1) के अधीन इस प्रार्थना पत्र के सम्बन्ध में देय शुल्क और प्रारम्भिक व्यय का क्रमशःरुपया और.....रुपया जमा कर दिया गया है।

3. अपेक्षित विवरण नीचे दिये गये हैं :-

(एक) प्रार्थी का नाम और पूरा पता।

(दो) क्या प्रार्थी गैर-सरकारी व्यक्ति /निजी कम्पनी/सार्वजनिक कम्पनी/फर्म का निकाय है।

(तीन) यदि प्रार्थी :-

(क) व्यक्ति विशेष है तो उसकी राष्ट्रिकता।

(ख) निजी कम्पनी है तो कम्पनी के सभी सदस्यों की राष्ट्रिकता और उसके निबंधन (रजिस्ट्रेशन) का स्थान

(ग) सार्वजनिक कम्पनी है तो निदेशकों की राष्ट्रिकता, भारतीय राष्ट्रिकों द्वारा धृत अंशपूंजी का प्रतिशत तथा उसके निगमन का स्थान।

(घ) फर्म या निकाय है तो फर्म के सभी भागीदारों या निकाय के सभी सदस्यों की राष्ट्रिकता

21^{वाँ}(ङ) बालू या मौरम या बजरी या बोल्डर या इनमें से कोई मिली-जुली अवस्था में हो, प्रार्थना कर्ता है तो निर्धारित प्रपत्र पर जाति एवं निवास प्रमाण पत्र संलग्न किया जाना चाहिए।

(चार) प्रार्थी का व्यवसाय या कारोबार.....

(पाँच) खनिज जिसे/जिन्हें प्रार्थी खनन करना चाहता है.....

(छः) अवधि, जिसके लिए खनन पट्टा अपेक्षित है.....

(सात) उस क्षेत्र का ब्योरा, जिसके सम्बन्ध में खनन पट्टा अपेक्षित है :-

| जिला | तहसील | परगना | ग्राम | खसरा संख्या | क्षेत्रफल | क्या रिक्त है / किसी के द्वारा धृत है और यदि धृत है तो उसका ब्योरा |
|------|-------|-------|-------|-------------|-----------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(आठ) निम्नलिखित के सम्बन्ध में विशेष उल्लेख के साथ क्षेत्र का संक्षिप्त विवरण :-

- (क) प्राकृतिक आकृतियां, ऐसे श्रोत आदि के उल्लेख के साथ क्षेत्र की स्थिति।
- (ख) वन क्षेत्रों की दशा में, कार्यवृत्त (वर्किंग सर्किल) का नाम, धन (रजि) और पातन श्रेणी (फेलिंग सीरीज); यदि कोई हो, वन में ज्ञात और सीमांकित क्षेत्रों के सम्बन्ध में क्षेत्र का विवरण तथा विस्तार (लगभग)।
- (ग) भू-कर सर्वेक्षण (कैडेस्ट्रल सर्वे) के अन्तर्गत न आने वाली क्षेत्र की दशा में, धरातल मानचित्र (टोपो मैप) में निश्चित स्थानों के अभिदेश में क्षेत्र के प्रारम्भिक स्थान (स्ट्रटिंग प्वाइंट) विवरण और सीमा रेखा की रेखीय दूरियां और उनकी 4 इंच बराबर 1 मील के पैमाने के धरातल मानचित्र में दिए गये क्षेत्र के तदनुरूप यथासम्भव ठीक-ठीक दिक्स्थिति (बियरिंग)।
- (घ) मानचित्र पर कम से कम दो स्थायी अभिदेश बिन्दु अवश्य दर्शाया जाना चाहिये
- (नौ) राज्य सरकार के क्षेत्राधिकार के भीतर, खनिजवार ऐसे क्षेत्रों के विवरण :-
- (क) जिन्हें प्रार्थी या कोई व्यक्ति, जो उसके साथ स्वत्व में संयुक्त (ज्वाइन्ट इन्टरेस्ट) हो, पट्टे के अधीन पहले से धारण किये हों;
- (ख) जिसके लिए उसने पहले से ही प्रार्थना पत्र दिया हो किन्तु स्वीकार न किया गया हो;
- (ग) जिसके लिए एक साथ ही प्रार्थना पत्र दिया जा रहा हो;
- (दस) संयुक्त स्वत्व का प्रकार, यदि कोई हो
- (ग्यारह) रीति, जिसके अनुसार संग्रह किये गये खनिज का उपयोग किया जायेगा, यदि प्रार्थी आवेदित खनिज का उद्योग स्थापित करना चाहता हो, या उसने पहले से स्थापित किया हो उसका पूर्ण विवरण और रजिस्ट्रीकरण प्रमाण पत्र दिया जाना चाहिए
- (बारह) प्रार्थी के वित्तीय संसाधन
- (बारह-क) खननदेय बकाया न होने का जिलाधिकारी अथवा प्राधिकृत अधिकारी द्वारा जारी किया गया प्रमाण-पत्र संलग्न किया जाना चाहिए।
- यदि प्रार्थी द्वारा राज्य क्षेत्र के भीतर कोई खनन पट्टा या कोई अन्य खनिज परिहार धारित नहीं करता है या धारित नहीं किया था तो इस कथन का शपथ पत्र उक्त प्रमाण-पत्र के स्थान पर दिया जाना चाहिए।
- (तेरह) उपर्युक्त (दो) में अभिदिष्ट धनराशि के लिए संलग्न रसीद वाले कोषागार चालान के विवरण
- (चौदह) कोई अन्य विवरण या रेखा-मानचित्र (स्केच मैप) जो प्रार्थी प्रस्तुत करना चाहें
- मैं/हम एतद्वारा घोषणा करता हूँ/करते हैं कि ऊपर दिये गये विवरण सही हैं और मैं/हम कोई अन्य विवरण जिसके अन्तर्गत यथार्थ नक्शे और प्रतिभूति जमा आदि हैं ; देने को तैयार हूँ/हैं, जो आपके द्वारा अपेक्षित हों।

स्थान

भवदीय

प्रार्थी/प्रार्थियों के हस्ताक्षर

दिनांक

अवधेय :- (1) यदि प्रार्थना पत्र प्रार्थी के प्राधिकृत अभिकर्ता द्वारा हस्ताक्षर किया जाय तो अभिकरण-पत्र

(पावर ऑफ एटार्नी) संलग्न किया जाना चाहिए।

(2) प्रार्थना पत्र केवल एक सहत खण्ड (ब्लाक) के लिए होना चाहिए।

FORM MM-2

(Rule 5)

Register of application of Mining Lease

1. Serial No
2. Date of application for mining lease
3. Date on which application was received by Receiving Officer.....
4. If the application was not complete in all respects when first received, the date which it was completed.....
5. Name of the applicant with full address.....
6. Particulars of land applied for-
 - (a) Tahsil.....
 - (b) Paragana.....
 - (c) Village
 - (d) Plot No.....
 - (e) Area.....
7. Total area of the land
8. Particular of minerals which the applicant desires to mine.....
9. Application fee paid and preliminary expenses deposited with challan number and date.....
10. Signature of Officer-in-charge.....
11. Number and date of the final order disposing of the application
12. Brief summary of order passed
13. Remarks.....

प्रपत्र एम.एम. -3

(नियम-14)

खनन पट्टे का आर्दश (model) प्रपत्र

यह अनुबन्ध आजदिनांकको
उत्तर प्रदेश के राज्यपाल (जिन्हें आगे "राज्य-सरकार" कहा गया है, जिस पदावलि में यदि संदर्भ से ऐसा ग्राह्य हो उत्तराधिकारी तथा अभिहस्ताकिती भी सम्मिलित समझे जायेंगे) एक पक्ष और

यदि पट्टेदार एक विशेष व्यक्ति हो : (व्यक्ति का नाम, पता तथा व्यवसाय) (जिसे आगे "पट्टेदार" कहा गया है, जिस पदावलि में, यदि संदर्भ से ऐसा ग्राह्य हो, उसके दायद, निष्पादक, प्रशासक और प्रतिनिध भी सम्मिलित समझे जायेगे) दूसरा पक्ष

यदि पट्टेदार एक से अधिक व्यक्ति हो :(व्यक्ति का नाम तथा पता और व्यवसाय) तथा (व्यक्ति का नाम तथा पता और व्यवसाय) जिन्हे आगे "पट्टेदार" कहा गया है जिस पदावलि में, यदि संदर्भ से ऐसा ग्राह्य हो, उनके अपने-अपने दायद, निष्पादक, प्रशासक और प्रतिनिधि भी सम्मिलित समझे जायेंगे, दूसरा पक्ष)

यदि पट्टेदार कोई रजिस्ट्रीकृत फर्म हो : (भागीदार का नाम और) आत्मजनिवासी
.....जो सभी भारतीय भागीदारी अधिनियम, (1932 एक्ट सं.-9) के अधीन निबन्धित फर्म (फर्म का नाम) के नाम और रूप के अधीन भागीदारी में कारोबार कर रहे हैं और जिसका रजिस्ट्रीकृत कार्यालय
.....नगर में.....पर है। (जिन्हें आगे "पट्टेदार" कहा गया है, जिस पदावलि में, यदि संदर्भ से ऐसा ग्राह्य हो, उक्त समस्त भागीदार, उनके अपने-अपने दायद, निष्पादक और विधिक प्रतिनिधि भी सम्मिलित समझे जायेंगे) दूसरा पक्ष

यदि पट्टेदार रजिस्ट्रीकृत कम्पनी हो : (कम्पनी का नाम).....(अधिनियम जिसके अधीन निगमित है, के अधीन रजिस्ट्रीकृत कम्पनी है और जिसका रजिस्ट्रीकृत कार्यालय में है, (पता) (जिसे आगे "पट्टेदार" कहा गया है, जिस पदावलि में, यदि संदर्भ से ऐसा ग्राह्य हो, उनके उत्तराधिकारी भी सम्मिलित समझे जायेगे) । दूसरा पक्ष ।

चूंकि पट्टेदार/पट्टेदारों ने उत्तर प्रदेश उप खनिज (परिहार) नियमावली 2021 (जिसे आगे "उक्त नियमावली" कहा गया है) के अनुसार राज्य सरकार को निम्नलिखित अनुसूची के भाग -1 में वर्णित भूमि एकड़ के निमित्त खनन पट्टे के लिए प्रार्थना पत्र दिया है और उसने/उन्होंने राज्य सरकार के पासरूपये की धनराशि प्रतिभूति के रूप में तथारूपये की धनराशि खनन पट्टे के हेतु आरम्भिक व्ययों की पूर्ति के लिये जमा कर दी है।

यह इस बात का साक्ष्य है कि उपस्थापन पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उनमें दिये गये और पट्टेदार/पट्टेदारों की ओर से भुगतान किये जाने वाले पालन और सम्पादन किये जाने वाले, किरायों स्वामित्वों, प्रसंविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्वारा पट्टेदार/पट्टेदारों, को निम्नलिखित प्रदान और पट्टान्तरित करती है(यहां खनिज या खनिजों का उल्लेख कीजिये) (जिन्हें आगे अभिदिष्ट अनुसूची में "उक्त खनिज" कहा गया है) की समस्त खाने, तल्प (Beds) संदरसीम्स (Veins) जो अनुसूची के भाग-1 में अभिदिष्ट भूमि में या उसके नीचे स्थित हो, पड़ी हो या हों, उन स्वतंत्रताओं या अधिकारों तथा विशेषाधिकारों के साथ जिनको इसके सम्बन्ध में, उन निबंधनों तथा शर्तों के अधीन रहते हुये प्रयोग या उपयोग किया जायेगा, जो ऐसी स्वतंत्रताओं, अधिकारों तथा विशेषाधिकारों के प्रयोग तथा उपयोग करने के बारे में हो.....सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतंत्रतायें, अधिकार तथा विशेषाधिकार राज्य सरकार में पट्टान्तरित हो जायेंगे। दिनांकसे वर्ष की आगामी अवधि के लिए

पट्टेदार/पट्टेदारों का एतद्वारा दिये और पट्टान्तरित ऐसे भू-गृहादि धारण करना, जिसमें खनिज निकलने लगे और राज्य सरकार को उक्त अनुसूची के भाग-2 में उल्लिखित कई किरायों और स्वामित्वों का भुगतान उसमें विनिर्दिष्ट भिन्न-भिन्न समयों पर होने लगे किन्तु प्रतिबंध यह है कि ऐसा उक्त भाग में उपबंधों के अधीन हो, और, पट्टेदार एतद्वारा राज्य सरकार के साथ प्रसंविदा करता है/करते हैं और राज्य सरकार एतद्वारा पट्टेदार/पट्टेदारों के साथ प्रसंविदा करती है जैसा कि उक्त नियमावली में अभिव्यक्त है, और, एतद्वारा इसके साथ दिये गये पक्षों के बीच में परस्पर सहमत हुआ है और जैसा कि उक्त अनुसूची के भाग-3 में अभिव्यक्त है।

(ऊपर अभिदिष्ट अनुसूची)

भाग-1

इस पट्टे का क्षेत्रफल

पट्टे का क्षेत्रफल और स्थान जो जिला वह समस्त भूखण्ड
तहसील..... और थाना के अन्तर्गत (परगना)..
में स्थान पर (क्षेत्र अथवा क्षेत्रों का विवरण) स्थित है
 और जिसकी भूकर सर्वेक्षण संख्या है तथा, जिसमें क्षेत्र है, जो यहां संलग्न नक्शों में चिन्हित है और उसे से रंजित (coloured) किया गया है और जिसकी सीमायें निम्नलिखित हैं :-

उत्तर में

दक्षिण में

पूर्व में

पश्चिम में

एतदपश्चात् जिसे "उक्त भूखण्ड" कहा गया है।

भाग -2

इस पट्टे द्वारा आरक्षित अपरिहार्य भाटक और स्वामित्व अपरिहार्य भाटक या स्वामित्व का, जो इनमें से अधिक हो, भुगतान करना -(1) पट्टेदार पट्टे के प्रत्येक वर्ष के लिए प्रत्येक खनिज के संबंध में, इस भाग के खण्ड (2) में विनिर्दिष्ट अपरिहार्य भाटक का वार्षिक भुगतान करेगा :

प्रतिबंध यह है कि पट्टेदार प्रत्येक खनिज के सम्बन्ध में अपरिहार्य भाटक या स्वामित्व का, जो धनराशि इसमें से अधिक हो, देनदार होगा, किन्तु दोनों का नहीं।

(2) अपरिहार्य भाटक की दर और उसका भुगतान करने की रीति : इस भाग के खंड (1) के उपबंध के अधीन रहते हुए पट्टे की अवधि में पट्टेदार राज्य सरकार को इस अनुसूची के भाग-1 में वर्णित और पट्टान्तरित (demised) भूमि के प्रति खनिज प्रति एकड़ वार्षिक अपरिहार्य भाटक निम्नलिखित दर/दरों पर या ऐसी संशोधित दर/दरों पर भुगतान करेगा/करेंगे जो पट्टेदार/पट्टेदारों को राज्य सरकार द्वारा लिखित रूप से संसूचित किया जायेगा/किये जायेंगे :-

| ● खनिज का नाम | प्रति एकड़ निश्चित किया गया अपरिहार्य भाटक | पट्टान्तरित भूमि का क्षेत्रफल | देय अपरिहार्य भाटक | एक वर्ष में देय कुल अपरिहार्य भाटक |
|---------------|--|-------------------------------|--------------------|------------------------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |

- (यहां पर रीति, जिसके अनुसार और वह समय जब अपरिहार्य भाटक का भुगतान किया जाना चाहिये, लिखिये)

अपरिहार्य भाटक का राज्य सरकार के प्रति भुगतान पट्टा वर्ष के पूरा होने के एक माह के भीतर उस जिले के मुख्यालय के राजकीय कोषगार में, जिसमें धृत पट्टा स्थित हो, ऐसे लेखाशीर्षक के अर्न्तगत जमा करके, जैसा कि समय-समय पर विनिर्दिष्ट किया जाय, प्रति वर्ष किया जायेगा।

(3) **स्वामित्व की दर और उसके भुगतान की रीति** :- इस भाग के खण्ड (1) के नियमों के अधीन रहते हुये पट्टेदार पट्टे की अवधि में राज्य सरकार को ऐसे समयों पर और ऐसी रीति से, जो राज्य सरकार विहित करे, पट्टे पर दिये हुए क्षेत्र से उसके/उनके द्वारा हटाया गया/हटाये गये किसी खनिज/किन्हीं खनिजों के सम्बन्ध में उक्त नियमावली की प्रथम अनुसूची में तत्समय विनिर्दिष्ट दर पर स्वामित्व का भुगतान करेगा/करेंगे।

(4) **साधारण बालू, मौरंग, बजरी एवं बोल्डर की पट्टा धनराशि की दर एवं भुगतान की रीति**:-साधारण बालू एवं मौरंग के पट्टेदार पट्टे के आगामी वर्षों में पट्टा धनराशि पूर्ववर्ती वर्ष में भुगतान की गई धनराशि से 10 प्रतिशत की बढ़ी हुई दर से जमा करेगा। साधारण बालू, बजरी, बोल्डर जो मिली-जुली अवस्था में हो, के पट्टेदार पट्टे के आगामी वर्षों में पट्टा धनराशि का भुगतान पूर्ववर्ती वर्ष में भुगतान की गई धनराशि से 25 प्रतिशत की बढ़ी हुई दर से करेगा। यदि पट्टा क्षेत्र से हटाये गये खनिज पर देय रायल्टी पट्टा धनराशि से अधिक आती है तो पट्टेदार द्वारा उस धनराशि का भुगतान करना होगा जो इनमें से अधिक होगी।

(5) **अपरिहार्य भाटक और स्वामित्व कटौती आदि मुक्त होंगे** :- इस भाग में उल्लिखित अपरिहार्य भाटक और स्वामित्व का भुगतान बिना किसी कटौती के राज्य सरकार कोपर और ऐसी रीति से किया जायेगा, जो राज्य सरकार विहित करे।

(6) **स्वामित्व के संगणन की रीति** :- उक्त स्वामित्वों के संगणन करने के प्रयोजनों के लिए पट्टेदार खान से संग्रह किये गये खनिज/खनिजों का और उसको/उनको भेजने की रीति का सही-सही लेखा रखेगा, जिसमें वह परिवहन की प्रणाली, वाहन की निबंधन संख्या, वाहन के प्रभारी व्यक्ति, वाहन द्वारा परिवहन किये गये खनिज/खनिजों का विवरण और परिमाण का उल्लेख करेगा/करेंगे, जो एम.एम. 11 में पास जारी करेगा और ऐसे अन्य विवरणों का उल्लेख करेगा/करेंगे, जो राज्य सरकार का सामान्य या विशेष आदेश द्वारा विनिर्दिष्ट करे। नियम 67 के अधीन अधिकृत अधिकारी या ऐसे अन्य अधिकारी जिन्हें राज्य

सरकार नियमावली के अधीन समय-समय पर प्राधिकृत करे, स्टॉक में रखें गये और निर्यात किये जाने वाले या प्रपत्र एम.एम.11 में उल्लिखित खनिज/खनिजों के लेखा उसके/उनके परिमाण का जांच कर सकता है। पट्टेदार प्रति वर्ष जिलाधिकारी और भूतत्व एवं खनिकर्म निदेशालय, के क्षेत्रीय कार्यालय को पूर्ववर्ती तिमाही के पन्द्रह दिनों के भीतर जुलाई, अक्टूबर, जनवरी और अप्रैल में प्रपत्र एम.एम. 12 में तिमाही विवरणी प्रस्तुत करेगा और यदि विवरणी नियत समय के भीतर प्रस्तुत नहीं की जाती है तो पट्टेदार चूक के प्रत्येक अवसर पर 2000.00 रुपये (दो हजार रुपये) की धनराशि का भुगतान करेगा।

