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## **Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules, 2021**

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## MINISTRY OF MINES

### NOTIFICATION

New Delhi, the 24th March, 2021

**G.S.R. 209(E).**—In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, namely:—

1. (1) These rules may be called the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, after rule 23, the following rule shall be inserted, namely:—

**“23A. Transfer of letter of intent for grant of mining lease or composite licence in certain cases.—** (1) The letter of intent issued upon auction for grant of mining lease or composite licence in accordance with the provisions of the Mineral (Auction) Rules, 2015 may be transferred in the manner specified in this rule in cases where the State Government is satisfied that such transfer of letter of intent to the transferee (the “transferee”) is necessary consequent to conclusion of insolvency, liquidation, or bankruptcy proceedings, as the case may be, in respect of the original holder of the letter of intent (the “transferor”) by the competent tribunal or the court under the provisions of the Insolvency and Bankruptcy Code, 2016 (31 of 2016).

(2) The transferee shall make an application, namely the “transfer application”, to the State Government along-with the following particulars, namely: —

- (a) details of the transferee including its address;
- (b) details and certified copy of the approval of the competent authority or the court under the provisions of the Insolvency and Bankruptcy Code, 2016 regarding such transfer;
- (c) details regarding eligibility of the transferee to hold such letter of intent and consequent mining lease or composite licence in accordance with the Act and the rules made thereunder; and
- (d) copy of the letter of intent granted to the transferor.

(3) The State Government within a period of ninety days from the date of receiving the transfer application made under sub-rule (2) shall convey its decision to approve or reject such transfer for reasons to be recorded in writing and the transfer shall be effective from the date of conveyance of such approval:

Provided that no such transfer of a letter of intent shall be made in contravention of any condition subject to which such letter of intent was issued.

(4) All transfers effected under this rule shall be subject to the following conditions, namely:—

- (a) the transferee is eligible to participate in the auction in accordance with the Act and the rules made thereunder; and
- (b) the transferee has accepted all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such letter of intent.

(5) On and from the date of transfer, the transferee shall be liable to the State Government and Central Government with respect to any and all liabilities with respect to the transferred letter of intent and shall continue to comply with all the obligations required for obtaining the mining lease or the composite licence, as the case may be.

(6) The State Government shall intimate the Indian Bureau of Mines in writing about any transfer of a letter of intent.

(7) The State Government may, by an order in writing terminate any letter of intent or consequent mining lease or composite licence, as the case may be, at any time if the transferee has, in the opinion of the State Government, committed a breach of any of the provisions of this rule or has transferred such letter of intent or any right, title, or interest therein otherwise than in accordance with this rule:

Provided that no such order shall be made without giving the transferee a reasonable opportunity of being heard.”.

[F. No. 16/31/2019-M.VI]

Dr. VEENA KUMARI DERMAL, Jt. Secy.

**Note :** The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 279(E) dated the 4<sup>th</sup> March, 2016 and lastly amended *vide* number G.S.R. 191(E), dated the 20<sup>th</sup> March, 2020.