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Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining (Amendment) Rules, 2018

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[Authorised English Translation]

HARYANA GOVERNMENT
MINES AND GEOLOGY DEPARTMENT

Notification

The 22nd November, 2018

No. S.O. 85/C.A. 67/1957/S. 15 and 23C/2018.— In exercise of the powers conferred by sub-section (1) of Section 15 and section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Haryana hereby makes the following rules further to amend the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, namely:-

1. These rules may be called the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining (Amendment) Rules, 2018.

2. In the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (hereinafter called the said rules), in rule 55, in sub rule (3), -

(a) for clause (iii), the following clause shall be substituted, namely:-

“(iii) The letter of intent holder/contractor/ lessee shall deposit the balance amount of Bid Security i.e. equal to fifteen percent of the annual bid amount before the commencement of mining operations or before expiry of period allowed, which shall ordinarily not be more than twelve months, from the date of issuance of letter of intent, whichever is earlier:

Provided that where the letter of intent holder/contractor/lessee having taken all steps on his part, fails to obtain required environmental clearance and consent to operate for undertaking mining operations within the maximum period allowed as per above, such letter of intent holder/contractor/lessee on a specific application submitted to the Director, at least thirty days prior to the end of the period mentioned above, giving details of the action already taken may seek additional time up to another twelve months, over and above the time already allowed for commencement of the period of contract/lease, on payment of a non-refundable fee as per the following:-

1	Extension of further period up to six months	On payment of a non-refundable fee at the rate of one percent per month of the annual bid for each month of requested extension period
2	Extension for a second period of upto six months	On payment of a non-refundable fee at the rate of two percent per month of the annual bid for each month of requested extension period

Note.— Extension shall be allowed only in month (s) and any request for period less/part of the month shall be summarily rejected.

The letter of intent holder/contractor/lessee shall apply for seeking extension of time after initially allowed period, to the Director, atleast thirty days in advance along with advance amount of the fee for such requested period of extension;”;

(b) for clause (v) the following clause shall be substituted, namely:-

“(v) Wherever a letter of intent holder fails to deposit the balance fifteen percent amount towards security as prescribed under sub-rule (3)(iii) above, and/or fails to execute the agreement after the issue of letter of intent, the same shall be deemed to have been revoked and the ten percent amount deposited by him towards ‘initial bid security’ shall stand forfeited;”;

(c) for clause (vi) the following clause shall be substituted, namely:-

“(vi) Where the letter of intent holder/contractor/lessee fails to deposit the un-paid fifteen percent amount on demand and the letter of intent/contract/lease has been revoked as per clause (v) above, such bidder shall be debarred from participation in any subsequent bids for a period of five years.

Note.— In case of default by a company, the said company and all of its Promoter/s and Director/s, in case of Partnership Firm along with such firm all of its partners shall be debarred from participation whether individually or as partner/proprietor/director in a company in bids for a period of five years;”.

3. In the said rules, in Form ML-1, in part III,-

(a) in clause 4, in sub-clause (a), for item (ii) the following item shall be substituted, namely:-

“(ii) fifteen percent of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall ordinarily be not more than twelve months from the date of issuance of letter of intent, whichever is earlier:

“Provided that where the letter of intent holder/lessee having taken all steps on his part, fails to obtain required environmental clearance and consent to operate for undertaking mining operations within the maximum period allowed as per above, such letter of intent holder/lessee on a specific application submitted to the Director, at least thirty days prior to the end of the period mentioned above, giving details of the action already taken may seek additional time up to another twelve months, over and above the time already allowed for commencement of the period of lease, on payment of a non-refundable fee as per the following:-

1	Extension of further period upto six months	On payment of a non-refundable fee at the rate of one percent per month of the annual bid for each month of requested extension period
2	Extension for a second period of upto six months	On payment of a non-refundable fee at the rate of two percent per month of the annual bid for each month of requested extension period

Note.— Extension shall be allowed only in month(s) and any request for period less/part of month shall be summarily rejected.