(7) प्रपत्र एम.एम. 11 का भुगतान के आधार पर दिया जाना :-पट्टेदार, जिला अधिकारी के कार्यालय से प्रपत्र एम.एम. 11 की पुस्तिका, जैसा नियमावली के नियम 72 (1) अपेक्षित है, भुगतान करने पर प्राप्त करेगा/करेंगे।

(8) नियत समय पर भाटक, स्वामित्व आदि का भुगतान न करने पर कार्यवाही :-यदि पट्टेदार/पट्टेदारों द्वारा इस उपस्थापन पत्र के निर्बंधनों और शर्तों के अधीन किसी भाटक, स्वामित्व या राज्य सरकार, को देय किसी अन्य धनराशि का भुगतान विहित समय के भीतर नहीं किया जाता है तो वह ऐसे अधिकारी के प्रमाण पत्र पर, जिसे राज्य सरकार सामान्य या विशेष आदेश द्वारा विनिर्दिष्ट करे, उसी प्रकार से वसूल की जा सकेगी, जिस प्रकार से मालगुजारी का बकाया वसूल की जाती है।

भाग 3

सामान्य उपबन्ध

(1) नियमों, प्रसंविदाओं और शर्तों के भंग करने पर पट्टा समाप्त किया जा सकता है :- यदि पट्टेदार उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 2021 के किसी नियम या इस पट्टे की किसी प्रसंविदा और शर्त को भंग करे/करें तो राज्य सरकार पट्टा समाप्त कर सकती है और प्रतिभूति जमा को पूर्णतः या अंशतः जब्त कर सकती है, किन्तु प्रतिबन्ध यह है कि पट्टा समाप्त किये जाने के पूर्व पट्टेदार/पट्टेदारों को उक्त शर्त भंग करने का स्पष्टीकरण देने के लिए युक्तियुक्त अवसर दिया जायेगा। यदि पट्टेदार यथास्थिति, इस नियमावली या इस पट्टे के अधीन किसी अधिकारी द्वारा पारित किसी आदेश से क्षुब्ध है तो वह/वे इस नियमावली के नियम 79 और 80 के अधीन अपील/पुनरीक्षण दायर कर सकता है।

(2) पट्टेदार, पट्टे की समाप्ति पर अपनी सम्पत्तियों को हटायेगा/हटायेंगे :-पट्टेदार इस उपस्थापन पत्र (प्रजेन्टेशन) के आधार पर देय किराये और स्वामित्वों का पहले भुगतान और उन्मोचन कर चुकने पर, उक्त अवधि की समाप्ति पर या उसके शीघ्रतर समाप्ति पर या तत्पश्चात तीन कलेण्डर मास के भीतर, (जब तक पट्टा इस भाग के खण्ड (1) के अधीन समाप्त न कर दिया जाय, और उस दशा में किसी समय ऐसी समाप्ति के पश्चात कम से कम एक कलेण्डर मास में और अधिक से अधिक तीन कलेण्डर मास में) अपने लाभ के लिए ऐसे सभी या किसी इंजन, मशीन, संयंत्र, भवन संरचनाओं और अन्य निर्माण कार्य, परिनिर्माण (एरेक्शन्स) और अस्थायी आवास-स्थानों को उखाड़ सकता है/सकते हैं और हटा सकता है/सकते हैं, जो उक्त भूमि में या उस पर पट्टेदार/पट्टेदारों द्वारा खनन किया गया हो, खड़े किये गये हों, स्थापित किये गये हों या रखे गये हों और जिन्हें पट्टेदार, राज्य सरकार को देने के लिए बाध्य नहीं है/हैं और जिन्हें राज्य सरकार खरीदने के लिए इच्छुक न हो।

(3) पट्टे की समाप्ति के पश्चात तीन मास के अधिक समय तक छोड़ी गई सम्पत्ति की जब्ती :- यदि उक्त अवधि की समाप्ति या उसके शीघ्रतर समाप्ति के पश्चात, तीन कलेण्डर मास के अन्त में, उक्त भूमि में या उस पर कोई इंजन, मशीन, संयंत्र, भवन, संरचनायें तथा अन्य निर्माण कार्य, परिनिर्माण और अस्थायी आवास स्थान या अन्य सम्पत्ति रहे तो उनके संबंध में, यदि वे ऐसे लिखित नोटिस देने के पश्चात जिसमें जिला अधिकारी द्वारा पट्टेदार/पट्टेदारों से उन्हें हटाने की अपेक्षा की गई हो, एक कलेण्डर मास के भीतर पट्टेदार/पट्टेदारों द्वारा न हटाये जायें, यह समझा जायेगा कि वे राज्य सरकार की सम्पत्ति हो गई है और किसी प्रतिकर का भुगतान किये बिना या उसके संबंध में पट्टेदार/पट्टेदारों को कोई हिसाब दिये बिना, उनकी बिक्री करके निस्तारण ऐसे रीति से किया जा सकता है, जो राज्य सरकार उचित समझे।

(4) ठेकेदार के माध्यम से स्वामित्व और अपरिहार्य भाटक की वसूली करना :- यदि राज्य सरकार इस प्रकार निर्देश दे, तो पट्टेदार इस उपस्थापन-पत्र द्वारा संरक्षित स्वामित्वों और अपरिहार्य भाटक का भुगतान स्वामित्व की वसूली करने वाले ठेकेदार को राज्य सरकार द्वारा नियत रीति से ऐसी अवधियों में करेगा, जो विनिर्दिष्ट की जायें।

(5) नोटिसें :- इस उपस्थान पत्र द्वारा पट्टेदार/पट्टेदारों को दिए जाने के लिए अपेक्षित प्रत्येक नोटिस उक्त भूमि पर रहने वाले ऐसे व्यक्ति को लिखित रूप में दिया जायेगा, जिसे पट्टेदार ऐसी नोटिस प्राप्त करने के लिए नियुक्त करे/करें और यदि इस प्रकार कोई नियुक्ति न की गयी हो ऐसी प्रत्येक नोटिस पट्टेदार/पट्टेदारों को रजिस्ट्रीकृत डाक द्वारा पट्टे में उसके/उनके अभिलिखित पते पर या भारत में ऐसे अन्य पते पर भेजी जायेगी, जिसे पट्टेदार समय-समय पर लिखित रूप में राज्य सरकार को नोटिसों को प्राप्त करने के लिए दे/दें और प्रत्येक ऐसी तामील पट्टेदार/पट्टेदारों पर उचित और वैध तामील समझी जाएगी और उसके सम्बन्ध में उसके/उनके द्वारा न तो आपत्ति की जायेगी और न उसे चुनौती दी जाएगी।

(6) स्टाम्प शुल्क :- स्टाम्प शुल्क के प्रयोजन के लिए पट्टान्तरित भूमि से पूर्वानुमानित स्वामित्व प्रतिवर्ष रूपये हैं। इसके साक्ष्य के रूप में उपस्थापन-पत्र एतद्धीन आयी हुई रीति से ऊपर उल्लिखित दिन और वर्ष को निष्पादित किया गया है।

उत्तर प्रदेश के राज्यपाल के लिए और उनकी ओर से -

- | | |
|----|----|
| 1. | 1. |
| 2. | 2. |
| 3. | |

की उपस्थिति में द्वारा हस्ताक्षरित की उपस्थिति में पट्टेदार/पट्टेदारों द्वारा हस्ताक्षरित।

FORM-3(A)
Model Form of Prospecting Licence
(See rule 9B)

•THIS INDENTURE made this day..... of 20..... between the Government of Uttar Pradesh (hereinafter referred to as the 'State Government' which expression shall where the context so admits be deemed to include his successors and assigns) of the one part

and

When the licensee is an individual (name of person with Address and occupation) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the licensee is/are more than one individual (Name of person with address and occupation) and (Name of person with addresses..... and..... occupation) (hereinafter referred to as "the licensees" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns.)

When the licensee is a registered firm (Name and address of Partner) son of..... all carrying on business in partnership under the firm name and style of (name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....in the town of..... (hereinafter referred to as "the licensees" which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the licensee is registered company (Name of company) a company registered under..... (Act under which incorporated) and having its registered office at (Address) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the other part.

WHERE AS licensee/licensees has/have applied to the State Government in accordance with the Uttar Pradesh Minor Mineral (Concession) Rules, 2021 (hereinafter referred to as the said Rules) for a licence to prospect for..... in the land specified in Schedule "A" hereunder written and delineated the plan herewith annexed (hereinafter referred to as the said lands) and has/have deposited with the State Government Rs..... as the prescribed security in respect of such licence and has/have paid to the State Government the sum of Rs..... as the prescribed prospecting fee for..... months/years in advance in respect of such licence. NOW THESE PRESENTS WITNESS as follows :

PART-I

In consideration of the fee, royalties, covenants, and agreements hereinafter reserved and contained and on the part of the licensee/licensees to be paid observed and performed the State Government hereby grant and demises onto the licensee / licensees the sole right and the licence.

To enter upon the land and to search for win or carry away and dispose of minerals won- (1) To enter upon the said lands and to search for by quarrying, boring and digging or otherwise all or any..... (Name of minerals) lying or being within under or throughout the said lands;

(2) In the case of other minerals, this licence shall not confer upon the licensee a right to win or carry away the minerals for commercial purposes:

Provided that the licensees may win and carry away for purposes other than commercial purposes-

- (a) thirty cubic meter of such minerals as specified in rule 9B of Rules, without any payment.
- (b) hundred cubic meter of such mineral on payment of royalty.

Provided that if any quantity in excess of the quantities mentioned in above is won and carried away, the State Government may recover the cost of excess quantity of minerals mentioned in clause (b) above, won and carried away.

- (c) With the written approval the State Government, the licensee may carry away quantities of minerals in excess of the limits specified in above clause (a) & (b).

To clear undergrowth and brushwood etc. - (3) Subject to the provisions of clauses 5 and 6 of Part II of these present for the purpose aforesaid to clear undergrowth and brushwood and trees with the sanction of the District Officer previously obtained in writing to make and use any drains or water courses on the said lands for purposes as may be necessary for effectively carrying on the prospecting operations and for the workmen employed thereon

and with the like sanction to use any water provided always that such use shall not (diminish or interfere with the supply of water to which any cultivated land, building or watering place, for livestock has here to fore been accustomed and streams, springs or well shall be fouled or polluted by any such use or the operations hereby licensed.

To bring upon and erect machinery etc. on the said lands. - (4) To erect and bring upon the said lands all such temporary huts, sheds and structures steam and other engine, machinery and conveniences, chattels and effects as shall be proper and necessary for effectually carrying on the prospecting operation hereby licensed or for the workmen employment thereon.

~~RESERVED nevertheless to the State Government full power and liberty at all times to enter into and upon and to grant or demise to any persons whomsoever liberty to enter into and upon the said lands for all or any purposes other than those for which sole rights and licence are hereby expressly conferred upon the licensee/licensees and particularly (and without hereby in any way qualifying such general power and liberty) to make on, over or through the said lands such roads, tramways and ropeways as shall be considered necessary or expedient for any purposes and to obtain from and out of the said lands such stone, earth or other materials as may be necessary or requisits for making, repairing or maintaining such roads, tramways, railways and ropeways to pass and re-pass at all times over and along such roads, tramways, railways and ropeways for all purposes and as occasion shall require.~~

To hold the said right and licence unto the licensee/licensees from the date of these presents for the term (hereinafter referred to as the said term).

Paying there for annually in advance a sum of Rs. being the prospecting fee for each year or portion of a year and immediately on the expiration of sooner determination of the said term clear of all fees, rates, taxes, charges, deductions and royalty at the rates specified in Schedule 'B' and 'C' hereunder written on the minerals won and carried away by the licensee/licensees during the said terms.

PART-II

Covenants by Licensee/Licensees

The licensee/licensees hereby covenants/covenant with the State Government as follows-

Payment and rates of royalty- (1) To pay royalty to the State Government at such rates and at such time as are specified in Schedule 'C' hereunder written provided that the licensee/licensees shall be entitled to carry away free of royalty not more than thirty cubic meter for experimental purposes.

Payment of prospecting fee- (2) To pay annually in advance a prospecting fee in respect of ensuing year or part of the year at such rates and time as are specified in Schedule 'B' hereunder written.

To carry on work in workman-like manner- (3) To work and carry on the operations hereby licensed in a fair orderly skilful and workman like manner and with as little damage as may be to the surface of the lands and to trees, crops, building structures and other property thereon.

Maintenance of correct accounts- (4) Licensee/licensees shall maintain a correct and faithful account of all the expenses incurred by him/them on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch.

No mining operations within 50 meters of public work, etc- (5) The licensee/licensees shall not work or carry on or allow to be worked or carried on any prospecting operations at or to any points within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the District Officer or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 meters shall be measured in the case of railway line, reservoir or canal horizontally from the outer toe of edge bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no workings shall be carried on within a distance of 10 meters of the outer edge of the cutting except with the previous written permission of the District Officer or any other officer duty authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

Explanation : For the purposes of this clause the expression Railways Administration shall have the same meaning as it is defined to have in the Indian Railways Act, 1890, by clause (6) of section 3 of that Act. 'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from a tract resulting from repeated use. Village road will include any track shown in the Revenue records a village road.

Not to cut or injure trees in reserved forest, etc. without previous permission- (6) Not to cut or injure any timber or tree on any unoccupied or unreserved land without the written permission of the Concerning Divisional Forest Officer nor without such permission disturb the surface of any road or enter upon any public pleasure ground, burning or burial ground or any place held sacred by any class of persons or Interfere with any right of way well or tank.

(7) Not to enter upon any land in the occupation of any person without the consent of the occupier not to cut or in any way injure any trees, standing crops, buildings huts, structures or other property of any kind of the, occupier of any land or any other person without the written consent at such owner, occupier or person.

~~Not to commence work in reserved forest without previous permission- (8) Not to enter upon or commence prospecting in any protected or reserved forest situated upon the lands without the written sanction of the Divisional Forest Officer nor otherwise than in accordance with such conditions as may be prescribed in such sanction.~~

~~Indemnify Government against all claims- (9) To make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury, or disturbance which may be done by him in exercise of the powers granted by this licence and to indemnify and keep indemnified fully and completely the State Government against all claims which may be by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.~~

(9A) To pay a wage not less than the minimum wage prescribed by the State Government from time to time. (9B) To comply with the provisions of the Mines Act, 1952.

~~(9C) To take measures, at his own expense, for the protection of environment like planting of trees reclamation of mined land, use of pollution-control devices, and such other measures as may be prescribed by the Central or State Government from time to time.~~

~~(9D) To pay compensation to the occupier of the surface of the land on the date and in the manner laid down in these rules.~~

Forfeiture of security deposits, etc- (10) Whenever the security deposit of Rs. or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the State Government. Pursuant to the power hereinafter declared in that behalf the licensee/licensees shall forthwith 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 Rs.

Licensee not to be Controlled by trust, syndicate etc- (11) The licensee/licensees shall not be controlled or permit himself/ themselves to be controlled by any trust, syndicate, corporation, firm or person except with the written consent of the State Government.

Report of accident- (12) The licensee/licensees without delay send to the District Officer a report 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 licence.

Section 18 of the Act 67 of 1957-(13) The licensee/licensees shall be bound by such rules as may be issued by the State Government under section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and shall not carry on prospecting or other operations under the said licence in any way other than as prescribed under these rules.

To provide for weighing or measurement of material won- (14) At such times and occasions as may be required the licensee/licensees shall well and truly measure or weight or cause to be measured or weighed upon some part of the said lands all minerals from time to time won from the said lands by the licensee/licenses and all such minerals as may require to be measured or weighed for the purpose of ascertaining the royalty payable under these presents shall be so measured or weighed. The licensee/licensees agrees/agree not to take away from the said lands any minerals so won until the same shall have been measured or weighed as the case may be. The licensee/licensees further agrees/agree to give..... days previous notice in writing to the District Officer of every such measuring or weighing on order that he or some person on his behalf may be present thereat.

Plugging of bore holes fencing, etc. and restoring the surface of land after determination or abandonment- (15) Save in the case of land over which the licensee/licensees shall have been granted a mining lease, on or before the expiration or sooner determination or the license, he shall within six months next after the expiration or sooner determination of the license or date of abandonment of the undertaking, whichever shall first occur, securely plug any bore or hole and fill up or fence any holes or excavations that may have been made in the lands to such an extent as may be required by the District Officer concerned and shall to a like extent restore the surface of the land and all buildings thereon which may have been damaged or destroyed in the course or prospecting provided that licensee/licensees shall not be required to restore the surface of the land, or any building in respect of which full and proper compensation has already been paid.

Removal of machinery etc. after expiration, determination or abandonment - (16) Upon the expiration or sooner determination of this license or the abandonment of the operations hereby licensed, whichever shall first occur, the licensee/liensees shall remove expeditiously at his/their own cost all buildings, structures, plant, engines machinery, implements, utensils and other property and effects therefore, erected or brought by the licensee/licensees and then standing or being upon the said lands and also all minerals therefore won by the licensee/licensees under the authority of these presents and then being upon the said lands;

PROVIDED that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the licensee/licensees during the subsistence of this licence.

Report of work done before the refund of security deposits- (17) At any time before the said security deposit is returned to him/them or transferred to any other account or (within one month after the expiration or sooner determination of the license or abandonment of the operations whichever is earlier, the licensee/licensees shall submit to the State Government confidentially a full report of the work done by

him/them and disclose all information acquired by him them in the course of the operations carried on under this licence regarding the geology and mineral resources of the area covered by the licence.

Report of information obtained by the Licensee- (17A) (I) The licensee shall submit to State Government

- ~~(a) a quarterly report of the work done by him stating the number of persons engaged and disclosing in full the geological, geophysical, or other valuable data collected by him during the period. The report shall be submitted within three months of the close of the period to which it relates;~~
 - ~~(b) within three months of the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier, a full report of the work done by him and all information relevant to mineral resources acquired by him in the course of prospecting operations in the area covered by the licence.~~
- (2) While submitting reports under clause (I), the licensee may specify that the whole or any part of the report or data submitted by him shall be kept confidential and the State Government shall thereupon keep the specified portions as confidential for a period of two years from the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier.

Employment of foreign nationals- (18) the licensee/licensees shall not employ, in connection with the prospecting operation any person who is not an Indian National except with the previous approval of the Central and State Government.

Furnishing of Geophysical data- (19) The licensee/licensees shall furnish :

- (a) all geophysical data relating to prospecting or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging, collected by him/them during the course of prospecting operations to the Director, Geology and Mining, Uttar Pradesh, Lucknow.
- (b) all information pertaining to investigations of other minerals by him/them during the course of prospecting operations to the State Government.

Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the prospecting licence.



PART-111
Powers of the government

It is hereby agreed as follows:-

Cancellation of the license and forfeiture of the deposit in case of breach of conditions- (1) In the case of any breach of the condition of the licence/licences or his transferees or assignees, the State Government, shall give a reasonable opportunity to the licensee/licensees of stating him/their case and where it is satisfied that the breach is such as cannot be remedied, on giving thirty days notice to the licensee/licensees or his transferees or assignees, determine the licence and or forfeit the whole or any part of the said deposit of Rs..... Deposited under the covenants in that behalf as the State Government may deem fit. In case the State Government considers the breach to be remediable nature, it shall give notice to the licensee/licensees or his transferees or assignees as the case may be requiring him/them to remedy the breach within thirty days from the date of receipt of the notice informing him of the penalty proposed to be inflicted if such remedy is not within such period.

