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## **Madhya Pradesh Sand Rule, 2018**

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No.- F 19-27/2017/XII-1.- In exercise of the powers conferred under section 9(B), section 15 and section 23(c) of Mines and Minerals (Development and Regulation) Act 1957 (No. 67 of 1957), State Government makes following Rules, namely:-

## **RULES**

### **CHAPTER I**

#### **Preliminary**

**1. Short title, extent and commencement-**

- (1) These rules may be called the Madhya Pradesh Sand Rule, 2018.
- (2) They shall extend to whole State of Madhya Pradesh.
- (3) They shall come into force from the date of publication of this notification in the official gazette.

**2. Definitions-** (1) In these rules unless the context otherwise requires,-

- (a) "**Act**" means the Mines and Minerals (Development and Regulation) Act, 1957 (No. 67 of 1957);
- (b) "**Chairman, Nagar Palika/ Nagar Parishad**" and "**Chief Municipal Officer**" shall have the same meaning respectively as assigned to them in the

Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);

- (c) **"District Mineral Foundation"** shall have the same meaning as assigned to it in the Madhya Pradesh District Mineral Foundation Rule, 2016;
- (d) **"Form"** means the forms appended to these rules;
- (e) **"Government"** means the Government of Madhya Pradesh;
- (f) **"Gram Panchayat", "Janpad Panchayat", "Zila Panchayat"** and **"Gram Sabha"** shall have the same meanings respectively as assigned to them in the Madhya Pradesh Panchayat Raj Evam Gram Swaraj Adhiniyam, 1993 (No, 1 of 1994);
- (g) **"Licensee"** means holder of storage cum trading license or trading license or storage license granted under these rules;
- (h) **"Licensing Officer"** means such officer who has been authorised to grant license under these rules;
- (i) **"Mayor" / "Commissioner, Municipal Corporation"** shall have the same meaning respectively as assigned to them in the Madhya Pradesh Municipal Corporation Act, 1956;
- (j) **"Nagar Nigam"** shall have the same meaning as assigned to them in the Madhya Pradesh Municipal Corporation Act, 1956;
- (k) **"Nagar Palika", "Nagar Parishad"** shall have the same meanings respectively as assigned to them in the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);
- (l) **"Prescribed"** means instructions issued by the State Government in the form of circular which shall be published in the State Gazette;

- (m) **"Sale - Memo"** means "Sale - Memo" issue under Rule 19(1)(viii);
  - (n) **"Sand Mineral"** means Ordinary Sand/Bajri as mentioned in Clause 3(e) of Mines and Minerals (Development and Regulation) Act 1957;
  - (o) **"Storage cum Trading License or Trading License"** means license granted under rule 17 for storage and trading of sand or for trading without storing it;
  - (p) **"Storage License"** means license granted under rule 18 for storage of sand mineral;
  - (q) **"Storage Place"** means such place where sand is stored;
  - (r) **"Urban Local Body"** means Nagar Nigam, Nagar Palika, Nagar Parishad as the conditions may be;
  - (s) **"Water User Association"** shall have the same meaning as assigned to it in Madhya Pradesh Sinchai Prabandh me Krishakon ki Bhagidari Adhiniyam, 1999;
- (2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in Act or rules made there under.

### 3. Restrictions-

The following restrictions shall be applied in regard of sand:-

- (1) No vehicle shall enter in the declared sand quarry without the entry letter as prescribed and nor shall take the sand in excess of quantity, permitted in entry letter from the quarry area.

- (2) No person shall store, sand mineral for commercial purpose or own use without license granted under these rules:

Provided that license shall not be required for storing sand for self use, upto 50 cubic meters in own land.

**Clarification:-** self use means uses in own construction. In which storing of sand used by colonizer or construction contractor for colony / construction works, shall not be included.

- (3) No contract shall be given for the sand quarry allotted to Gram Panchayat / Local Body for operation.
- (4) Entry of vehicle, without mounting of instrument of G.P.S or of equivalent technique as prescribed, in stockyard and quarry shall be prohibited, after the date notified by the State Government.
- (5) Extraction/Removal of sand from the following areas shall be prohibited and shall not be extracted or removed,-
- (i) within 200 meter from any bridge.
  - (ii) within 200 meter upstream and downstream areas of any water supply scheme or water resources scheme
  - (iii) within 100 meters from the edge of national highway and railway line,
  - (iv) within 50 meter from any reservoir, canal or building.

