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Gujarat Minor Mineral Concession (Amendment) Rules, 2018

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DEMAND LETTER

SHREEJI Minerals
C/o LAVJIBHAI K. JETHVA
NEAR HINGURAJ TEMPLE
RUSHI TOYA SOCIETY
UNA - 362560
Date: 05/05/2019

To,
The Deputy Conservator of Forest,
Gir (East) Division,
Dhari.

Subject :- Existing Mining Quarry Lease situated at JARAGHI, Taluka
Gir Gadhdada, Dist. Gir Somnath.

Dear Sir,

This is in reference to our application submitted to Deputy Conservator of Forest (DCF), Dhari for Wild Life Clearance Certificate of our Mining Quarry Lease at JARAGHI Taluka - Gir Gadhdada, Dist. Gir Somnath.

We are operating our Quarry lease at the stated address since 2011 on Govt. Waste Land and have obtained all the necessary permissions that are required from the respective departments as and when asked for.

We are operating our Black Trap Stone Crusher Plant at the same site as our Quarry Lease and the raw material is obtained from our premises only. The entire production is carried out using Eco friendly process. The Excavated material is carried out of the quarry lease using tractors and transported to the crusher where it is processed and stacked for later use.

The Lease is granted for Black Trap Stone and it is valid upto 2030 as per Gujarat Government Notification G.M.M.C.R - 2017 Dated 09.03.2018.

The salient features of the Mining Quarry Lease are given below for ready reference :

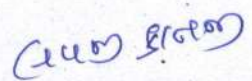
⇒ Lease	: Black Trap.
⇒ Grant of Quarry Lease	: 21/3/2011
⇒ Village	: JARAOLI
⇒ Taluka	: Gir Gadhada.
⇒ District	: Gir Somnath.
⇒ State	: Gujarat.
⇒ Distance from Sanctuary	: 7.5 Km

As per the EIA Notification, we have already obtained Environment Clearance Certificate and Mining Plan & Progressive Mine Closure Plan has also been obtained.

With all due respect, it is to bring to your kind notice that the lease area is situated beyond 7.5 kms. from the Gir Sanctuary and the map is attached in Annexure – 2 for authentication.

Hence, We are submitting our application to the Standing Committee of the National Wild Life Board for obtaining Clearance.

Thanking You,


Yours Faithfully,

Encl : Gujarat Government Notification G.M.M.C.R. – 2017 Dated 09.03.2018.

NOTIFICATION

Industries and Mines Department,

Sachivalaya, Gandhinagar.

Dated the 9th March, 2018.

Mines and
Minerals
(Development
and Regulation)
Act, 1957.

No. GJ/2018/12/MCR-102018-325-chh:- In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Minor Mineral Concession Rules, 2017, namely :-

1. These rules may be called the Gujarat Minor Mineral Concession (Amendment) Rules, 2018.
2. In the Gujarat Minor Mineral Concession Rules, 2017 (hereinafter referred to as "the said rules"), in rule 4, the following sub-rules shall be added after sub-rule (6), namely:-

"(7) Any person, owning more than fifty per cent. of the mineral block demarcated for auction or the person who has written consent to surface rights for more than fifty per cent. of such demarcated mineral block upon which the Government has conducted electronic auction under these rules, which shall include auction carried out under sub-rule (8) of this rule, shall have Right of First Refusal upon completion of the auction process in accordance with clause (e) of sub-rule (8) of this rule:

Provided that, if any person uses his right of first refusal he shall be treated as the 'Preferred Bidder' and has to fulfill all the conditions laid down under these rules as well as the Tender Document to be declared as the 'Successful Bidder'.

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(8) In case, if an area over which quarry lease is proposed to be granted, is owned by any person ("landowner"), the Government may conduct an auction in accordance with rule 7 and other provisions of these rules, for grant of a quarry lease over the land owned by the landowner: Provided that, if the Government considers such auction as expedient in public interest, it shall conduct the auction process subject to the following provisions, namely:-

(a) The Government shall, on receipt of a written application from the landowner carry out Reconnaissance Survey (G4) in accordance with these rules on the land owned by the landowner.