Application of security to payment of compensation- (2) The State Government may from time to time appropriate and duly the said deposit of Rs..... or any part thereof or any further sum deposited under any covenants in that behalf therein before contained in or towards payment or satisfaction of any claims to compensation which the Government has or has/have against the licensee/licensees and or which may be made by any person or persons against the licensee/licensees and or the State Government in respect of any damage or injury done by the licensee/licensees in exercise of any of the powers conferred by this licence and in or towards payment of any damages, costs expenses which may become payable as the result of or in connection with any suits or proceedings which may be instituted against the State Government in respect of any such damage or injury and also in or towards payment of the expense of the carrying out or performance of any works or matters which the licensee/licensees shall fail to carry out or perform after to expiry or sooner determination of this licence or the abandonment of the operations hereby licensed in accordance with the covenants in behalf hereinbefore contained or in payment or satisfaction of any such claims, damages, costs and expenses.

When the properties of licensee are not removed from the lands in time-- (3) If any buildings, structures, plants, engines, machinery, implements utensils or other property or effects or any minerals which ought to be removed by the licensee/ licensees from the said lands, in accordance with the covenant in that behalf hereinbefore contained be not so removed within one calendar month after notice in writing requiring their removal shall have been given to the licensee/licensees by the State Government, the same shall be deemed to become the property of the State Government and may be sold or disposed of for the benefit of the State Government in such manner as the State Government shall deem fit, without any ability to pay any compensation or to account to licensee/licensees in respect thereof.

Licensee/licensees to pay for work done on his behalf- (4) If any of the works or matters which in accordance with the covenants in that behalf hereinbefore contained are to be carried out or performed by the licensee/licensees, be not so carried out or performed within the time specified. In that behalf, the State Government may cause the same to be carried out or performed and the licensee/licensees shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same

Right of pre-emption -(5) (a) The State Government from time to time at all times during the said term have the right to be exercised by notice in writing to the licensee/licensees of pre-emption of the said minerals (and/all products thereof) lying in or upon the said lands elsewhere under the control of the licensee/licensees and the licensee/licensees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the time in the manner and at the place specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by, this present provisions be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the State Government or the Central Government be detained on demurrage at the port of loading, the licensee/licensees shall pay the amount due or demurrage according to the terms of the charter party of such vessel unless the State Government shall be satisfied that the delay is due to cause beyond the control of the licensee/licensees.

(c) The price to be paid for all mineral or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred shall be the fair market prevailing at the time of pre-emption;

~~PROVIDED THAT in order to assist in arriving at the said fair market price the licensee/licensees shall so required furnish to the State Government for the confidential information of the Government, particulars of the quantities, descriptions and prices of the said minerals or products thereof sold to other customers and of charters entered into for freight for carriage of the two and shall produce such to such officer or officers as may be directed~~

by the State Government original or authenticated copies of contracts and charter parties entered into for the sale of freightage of such minerals or products.

(d) In the event of the existence of a state of war or emergency (of which existence the President of India shall be the sole judge and a notification to this 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 at all times during the said term have the right (to be exercised by a notice in writing to the licensee/licensees) forthwith take possession and control of the works, plant machinery and premises of the licensee/licensees on or in connection with the said lands or the operations under this licensee/licensees shall conform to 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 fair compensation, which shall be determined in default of agreement by the State Government shall be paid to licensee/licensees the all loss or damage sustained by him/them by reason or in consequence of the exercises of the powers conferred by this clause, and PROVIDED ALSO that the exercise of such power shall not determine the said term hereby granted or effect the terms and provisions of these presents further then may be necessary to give effect to the provisions of the clause.

PART-IV Rights of licensee/liccnscs

It is hereby further agreed as follows:-

Transfer of license and fee payable- (1) During the subsistence of this license or of any renewal thereof the licensee/ licensees with the previous sanction of the State Government, transfer his/their license or any right, title or interest therein to a person who has filed an affidavit stating that he has filed up-to-date income tax returns, paid income tax assessed on him and paid the income tax on the basis or self-assessment as provided in the Income Tax Act, 1961 (43 of 196 1), on payment of a fee of five hundred rupees;

Provided that the State Government shall not give its sanction unless -

- (i) the licensee has furnished an affidavit along with his application for transfer of the prospecting licence specifying therein the amount that he has already taken or propose to take as consideration from the transferee;
- (ii) the transfer of the prospecting licence is to be made to person or body directly undertaking prospecting operations.

Preferential right of the licensee/licensees for obtaining mining Lease- (2) On or before the determination of the license, licensee/licensees shall have a preferential right for obtaining a mining lease in respect of whole or part of that land over any other person, provided that the State Government is satisfied that the licensee/licensees has/ have not committed any breach of the terms and conditions of the prospecting licence, [has undertaken prospecting operations to establish mineral resources in such land] and is otherwise a fit person for being granted the mining lease.

Refund of deposit- (3) On such date within six calendar months after the determination of this licence, the amount then remaining in deposit with the State Government and not required to be applied to any of the purposes in Part III of these presents mentioned, shall be refunded to the licensee/licensees or if the licensee/licensees shall have obtained a mining lease over the said lands or any portion thereof, be retained at the credit of the licensee/licensees on account of the fees, rents and royalties to become payable under such lease. The amount shall in no case carry any interest whatsoever.

PART-V General Provisions

It is hereby further agreed as follows:-

Acquisition of land and compensation thereof -(1) If after the receipt of an offer of compensation for any damage which is likely to arise from the proposed operation of the licensee/licensees, the occupier of the surface of any part of the said lands shall refuse his consent to the exercise of the rights and powers reserved to the State Government and granted by this licence, the licensee/licensees shall report the matter to the State Government is satisfied that the amount of compensation is reasonable or if it is not so satisfied and the licensee/licensees shall have deposited with it such further amount as the State Government may consider reasonable the State Government shall order the occupier to allow the licensee/licensees to enter upon the said land and carry out such operations as may be necessary for the purpose of the licence, In assessing the amount of such compensation the State Government shall be guided by the principles of the Land Acquisition Act.

Delay in fulfilment of the terms of license due to force majeure- (2) Failure on the part of the licensee/licensees to fulfil any of the terms and conditions of this licence shall not give the State Government any

claim against him/them or he deemed a breach of the license in so far as such failure is considered by the State Government to arise from force majeure. If the fulfilment of the licensee/licensees of any or the terms and conditions of this licence be delayed from force majeure, the period of such delay shall be added to the period fixed by this licence.

The expression force majeure means act of God, war, insurrection, riot, civil commotion, strike, tide, tidal wave, storm, flood, lightning, explosion, fire, earthquake and any other happening which the licensee/licensees could not reasonably prevent or control.

Service of notices- (3) Every notice required to be given to the licensee/licensees shall be given in writing to such person as the licensee/licensees may appoint for the purpose of receiving such notice or if not such appointment is made then the notice shall be sent to the licensee/licensees by registered post addressed to him/them at the address shown in his/their application for the license or at such other address in India as he/they designate from time to time and every such service shall be deemed to be proper and valid service upon the licensee/licensees and shall not be questioned or challenged by him.

Discovery of new minerals - (4) The licensee shall report to the State Government the discovery of any mineral not specified in the licence within a period of sixty days from the date of such discovery and shall not undertake any prospecting operations in respect of such mineral unless such mineral is included in the license.

(5) The licence deed is executed at the concerned District Office (Name of the District) and subject to the provision of article 226 of the constitution of India it is hereby agreed upon by the licensee and the State Government that in the event of any dispute in relation to the area under prospecting licence, condition of the license deed and in respect of all matters touching the relationship of the licensee and the State Government, suits or petitions shall be filed in civil courts at (Name of the city) and it is hereby expressly agreed that neither party shall file a suit or appeal or bring any actions at any place other than the courts named above.

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

SCHEDULE-A

The land covered by the licence

(Here insert the description of lands with area, boundaries, names of District, Sub-Division, Thana, etc. and cadastral survey numbers, if any, In case a map is attached refer the map in the description to be inserted.)

SCHEDULE-B

Prospecting Fee

(Here specify the amount of prospecting fee and the manner and time of payment)

SCHEDULE-C

Royalty

1. Rates of royalty on minerals shall be in accordance with the highest bid obtained for the minerals.
2. (a) Here insert the mode of arriving at sale prices at pits mouth value of mineral/minerals.
(b) The manner and time of payment of royalty.

FORM MM-4
(Rule-20)
Register of Mining Lease

1. Serial No.....
2. Name of the Lessee.....
3. Residence with complete address of lessee.....
4. Date of application
5. (a) Number and date of order granting the lease
- (b) Date of execution of mining lease deed
6. Particulars of land-
 - (a) Tehsil.....
 - (b) Pargana.....
 - (c) Village.....
 - (d) Plot No.....
 - (e) Area.....
7. Total area for which lease granted
8. Mineral or minerals for which lease granted.....
9. Dead rent fixed-
 - (a) Mineral.....
 - (b) Dead rent per acre.....
 - (c) Total dead rent
10. Date of commencement of the lease
11. Period for which lease granted
12. Signature of Officer-in-charge
13. Date of change together with details of change that take place in name, nationality or other particulars of the holder of mining lease.....
14. Date of relinquishment or determination of lease.....
15. Signature of Officer-in-Charge.....
16. Remarks.....

FORM MM-5

(Rule-25)

Register of areas of declared for auction/tender/ tender-cum-auction lease

1. Serial No.....
2. No. of order declaring the area or areas
3. Date of declaration
4. Tehsil
5. Pargana
6. Village
7. Plot No.
9. Signature of Officer-in-charge
10. Withdrawal from leasing by auction/tender/tender-cum-auction
 - (a) Number of order.....
 - (b) Date of order
 - (c) Signature of Officer-in-charge.....

प्रपत्र-एम.एम. 6

खनन के लिए नीलाम पट्टे का आदर्श प्रपत्र - (नियम 29)

यह अनुबन्ध आजदिनांक20.....को उत्तर प्रदेश के राज्यपाल (जिन्हें आगे "राज्य सरकार" कहा गया है, जिस पदावधि के अन्तर्गत यदि संदर्भ से ऐसा ग्राह्य हो, उत्तराधिकारी तथा अभिहस्तांकित भी समझे जायेंगे), एक पक्ष और

यदि पट्टेदार व्यक्ति विशेष हो:-.....(व्यक्ति का नाम, पता और व्यवसाय) जिसे आगे "पट्टेदार" कहा गया है, जिस पदावधि के अन्तर्गत, यदि संदर्भ से ऐसा ग्राह्य हो, उसके दायद, निष्पादक, प्रशासक तथा प्रतिनिधि भी समझे जायेंगे) दूसरा पक्ष

यदि पट्टेदार एक से अधिक हों :-.....(व्यक्ति का नाम पता और व्यवसाय) तथा
.....(व्यक्ति का नाम, पता और व्यवसाय) (जिन्हें आगे "पट्टेदार" कहा गया है, जिस पदावधि के अन्तर्गत यदि संदर्भ से ऐसा ग्राह्य हो, उनके अपने-अपने दायद, निष्पादक, प्रशासक तथा प्रतिनिधि भी समझे जायेंगे)

यदि पट्टेदार निबद्ध फर्म हो:-.....(भागीदार का नाम और पता) आत्मज निवासी.....
.....आत्मज.....निवासी....., जो सभी इण्डियन पार्टनरशिप एक्ट, 1932 (एक्ट संख्या 9, 1932) के अधीन निबद्धित फर्म.....(फर्म का नाम) के नाम और रूप के अधीन भागीदारी में कारोबार कर रहे हैं और जिसका निबद्ध कार्यालय.....नगर में.....पर है, (जिन्हे आगे "लाइसेन्सधारी" कहा गया है), (जिस पदावधि के अन्तर्गत, यदि संदर्भ से ऐसा ग्राह्य हो, उक्त समस्त भागीदार, उसके अपने-अपने दायद, निष्पादक तथा विधिक प्रतिनिधि भी समझे जायेंगे)

यदि पट्टेदार निबद्ध कम्पनी हो:-..... (कम्पनी का नाम) जो.....(एक्ट, जिसके अधीन निगमित है) के अधीन निबद्ध कम्पनी है और जिसका कार्यालयमें है

(पता) निबद्ध जिसको आगे "पट्टेदार" कहा गया है, जिस पदावधि के अन्तर्गत, यदि संदर्भ से ऐसा ग्राह्य हो, उत्तराधिकारी भी समझे जायेंगे) दूसरे पक्ष के बीच किया गया।

उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021 (जिसे आगे "उक्त नियमावली" कहा गया है) के अनुसार किये गये नीलाम में पट्टेदार/पट्टेदारों को बोली का.....रु. राज्य सरकार द्वारा खनन पट्टे के लिए.....वर्ष/वर्षों के निमित्त एतदधीन लिखित अनुसूची के भाग-1 में वर्णित भूमि के सम्बन्ध में.....एकड़ों के लिए स्वीकार कर लिया गया है और उसने/उन्होंने प्रतिभूति स्वरूप.....रूपये की धनराशि राज्य सरकार के पास जमा कर दी है।

यह इसका साक्ष्य है कि इस उपस्थापन-पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उसमें दिए गये और पट्टेदार/पट्टेदारों की ओर से भुगतान किए जाने वाले, पालन तथा सम्पादन किए जाने वाले स्वामित्वों, प्रसंविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्वारा पट्टेदार/पट्टेदारों को निम्नलिखित प्रदान और पट्टान्तरित करता है।

.....(यहां खनिज/खनिजों का उल्लेख किया जाये) जिन्हें आगे और अभिदिष्ट अनुसूची में "उक्त" "खनिज" कहा गया है), की समस्त खान, तल्प (beds) संदर सीम्स (veins seams) जो उक्त अनुसूची के भाग-1 में अभिदिष्ट भूमि में या उसके नीचे स्थित हो, के साथ, जिसके सम्बन्ध में उन प्रतिबन्धों तथा शर्तों के अधीन रहते हुए प्रयोग या उपयोग किया जाएगा जो ऐसी स्वतंत्रताओं, अधिकारों तथा विशेषाधिकारों का प्रयोग तथा उपयोग करने के बारे में हों सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतंत्रताओं, अधिकार तथा विशेषाधिकार राज्य सरकार में पट्टान्तरित हो जायेंगे। दिनांकसेवर्ष की आगामी अवधि के लिए पट्टेदार/पट्टेदारों की एतद्वारा दिये गये और पदान्तरित ऐसे भू-गृहादि धारण करना, जिनसे खनिज निकलने लगे और राज्य सरकार को उक्त अनुसूची के भाग-2 में उल्लिखित स्वामित्वों का भुगतान उसमें निर्दिष्ट भिन्न-भिन्न समयों पर होने लगे, किन्तु प्रतिबन्ध यह कि ऐसा उक्त भाग के उपबन्धों के अधीन हो और पट्टेदार एतद्वारा राज्य सरकार के साथ प्रसंविदा करता है/करते हैं, और राज्य सरकार एतद्वारा पट्टेदार/पट्टेदारों के साथ प्रसंविदा करती है, जैसा कि उक्त नियमावली में अभिव्यक्त है और एतद्वारा इसके साथ दिए गए पक्षों के बीच परस्पर सहमत हुआ है और जैसा कि उक्त अनुसूची के भाग-3 में अभिव्यक्त है।

(ऊपर अभिदिष्ट अनुसूची)

भाग-1

इस पट्टे का क्षेत्र

पट्टे का स्थान और क्षेत्र : वह समस्त भू-खण्ड, जो जिला.....की तहसील.....और थाना.....के अन्तर्गत परगना.....में स्थान.....पर (क्षेत्र तथा क्षेत्रों का विवरण) स्थित है और उसकी भू-कर सर्वेक्षण संख्यायें..... हैं तथा जिसमें.....क्षेत्रफल है, और जिसका चित्रण इसमें संलग्न नक्शे में किया गया और उसे रंजित (coloured) किया गया है और जिसकी सीमायें निम्नलिखित हैं :

उत्तर में

दक्षिण में

पूर्व में

तथा

पश्चिम में

और जिसे एतद्वारा "उक्त भू-खण्ड" कहा गया है।

भाग-2

इस पट्टे द्वारा संरक्षित स्वामित्व

स्वामित्व की धनराशि : (1) पट्टेदार, इस पट्टे की अवधि में राज्य सरकार को पट्टे पर दिए गये क्षेत्र में उसके/उनके द्वारा हटाये गये सभीके सम्बन्ध में निम्नलिखित स्वामित्व का भुगतान करेगा/करेंगे

| किस्तों की संख्या | धनराशि | दिनांक, जब किस्त दिया जायेगा |
|-------------------|--------|------------------------------|
| 1 | 2 | 3 |
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

स्वामित्व कटौती आदि से मुक्त होगा : (2) (इस भाग में उल्लिखित स्वामित्व की किस्तों का भुगतान बिना किसी कटौतियों के राज्य सरकार को.....पर सरकारी कोषागार में जमा करके किया जायेगा तथा चालान की एक प्रति जिला अधिकारी को भेजी जाएगी।

स्वामित्वों का समय पर भुगतान न किया जाये तो कार्यवाही की प्रक्रिया : (3) यदि इस उपस्थापन-पत्र (presentation) की शर्तों और प्रतिबन्धों के अधीन राज्य सरकार को देय स्वामित्व की किसी किस्त का भुगतान पट्टेदार/पट्टेदारों द्वारा नियत समय के भीतर न किया जाये तो उसे ऐसे अधिकारी के, जिसे राज्य सरकार सामान्य या विशिष्ट आज्ञा द्वारा निर्दिष्ट करे, प्रमाण-पत्र पर उसी रीति से वसूल की जा सकती है जैसे मालगुजारी का बकाया।

भाग-3

सामान्य उपबन्ध

नियमों प्रसंविदाओं और शर्तों को भंग करने पर पट्टा समाप्त किया जा सकता है (1) यदि पट्टेदार उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 2021 के किसी नियम या इस पट्टे की किसी प्रसंविदा तथा किसी शर्त को भंग करे तो राज्य सरकार पट्टा समाप्त कर सकती है और प्रतिभूति जमा की पूर्णतः या अंशतः जब्त कर सकती है, किन्तु प्रतिबन्ध यह है कि पट्टा समाप्त किये जाने के पूर्व पट्टेदार/पट्टेदारों को उन्हें भंग करने का स्पष्टीकरण देने के लिए यथोचित अवसर दिया जाएगा।

पट्टेदार पट्टे की समाप्ति पर अपनी सम्पत्तियों को हटायेगा/हटायेंगे:—(2) पट्टेदार इस उपस्थापन-पत्र के आधार पर देय स्वामित्व का पहले भुगतान और उन्मोचन कर चुकने पर उक्त अवधि की समाप्ति पर उसकी शीघ्रतर समाप्ति पर या तत्पश्चात् तीन कलेण्डर मास के भीतर (जब तक कि पट्टा इस भाग के खण्ड-1 के अधीन समाप्त न कर दिया जाए) और उस दशा में किसी समय ऐसी समाप्ति के कम से कम एक कलेण्डर मास में और अधिक से अधिक तीन कलेण्डर मास में अपने लाभ के लिए ऐसे सभी या किसी मशीन, संयंत्र, भवन, संरचनायें और अन्य निर्माण कार्य और अस्थायी आवास स्थानों (conveniencies) को उखाड़ सकता है/सकते हैं और हटा सकता है/सकते हैं, जो उक्त भूमि में या उस पर पट्टेदार/पट्टेदारों द्वारा रखे गये हों।