- (v) within 50 meters from the edge of the state highway and 10 meters from the edge of other roads.
- (vi) within a fixed distance from any area which has been built to control the flood,
- (vii) within 200 meter distances or the distance provided in rule / act, from the places of cultural, religious, historical and archaeological importance places,
- (viii) Such areas which have been declared prohibited by the collector due to environmental or other reason.

Provided that prior to commencement of these Rules the sand quarry declared under Madhya Pradesh Minor Mineral Rule, 1996 shall deem to be declared under these rules.

- (6) Machine shall not be used for mining of sand in the sand quarry sanctioned in the bank of Narmada River.

#### **4. Exceptions-**

- (1) The Gram Panchayats, Janpad Panchayats, Zila Panchayats and Water user associations may take sand without depositing royalty and administrative charges for the works being done by themselves, as per the prescribed procedure.

Provided that if the work for the Gram Panchayats, Janpad Panchayats, Zila Panchayat, sand Water user associations is done by the contractor this exemption will not applied

- (2) The collector will declare open area to, such areas where it is not possible to quarry sand commercially as

prescribed, from where the Members of Scheduled Castes/Scheduled Tribes, farmers, labours engaged in agriculture works and the hereditary kumhars may carry sand for own use, without entry letter or without paying royalty and contribution to District Mineral Foundation. Sale of this shall be prohibited.

## **CHAPTER - II**

### **Identification of sand quarries, declaration and estimation of quantity of sand in Government Land**

5. (1) The Identification of the Sand quarries shall be made as prescribed.
- (2) **Declaring the sand quarries :-**
- (i) The sand quarry identified as per the sub rule (1) above shall be declared by the Collector, on receipt of application or receipt of proposal. Prior to declaring sand quarry, opinion from the concerned Gram Panchayat/urban local body shall be obtained. The concerned Gram Panchayats/Urban local bodies shall give their opinion within a period of 15 days otherwise it will be presumed that they have no objection. If any objection is received then the collector shall take decision in context of proposal on the basis of merit.
  - (ii) The Gram Panchayats and Urban local bodies may also submit proposals before the Collector

for declaring new quarries The Collector on receipt of proposals shall take decision within a period of 15 days.

(iii) No Objection Certificate for Gram Sabha shall be necessary in scheduled areas.

(3) **Information regarding prohibited areas-** For information regarding prohibited areas as per sub-rule (6) of Rule 3 a notice board shall be displayed, as prescribed, by concerned Gram Panchyat / Urban Local Body.

(4) **Annual Estimation of quantity of sand** -The Collector of the concerned district shall get estimate of the quantity of available sand in the declared sand quarries as prescribed every year before and after monsoon:

Provided that, as per the requirement on instruction of the Collector, estimation of sand may be done at any time.

### **CHAPTER - III**

#### **Allotment of sand quarries**

##### **6. Allotment of sand quarries-**

- (1) The Collector shall allot sand quarries declared as per rule 5 to respective Gram Panchayat/urban local bodies for a period of 5 years in Form-I.
- (2) Gram Panchayat/urban local body shall submit after complying the conditions of allotment, the undertaking



in Form-II to the Collector. After submission of undertaking, sand quarry will be operationalised.

**7. The conditions for Sand Quarrying,-**

The Gram Panchayats/Urban Local Bodies shall quarry the sand under the following conditions:-

- (1) A Mining plan shall be prepared and approved as per rule 10.
- (2) Prior environment clearance/air and water consent shall be obtained as per prevailing rules.
- (3) The extractable quantity of sand shall not be more than the minimum permissible quantity approved in Mining Plan or other statutory permissions.
- (4) The conditions imposed in mining plan/statutory permissions shall be complied.
- (5) It shall be mandatory to comply the instructions issued by Panchayat and Rural Development Department.
- (6) No person shall be allowed to remove sand without entry letter issued under rule 3(1). No separate transit pass shall be issued for transportation of the mineral sand.
- (7) No more sand (quantity) then mentioned in the entry letter shall be removed.
- (8) The vehicle, other than the vehicle mentioned in the entry letter shall not enter in the quarry area nor shall carry sand by it.