(b) Only in case of a favourable Reconnaissance Survey (G4) report of the mineral resource(s) in the land owned by the landowner pursuant to clause (a) above, the Government shall carry out further exploration to establish evidence of mineral resource(s) in accordance with the parameters prescribed in Schedule I of these rules.

(c) The Government may initiate an electronic auction for grant of quarry lease in the manner specified in these rules in land owned by the landowner where evidence of mineral resources has been established in accordance with the parameters prescribed in Schedule I and the Government may include other contiguous mineral bearing land owned by the Government while demarcating the mineral block for such auction for grant of quarry lease.

(d) The person who has written consent to surface rights of more than fifty per cent. of such demarcated mineral block (not including the contiguous area of Government land added by the Government), shall have such rights for the entire period of the proposed quarry lease.

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(e) In case of auction conducted pursuant to clause (c) above, within a period of thirty days from the date of conclusion of auction held for such quarry lease, the person entitled pursuant to sub-rule (7) of this rule and clause (d) above may opt to pay the amounts quoted by the relevant preferred bidder during such auction process under written intimation to the Government, alongwith all such payments required to be made by the relevant preferred bidder. Upon receipt of such intimation and other payments, the aforesaid landowner or person having access rights, as aforesaid, shall be considered to be the preferred bidder and the bid security, performance security and upfront payment, if any paid by the erstwhile preferred bidder, shall be returned".

3. In the said rules, in rule 6, in sub-rule (1), in clause (c), the following proviso shall be inserted, namely:-

"Provided that quantity of mineral up to fifty per cent of total mineral dispatched in the previous financial year, for which end-use was specified, can be sold in the current financial year with the prior approval of the Commissioner of Geology and Mining."

4. In the said rules, in rule 8, in sub-rule (3), -(i) for the words "such period from the date of issuance of the letter of intent as may be specified in the tender document", the words "a period of two years from the date of issuance of the letter of intent in case of minerals specified in Part A-II or Part B of Schedule III and within a period of one year from the date of issuance of the letter of intent in case of minerals specified in Part A-I of Schedule III" shall be substituted.

(ii) for the existing proviso, the following proviso shall be substituted, namely:-

"Provided that a successful bidder may request the Government to extend the time period so prescribed by it, by filing an application for extension at least one month prior to the expiry of the originally prescribed period. The application for extension shall provide

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bona-fide reasons for seeking an extension and such reasons should be beyond the control of the successful bidder. The Government may, at its sole discretion and for reasons to be recorded in writing, grant an extension to the successful bidder by an additional period of not more than one year in case of minerals specified in Part A-II or Part B of Schedule III and six months in case of minerals specified in Part A-I of Schedule III, if the reasons for delay were beyond the control of the successful bidder. In case the Government does not grant an extension, the letter of intent shall expire in accordance with the terms thereof leading to automatic cancellation of the entire process of auction”.

(iii) the following explanation shall be added namely:-
“Explanation: For the purpose of this sub-rule (3), the date of issuance of the letter of intent by State Government to the Preferred Bidder to become Successful Bidder shall be the date on which the letter of intent is hand delivered to the Preferred Bidder or date on which letter of intent is sent by Registered Post Acknowledgment Due.”

5. In the said rules, in rule 9, in sub-rule (1), in clause (a), for the words “one per cent”, the figure and words “0.25 per cent.” shall be substituted.
6. In the said rules, in rule 10, in sub-rule (1), for the words “one per cent”, the figure and words “0.25 per cent.” shall be substituted.
7. In the said rules, in rule 12, in sub-rule (1),-(i) in clause (a), for the figure “2025”, the figure letters and words “2030 for the quarry leases granted on land owned by the Government; upto a period ending on March 31, 2035 for the quarry leases granted on land not owned by the Government,” shall be substituted.
(ii) in clause (b), for the figure “2020”, the figures “2022” shall be substituted.