पट्टे की समाप्ति के पश्चात् तीन मास से अधिक समय से छोड़ी गयी सम्पत्ति की जब्ती:—(3) यदि उक्त अवधि की समाप्ति या उसके शीघ्रतर समाप्ति के प्रभावी होने के पश्चात् तीन कलेण्डर मास के अन्त में उक्त भूमि या उस पर कोई इंजन, मशीन, संयंत्र, भवन संरचनायें तथा अन्य निर्माण कार्य और अस्थायी आवास स्थान या अन्य सम्पत्ति रहे तो उनके सम्बन्ध में, यदि वे ऐसे लिखित नोटिस देने के पश्चात् जिसमें जिला अधिकारी द्वारा पट्टेदार/पट्टेदारों से उन्हें हटाने की अपेक्षा की गयी हो एक कलेण्डर मास के भीतर पट्टेदार/पट्टेदारों द्वारा न उठाये जायें, तो यह समझा जायेगा कि वे राज्य सरकार की सम्पत्ति हो गयी है और किसी प्रतिकर का भुगतान किये बिना या उसके सम्बन्ध में पट्टेदार/पट्टेदारों को कोई हिसाब दिए बिना उनकी बिक्री या निस्तारण ऐसी रीति से किया जा सकता है जो राज्य सरकार उचित समझें।

नोटिस :—(4) इस उपस्थापन-पत्र द्वारा पट्टेदार/पट्टेदारों को दिए जाने के लिए अपेक्षित प्रत्येक नोटिस उक्त भूमि पर रहने वाले ऐसे व्यक्ति को लिखित रूप से दिया जायेगा, जिसे पट्टेदार ऐसे नोटिस प्राप्त करने के प्रयोजन के लिए नियुक्त करे/करें, और यदि इस प्रकार कोई नियुक्ति न की गयी हो तो ऐसा प्रत्येक नोटिस पट्टेदार/पट्टेदारों को रजिस्टर्ड डाक द्वारा इस पट्टे में उसके/उनके अभिलिखित पते पर या भारत में ऐसे पते पर भेजा जायेगा जिसे पट्टेदार समय-समय पर लिखित रूप में राज्य सरकार को नोटिसों की प्राप्ति करने के लिए दे/दें और प्रत्येक ऐसी तामील पट्टेदार/पट्टेदारों पर उचित तथा वैध तामील समझी जायेगी और उसके सम्बन्ध में उसके/उनके द्वारा न तो आपत्ति की जायेगी और न उसे उपाहूत (challenged) किया जायेगा।

स्टाम्प शुल्क:—(5) स्टाम्प शुल्क के प्रयोजन के लिए पट्टान्तरित भूमि से प्रत्याशित स्वामित्व प्रति वर्षरु. है।

इनके साक्ष्य के रूप में यह उपस्थापन-पत्र एतद्धीन आयी हुयी रीति से ऊपर उल्लिखित दिनांक और वर्ष को निष्पादित किया गया है।

उत्तर प्रदेश के राज्यपाल के लिए और उनकी ओर से

- | | |
|----|----|
| 1. | 1. |
| 2. | 2. |
| 3. | |

की उपस्थिति में.....द्वारा हस्ताक्षरित की उपस्थिति में पट्टेदार द्वारा हस्ताक्षरित।

FORM MM-7

(Rule-30)

Register of Auction/Tender/Auction-Cum-Tender Lease

1. Serial No.....
2. Particulars of land-
 - (a) Tehsil.....
 - (b) Pargana.....
 - (c) Village.....
 - (d) Plot No.....
 - (e) Area.....
3. Total area of lease
4. Name of mineral or minerals
5. Name of lessee
6. Full address of lessee
7. Date of commencement of lease
8. Date of expiry of lease
9. Total amount of royalty.....
10. Signature of Officer-in-Charge
11. Remarks

प्रपत्र-एम.एम. 8

खनन अनुज्ञा-पत्र के लिए प्रार्थना-पत्र (नियम-51)

(तीन प्रतियों में देना है)

स्थान.....दिनांक.....20.....समय.....बजे.....

दिनांक.....को प्राप्त हुआ

पाने वाले अधिकारी के हस्ताक्षर

सेवा में,

.....
.....
.....

महोदय,

मैं/हम निवेदन करता हूँ/करते हैं कि मुझे/हमें उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 2021 के अधीन खनन अनुज्ञा-पत्र दिया जाये।

(2) इस प्रार्थना पत्र के सम्बन्ध में देय शुल्क.....रु. जमा कर दिया गया है।

(3) अपेक्षित विवरण नीचे दिये गये हैं :-

- (1) प्रार्थी का नाम और पूरा पता.....
- (2) क्या प्रार्थी अशासकीय व्यक्ति/निजी कम्पनी/सार्वजनिक कम्पनी/फर्म या संघ है.....
- (3) यदि प्रार्थी
 - (क) व्यक्ति विशेष है तो उसकी राष्ट्रीयता
 - (ख) निजी कम्पनी है, तो कम्पनी के सभी सदस्यों की राष्ट्रीयता और उसके निबंधन का स्थान
 - (ग) सार्वजनिक कम्पनी है तो निदेशकों की राष्ट्रीयता, भारतीय राष्ट्रियों द्वारा धृत अंश पूंजी का प्रतिशत तथा उसके निगमन का स्थान
 - (घ) फर्म या संघ है तो फर्म के सभी भागीदारों या संघ के सभी सदस्यों की राष्ट्रीयता
- (4) प्रार्थी का व्यवसाय या उसके कारोबार का प्रकार
- (5) खनिज, जिसे/जिन्हें प्रार्थी खनन करना चाहता हो :
 - (क) खनिज का नाम
 - (ख) जितना खनन किया जाना हो उसकी कुल मात्रा
- (6) अवधि जिसके लिए खनन अनुज्ञा-पत्र अपेक्षित है
- (7) उस क्षेत्र का ब्यौरा, जिसके सम्बन्ध में अनुज्ञा-पत्र अपेक्षित है :

| जिला | तहसील | ग्राम | खसरा संख्या | क्षेत्रफल | क्या रिक्त है या किसी द्वारा धृत है और यदि धृत है तो उसके ब्यौरे |
|------|-------|-------|-------------|-----------|--|
| | | | | | ग्राम-क्षेत्रों की दशा में ग्राम का नाम और यदि ग्राम के केवल एक भाग के लिए प्रार्थना-पत्र दिया गया हो तो खसरा (ग्राम) संख्या |

*प्रत्येक ऐसे खेत या उसके भाग का, जिसके लिए प्रार्थना पत्र दिया गया हो हेक्टेयर में क्षेत्रफल

- (8) वन क्षेत्रों की दशा, में कार्यवृत्ति (वर्किंग सर्किल) का नाम, वनराजि (range) और पातन श्रेणियों (felling series) यदि कोई हों, वन में ज्ञात और सीमांकित क्षेत्रों के सम्बन्ध में क्षेत्र का विवरण तथा एकड़ों में विस्तार (लगभग)।
- (9) भू-कर सर्वेक्षण के अन्तर्गत आने वाले क्षेत्र की दशा में, धरातल मानचित्र में निश्चित स्थानों के हवाले से क्षेत्र के प्रारम्भिक स्थल का विवरण और सीमा-रेखा की रेखीय दूरियाँ और उसके धरातल मानचित्र में दिए गये क्षेत्र के तदनुरूप यथासम्भव ठीक-ठीक दिक्स्थिति (4" =1 मील पैमाना)।
- (10) रीति जिसके अनुसार संग्रह किये गये खनिज का उपयोग किया जाएगा।

(11) प्रार्थी के वित्तीय संसाधन।

(12) ऊपर 2 पर उल्लिखित धनराशि के लिए संलग्न रसीद वाले कोषागार चालान आदि के विवरण।

(13) कोई अन्य विवरण या रेखा मानचित्र जो प्रार्थी द्वारा प्रस्तुत करना चाहें।

मैं/हम एतद्वारा घोषणा करता हूँ/करते हैं कि ऊपर दिए गये विवरण ठीक हैं और मैं/हम कोई अन्य ब्यौरे देने को तैयार हूँ/हैं, जो आपके द्वारा अपेक्षित हैं।

स्थान.....

दिनांक.....

भवदीय

प्रार्थी के हस्ताक्षर

अवधेय :- यदि प्रार्थना-पत्र पर प्रार्थी के प्राधिकृत अभिकर्ता द्वारा हस्ताक्षर किये जायें तो अभिकरण पत्र (power of attorney) संलग्न किया जाना चाहिये।

प्रपत्र-एम.एम. 9

खनन अनुज्ञा-पत्रों के लिए प्रार्थना पत्र का रजिस्टर- (नियम-57)

1. क्रम संख्या
2. खनन-अनुज्ञा पत्र के लिए प्रार्थना-पत्र का दिनांक
3. खनिज का नाम
4. जिस क्षेत्र के लिए प्रार्थना-पत्र दिया गया हो
 - (क) तहसील
 - (ख) परगना
 - (ग) ग्राम
 - (घ) प्लॉट संख्या
 - (ङ) क्षेत्रफल
5. प्रभारी अधिकारी के हस्ताक्षर
6. अनुज्ञा-पत्र न देने की आज्ञा का दिनांक और प्रभारी अधिकारी के हस्ताक्षर
7. यदि अनुज्ञा-पत्र दिया जाये तो उसके ब्यौरे
 - (क) दिया गया कुल क्षेत्र
 - (ख) अनुज्ञाप्त खनिज की कुल मात्रा
 - (ग) अवधि जिसके लिए दिया गया हो
 - (घ) कुल स्वामित्व की धनराशि
 - (ङ) चालान संख्या सहित स्वामित्व जमा करने का दिनांक
 - (च) अनुज्ञा-पत्र जारी करने का दिनांक
 - (छ) अनुज्ञा-पत्र की समाप्ति का दिनांक
 - (ज) प्रभारी अधिकारी के हस्ताक्षर

प्रपत्र-एम.एम.10

खनन अनुज्ञा पत्र का आदर्श प्रपत्र (नियम 56)

श्री/सर्वश्री.....को उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 2021 के नियम 52 के अधीन ग्राममें.....(खनिज) का खनन करने के अनुज्ञा-पत्र देने के निमित्त प्रार्थना-पत्र दिया है और 2000(दो हजार रुपये) रुपये का प्रार्थना-पत्र शुल्क तथारुपये प्रतिटन/घन फुट की दर से स्वामित्व का भी.....रुपया अग्रिम भुगतान कर दिया है। एतद्वारा नीचे उल्लिखित भूमि से.....टन/घन फुट खनिज को, आज से.....मास की अवधि के भीतर, निम्नलिखित शर्तों के अधीन रहते हुए हटाने की अनुज्ञा दी जाती है।

भूमि के ब्यौरे

| तहसील | परगना | ग्राम | गाटा (प्लॉट) संख्या | एकड़ों में क्षेत्रफल |
|-------|-------|-------|---------------------|----------------------|
| 1 | 2 | 3 | 4 | 5 |

स्थान:
दिनांक :
शर्तें :-

अनुज्ञा-पत्र देने वाले अधिकारी
के हस्ताक्षर और उसका पदनाम।

1. अनुज्ञा-पत्र धारक, राज्य सरकार को किसी तीसरे पक्ष के दावे की क्षतिपूर्ति करता रहेगा और इस प्रकार के दावे को उसके उत्पन्न होते ही स्वयं निश्चित करेगा।
2. अनुज्ञा-पत्र धारक ऐसी रीति से खनिज निकालेगा जिससे कोई सड़क, सार्वजनिक मार्ग, भवन, भू-गृहादि, सार्वजनिक भू-स्थल या सार्वजनिक सम्पत्ति पर कोई बाधा न पड़े, या उसे क्षति न पहुंचे।
3. अनुज्ञा-पत्र धारक संग्रह किये गये सभी खनिजों का लेखा रखेगा और एतदर्थ प्रतिनियुक्त प्राधिकारी को ऐसे लेखों का निरीक्षण करने की अनुमति देगा।

दिनांक :

अनुज्ञा-पत्र देने वाले अधिकारी
के हस्ताक्षर और उसका पदनाम।

Form -MM-11/EMM-11
Pass-Form-Rule 72(1)
(In Triplicate)

Date.....Time.....

1. Name of lease or permit holder
2. location of mines
3. Name of mineral
4. Quantity of mineral and pit mouth value
5. Destination
6. Particulars of means of transport (if motor vehicle, mention registration number)
7. Full name and address of the person in-charge of consignment
8. Full signature of the person in-charge of consignment
9. Full signature of the person issuing the pass

Note-(1) Counter foil be retained at the mine

(2) Two counter foil will be given to the person in-charge of consignment, one of which will be removed by the Government servant checking the pass

प्रपत्र एम0एम0 12
त्रैमासिक विवरणी
(नियम 75)

सेवा में,

जिला अधिकारी.....

.....से.....माह/वर्ष की विवरणी :-

1. पट्टेदार/पट्टेदारों का/के नाम/पते.....
2. पट्टे का विवरण.....खनिज का नाम.....
3. पट्टे की अवधि क्षेत्रफल.....एकड़ों में, ग्राम.....तहसील.....
.....जिला.....
4. नियोजित श्रमिकों की संख्या.....कुशल.....अकुशल.....

| महीनों का नाम | खनिज का नाम | महीना/त्रैमास में उत्पादन | महीना/त्रैमास में भेजा गया परिमाण | स्टाक में अवशेष |
|---------------|-------------|---------------------------|-----------------------------------|-----------------|
| 1 | 2 | 3 | 4 | 5 |

| स्वामित्व और देय स्वामित्व की नियत दर | त्रैमास में भुगतान किया गया स्वामित्व | स्वामित्व का अवशेष यदि कोई हो | अभ्युक्ति |
|---------------------------------------|---------------------------------------|-------------------------------|-----------|
| 6 | 7 | 8 | 9 |

5. त्रैमास में अधिकतम विक्रय मूल्य रू0 प्रति घन मी0, न्यूनतम विक्रय मूल्य रू0
..... प्रति घन मी0 औसत विक्रय मूल्य रू0 प्रति घन मी0।

6. इमारती पत्थर (स्टोन) की खान की दशा में, खनन योजना के अनुसार कार्य करने की रीति का संक्षिप्त उल्लेख किया जाना चाहिये और कार्य-प्रणाली की एक अद्यतन प्रति संलग्न की जानी चाहिए।

स्थान.....

पट्टेदार/पट्टेदारों या उसके/उनके अभिकर्ता

दिनांक.....

के हस्ताक्षर और मुहर

प्रतिलिपि :-

1. निदेशक, भूतत्व एवं खनिकर्म, उत्तर प्रदेश, खनिज भवन, लखनऊ।
2. भूतत्व एवं खनिकर्म निदेशालय, उत्तर प्रदेश के क्षेत्रीय प्रभारी अधिकारी को सूचनार्थ प्रेषित।

प्रपत्र-एम.एम. 13

अपील या पुनरीक्षण के लिए प्रार्थना-पत्र का आदर्श प्रपत्र (नियम 79.80 और 81 देखिये)

1. आवेदन करने वाले व्यक्ति/व्यक्ति विशेष/फर्म या कम्पनी का नाम, पता :
2. व्यक्ति/व्यक्ति विशेष/फर्म या कम्पनी का व्यवसाय :
3. अधिकारी के आदेश की संख्या और दिनांक, जिसके विरुद्ध:
अपील/पुनरीक्षण दायर किया जाय, (प्रतिलिपि संलग्न की जाय) :
4. खनिज/खनिजों का नाम, जिसके/जिनके लिए अपील/पुनरीक्षण दायर किया जाय :
5. क्षेत्र का विवरण जिसके लिए अपील/पुनरीक्षण आवेदन पत्र दायर किया जा रहा है :

| जिला | तहसील | ग्राम | खसरा संख्या | दावाकृत क्षेत्र का योग |
|------|-------|-------|-------------|------------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

(क्षेत्र/क्षेत्रों का, मानचित्र संलग्न किया जायेगा)

6. क्या उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 2021 के नियम 79 के उपनियम (4) में विहित रीति में से 2500.00 रुपये का प्रार्थना पत्र शुल्क जमा किया गया है?
7. क्या अधिकारी द्वारा दिये गये आदेश को संसूचित किये जाने के दिनांक के 60 दिन या 90 दिन के भीतर प्रार्थना पत्र दिया गया है।
8. पक्ष/पक्षकारों के, जो बनाये गये हों, यदि कोई हों, का/के नाम और पूरा पता.....
9. याचिका, की प्रतियों की संख्या जो संलग्न की गयी हों (प्रत्येक बनाये गये पक्षकार/पक्षकारों के लिए अतिरिक्त संख्या में प्रतियों को संलग्न किया जाना चाहिए) :-
10. अपील/पुनरीक्षण के आधार :-
(क) संक्षिप्त तथ्य,
(ख) आधार,
(ग) प्रार्थना,
11. यदि अपील/पुनरीक्षण का प्रार्थना पत्र अभिकरण पत्र धारक (The holder of power of Attorney) द्वारा दिया गया है तो अभिकरण पत्र संलग्न किया जायेगा।

स्थान.....

भवदीय

दिनांक.....

प्रार्थी के हस्ताक्षर

यदि कोई पक्षकार नहीं बनाया गया है, तो प्रार्थना पत्र तीन प्रतियों में दिया जायेगा।

यदि इनके अतिरिक्त कोई हो, तो बनाये गये प्रत्येक पक्षकार के लिए एक अतिरिक्त प्रति संलग्न की जाएगी।

प्रपत्र एम.एम.- 14

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी
...सुपुत्र/पत्नी/सुपुत्री, श्री..... आयु लगभग.....वर्ष, निवासी ग्राम.....
.....तहसील.....पुलिस थानाजिला.....
.....अपनी जीविका के लिए पारम्परिक रूप से बालू/मौरम/बजरी/बोल्डर के उत्खनन कार्य में संलग्न है और सरकार द्वारा समय-समय पर यथा अधिसूचित.....जाति के व्यक्ति हैं।

जारीकर्ता अधिकारी के हस्ताक्षर
(जिलाधिकारी/अपरजिलाधिकारी/उप जिलाधिकारी/तहसीलदार)

MM-15
Application for Prospecting Licence
[rule -85]
(To be submitted in quadruplicate)

GOVERNMENT OF UTTAR PRADESH

Received at _____ (Place) on _____ (date)

Initial of Receiving Officer _____ Dated the _____ day of _____ 20____
To, _____

Sir,

I/We request that a prospecting licence under the Uttar Pradesh Minor Mineral Concession, Rules, 2021 be granted to me /us.

2. A sum of Rs 10,000.00 being the fee in respect of this application (vide receipt Challan No.dated.....of the State Bank of India/Treasury.....)

3. The required particulars are given below :

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual / private company / public company / firm or association ?
- (iii) In case applicant is ;
 - (a) an individual , his nationality
 - (b) a company, an attested copy of all the certificate of registration of the company shall be enclosed .
 - (c) firm or association , the nationality of all the partners of the firm or member association
- (iv) Profession or nature of business of applicant.
- (v) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).
- (vi) If on the date of application the applicant does not hold a prospecting licence , it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the State Government .
- (vii) Mineral or minerals which the applicant tends to prospect .
- (viii) Period for which the prospecting licence is required.
- (ix) Extent of the area the applicant wants to prospect

| District | Tchsil | Village | Khasra No.. | Coordinates | Area in acre |
|----------|--------|---------|-------------|-------------|--------------|
|----------|--------|---------|-------------|-------------|--------------|

(x) (a) Does the applicant have surface rights over the area for which **he requires a** prospecting licence ?

(b) If not, has he obtained the consent of the owner, and the occupier **of the land for** undertaking prospecting operations. If so, the consent of the owner and the occupier obtained **in** writing be filled .

(xi) Brief description of the area with Particular reference to the following :

- (a) the situation of the area in respect to natural features such as streams etc.
- (b) in the case of village areas, the name of, the village is applied for , the khasra number, the area in hectares of each field or part thereof applied for .
- (c) In the case of forest area , the name of the working circle, the range and the land details.

(xii) The areas applied for should be marked on maps as detailed below :

(a). In case a cadastral map of the area is available, the area on this map should be marked showing the name of the village, khasra number and area in hectares of each field and part thereof.

(b) In the case of forest maps, the area should be marked on the map showing the range and felling series .