The letter of intent holder/lessee shall apply for seeking extension of time after initially allowed period, to the Director, atleast thirty days in advance along with advance amount of the fee for such requested period of extension:

Provided further that on enhancement of the deed rent after expiry of every three year period of lease, the lessee shall deposit the balance amount of security so as to upscale the security amount equal to twenty five percent of the revised annual deed rent as applicable for one year with respect to next block of three years”.

(b) In clause 5, in sub-clause (a), the words, figure and sign “which shall not be more than twelve months,” shall be omitted.

4. In the said rules, in Form MC-1, in part III,-

(a) in clause 2, in sub-clause (a), for item (ii) the following item shall be substituted, namely:-

“(ii) fifteen percent of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall ordinarily be not more than twelve months from the date of issuance of letter of intent, whichever is earlier:

“Provided that where the letter of intent holder/contractor having taken all steps on his part, fails to obtain required environmental clearance and consent to operate for undertaking mining operations within the maximum period allowed as per above, such letter of intent holder/contractor on a specific application submitted to the Director, at least thirty days prior to the end of the period mentioned above, giving details of the action already taken may seek additional time up to another twelve months, over and above the time already allowed for commencement of the period of contract, on payment of a non-refundable fee as per the following:-

1	Extension of further period upto six months	On payment of a non-refundable fee at the rate of one percent per month of the annual bid for each month of requested extension period
2	Extension for a second period of upto six months	On payment of a non-refundable fee at the rate of two percent per month of the annual bid for each month of requested extension period

Note.— Extension shall be allowed only in month(s) and any request for period less/part of month shall be summarily rejected.

The letter of intent holder/contractor shall apply for seeking extension of time after initially allowed period, to the Director, atleast thirty days in advance along with advance amount of the fee for such requested period of extension:

Provided further that on enhancement of the contract money after expiry of every three year period of contract, the contractor shall deposit the balance amount of security so as to upscale the security amount equal to twenty five percent of the revised annual contract money as applicable for one year with respect to next block of three years”.

- (b) In clause 3, in sub-clause (a), the words, figure and sign “which shall not be more than twelve months,” shall be omitted.

5. In the said rules, in Form MPS-1, in part III,-

- (a) in clause 2, for sub-clause (ii), the following item shall be substituted, namely:-

“(ii) fifteen percent of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall ordinarily be not more than twelve months from the date of issuance of Letter of Intent, whichever is earlier:

“Provided that where the permit holder having taken all steps on his part, fails to obtain required environmental clearance and consent to operate for undertaking mining operations within the maximum period allowed as per above, such letter of intent holder/permit holder on a specific application submitted to the Director, at least thirty days prior to the end of the period mentioned above, giving details of the action already taken may seek additional time up to another twelve months, over and above the time already allowed for commencement of the period of permit, on payment of a non-refundable fee as per the following:-

1	Extension of further period upto six months	On payment of a non-refundable fee at the rate of one percent per month of the annual bid for each month of requested extension period
2	Extension for a second period of upto six months	On payment of a non-refundable fee at the rate of two percent per month of the annual bid for each month of requested extension period

Note.— Extension shall be allowed only in month(s) and any request for period less/part of month shall be summarily rejected.

The letter of intent holder/permit holder shall apply for seeking extension of time after initially allowed period, to the Director, atleast thirty days in advance along with advance amount of the fee for such requested period of extension:

Provided further that on enhancement of the permit money after expiry of every three year period of permit, the permit holder shall deposit the balance amount of security so as to upscale the security amount equal to twenty five percent of the revised annual permit money as applicable for one year with respect to next block of three years”.

- (b) in clause 3, in sub-clause (a), the words and sign “which shall not be more than twelve months,” shall be omitted.

A. K. SINGH,
Principal Secretary to Government Haryana,
Mines and Geology Department.