8. In the said rules, in rule 23, in sub-rule (1),-(i) for clause (a), the following shall be substituted, namely:-

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

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

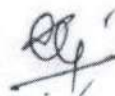
(ii) quantity exceeding five thousand metric tonnes but not exceeding twenty thousand metric tonnes for a period of up to 90 days shall be granted by the District Collector:

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

(iii) quantity exceeding twenty thousand metric tonnes but not exceeding one lakh metric tonnes for a period of up to 180 days shall be granted by the Commissioner of Geology and Mining:

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

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



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

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

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

(ii) after clause (a) the following clause shall be inserted, namely:-

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

9. In the said rules, in rule 29, for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) Without prejudice to sub-rule (1), where before the commencement of these rules, the Government has communicated a prior written approval for grant of a quarry lease to an applicant; or if a letter of intent has been issued in writing to an applicant by the Government to grant a quarry lease, the quarry lease shall be granted in accordance with the provisions of sub-rules (3) to (6) (inclusive):



Provided that, if an applicant has applied for and obtained: (a) an environmental clearance; or (b) an approval for change in land use to non-agricultural purposes; or (c) an approval for mining plan, for conducting mining operations over the proposed lease area governed by these rules, prior to the commencement of these rules:

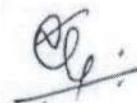
Provided further that, such person shall make a written representation before the Government with relevant documents and if Government deems fit, shall issue letter of Intent, which shall entitle such person to obtain a quarry lease, in the same manner as if such letter of intent was issued before the commencement of these rules”.

10. In the said rules, in rule 57, (i) in clause (a), for the words “fifty per cent”, the words “twenty five per cent” shall be substituted.

(ii) in clause (b), for the words “fifty percent”, the figure words “twenty five per cent” shall be substituted.

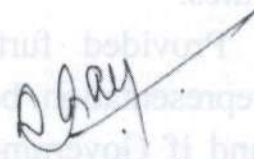
11. In the said rules, in SCHEDULE II: ELIGIBILITY CONDITIONS, in clause 3, (i) for the words “one per cent”, the figure and word “0.25 per cent” shall be substituted.

(ii) in Explanation (3), for the words “net worth shall be the closing cash balance on the last date for submission of the application and such”, the words “individual may provide an affidavit regarding the net worth or net worth certificate issued by a chartered accountant that is computed in accordance with applicable accounting standards and supported by any documents relating to unencumbered immovable properties (valued at circle rate or jantri rate published by the Government for the area where such immovable properties are situated) and other assets as per the latest Income Tax Return. Such” shall be substituted.



12. In the said rules, in FORM B: FORMAT OF QUARRY LEASE DEED, in clause 5.1.2, for the words "one per cent", the figure and word "0.25 per cent." shall be substituted.

By order and in the name of the Governor of Gujarat,


(D. G. Chaudhari)

Deputy Secretary to Government.

To,

- (1) PS to Hon. Governor of Gujarat, Rajbhavan, Gandhinagar (by letter)
- (2) PS to Hon. CM, Swarnim Sankul-1, Sachivalay, Gandhinagar.
- (3) PS to Principle secretary, Industries and Mines Department, sachivalay, Gandhinagar.
- (4) Commissioner, Geology and Mining, Udyog Bhavan, Gandhinagar.
- (5) Revision Authority, Industries and Mines Department, sachivalay, Gandhinagar. (3 Copies)
- (6) The Manager, Government Central Press, Gandhinagar.

With a request to kindly publish the said notification in Part-IV-B of an Extra Ordinary next issue of the Government Gazette and to supply directly the copies of the said notification to the offices mentioned below as shown against their names, viz.:-