(xiii) An affidavit that the up-to-date income tax returns, as prescribed under the Income Tax Act , 1961, have been filed, and tax due, including the tax on account of self assessment has been paid.

(xiv)(a) Particulars of the areas Mineral — wise within the jurisdiction of the State Government for which the applicant or any person joined in interest with him already holds underprospecting licence.

(b) Has already applied for but not granted.

(c) being applied for simultaneously.

(xv) Nature of joint in interest , if any .

(xvi) If the applicant intends to supervise the works , his previous experience of prospecting and mining should be explained; if he intends to appoint manager, the name of such manager his qualifications, nature and extent of his previous experience should be specified and his consent letter should be attached.

(xvii) Financial resources of the applicant and the solvency certificate .

(xviii) Any other particulars or sketch map which the applicant wishes to furnish.

I/We do hereby declare' that the particulars furnished above are correct and am/are ready to furnish any other detail , including accurate plans as may be required by you.

Place

Date

Yours faithfully

(Signature and designation of the applicant)

MM 16
Application for Mining Lease
{rule -86(1)}
(To be submitted in quadruplicate)

GOVERNMENT OF UTTAR PRADESH

Received at _____ (Place) on _____ (date)
Initial of Receiving Officer _____ Dated the _____ day of _____ 20____

To,

Through:

Sir, .

I/We request that a mining lease under the Uttar Pradesh' Minor Mineral Concession Rules, 2021 may be granted to me/us

A sum of Rs. 25000 being the fees in respect of this application payable under sub-rule (1) of rule 86 of the said rule have been deposited (vide receipt Challan No .. dated.....of the State Bank of India/Treasury.....)

3. The required particulars are given below:—

(i) Name of the applicant with complete address Status of the applicant

(ii) Is the applicant a private individual/co-operative/firm/association/private company/
public company/public sector undertaking/joint sector undertaking or any other.

(iii) In case the applicant is, -

- (a) An individual, his nationality, qualifications and experience relating to mining.
- (b) a company, an attested copy of the certificate of registration of the company shall be enclosed.
- (c) Firm or Association, the nationality of all the partners of the firm or members of the association, and
- (d) a co-operative the nationality of non-Indian members, if any alongwith place of registration and a copy of the certificate of registration

(iv) Profession or nature of business of applicant.

(v) Particulars of documents appended:

(a) Mining dues clearance certificate OR

' (b) Affidavit in lieu of Mining Dues Clearance Certificate; subject to the production of mining lease dues, clearance certificate within the period of ninety days of making application OR

- (c) Affidavit when not holding any mining lease,
- (d) Affidavit that up-to-date Income Tax Returns as prescribed under the Income Tax Act, 1961 and that the tax due including the tax on account of self-assessment has been paid

(vi) Mineral or minerals which the applicant intends to mine.

(vii) Period for which mining lease is required.

(viii) Extent of the area for which mining lease is required.

(ix) Details of the area in respect of which mining lease is required.

District, Tehsil, Village, Khasra No., Coordinates, Area, Ownership/Occupancy

(x) Brief description of the area with particular reference to the following:—

(a) Does the applicant have surface rights over the area for which he is making an application for grant of a mining lease.

(b) If not, has he obtained the consent of the owner, and the occupier of the land for undertaking mining operation. If so, the consent of the owner and occupier of the land be obtained in writing and be filed.

(xi) (a) The situation of the area in respect of natural features such as streams or lakes.

(b) In the case of village areas, the name of the village, the Khasra number, the area in hectares of each field or part thereof applied for.

(c) In case the area applied for is under forest, then the following particulars be given

(1) Forest division, Block and Range.

(2) Legal status of the forest (namely reserved, protected, unclassified *etc.*).

(3) Whether it forms part of a National Park or Wild-life Sanctuary.

(4) Type and extent of vegetation in the area.

(xii) The area applied for should be marked on plan as detailed below:—

(a) In case a cadastral Map of the area is available, the area on this map should be marked showing the name of the village, Khasra number and area in hectares of each field and part thereof.

(b) In the case of forest maps the area should be marked on the map showing the range and land details.

(xiii) Particulars of the area mineral-wise in each State. duly supported by an affidavit for which the applicant or any person joint in interest with him—

(a) already holds under mining lease; ,

(b) has already applied for but not granted;

(c) being applied for simultaneously.

(xiv) Nature of joint in interest, if any.

(xv) (a) Does the applicant hold a prospecting licence over the area mentioned at(ix) above? If so, give its number and date of grant and the date when it is due to expire.

(b) Has the applicant carried out the prospecting operations over the area held under prospecting licence and submitted his report to the State Government, If yes reference of the report submitted.

(xvi) Broad parameters of the mineral/ore body/bodies found in prospecting licence.

(a) Strike length, average width and dip.

(b) Wall rocks on hanging and foot wall sides.

- (c) Whether area is considerably disturbed geologically or is comparatively free of geological disturbance? (copy of geological map of the area is to be attached.)
 - (d) Reserves assessed with their grade(s)(chemical analysis reports of representative samples are to be attached).
 - (e) Whether the area is virgin? If not, the extent to which it has already been worked, in case there are old workings, their locations are to be shown on the geological map of the area.
- (xvii) Broad parameters of the mine—
- (a) Proposed date of commencement of the mining operations.
 - (b) Proposed rate of mineral production during the first 5 years (year-wise).
 - (c) Proposed rate of production when mine is fully developed.
 - (d) Anticipated life of the mine.
 - (e) Proposed method of mining.
 - (f) Nature of the land chosen for dumping over burden/waste and tailings (that is type of land whether agricultural, grazing land, barren, saline land *etc.*) and whether proposed site has been shown on the mine working plan. Give also the extent of area in hectares set apart for dumping of waste and tailings.
- (xviii) A report giving the details of prospecting carried out in the area together assessment of the ore reserves, geological plans, results of chemical analysis of the representative samples, and boreholes and logs.
- (xix) Manner in which the mineral raised is to be utilised.
- (a) (i) If for captive use, the location of plant and industry.
 - (ii) For sale for indigenous consumption.
 - (b) If for exports to foreign countries indicate,
 - (i) Name of the countries to which it is likely to be exported where the mine is being set up on 100% export oriented or tied-up basis.
 - (ii) Whether mineral will be exported in raw form or after processing. Also indicate the stage of processing, whether intermediate stage or final stage of the end-product.
 - (c) If it is to be used within the country, indicate
 - (i) The industry/industries in which it would be used.
 - (ii) Whether it will be supplied in raw form or after processing (crushing/ grinding/ beneficiation/calcining).
 - (iii) Whether it would need upgradation and if so, whether it is proposed to set up beneficiation plant. Also indicate the capacity of such plant and the time by which it would be set up.
 - (d) In case of high bulk minerals/ores details of existing railway transport facility available and additional transport facility, if any, required.
- (xx) Name, qualification and experience of the Technical Personnel available for supervising the mines.
- (xxi) (i) Financial resources of the applicant including solvency certificate.

(ii) Anticipated yearly financial investment during the course of mine construction and aggregate investment up to the stage of commencement commercial production.

(xxii) (a) Nature of waste water, (e.g. whether acidic), If so, expected pH value.

(b) The application form should be accompanied by a statement of the salient features of the scheme of mining. This should be generally on the lines of the "Project at a Glance" given in a mining feasibility report including features relating to the protection of environment.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including accurate plans and security deposit, as may be required by you.

Place

Date

Yours faithfully,

Signature of the applicant

MM-17
REGISTER OF APPLICATIONS FOR MINING LEASES
[rule 104(a)]

1. Serial No.
2. Date of application for mining lease.
3. Date on which application was received by the Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of minerals which the applicant desires to mine.
8. Particulars of the prospecting licence if the area applied for is covered by it.
9. Application fee deposited.
10. Final disposal of the application together with number and date of the order.
11. Remarks.
12. Signature of the officer.

MM-18
REGISTER OF MINING LEASES
[rule 102(b)]

1. Serial No.
2. Name of the lessee
3. Residence with complete address of lessee
4. Date of application.
5. Date on which application was received by Receiving Officer
6. (a) Number and date of grant of lease.
(b) Date of execution of mining lease.
7. Situation and boundaries of the land.
8. Total area for which lease has been granted.
9. Mineral or minerals for which lease originally granted.
10. Mineral or minerals added to the mining lease with date.

11. Period for which lease granted.
12. Date of change together with details of change that take place in name, nationality or other particulars of the holder of mining lease.
13. Date of assignment/transfer of the lease, if any, and the name and address of the assignee/transferee.
14. Date of expiry or relinquishment or cancellation.
15. Date from which the area is available for regrant
16. Remarks
17. Signature of the officer.

MM-19
REGISTER OF APPLICATIONS FOR PROSPECTING LICENCES
[See rule 104(c)]

1. Serial No
2. Date of application of P.L.
3. Date on which application was received by the Receiving Officer
4. Name of the applicant with full address
5. Situation and boundaries of the land applied for
6. Estimated area of the land
7. Particulars of the minerals which the applicant desired to prospect
8. Application fee paid
9. Remarks
10. Final disposal of the application together with number and date of the order
11. Signature of the Office

MM-20
REGISTER OF PROSPECTING LICENCES
[rule 104(d)]

1. Serial-number
2. Name of the licensee
3. Residence with complete address of the licensee
4. Date of application
5. Date on which application was received by the Receiving Officer
6. Situation and boundaries of the land
7. Details of the area and the minerals
8. Total area for which licence granted
9. (a) Number and date of grant of the licence
(b) Date of execution of prospecting licence agreement
10. The mineral or minerals for which prospecting licence has been granted
11. Period for which licence granted
12. Application fee paid
13. Prospecting fee and royalty, if payable
14. Amount of security deposit
15. Particulars of disposal or refund of security deposit
16. Date of application for mining lease (if any)
17. Date of assignment or transfer of licence, if any, and the name and address, of the assignee/transferee
18. Date of expiry or relinquishment or cancellation of licence or grant of mining lease
19. Date from which the area is available for regrant
20. Remarks
21. Signature of the Officer

FOURTH SCHEDULE

For mineral deposits other than river bed mineral, such as sand, morrum, bajri, boulder Schedule
for E-tender/E-Auction amount deposited

{Rule-27(3)}

| Period during which lease is Granted | | Percentage of E-tender-E-Auction amount deposited | किस्से | | | | | | | | | | |
|--------------------------------------|------------------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1 | 2 | 3 | 4 | | | | | | | | | | |
| January | First year | 12% | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec |
| | Subsequent years | 12% | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec |
| February | First year | 12% | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan |
| | Subsequent years | 12% | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan |
| March | First year | 12% | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb |
| | Subsequent years | 12% | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb |
| April | First year | 12% | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March |
| | Subsequent years | 12% | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March |
| May | First year | 12% | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April |
| | Subsequent years | 12% | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April |
| June | First year | 12% | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May |
| | Subsequent years | 12% | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May |
| July | First year | 12% | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June |
| | Subsequent years | 12% | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June |
| August | First year | 12% | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July |
| | Subsequent years | 12% | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July |
| September | First year | 12% | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August |
| | Subsequent years | 12% | 8% 1 Oct | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August |
| October | First year | 12% | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept |
| | Subsequent years | 12% | 8% 1 Nov | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept |
| November | First year | 12% | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct |
| | Subsequent years | 12% | 8% 1 Dec | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct |
| December | First year | 12% | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov |
| | Subsequent years | 12% | 8% 1 Jan | 8% 1 Feb | 8% 1 March | 8% 1 April | 8% 1 May | 8% 1 June | 8% 1 July | 8% 1 August | 8% 1 Sept | 8% 1 Oct | 8% 1 Nov |

FIFTH SCHEDULE

{Rule -27(3)}

For mineral deposits found in river bed, such as sand, morrum, bajri, boulder Schedule
for E-tender/E-Auction amount to be deposited

| 1 | 2 | 3 | 4 | | | | | | | |
|-----------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | | | Installments | | | | | | | |
| January | First year | 20% | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December |
| | subsequent years | 20% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December |
| February | First year | 20% | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January |
| | subsequent years | 20% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January |
| March | First year | 20% | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February |
| | subsequent years | 20% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February |
| April | First year | 20% | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March |
| | subsequent years | 20% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March |
| May | First year | 20% | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April |
| | subsequent years | 20% 1 May | 10% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April |
| June | First year | 20% | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May |
| | subsequent years | 20% 1 June | 10% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May |
| July | First year | 20% | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| | subsequent years | 20% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| Aug | First year | 20% | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| | subsequent years | 20% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| September | First year | 20% | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |

| | | | | | | | | | | |
|----------|------------------|-------------------------------|-------------------|-------------------|-------------------|-------------------|----------------|----------------|------------------|-------------------|
| | subsequent years | 20% 1 अक्टूबर 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| October | First year | 20% | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| | subsequent years | 20% 1 October | 10% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June |
| November | First year | 20% | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October |
| | subsequent years | 20% 1 November | 10% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October |
| December | First year | 20% | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November |
| | subsequent years | 20% 1 December | 10% 1 January | 10% 1 February | 10% 1 March | 10% 1 April | 10% 1 May | 10% 1 June | 10% 1 October | 10% 1 November |

By Order,

(Dr. Roshan Jacob)
Sachiv.

Dr. Roshan Jacob

-TRUE COPY-



कार्यालय जिलाधिकारी, Sonbhadra

(खनन-अनुभाग)
सहमति पत्र (Letter of Intent)

पत्रांक: LOI/2022/1/05-01-2022 00:00:00/91748

दिनांक: 05-01-2022

उ.प्र. उपखनिज (परिहार) नियमावली, 1963 (यथासंशोधित) के नियम ५२ के अंतर्गत भूमिधारी/ कृषिकीय भूमि के अनुज्ञा पत्र से सम्बंधित।

आवेदक एवं अवधि

| | |
|-----------------|---|
| आवेदक नाम | Tapeshi |
| आवेदक पता | Village Chaura, Post Badgava, Agorikhash, Tehsil Obra, District Sonbhadra |
| मोबाइल | 8052026400 |
| अनुज्ञा की अवधि | अनुज्ञा पत्र की दिनांक से 3 माह, 0 दिन माह अथवा मात्रा जो पहले पूर्ण हो। |

भूमि का विवरण

| जनपद | तहसील | ग्राम/मोहल्ला | गाटा/खसरा संख्या | क्षेत्रफल/मात्रा |
|-----------|-------|---------------|------------------|------------------------------|
| Sonbhadra | Obra | AGORI KHAS | 291, 292, 294 | 1.2000 हे० / 24000.00 घन मी० |

देय धनराशि

| अनुज्ञात उपखनिज | अनुज्ञात मात्रा | रॉयल्टी दर (₹) | देय रॉयल्टी (₹) | देय DMF (₹) | देय TCS (₹) | अन्य |
|-----------------|-----------------|----------------|-----------------|-------------|-------------|-----------|
| Morum | 24000.00 घन मी० | 300.00 | 7200000.00 | 720000.00 | 148320.00 | 264000.00 |
| कुल | | | 7200000.00 | 720000.00 | 148320.00 | 264000.00 |

अतः आपसे अपेक्षा की जाती है कि उपरोक्त देय धनराशि ३ कार्य दिवस के अंदर जमा करा कर चालान की मूल प्रति upminemitra.in पोर्टल पर अपने लॉगिन से अपलोड करें ताकि आपको नियमानुसार खनन अनुज्ञा पत्र निर्गत करने की कार्यवाही की जा सके।

आवेदक द्वारा अनुलग्नक-1 शर्तों का अनुपालन किया जाना आवश्यक है।



अनुलग्नक-1

सहमति पत्र की शर्तें निम्नवत हैं।

1. अनुज्ञा पत्र धारक संग्रह किये गये सभी खनिजों का लेखा रखेगा और एतदर्थ प्रतिनियुक्ति प्राधिकारी को ऐसे लेखों का निरीक्षण करने की अनुमति देगा।
2. उ0प्र0 उप खनिज परिहार नियमावली 1963 नियम 41 (ड) का पालन किया जायेगा।
3. बाढ़ से आए हुए खनिजों को हटाने की अवधि 3 माह अथवा अनुमोदित खनन योजना में दी गयी मात्रा जो भी पहले पूर्ण हो, तक ही वैध रहेगा।
4. अनुमोदित खनन योजना में दी गयी शर्तों का प्रभावी पालन किया जायेगा।
5. 3 माह की अवधि में कोई विस्तार भी अनुमन्य नहीं होगा।
6. परिवहन विभाग द्वारा नियत मानकों के अनुरूप ही खनिजों का परिवहन किया जायेगा।
7. शासनादेश संख्या 1407/86-2017-107 (सामान्य) भूतत्व एवं खनिकर्म अनुभाग, लखनऊ दिनांक 11 जुलाई, 2017 में दिये गये निर्देशों के अनुसार ई अभिवहन प्रपत्र (एम0एम0-11) खनिजों को परिवहन करने वाले वाहनों को जारी किया जायेगा।
8. खनन/परिवहन कार्य उ0 प्र0 उपखनिज (परिहार) नियमावली, 1963 तथा समय-समय पर निर्गत शासनादेशों में निहित शर्तों/प्राविधानों के अनुसार किया जायेगा।
9. अनुज्ञा पत्र धारक द्वारा उ0प्र0 उपखनिज (परिहार) नियमावली, 1963 तथा खान एवं खनिज (विकास और विनियम) अधिनियम, 1957 का अनुपालन सुनिश्चित किया जायेगा।
10. अनुज्ञा पत्र धारक, निर्धारित प्रपत्र E एम0एम0-11 से खनिजों का परिवहन करायेगा तथा सम्बन्धित विवरण पत्र एम0एम0-9 पर रखेगा एवं प्रतिनियुक्त अधिकारी को ऐसे लेखों का निरीक्षण करने की अनुमति देगा।
11. अनुज्ञा पत्र धारक किसी सार्वजनिक निर्माण को क्षति नहीं पहुंचायेगा।
12. खनन अनुज्ञा पत्र धारक किसी तीसरे पक्ष के दावे की क्षतिपूर्ति करता रहेगा और इस प्रकार के दावे उसके उत्पन्न होते ही स्वयं निक्षेपित करेगा।
13. अनुज्ञा पत्र की अवधि 3 माह या स्वीकृति मात्रा जो पहले समाप्त हो अनुज्ञा पत्र की अवधि मानी जायेगी।
14. अनुज्ञा पत्र धारक समय-समय पर शासन द्वारा निर्धारित-स्वामित्व राजस्व जमा करने के लिए बाध्य होगा।
15. अनुज्ञा पत्र धारण ऐसी रीति से खनन संक्रियायें करेगा जिससे कोई सड़क, सार्वजनिक मार्ग, भवन, भू-गुहादि सार्वजनिक भू-स्थल या सार्वजनिक सम्पत्ति पर कोई बाधा न पड़े या उसे क्षति न पहुंचे।
16. यदि अनुज्ञापत्रधारक दी गयी शर्तों का उल्लंघन करता है अथवा विवाद की स्थिति पैदा करता है तो अनुज्ञा पत्र निरस्त कर दिया जायेगा और जमा रायल्टी और जमा रायल्टी राज्य सरकार के पक्ष में जम्ब कर अनुज्ञा पत्र धारक के अनुज्ञा पत्र में उ0प्र0 उपखनिज (परिहार) नियमावली-1963 तथा खान और खनिज (विकास और विनियम) अधिनियम, 1957 की सुसंगत धाराओं के अन्तर्गत कार्यवाही किया जायेगा।
17. अनुज्ञापत्रधारक आवेदित स्थल से उपरी सतह पर जमा उपखनिज को अनुमोदित खनन योजना के अनुसार हटाएगा।
18. यदि खनन करते समय खनन स्थल से कोई अन्य उपखनिज निकलता है तो उसकी सूचना जिलाधिकारी/जिला खनन अधिकारी कार्यालय, Sonbhadra को देगा तत्पश्चात् उपखनिज की मात्रा एवं रायल्टी का आंकलन कर आवेदक से रायल्टी के रूप में वसूली की जायेगी।
19. यदि अनुज्ञा पत्र धारक दी गयी शर्तों का उल्लंघन करता है अथवा विवाद की स्थिति पैदा करता है तो अनुज्ञा पत्र निरस्त कर दिया जायेगा और जमा रायल्टी राज्य सरकार के पक्ष में जम्ब कर अनुज्ञा पत्र धारक के विरुद्ध MOEF की सुसंगत धाराओं, उ0प्र0 उपखनिज (परिहार) नियमावली, 1963 तथा खान और खनिज (विकास और विनियम) अधिनियम, 1957 की सुसंगत धाराओं के अन्तर्गत कार्यवाही किया जायेगा।
20. जिलाधिकारी द्वारा दी गई अतिरिक्त शर्तों का पालन हेतु अनुज्ञापत्रधारक बाध्य होगा।
- 21.