**8. Action on violation of conditions of undertaking by Gram Panchayat:-**

- (1) The Sarpanch and Secretary of respective Gram Panchayat shall be jointly and separately responsible for operation of sand quarry allotted to the Gram Panchayat and compliance of the Rule 7.
- (2) In case the Sarpanch or Secretary fails to discharge their duties or violates the conditions of undertaking then action against Sarpanch shall be taken under prevailing rule / act specially Madhya Pradesh Panchayat Raj evam Gram Swaraj Adhiniyam, 1993 and under the relevant rule against the Secretary.
- (3) In case of violation of the allotment order or conditions of the undertaking, the operation of quarry may be suspended by the Collector. If the violation is not rectified then collector may handover the quarry for operation to the nearest suitable gram panchayat for the maximum period of six months. Prior to handing over the quarry for operation to nearest gram panchayat and proposed action under sub rule (2), opportunity for complying the conditions and opportunity of reasonable hearing shall be given to Sarpanch and Secretary of concerned Gram Panchayat.

**9. Action on violation of conditions by Urban Local Body:-**

- (1) The President/Mayor, Chief Executive Officer/ Commissioner as the case may be, of respective Urban Local Body shall be jointly and separately responsible

for operation of sand quarry allotted to the urban body and compliance of the Rule 7.

- (2) If the President/Mayor or Chief Municipal Officer / Commissioner fails to discharge their duties or violates the conditions of undertaking then action shall be taken against them under the prevailing rules.
- (3) In case of violation of the allotment order or conditions of the undertaking, the operation of quarry may be suspended by the Collector. If the violation is not rectified then collector may handover the quarry for operation to the nearest suitable body for the maximum period of six months. Prior to handing over the quarry for operation to nearest body and action proposed under sub rule (2), opportunity of complying the conditions and opportunity of reasonable hearing shall be given to President, Mayor, Chief Municipal Officer and Commissioner, Urban Local Body as the case may be

#### **10. Preparation and approval of mining plan-**

- (1) The Collector shall approve Mining Plan for allotted period, on the recommendation of the Mining officer or Assistant Mining officer or Mining inspector, who are duly authorised by the collector and who possesses post graduate degree in Geology/Applied geology or graduate degree/diploma in Mining engineering..
- (2) An application in Form-III shall be submitted, for approval of Mining Plan, in which following information shall be included:-

- (a) Nature and extent of allotted sand quarry, details of co-ordinates,
  - (b) Quantity of available and minable sand in the financial year of sanction and year wise anticipated quantity of available and minable sand in the remaining allotment period.
  - (c) Mining method and details of procedure.
  - (d) Any other matter which is directed to include in mining plan.
- (3) After the preparation of mining plan, the application submitted in FORM-III shall be disposed off within 30 days.
- (4) Movable quantity:-**
- (a) The extractable quantity of sand shall not be more than the minimum permissible quantity approved in Mining Plan and other statutory permissions.
  - (b) Mining plan shall be deemed to have been amended up to the limit of quantity estimated as per sub rule (4) of Rule 5 after monsoon in the concerned year.
  - (c) If in any year after monsoon, the movable quantity estimated is more than the quantity fixed in sub rule (1) then for the excess quantity, if required, prior environment clearance and water and air consent is required to be taken again.
- (5) Compliance of conditions of mining plan:-** It shall be the responsibility of the concerned Gram

Panchayat/Urban Local Body to comply with the conditions laid down in the mining plan.

- (6) Mining operation to be in accordance with mining plan:-** Every sand quarry shall operate in accordance with the conditions laid down in approved mining plan. If the mining operation is not carried out in accordance with the mining plan, the Collector after making such enquiry as he may deem fit, may by order suspend the mining operations and may permit continuance of mining operation after fulfilment of the conditions as envisaged in the said mining plan.

**11. Amount received from mineral sand:-**

- (1) After the commencement of these rules, from the sand quarry operated by Gram Panchayat/urban local body in the government land the royalty of sand at the rate of Rs. 75/- per cubic meter shall be payable and in addition of that at the rate of Rs. 50/- per cubic meter payable to the concerned District Mineral Foundation. Out of royalty so received at the rate of Rs. 50/- per cubic meter to the concerned Gram Panchayat/urban local body and at the rate of Rs. 25/- per cubic meter to Madhya Pradesh State Mining Corporation, towards administrative charges, shall be given as grant.
- (2) The sand quarry auctioned / leased before commencement of these rules shall continue to pay contract amount / royalty as per the agreement. Out of the amount received from these quarries shall be paid,

at the rate of Rs. 25/- per cubic meter to the Madhya Pradesh State Mining Corporation as a grant. Out of the rest of amount 50% to the Gram Pachayat/Urban Local Body as a grant and 50% payable to District Mineral Foundation.

Provided that no administrative charges shall be payable to Madhya Pradesh State Mining Corporation, out of the royalty received to the Government from quarry operated by the Madhya Pradesh State Mining Corporation separately.