रत्नगर्भा वसुन्धरा



ई-प्रपत्र एम0एम0-11 हेतु अनुज्ञाधारक तथा क्षेत्र का विवरण :-

| क्र0 | विवरण | विवरण अनुसार तथ्य |
|------|--|--|
| 1 | जनपद | सोनभद्र |
| 2 | उप खनिज का नाम | बालू/मौरम |
| 3 | आधार नम्बर | 6123 1134 0854 |
| 4 | अनुज्ञाधारक का नाम | श्री तपेशी |
| 5 | अनुज्ञाधारक के पिता का नाम | श्री सदन |
| 6 | अनुज्ञाधारक का पता | ग्राम- चौरा, पो0- बडगावा, अगोरीखास, तहसील-ओवरा, जनपद- सोनभद्र। |
| 7 | अनुज्ञाधारक का मोबाईल नम्बर | 9219329938 |
| 8 | ई-मेल आई0डी0 | |
| 9 | अनुज्ञा क्षेत्र का विवरण | तहसील- ओवरा ग्राम- अगोरीखास गाटा सं0- 291,292,294 क्षेत्रफल-1.2000हे0 |
| 10 | अनुज्ञा की अवधि | 03 माह |
| 11 | अनुज्ञा प्रारम्भ का दिनांक | 08.01.2022 |
| 12 | अनुज्ञा समाप्ति का दिनांक | 07.04.2022 |
| 13 | खनन योजना अनुमोदन का दिनांक | 08.01.2022 |
| 14 | उपखनिज की मात्रा (घ0मी0 में) | 24000 |
| 15 | स्वीकृत दर (प्रति घनमीटर) | 300 |
| 16 | जमा रायल्टी | 72,00,000.00 |
| 17 | कालम-16 में जमा धनराशि का चालान सं0 व दिनांक | AKV220000515 |
| 18 | अभ्युक्ति (यदि कोई हो) | |


(जे0पी0 द्विवेदी)
ज्येष्ठ खान अधिकारी
सोनभद्र।


(टी0के0 शिबु)
जिलाधिकारी
सोनभद्र।

Office of the District Magistrate, Sonbhadra

(MINE DEPARTMENT)

Letter of Intent

Letter Number: LOI/2022/1/05-01-2022 00:00:00/91748

Date: 05-01-2022

UP Under Rule 52 of the Minor Minerals (Parihar) Rules, 1963 (Yavanshodhi) related to the permit of Bhumidhari agricultural land.

Applicant and Period

| | |
|--------------------------|---|
| Name of the applicant | Tapeshi |
| Address of the applicant | Village Chaura, Post Badgava, Agorikhash, Tehsil Obra, District Sonbhadra |
| Mobile | 8052026400 |

| | |
|---------------------------|---|
| Period of the instruction | 3 months, 0 days month or quantity from the date of permit, whichever is completed earlier. |
|---------------------------|---|

Description of the Land

| District | Tehsil | Village/ Mohalla | Gata/Khasra No. | Area/ Quantity |
|----------|--------|---------------------|--------------------|---------------------------------------|
| Sonhadra | Obra | Agori Khas | 291, 292, 294 | 1.2000 Ha./ 24000.00 Cubic mtr. |

Payable Amount

| Allowed sub mine ral | Allowe d quanti ty | Rate of the Royalty(Rs.) | Payable Royalty(Rs.) | Payable DMF (Rs.) | Payble TCS(Rs .) | Other |
|-------------------------------|-----------------------------|------------------------------------|-----------------------------|-------------------------|------------------------|---------------|
| Morr um | 24000 .00 | 300.00 | 720000 0.00 | 72000 0.00 | 14832 0.00 | 26400 0.00 |

| | | | | | | |
|-------|---------------|--|--------|-------|-------|-------|
| | Cubic mtr. | | | | | |
| Total | | | 720000 | 72000 | 14832 | 26400 |
| | | | 0.00 | 0.00 | 0.00 | 0.00 |

Therefore, you are expected to deposit the above due amount within 3 working days and upload the original copy of the challan from your login on the upminemitra.in portal so that action can be taken to issue mining permit as per rules.

Annexure-1 conditions are to be complied with by the applicant.

Attachment- 1

The terms of the consent form are as follows.

1. The holder of the permit shall maintain an account of all the minerals collected and hereby permit the deputation authority to inspect such accounts.
2. Uttar Pradesh Sub Mineral Remission Rules 1963 Rule 41 (e) will be followed.
3. The period of removal of flooded minerals will be valid for 3 months or till the quantity given in the approved mining plan, whichever is completed earlier.
4. The conditions given in the approved mining plan will be followed effectively.
5. No extension will also be admissible within the period of 3 months.
6. Transport of minerals will be done according to the standards fixed by the Transport Department.
7. According to the instructions given in the Government Order No. 1407/86-2017 107 (General) Geology and Mining

Section, Lucknow dated 11th July, 2017 e-transportation form (MM-11) transporting minerals. vehicles will be issued.

8. The mining transport work will be done as per the conditions/provisions contained in the Uttar Pradesh Mineral (Avoidance) Rules, 1963 and the orders issued from time to time.

9. Compliance will be ensured by the license holder to the UP Minor Minerals (Remission) Rules, 1963 and Mines and Minerals (Development and Regulation) Act, 1957.

10. The holder of the permit will get the minerals transported from the prescribed form E MM-11 and will keep the relevant details on the MM-9 and allow the deputation officer to inspect such accounts.

11. The holder of the permit shall not cause excessive damage to any public works.

12. The holder of the Mining Permit shall continue to indemnify any third party claim and shall himself deposit such claims as soon as they arise.

13. The period of the permit is 3 months or the sanction quantity which expires earlier will be considered as the period of the permit.

14. The holder of the permit shall be bound to deposit the ownership revenue as prescribed by the Government from time to time.

15. Holding a permit, shall carry out mining operations in such a manner as not to cause any obstruction or damage to any road, public street, building, land, house, public land or public property.

16. If the license holder violates the given conditions or creates a dispute situation, then the permit will be canceled and the deposit royalty and deposit royalty will be forfeited in favor of the State Government. In the permit of the holder, action will be taken under the relevant sections of the UP Minor Minerals (Remission) Rules, 1963 and the Mines and Minerals (Development and Regulation) Act, 1957.

17. The license holder shall remove the mineral deposited on the surface from the applied site as per the approved mining plan.

18. If any other mineral comes out from the mining site while mining, then it will be reported to the District Mining Officer's office, Sonbhadra, after that after assessing the quantity and royalty of the mineral, it will be recovered from the applicant in the form of royalty.

19. If the license holder violates the given conditions or creates a situation of dispute, then the permit will be canceled and the royalty deposited in favor of the State Government. Action will be taken against the license holder under relevant sections of MOEF, UP Minor Minerals (Remission) Rules, 1963 and relevant sections of Mines and Minerals (Development and Regulation) Act, 1957.

20. The license holder will be bound to comply with the additional conditions given by the District Magistrate.

21.

E-Form MM-11

Details of area of licensee

| Sr. No. | Particulars | Fact by description |
|---------|---------------------------------|--|
| 1. | District | Sonbhadra |
| 2. | Name of sub mineral | Sand / Moorum |
| 3. | Aadhar no. | 6123 1134 0854 |
| 4. | Name of license holder | Sh Tapeshi |
| 5. | Father name's of license holder | Sh Sadan |
| 6. | Address of license holder | Vill.- Chaura, PO- Badgawa, Agorikhas, Tehsil-Obra, District - Sonbhadra |
| 7. | Mobile No. of license holder | 9219329938 |
| 8. | E-mail I.D. | |
| 9. | Details of Permission area | Tehsil- Obra Village – Agorikhas Gata No. 291,292,294 Area – 1,2000 Hectare |
| 10. | Period of permission | 03 months |
| 11. | Permission commencement date | 08.01.2022 |

| | | |
|-----|--|--------------|
| 12. | Permission expiry date | 07.04.2022 |
| 13. | Date of mining plan approval | 08.01.2022 |
| 14. | Content of sub-mineral (in cubic meters) | 24000 |
| 15. | Approved area (per cubic meter) | 300 |
| 16. | Deposit royalty | 72,00,000.00 |
| 17. | Challan number and date of the amount deposited in column 16 | AKV220000515 |
| 18. | Remarks (if any) | |

Sd/-
(J.P. Dwivedi)
Senior Mines Officer
Sonbhadra

Sd/-
(T.K. Shibu)
District Magistrate
Sonbhadra


-TRUE COPY-



भूतत्व एवं खनिकर्म निदेशालय, उत्तर प्रदेश लखनऊ
**Directorate of Geology & Mining,
 Government of Uttar Pradesh**



[Back](#)

Directorate Of Geology & Mining Uttar Pradesh
Minor Mineral Concession Rules 1963 e-Transit Pass For Transportation & Minor Mineral See Rule 70(1)

Form MM11

LEASE DETAILS & MINERAL QTY TO BE TRANSPORTED

| | | | |
|--|------------------------|--|---|
| 1. eMM11. | 31632207036801363 | 2. Name Of Lessee / Permit Holder: | TAPESI |
| 3. Mobile Number Of Lessee: | 9219329938 | 4. Tin Number: | |
| 5. Lessee Id: | 316322070368 | 6. Lease Details [Address,Village, (Gata/Khand),Area]: | CHAURA AGOORI KHAS SONBHADRA , AGORI KHAAS , (291 294) , 2.96526 acre |
| 7. Tehsil Of Lease: | OBRA | 8. District Of Lease: | SONBHADRA |
| 9. QTY Transported in (Cubic Meter/Ton for Silica sand): | 20 m3 | 10. Name Of Mineral: | MORRUM |
| 11. Loading From: | SONBHADRA | 12. Destination (Delivery Address): | FAIZABAD |
| 13. Distance(Approx in K.M.): | 550 K.M. | 14. eMM11 Generated On: | 24-03-2022 05:15:06 PM |
| 15. eMM11 Valid Upto: | 25-03-2022 10:20:06 PM | 16. Traveling Duration : | 29 Hr (Approx) |
| 17. Destination District : | FAIZABAD | 18.Pits Mouth Value(Rs/m3 &Rs/Ton for Silica sand) | 400 |

DETAILS OF REGISTERED VEHICLE

| | | | |
|--------------------------|------------------|-----------------------------|---------------|
| 1. Registration Number : | UP32PN9640 | 2. Type Of Vehicle: | 16 TYRE TRUCK |
| 3. Name Of Driver : | SHIV KAAL BHERAV | 4. Mobile Number Of Driver: | 7408093416 |
| 5. DL Number Of Driver: | | | |

This eMM11 is valid up to 25-03-2022 10:20:06 PM

Pratap

-TRUE COPY-

कार्यालय जिलाधिकारी, सोनभद्र।
(खनिज अनुभाग)

पत्रांक 6540/खनिज/2022

दिनांक 25/03/2022

श्री शंकर पुत्र श्री खन्नू
निवासी ग्राम अगोरी खास, तहसील ओबरा,
जनपद सोनभद्र।

कारण बताओ नोटिस

आपके पक्ष में जनपद सोनभद्र के तहसील-ओबरा स्थित ग्राम-अगोरीखास के आराजी संख्या-302क, 303, 304, 305क, 306क, 307 कुल रकबा-0.8900 हे० क्षेत्र पर 03 माह हेतु मोरम का खनन अनुज्ञा पत्र दिनांक 08.01.2022 से दिनांक 07.04.2022 तक की अवधि के लिए स्वीकृत है।

खान अधिकारी सोनभद्र, खान निरीक्षक सोनभद्र एवं सर्वेक्षक खनिज विभाग की संयुक्त जाँच आख्या दिनांक 03.03.2022 के अनुसार आप द्वारा अपने स्वीकृत क्षेत्र के बाहर 45 मी० × 30 मी० × 1.2 मी० = 1,620 घन मी० बालू/मोरम का अवैध खनन/परिवहन किया गया है।

इस प्रकार आप पर 1,620 घन मी० मोरम की रूपये 150/- प्रति घन मी० की दर से रायल्टी रू० 2,43,000/- खनिमुख मूल्य रू० 12,15,000/- एवं नियम-58 के अधीन अर्थदण्ड रू० 2,00,000/- अर्थात् कुल रू० 16,58,000/- (रूपये सोलह लाख अठ्ठावन हजार मात्र) अधिरोपित की जाती है।

आप द्वारा उ०प्र० उप खनिज (परिहार) नियमावली, 2021 के नियम-3, 58, 72 एवं खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 की धारा-4 व 21 का उल्लंघन किया गया है, जो दण्डनीय अपराध है, जिस कारण आपका खनन कार्य तत्काल प्रभाव से प्रतिबन्धित करते हुए अधिरोपित धनराशि जमा किये जाने तक ई एम०एम०-11 के निर्गमन हेतु ओ०टी०पी० बन्द किया जाता है।

अतः आपको निर्देशित किया जाता है कि 07 दिवस के अन्दर उपरोक्तानुसार अधिरोपित धनराशि जमा करते हुए उपरोक्त कृत्य के सम्बन्ध में अपना स्पष्टीकरण प्रस्तुत करें। अन्यथा की स्थिति में आपके खनन अनुज्ञा पत्र के विरुद्ध नियमानुसार कार्यवाही संस्थित करते हुए उक्त धनराशि को भू-राजस्व की भाँति वसूल करने की कार्यवाही की जायेगी।


 (श्री०क० शिबु)
 जिलाधिकारी,
 सोनभद्र।

OFFICE OF DISTRICT MAGISTRATE, SONBHADRA
(Mining Branch)

Letter No. 6539/ Khanij/2022

Dt:25.03.2022

Sh. Tapeshi S/o Sh. Sadan
R/o village Chaura, Badgawan,
Tehsil Obra, Distt Sonbhadra.

SHOW CAUSE NOTICE

A mining lease was allowed in your favour for mining Moorum in District Sonbhadra Tehsil Obra located village Agori Khas Land No. 291, 292, 294 Total area 1.200 hactare for 3 months from 8.1.2022 to 7.4.2022.

As per the Joint inspection report dated 3.3.2022 of Mining Officer, Sonbhadra, Mining Inspector Sonbhadra and Surveyor Mining Branch, you have carried out mining outside the approved area 45 m x 32 m x 1.5 M = 2,180 cubic meter sand/moorum illegally.

Thus the royalty for 21,60 cubic meter Moorum is being imposed upon you for Rs 3,24,000/- at the rate of Rs 150/- per cubic meter total value of mining Rs

16,20,000/- and penalty as per Rule 58 for Rs 2,00,000/- totalling to Rs 21,44,000/- .

You have violated the Rule 3, 58, 72 of U.P. Minor Mineral(Parihar) Regulations, 2021 and Section 4 and 21 of Mines and Minerals (Development and Regulation) Act, 1957 which are punishable offence. For these reasons, you are prohibited with immediate effect to carry out entire mining activities till the amount levied upon you is deposited and OTP for MM-11 is closed.

Hence, you are directed to submit your clarification while depositing the above amount within 7 days as otherwise the action shall be taken against you as per mining licence deed to recover the above amount as Land Revenue.

Sd/-
T.K.SHIBU
D.M. SONBHADRA


-TRUE COPY-

Court No. - 32

Case :- WRIT - C No. - 16473 of 2022

Petitioner :- Tapeshi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shailesh Kumar Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Vikram D. Chauhan,J.

The petitioner feeling aggrieved by a notice dated 25.3.2022 calling upon him to deposit certain amount within 7 days on account of it having done illegal mining and at the same time seeking explanation, has filed the instant petition.

Learned counsel for the petitioner submitted that although it has been titled as a show cause notice, but in fact, it is an order in itself as the respondents have already arrived at a conclusion that the petitioner had violated the provisions of the U.P. Minor Minerals (Concession) Rules, 2021 and have also quantified the amount. He further submitted that similar controversy was decided by this Court in Writ C No.8648 of 2022 (Arun Kumar vs. State of U.P. & others) by judgment and order dated 20.04.2022 and the instant matter is covered by the said judgment. Reliance has also been placed to the judgment and order dated 16.12.2016 passed by the co-ordinate Bench of this Court in Writ-C No. 51986 of 2016 (Ranveer Singh Vs. State of U.P. and others).

Learned Standing Counsel does not dispute the fact that the identical notice was considered by this Court in the above judgment and was quashed with liberty to the petitioner to submit his explanation and thereafter it was left open to the competent authority to pass appropriate order.

Accordingly, the impugned notice is quashed in part.

The petitioner shall submit his explanation within one week from today treating the notice under challenge to be a show cause notice simplicitor and not an order determining the liability and quantifying the amount. The respondents will thereafter proceed to pass fresh orders in accordance with law.

The instant writ petition stands allowed, accordingly.

Order Date :- 1.7.2022

VMA



-TRUE COPY-

सेवा में,

श्रीमान् जिलाधिकारी महोदय,
जनपद-सोनभद्र।

विषय:- माननीय उच्च न्यायालय इलाहाबाद के याचिका संख्या-16473/2022 तपेशी बनाम उ0प्र0 सरकार व अन्य में पारित निर्णय दिनांक 01.07.2022 के अनुपालन में।

प्रार्थना पत्र द्वारा- तपेशी पुत्र सदन निवासी ग्राम-चौरा, बड़गवां,
तहसील-ओबरा, जनपद-सोनभद्र।

महोदय,

निवेदन है कि प्रार्थी ने आपके कार्यालय पत्रांक 6539/खनिज/2022 दिनांक 25.03.2022 द्वारा 21,44,000/- रू0 सात कार्य दिवसों में जमा करने का निर्देश दिया गया था व मांग पत्र दिनांक 28.05.2022 को जारी कर दिया गया है। जिसके विरुद्ध प्रार्थी ने उपरोक्त नोटिस के क्रम में अपना प्रति उत्तर श्रीमान् जी के यहाँ दिया था। माननीय न्यायालय द्वारा आपके नोटिस दिनांक 25.03.2022 उपरोक्त को निरस्त कर दिया गया है। माननीय न्यायालय के आदेश की प्रति प्रार्थना पत्र के साथ संलग्न है। प्रार्थी को उपरोक्त मामला याचिका संख्या-51986 सन् 2016 रनवीर सिंह बनाम उ0प्र0 राज्य व अन्य में पारित दिनांक 16.12.2016 में दिये गये दिशा-निर्देशों के अनुसार निस्तारित करने का एवं प्रार्थी को एक सप्ताह के भीतर स्पष्टीकरण श्रीमान् जी के समक्ष दिये जाने हेतु निर्देशित किया गया है, प्रार्थी अपना स्पष्टीकरण पूर्व में ही श्रीमान् जी के समक्ष प्रस्तुत कर चुका है। प्रार्थी ने कोई अवैध खनन नहीं किया है और न ही स्वीकृत क्षेत्र के बाहर ही खनन किया है प्रार्थी के स्वीकृत क्षेत्र का

तपेशी

परिसीमन (मापन) श्रीमान् खान अधिकारी एवं अधीनस्थ कार्यरत अधिकारीगण की संयुक्त टीम ने प्रार्थी की उपस्थिति में नहीं किया है न ही स्वीकृत क्षेत्र के सीमांकन के पूर्व कोई सूचना ही प्रार्थी को दी गयी है।

अतः श्रीमान् जी से निवेदन है कि माननीय उच्च न्यायालय द्वारा दिये गये दिशा निर्देशों के अनुसार कार्यवाही करते हुए मांग पत्र दिनांक 28.05.2022 निरस्त किया जावे।

दिनांक:- 07-07-2022

हस्ताक्षर प्रार्थी
तपेसी

प्रतिभा—

श्रीमान् खान अधिकारी, इलाहाबाद

To,
Hon'ble District Magistrate
District Sonbhadra

Subject: in compliance of decision dated 01.7.2022 passed by Hon'ble High Court Allahabad in Petition no. 16473/2022, Tapeshi Vs. Uttar Pradesh Government and ors.

Application by: Tapeshi son of Sadan, resident of Village Chaura Badagawan, Tahsil-Obra, District Sonbhadra.

Sir,

It is requested that vide your office letter No. 6539/ minerals/ 2022 dated 25.3.2022 , the applicant was directed to deposit Rs. 21,44.000 within seven days and demand letter was issued on date 28.5.2022. Against which the applicant had submitted his reply. Hon'ble High Court had canceled your notice dated 25.3.2022. Copy of the order by the Hon'ble High Court is attached with the application. It has been directed to decide the subject matter in light of guidelines issued vide order dated 16.13.2016 passed in Petition no.51986 of 2016, Ranbir Singh Vs. State of U.P. and others, and the applicant to submit clarification to your good self within a Week. The applicant has already submitted his clarification earlier to your good self. The applicant has neither carried out any illegal mining nor had carried any mining beyond d the sanctioned area. The measurement of the sanctioned area to the applicant was neither by the joint team of the mining officer and subordinate officers in the presence of the applicant, nor any information sent to the applicant prior to the process of marking the sanctioned area.

Thus, it is requested that action may be taken in light of direction by the Hon'ble High Court and demand letter dated 28.5.2022 may be canceled.

Date: 07.07.2022
Applicant signature


-TRUE COPY-



ANNEXURE I

क्षेत्रीय कार्यालय
REGIONAL OFFICE
उ०प्र० प्रदूषण नियंत्रण बोर्ड
U.P. POLLUTION CONTROL BOARD
सोनभद्र
SONBHADRA

सन्दर्भ संख्या
Ref No. **G/02043/0A/NO-231/2022**

दिनांक
Date **30/07/2022**

सेवा में,

श्री तपेशी पुत्र श्री सदन,
ग्राम-चौरा, बडगावा, ओबरा,
जनपद-सोनभद्र,
पिन कोड-231205।

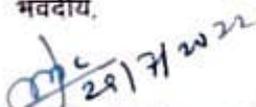
विषय :-माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-231/2022 ऑल इण्डिया कैमुर पीपुल्स फ्रन्ट बनाम पर्यावरण वन और जलवायु परिवर्तन मंत्रालय तथा अन्य दिनांक-13.07.2022 के अनुपालन में नोटिस के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-231/2022 ऑल इण्डिया कैमुर पीपुल्स फ्रन्ट बनाम पर्यावरण वन और जलवायु परिवर्तन मंत्रालय तथा अन्य दिनांक-13.07.2022 का सन्दर्भ ग्रहण करने का कष्ट करें। माननीय अधिकरण द्वारा निर्गत आदेश के अनुपालन में आपको सूचित किया जा रहा है कि आप द्वारा संचालित मोरम/सैण्ड खनन पट्टे से पर्यावरण पर पड़ने वाले प्रभावों के सम्बंध में मेसर्स ऑल इण्डिया कैमुर पीपुल्स फ्रन्ट द्वारा मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में याचिका दायर की गयी थी। उक्त याचिका में मा० राष्ट्रीय हरित अधिकरण द्वारा प्रकरण की जाँच हेतु समिति गठित की गयी थी। उक्त गठित समिति द्वारा प्रकरण की जाँचकर जाँच आख्या मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में प्रेषित किया गया था। मा० राष्ट्रीय हरित अधिकरण द्वारा उक्त जाँच आख्या में आपेक्षित कार्यवाही किये जाने से पूर्व आपको भी तत्सम्बंध में नोटिस/सूचना प्रेषित किये जाने के आदेश दिनांक-13.07.2022 पारित किये गये हैं।

उक्त के परिप्रेक्ष्य में आपसे आपेक्षित है कि तत्सम्बंध में गठित समिति के समक्ष अपना पक्ष प्रस्तुत करें, जिससे कि प्रकरण के सम्बंध में एक्शन टेकेन रिपोर्ट तैयार कर 01 माह के अन्तर्गत मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में प्रेषित की जा सके।

भवदीय,


(डॉ० टी०एन० सिंह)
क्षेत्रीय अधिकारी

प्रतिलिपि :-निम्नलिखित को सूचनार्थ सादर प्रेषित।

1. जिलाधिकारी महोदय, सोनभद्र।
2. अपर जिलाधिकारी (वित्त-राजस्व), सोनभद्र।
3. ज्येष्ठ खान अधिकारी, सोनभद्र।
4. मुख्य पर्यावरण अधिकारी (वृत्त-2), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
5. मुख्य विधि अधिकारी-प्रथम, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
6. अध्यक्ष/एस०ई०आई०ए०, पर्यावरण निदेशालय, उ०प्र० विनीत खण्ड-1, गोमती नगर, लखनऊ।

क्षेत्रीय अधिकारी

REGIONAL OFFICE
U.P. POLLUTION CONTROL BOARD, SONBHADRA

Letter No. G00 2043/ OA NO.231/2022-10-19

Dt 30.7.22

To

Sh. Tapeshi Son of Sh. Sadan
Vill Chaura, Badgawan, Obra
SONBHADRA – 2312051

Sub: Regarding Notice in compliance with order dated
13.7.2022 of Hon. NGT New Delhi in OA No. 231/
2022 =- All India Camoor Peoples Front Vs. Ministry
of Environmental Forest and Climatic Change.

Sir,

Please refer to the orders of Hon. NGT in OA No. 231/
2022 – All India Camoor Peoples Front Vs. Min. of Forest
and Climatic Change and letter dt 13.7.2022. In
compliance with orders of Hon. Tribunal you are being
informed that a petition was filed before Hon. NGT New
Delhi by M/s All India Camoor Peoples Front on the effect
of mining of mooraum sand on the environment. In that
OA, Hon. NGT had set up an inquiry committee which got
the matter examined and submitted an inquiry report to

NGT when the orders were passed on 13.7.2022 for taking action.

In this context, you are expected to place your version before the committee so that an action taken report can be taken and filed before Hon. NGT within one month.

Sd/-
Dr. T.N. Singh
Regional Officer.

Copy for information to :

1. D.M. Sonbhadra.
2. Addl. DM Finance Revenue, Sonbhadra
3. Senior Mining officer,
4. Chief Environment officer Circle 2 UPCCB Lucknow.
5. Chief Law officer First,
6. Chairman/ SEIAA Paryavaran Nideshalaya, Vineet Khand 1, Gomti Nagar, Lucknow.

Sd/-
Regional Officer.



-TRUE COPY-



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं. / 20920
Ref. No. / 20920

सेवा में,

1/2 NCT सामान्य-57/22

दिनांक 9.9.22
Date 9.9.22

पंजीकृत

M/s Shri Tapeshi S/o Shri Sadan,
Gata No. 291, 292 & 294, Village-Aghori Khas, Area-1.2 hectare, Tehsil-Obra,
District-Sonbhadra

यह कि उद्योग M/s Shri Tapeshi S/o Shri Sadan , Gata No. 291, 292 & 294, Village-Aghori Khas, Area-1.2 hectare, Tehsil-Obra, District-Sonbhadra जिसे आगे उद्योग कहा जायेगा, बालू मौरम खनन हेतु उपरोक्त वर्णित स्थल पर स्थापित/संचालित है तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-40 के अर्न्तगत एक कम्पनी है।

कृपया अवगत कराना है कि मा० राष्ट्रीय हरित अधिकरण में योजित ओ०ए० संख्या-231/2022 में पारित आदेश दिनांक 30.03.2022 के अनुपालन में गठित समिति द्वारा प्रकरण की जाँच दिनांक 11.05.2022 को की गयी थी तथा जाँच आख्या मा० अधिकरण में प्रेषित की गयी थी। उक्त जाँच आख्या का संज्ञान लेते हुए मा० अधिकरण द्वारा निम्नांकित आदेश दिनांक 13.07.2022 पारित किये गये हैं। पारित आदेश के मुख्य अंश निम्नवत् है:-

"... We find the report to be incomplete as it does not mention the status of preparation of District Survey Report, ELA/EMP, replenishment study and grant of EC in favour of the Project Proponents. Further, even for violations found and recommendations made, no action has been reported. It is also not clear whether the Project Proponents have been put to notice of these proceedings for their response, if any, in terms of order dated 30.3.2022.

The State PCB may accordingly file further action taken report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. As per directions in the order dated 30.03.2022, the State PCB may now put the Project Proponents to notice of these proceedings for their response, if any, before the next date.

List for further consideration on 14.09.2022...."

उपरोक्त पारित आदेश के अनुपालन में सभी पक्षकारों को क्षेत्रीय कार्यालय, सोनभद्र के पत्र दिनांक 30.07.2022 द्वारा तत्सम्बन्ध में नोटिस प्रेषित की गयी है।

अग्रेतर अवगत कराना है कि उपरोक्त आदेश के अनुपालन में सम्बन्धित पत्रावली जिलाधिकारी, महोदय, सोनभद्र के समक्ष प्रस्तुत की गयी थी। जिलाधिकारी महोदय, सोनभद्र द्वारा प्रकरण में दोषी पाये गये प्रोजेक्ट प्रोपेनेन्ट्स के विरुद्ध Action Taken Report तैयार किये जाने हेतु अपर जिलाधिकारी (वि०/रा०), सोनभद्र को जिला प्रशासन की तरफ से नामित किया गया है। उक्त प्रकरण में एस०ई०आई०ए०, लखनऊ द्वारा पूर्व में जाँच हेतु नामित प्रतिनिधि श्री ओम प्रकाश श्रीवास्तव, सदस्य, एस०ई०ए०सी०, लखनऊ को नामित किया गया है।

उपरोक्तानुसार जाँच में दोषी पाये गये प्रोजेक्ट प्रोपेनेन्ट्स द्वारा निर्धारित मात्रा से अधिक खनन किये जाने के कारण उनके विरुद्ध केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मा० राष्ट्रीय हरित अधिकरण, प्रिंसिपल बेंच, नई दिल्ली में ईलीगल सैण्ड माइनिंग करने वाले दोषी परियोजनाओं के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति "Recommendation on scale of compensation to deal with the cases of illegal sand mining" के आधार पर मा० राष्ट्रीय हरित अधिकरण, प्रिंसिपल बेंच, नई दिल्ली द्वारा ओ०ए० सं०-360/2015 एवं अन्य याचिकाओं में पारित आदेश दिनांक फरवरी 26, 2021 के अनुरूप पर्यावरणीय क्षतिपूर्ति का ऑकलन किया गया है। उक्त ऑकलित पर्यावरणीय क्षतिपूर्ति को दोषी प्रोजेक्ट प्रोपेनेन्ट्स के विरुद्ध निम्नानुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है:-

Compensation charge (In Rs.) = $D \times (1+RF+DF)$

Where, $D = Z \times \text{market value of the material per MT or m}^3$

$DF = 0.3, \text{ if } Z/X=0.11 \text{ to } 0.40$

$0.6, \text{ if } Z/X=0.41 \text{ to } 0.70$

$1, \text{ if } Z/X \geq 0.71$

$RF = 0.25, 0.50, 0.75, 1.00 \text{ as per risk level mentioned below:-}$

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,
लखनऊ - 226010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720676
ई-मेल : info@uppcb.com
वेबसाइट : www.uppcb.com

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow -226 010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720676
E-mail : info@uppcb.com
Website : www.uppcb.com

| Risk Level | 1 | 2 | 3 | 4 |
|-------------|------|------|------|---|
| Risk Factor | 0.25 | 0.50 | 0.75 | 1 |

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X) = 24000 m³
Total Extraction (Y) = 26347.5 m³
Excess Extraction (Z), (Z=Y-X) = 2347.5 m³

Methology:

Market value of illegally mined material (D) = Z x Market Value of the material
(Market value of the material as Rs.1000/- per m³) = 2347.5 x 1000 = 2347500
Risk Factor (RF) RF = 0.75, As per Risk Level=3
Exceedance in Extraction (Z/X) = 2347.5/24000 = 0.0978
Deterrence Factor (DF) DF = 0.3, As per Z/X = 0.0978

Environmental Compensation/charge (in Rs.)

=D x (1+RF+DF)
= 2347500 x (1+0.75+0.3)
= 2347500 x 2.05
= Rs.48,12,375.00

(Fourty Eight Lakh Twelve Thousand Three Hundred Seventy Five only)

क्षेत्रीय कार्यालय द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 06.09.2022 के द्वारा आपके इकाई पर राज्य बोर्ड से नियमानुसार जल/वायु सहमति प्राप्त न करने एवं निर्धारित मात्रा से अधिक खनन किये जाने हेतु रू0-48,12,375/- (रू0 अड़तालिस लाख बारह हजार तीन सौ पिचहत्तर मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

उपरोक्त वर्णित तथ्यों के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यों न M/s Shri Tapeshi S/o Shri Sadan , Gata No. 291, 292 & 294, Village-Aghori Khas, Area-1.2 hectare, Tehsil-Obra, District-Sonbhadra पर राज्य बोर्ड से नियमानुसार जल/वायु सहमति प्राप्त न करने एवं निर्धारित मात्रा से अधिक खनन किये जाने हेतु रू0-48,12,375/- (रू0 अड़तालिस लाख बारह हजार तीन सौ पिचहत्तर मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाए।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय को प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार इकाई के विरुद्ध रू0-48,12,375/- (रू0 अड़तालिस लाख बारह हजार तीन सौ पिचहत्तर मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग एवं उद्योग स्वामी का होगा।

सक्षम अधिकारी के अनुमोदनोपरान्त निर्गत

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

प्रतिलिपि:- निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

1. जिलाधिकारी, सोनभद्र।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति उद्योग स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

UTTAR PRADESH POLLUTION CONTROL BOARD

Ref No. 11 80920/C-2/NGTY/ Samanya-57/22

Date : 09.09.2022

To

M/s Shri Tapeshi S/o Sh. Shri Sadan
Gata No. 291, 292 and 294, Vill- Aghori Khas
Area 1.2 hectare, Tehsil Obra
Distt : Sonbhadra

Whereas the industry M/s Shri Tapeshi S/o Sh. Sadan, Gata No. 291, 292 and 294 Village-Aghori Khas, Area 1.2 hectare, Tehsil Obra, District Sonbhadra, to be called industry hereinafter, is a company under Section 40 of the Air (Control of Pollution) Act, 1981.

It is to apprise that in compliance with the orders dated 30.3.2022 passed by Hon. NGT in OA No. 231/2022 a committee was formed on 11.5.2022 and an inquiry report was sent to Hon. Tribunal . While taking cognisance of that inquiry report, Hon. Tribunal has passed the following order dated 13.7.2022 whose operative parts are as under :

“We find the report to be incomplete as it does not mention the status of preparation of District Survey Report, EIA/EMP, replenishment study and grant of EC in favour of the Project Proponents. Further, even for violations found and recommendations made, no action has been reported. It is also not clear whether the Project Proponents have been put to notice of these proceedings for their response, if any, in terms of order dated 30.3.2022.

The state PCB may accordingly file further action taken report within one month by email or judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. As per direction in the order dated 10.3.2022, the State PCB may now put the Project Proponents to notice of these proceedings for their response, if any, before the next date.

List for further consideration on 14.9.2022.

In compliance of aforesaid orders, all parties have been served notice through Regional office, Sonbhadra vide letter dated 30.7.2022.

It is further to apprise that in compliance with aforesaid orders, the relevant file was placed before D.M. Sonbhadra who had nominated Addl. DM Sonbhadra for preparing action taken report about proceedings taken against concerns who have been found guilty. In this case, SEIAA Lucknow has nominated its representative Sh. Om Prakash Srivastava, Member SEAC Lucknow.

As per above, the project proponents who were guilty for mining in excess of prescribed quantity are subjected for assessment of environmental compensation to be imposed on the Recommendations on scale of compensation to deal with the cases of illegal sand mining and taking action against them by Central Pollution Control Board and Hon. NGT New Delhi for such actions as ordered in OA No. 360/ 2015 and orders passed on 26.2.2021 in other petitions are assessed. In that process, following project proponents have been found for paying compensation for environmental damage as per recommendations below :

Compensation charge = $D \times (1+RF+DF)$

Where $D=Z \times$ market value of material per MT or m^3 .

DF = 0.3. if $Z/X=0.41$ to 0.70

0.6. if $Z/X=0.41$ to 0.70

1, If $Z/X = 0.71$

RF = 0.25, 0.50 0.75, 1.00 as per risk level mentioned below :-

| | | | | |
|-------------|------|------|------|---|
| Risk level | 1 | 2 | 3 | 4 |
| Risk Factor | 0.25 | 0.50 | 0.75 | 1 |

In present case :

| | |
|---|--------------------------------|
| Total permitted quantity in Environmental Clearance (X) | 24000 m^3 |
| Total Extraction (Y) | 26347.5 m^3 |
| Excess Extraction (Z), (Z-Y-X) | 2347.5 m^3 |
| Methology : | |
| Market value of the material as Rs 1000 per m^3 | 2347.5 \times 1000 = 2347500 |
| Risk Factor | 0.75, As per Risk level = 3 |

| | |
|-------------------------------|--|
| Excendence in Extraction Z/ X | $2347.5/24000 = 0.0978$ |
| Deterence Factor DF | 0.3. As per Z/ X = 0.0978 |
| Environmental compensation | $D \times (1 + RF + DF)$ 2347500 x (1+0.75+0.3) |
| | 2347500 x 2.05 Rs 48,12,375/- |

As per the Rules framed by Regional office and the report with recommendation dated 6.9.2022, you have conducted excess mining for not getting consent for water and air. Hence it is recommended to impose upon you the penalty of Rs 48,12,375/- towards environmental loss.

In view of above such facts, show cause notice is issued for recovering environmental loss compensation :

1. Why M/s Shri Tapeshi S/o Shri Sadan, Gata No. 291, 292 and 294, Village-Aghari Khas, Area 1.2 hectare, Tehsil Obra, Distt Sonbhadra be imposed

with penalty of Rs 48,12,375/- for carrying out excessive mining against the prescribed quantity.

In this connection, please send your clarification within 15 days of the receipt of this notice as otherwise the penalty proposed for Rs 48,12,375/- shall be imposed at your risk and liability.

WITH APPROVAL OF COMPETENT AUTHORITY

Sd/-
CHIEF ENVIRONMENT OFFICER CIRCLE-2

Copy for information and necessary action.

1. D.M. Sonbhadra.
2. Regional officer, UP PCB, Sonbhadra with direction that a copy of the notice be served upon the owner of the industry and ensure the latest position with inspection report within 15 days to the Headquarter of Board.

Sd/-
CHIEF ENVIRONMENT OFFICER, CIRCLE-2



-TRUE COPY-

श्रीमान् वेयरमैन/प्रीसीपल बेंच,
राष्ट्रीय हरित अभिकरण,
नई दिल्ली।

विषय—माननीय राष्ट्रीय अभिकरण में योजित ओ०ए० संख्या—231/2022 में किये गये जाँच दिनांक 11.05.2022 की जाँच आख्या के आधार पर पारित आदेश दिनांक 13.07.2022 के क्रम में एवं मुख्य पर्यावरण अधिकारी वृत्त, उ०प्र० प्रदूषण नियन्त्रण बोर्ड लखनऊ के पत्रांक संख्या—1780 920/सी-2/एन०जी०टी० सामान्य 57/22 दिनांक 09.09.2022 द्वारा कारण बताओ नोटिस के सन्दर्भ में प्रेषित स्पष्टीकरण।

स्पष्टीकरण द्वारा तपेशी पुत्र स्व० सदन निवासी ग्राम—अगोरी खास, परगना—अगोरी, तहसील—ओबरा, जनपद—सोनभद्र।

महोदय,

उपरोक्त विषय के सन्दर्भ में अवगत कराना है कि क्षेत्रीय कार्यालय प्रदूषण नियन्त्रण बोर्ड, सोनभद्र द्वारा हम उत्तरदाता को दिनांक 15.09.2022 को जरिए पंजीकृत डाक प्राप्त हुई, जिसमें यह तथ्य सन्दर्भित है कि माननीय हरित प्राधिकरण बेंच नई दिल्ली के समक्ष लम्बित वाद सं०—232 सन् 2022 All India Kamur Peoples front बनाम् पर्यावरण वन और जलवायु परिवर्तन मंत्रालय तथा अन्य में पारित आदेश दिनांक 13.07.2022 के हवाले यह नोटिस भेजी गयी हैं। जिसमें माननीय हरित प्राधिकरण द्वारा दिनांक 30.03.2022 का जिक्र आया है, जिसमें Next Listing of Date तक खनन अनुज्ञापत्र धारक पक्षों को नोटिस दिये जाने का निर्देश है। माननीय हरित प्राधिकरण द्वारा अग्रिम तिथि दिनांक 14.09.2022 नियत की गई किन्तु यह कारण बताओ नोटिस तिथि के पश्चात् दिनांक 15.09.2022 को प्राप्त हुई है, पंजीकृत लिफाफा व कारण बताओ नोटिस का छायाप्रतियां माननीय बोर्ड के सुलभ सन्दर्भ हेतु इस स्पष्टीकरण के साथ संलग्न है।

कृपया आप अपने कार्यालय से प्रेषित कारण बताओ नोटिस का सन्दर्भ ग्रहण करने की कृपा करें जिसकी छायाप्रति इस स्पष्टीकरण के साथ संलग्न है। उपरोक्त नोटिस का विषय वस्तु यह है कि हम उत्तरदाता पर अल्पकालिक अनुज्ञापत्र के माध्यम

से बालू के खनन परिवहन के लिए स्वीकृत क्षेत्र से इतर खनन का आरोप लगाया गया है, जिसमें उत्तरदाता के विरुद्ध 347.5 घनमीटर बालू के मात्रा के अवैध खनन का आरोप लगाया गया है और विभागीय नियमों के तहत अर्थदण्ड रु. 4812375.00 की देयता आरोपित की गयी है, जिसका आधार निम्न है—

- 1- यह कि प्रार्थी उत्तरदाता पर जल/वायु सहमति न लिए जाने एवं निर्धारित मात्रा से अधिक खनन किये जाने का आरोप लगाया गया है।
- 2- उपरोक्त कारणों से इन्वायरामेन्टल कम्पनशेसन चार्ज रु. 4812375.00 की क्षतिपूर्ति आरोपित किये जाने की संस्तुति की गयी है।

उक्त आरोप के सम्बन्ध में निम्न स्पष्टीकरण प्रस्तुत हैं—

1. यह कि उत्तरदाता द्वारा निर्धारित मात्रा से अधिक बालू का खनन परिवहन नहीं किया गया है। आरोप निराधार है।
2. यह कि क्षेत्रीय कार्यालय द्वारा माननीय राष्ट्रीय हरित प्राधिकरण के आदेश दि. 13.07.2022 के अनुपालन में मौके पर जाँच कर्त्तई नहीं की गयी है, और न ही जाँच के सम्बन्ध में कोई सही सूचना ही दी गयी है।
3. यह कि नोटिस उपरोक्त में क्षेत्रीय कार्यालय द्वारा एक पत्र उत्तरदाता को अपने कार्यालय से प्रेषित कर खानापूर्ति किया गया है, तथा उस पत्र का विषय वस्तु कुछ इस प्रकार रखा गया ताकि उत्तरदाता जाँच में शामिल ही न हो सके। पत्र दि. 30.07.2022 में निम्न कमियाँ थीं—

- अ- नोटिस पत्र में उत्तरदाता को किसके समक्ष उपस्थित होना था यह स्पष्ट नहीं है।
- ब- जाँच हेतु गठित समिति के सदस्य कौन-कौन हैं, इस तथ्य का उल्लेख नहीं है।
- स- जाँच समिति का जाँच स्थल कहाँ निर्धारित है जहाँ उत्तरदाता को उपस्थित होना है, नोटिस दि. 30.07.2022 में अंकित नहीं है।
- द- किस तिथि को जाँच समिति के समक्ष उपस्थित होना है इसका भी जिक्र नहीं है, इस प्रकार क्षेत्रीय कार्यालय द्वारा प्रेषित नोटिस Vague है, जिसमें माननीय राष्ट्रीय हरित

प्राधिकरण के आदेश दि. 13.07.2022 का पूर्ण रूप से उल्लंघन किया गया है, क्योंकि क्षेत्रीय कार्यालय द्वारा जाँच की कार्यवाही को गुप्त रखा गया ऐसी स्थिति में क्षेत्रीय कार्यालय द्वारा उत्तरदाता को कत्तई जाँच सम्बन्धी जानकारी नहीं दी गयी आप श्रीमान् जी के सुलभ सन्दर्भ हेतु नोटिस दि. 30.07.2022 की छाया प्रति इस स्पष्टीकरण के साथ संलग्न है।

4. यह कि वस्तुतः न तो खान अधिकारी न उनके साथ गठित किसी जाँच अधिकारी ने स्थल की नाप जोख व जाँच किया न तो क्षेत्रीय कार्यालय पर्यावरण प्रदूषण नियंत्रण बोर्ड सोनभद्र द्वारा ही कोई स्थल निरीक्षण किया गया और न ही माननीय राष्ट्रीय हरित प्राधिकरण द्वारा गठित जाँच टीम द्वारा ही मौके की नाप जोख व जाँच पड़ताल की गयी। मनमानी तौर पर काल्पनिक संगणना के आधार पर क्षतिपूर्ति का निस्तारण किया गया है, और गलत जाँच आख्या पर संस्तुति प्राप्त की गयी है। जो कत्तई मान्य किये जाने योग्य नहीं है।
5. यह कि पर्यावरणीय क्षतिपूर्ति के जिस मात्रा के निर्धारण व क्षतिपूर्ति राशि के निर्धारण की संस्तुति दि. 06.09.2022 का जिक्र पत्रांक उपरोक्त में दिया गया है, उसका आधार वास्तविक रूप से मौके पर की गयी जाँच नहीं है। सच्चाई यह है कि, जिस जाँच आख्या के आधार पर क्षतिपूर्ति का निर्धारण किया गया है, वह वाकई खान अधिकारी के कार्यालय में बैठकर उनके द्वारा कल्पना के आधार पर बिना मौके की पैमाइश किये ही दि. 25.03.2022 को रु. 2144000.00 का अर्थदण्ड आरोपित कर नोटिस/वसूली आदेश प्रेषित किया गया जिसे माननीय उच्च न्यायालय द्वारा रिट सं. 16473 सन् 2022 के माध्यम से निरस्त कर दिया। नोटिस के आधार जाँच आख्या क्षेत्रीय कार्यालय दि. 06.09.2022 अवैध उत्खनित बालू की मात्रा 2160घन मीटर अवैध बालू के खनन का आरोप कथित जाँच आख्या दि. 03.03.2022 को जो खान अधिकारी द्वारा प्रस्तुत की गयी थी के आधार पर निर्धारित किया। इसी जाँच आख्या को क्षेत्रीय कार्यालय एवं राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा गठित टीम ने अपनी जाँच का आधार बनाया और काश्तकार/अनुज्ञा धारक को जाँच की कोई जानकारी नहीं दी गयी। किन्तु प्रेषित आख्या में जाँच के सम्बन्ध में नोटिस दि. 30.07.2022 का हवाला दिया गया जो अपूर्ण

व भ्रामक थी, इस प्रकार समस्त कार्यवाही जिलाधिकारी सोनभद्र व कथित जाँच टीम की आपसी ताल-मेल का परिणाम है।

6. यह कि खनन अनुज्ञापत्र धारकों द्वारा जल/वायु सहमति पत्र न लिए जाने का आरोप लगाया गया है, जब कि संशोधित नियमावली के नियम 68 को सिथिल करते हुए खनन अनुज्ञापत्र तीन माह की अल्प अवधि के लिए काश्तकारों की भूमि में बाढ़ द्वारा लायी गयी बालू को हटाकर खेती योग्य बनाने के लिए दिया गया था जिसमें वनविभाग से अनापत्ति स्वयं खनन विभाग द्वारा प्राप्त किया गया उसमें काश्तकार के लिए कोई दायित्व नहीं दिया गया था, जहाँ तक जल/वायु सहमतिपत्र प्राप्त करने का सवाल है, खनन विभाग या जिलाधिकारी या राज्य शासन द्वारा न तो इसकी आवश्यकता जताई गयी न अपेक्षा की गयी और न ही खनन अनुज्ञापत्र में इस तरह के किसी सहमति को पर्यावरण प्रदूषण बोर्ड से प्राप्त किये जाने की अनिवार्यता व दायित्व ही काश्तकार अनुज्ञा धारक पर आरोपित किया गया यदि ऐसा कोई प्रावधान था तो वनविभाग से अनापत्ति लिए जाने के साथ ही साथ पर्यावरण प्रदूषण नियंत्रण कार्यालय से भी अनापत्ति खनन विभाग द्वारा लिए जाने के पश्चात ही खनन अनुज्ञा जारी किया जाना चाहिए था। इसमें काश्तकार अनुज्ञा धारक की कोई कमी या असावधानी नहीं है, आरोप सरासर गलत है और बेबुनियाद है, इसके आधार पर आरोपित क्षतिपूर्ति सर्वथा गलत व विधि विरुद्ध है।
7. यह कि खनन अधिकारी/जिलाधिकारी द्वारा निर्धारित बालू के निर्धारित मात्रा से अधिक मात्रा में खनन किए गये बालू की मात्रा व क्षेत्रीय कार्यालय/जाँच कमेटी द्वारा निर्धारित अवैध रूप से उत्खनित बालू की मात्रा में अत्यन्त अल्प मात्रा का अन्तर है, जो खनन विभाग द्वारा निर्धारित मात्रा को ही आधार बनाया है, जो आज भी अपूर्ण व अस्पष्ट है। इस मात्रा का मापन किस प्रकार किस यंत्र से किया गया स्पष्ट नहीं है, और यह निर्धारण काश्तकार की उपस्थिति में नहीं किया गया इस प्रकार उत्तरदाता के विरुद्ध आरोपित पर्यावरणीय क्षतिपूर्ति का निर्धारण बिला समुचित जाँच के किया गया है, जो निरस्त किये जाने योग्य है। जब कि खनन विभाग द्वारा आरोपित अवैध खनन सम्बन्धी प्रकरण निस्तारण के लिए जिलाधिकारी के यहाँ लम्बित है।

(5)

अतः श्रीमान् जी से प्रार्थना है कि, उपरोक्त तथ्यों/ स्पष्टीकरण का अवलोकन करते हुए प्रार्थी उत्तरदाता के विरुद्ध आरोपित क्षतिपूर्ति के निर्धारण आदेश को निरस्त किया जावे, और इस प्रकार उत्तरदाता के प्रति न्याय हो सकेगा। उत्तर दाता पर आपकी महति कृपा होगी।

संलग्नक-:

1. उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ द्वारा प्रेषित कारण बताओ नोटिस दि. 09.09.2022 1 प्रति।
2. क्षेत्रीय कार्यालय पर्यावरण प्रदूषण नियंत्रण बोर्ड सोनभद्र द्वारा प्रेषित नोटिस दि. 30.07.2022 1 प्रति।
3. खनन कार्यालय द्वारा प्रेषित माननीय उच्च न्यायालय के आदेश दि. 01.07.2022 के अनुपालन में सुनवाई हेतु प्रेषित नोटिस दि. 14.07.2022 ।
4. विवादित संयुक्त जाँच आख्या खनिज अनुभाग दि. 03.03.2022 1 प्रति।

दिनांक : 26/9/2022

हस्ताक्षर प्रार्थी।

प्रतिनीप

तपेक्ष

① मांजनीय जिलाधिकारी सोनभद्र को सुचनाई एवं आवरण कार्यवाही हेतु।

② शैलीधिकारी, उ० प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र की सुचनाई एवं आवरण कार्यवाही हेतु।

To

The Chairman/Principal Bench
National Green Tribunal,
New Delhi

Sub: In furtherance to the order dated 13.7.2022 passed by Hon'ble National Green Tribunal in OA No. 231/2022 on the basis of inquiry report dated 11.5.2022 and in reference to letter No. 1780 /920/C-2/NGT/Samanya 57/22 dated 09.09.2022 – clarification in reference to show cause notice.

Clarification given by Tapeshi son of late Sadan R/o village Agori Khas, Pargana-Agori, Tehsil Obra, District Sonbhadra.

Sir,

In reference to subject cited above, it is to apprise that a reference was received by us answering respondents on 15.09.2022 from Regional Office of Pollution Control Board, Sonbhadra mentioning therein about the order dated 13.7.2022 passed by Hon'ble Green Tribunal, New Delhi in OA No. 232 of 2022 All India Kamur Peoples Front Vs. Ministry of Forest and Climatic changes. In that order a reference of 30.3.2022 has also

appeared in which direction about issue of notice to licencees of parties for Next listing date. Hon'ble Green Tribunal had fixed the date of 14.09.2022 but it was known after receiving the show cause notice dated 15.09.2022. A registered envelope with show cause notice copies are attached with this clarification for Hon'ble Board.

Kindly refer to the show cause notice issued from your office whose photo copy is attached with clarification. The subject matter of above notice is that we answering respondents have been charged for mining in on short term basis licence in approved mining of sand in which it is alleged that answering respondent had illegally mined for 2347.5 cubic meter sand and a penalty of Rs 4812375/- is impose on following grounds : -

1. That applicant has been charged for mining more than the prescribed quantity without consent of water/air.

2. For above reasons, compensation of Rs 4812375/- is imposed as compensation for environment.

The following clarifications are being submitted in this regard :

1. That Respondent has not transported the sand in excess of the prescribed quantity. The charge is without basis.
2. That no site inspection was conducted at the spot in terms of order dated 13.7.2022 of Hon'ble National Green Tribunal and nor any correct information about investigation is given.
3. That in above referred notice a letter was sent to respondent only as formality and the subject matter is stated in such manne that the respondent may not be able to take part in investigation. The letter dated 30.7.2022 suffers from following deficiencies.
 - A. Notice does not make it clear as to the authority before whom the respondent is to appear.

- B. There is no mention about the members of the committee formed for the investigation.
- C. The site of investigation and committee and the spot where the respondent is to appear are not stated in notice dt 30.7.2022.
- D. Even the date on which appearance is to be given before committee is not mentioned. The notice is vague and the order dated 13.7.2022 of NGT has been fully violated because the proceedings have been kept secret and no information about any such inquiry is given. For a kind reference, a copy of the notice dated 30.7.2022 is attached with clarification.
4. That in fact neither Mining officer nor any IO with him has investigated or taken measurement or dimensions and nor inspected the site through Pollution Control Board and nor the dimensions, risks etc. at the spot is done by the committee. The amount of compensation is decided arbitrarily on

imagination and a wrong report is filed which are not acceptable.

5. That the quantity of the mineral and compensation as given in the letter dt 06.09.2022 are not as per the actual physical site condition. Truth is that Mining Officer has determined the amount of compensation while sitting in office without taking actual measurement and sent notice on 25.3.2022 for Rs 2144000/- as fine and notice sent. The same was quashed by Hon'ble High Court in Writ No. 16473 of year 2022. On the basis of notice inquiry report from regional office dt 6.9.2022 mentions about mining of 2160 cubic meter sand for which report was sent by Mining officer on 3.3.2022. The National Green Tribunal and the Regional office made this report as basis and no information was given to the farmer/licencees. In the report so sent, a reference was made about the notice dated 30.7.2022 which is absolutely misleading. The entire proceedings is the

consequence of the collusion between the inquiring Team and DM Sonbhadra.

6. That a charge is made about licencee for not taking consent letters for water/air whereas the Rule 68 was relaxed in the amended Regulations and the sand brought by flood was removed to make the land cultivable for farmers. In that process NOC from Forest Department Mining Department was taken and farmer was not given any responsibility. So far as getting the consent for water/airis concerned, no liability or compulsion was imposed for imposing the same on farmer/licencee. If there was any such provision then licencew should have been issued only after taking the NOC from Forest Deptt and Pollution Control Board. In this matter, there is no deficiency or negligence on the part of licencee. The charge is absolutely wrong and baseless. On this basis the compensation imposed is absolutely wrong and against law.

7. That there is minor difference in the quantity of sand mined illegally as per report of Mining officer/DM for more sand than prescribed and the report of Regional office/ committee. The Mining Department has made the prescribed quantity as basis which is ambiguous and incomplete. There is no clarity as to what was the instrument or implement through which this quantity was determined. This fixation was not done in presence of the farmer. Thus the fixation of environmental compensation is done without appropriate enquiry and hence the same is liable to be set aside. Whereas the Mining department has the case about illegal mining pending with District Magistrate.

Hence, it is prayed that while perusing above facts/clarification, the compensation imposed against the applicant/respondent be revoked so that justice can be done. It shall be so nice on the respondent.

Encl :

1. Copy of the show cause notice dated 09.09.2022 issued by UP Pollution Control Board, Lucknow.
2. Copy of the notice dated 30.7.2022 sent by Regional Office, Pollution Control Board, Sonbhadra.
3. Copy of notice dated 14.7.2022 in reference to High Court order dated 1.7.2022 sent by Mining office for hearing.
4. Copy of the impugned joint inquiry report Mining Branch dt 3.3.2022.

Date : 26.9.2022

Sd/-
APPLICANT

Copy to :-

1. Hon'ble D.M. Sonbhadra for information and necessary action.
2. Regional Officer UP Pollution Control Board, Sonbhadra for information and necessary action.


-TRUE COPY-



Proof of Service PAWAN KUMAR <pawan2110k@gmail.com>

Original Application No. 231/2022 between All India Kaimoor People's Front v. MOEF & CC & Ors.

1 message

Samridhi Jain <samridhi12318@gmail.com>

Thu, Oct 20, 2022 at 2:55 PM

To: vksofficesc@gmail.com

Bcc: pawan2110k@gmail.com

Sir,

With reference to the aforesaid matter, the undersigned is appearing on behalf of Respondent No. 15.

PFA herewith a Short Affidavit on behalf of the Respondent No. 15 to be filed before the Hon'ble Tribunal as pre service.

Kindly acknowledge the receipt of the same.

Also, the page numbered copy shall be emailed to you once the page numbering is provided by the registry of the Hon'ble Tribunal.

Thanks & Regards,
Samridhi Jain, Advocate
Supreme Court of India
A-10, LGF, Lajpat Nagar III,
New Delhi - 110024
Mob. 9890210579

 [Final Affidavit by R - 15.pdf](#)