## **12. Use of Amount.-**

### **(1) Use of amount received to the Gram Panchayats / Urban Local Body**

(a) The amount received by Gram Panchayat/Urban Local Body shall be used as per the direction of Pachayat and Rural Development Department and Urban Development and Housing Department, as the case may be.

(b) The accounts of the amount received shall be maintained as per the instructions of Pachayat and Rural Development Department and Urban Development and Housing Department, as the case may be.

### **(2) Use of amount received to District Mineral Foundation-**

(a) Amount received in District Mineral Foundation shall be used in following items:-

- (i) Construction of roads and its maintenance.
- (ii) Conservation of river.
- (iii) Plantation.
- (iv) Work related to environment protection.
- (v) The expenses to be incurred for taking action for prevention of illegal mining and other irregular activity.
- (vi) Any other work assigned by State Government.
- (b) Account of amount received in the District Mineral Foundation under these rules shall be maintained as prescribed.
- (c) The Separate account in scheduled bank shall be opened for District Mineral Foundation.
- (d) 5 percent amount of the amount received in District Mineral Foundation shall be kept reserved for administrative expenditure. Out of which amount of 3 percent at district level and amount of 2 percent at state level shall be for their use. The amount prescribed for administrative expenditure shall be used in the head decided by State Government.

**(3) Use of amount received to Madhya Pradesh State Mining Corporation-**

Amount received under these rules, by Madhya Pradesh State Mining Corporation may be spent in preparation of mining plans and acquiring statutory permissions for mines, in the head of establishment, contingency and administration of the corporation and

for providing salary and other expenses of the establishment of district sand manager. The accounts shall be maintained, as prescribed, by the Madhya Pradesh State Mining Corporation.

**13. Provision regarding sanctioned quarries-**

- (1) Trade quarries granted and in operation shall remain in operation till their agreement period.
- (2) Quarry Lease of Sand granted in favour of Madhya Pradesh State Mining Corporation shall remain in operation till the contract period of the sub contracts given by the Corporation.
- (3) After completion of agreement period the sand quarry shall be handed over to respective Gram Panchayat/Urban Local Body under these rules.
- (4) The un-operational sand quarry, declared earlier and sanctioned to lease holder/ contractor, shall be transferred to concerned Gram Panchayat /Urban Local Body as per Rule 5.
- (5) Any contractor desires to surrender the contract, sanctioned by Collector or Madhya Pradesh State Mining Corporation, then the whole security amount deposited by him shall be refunded by relaxing the provisions of Madhya Pradesh Minor Mineral Rule, 1996 and conditions of agreement by the Collector of concerned district or Madhya Pradesh State Mining Corporation as the condition may be. Provided that the surrender shall only be accepted if on the date of accepting surrender there shall be no dues against the



contract or no violation of any condition of contract is made.

- (6) The quarry which is allotted as per the Sand Mining Policy, 2015, in which approval of the contract or letter of intent has been issued but not executed due to non receipt of statutory clearances, if the application is received for refund of security amount then after relaxing the provisions of rule or relaxing the conditions of tender and conditions of letter of intent, by cancelling the approval of contract or letter of intent so issued, the deposited security amount shall be refunded by Collector of concerned district or Madhya Pradesh State Mining Corporation as the case may be, if there is no violation or dues of any amount is pending.

#### **CHAPTER - IV**

##### **Quarry Permit for the sand available in private land**

- 14. Application-** Application for grant of quarry permit of sand available in private land shall be submitted in Form-IV to the Collector. Application shall contain following documents;
- (a) Application fee with original challan of Rupees Five thousand deposited in Head of account prescribed in Rule-21, shall be enclosed.
  - (b) Khasra Panchsala and Map of the applied land.
  - (c) Consent of the land owner, if the applicant is not land owner.

- (d) An affidavit stating that no Mining Dues, Land Revenue Dues, Value Added Tax (VAT), Goods and Service Tax (GST) is outstanding against applicant or applied land.

**15. Procedure of disposal of application-**

- (1) The Mining officer and Sub Divisional officer (Revenue), shall submit their recommendation after due enquiry to grant or not to grant quarry permit to the Collector. The Collector shall take the decision for granting/refusal of quarry permit.
- (2) The period of quarry permit shall be Two years or period applied for, whichever is less.
- (3) The permission to start mining operation shall be given by the collector, on submission of approved mining plan as per rule 10, pre environment clearance and consent to operate under the Air / Water Act.
- (4) The bank guarantee equivalent to amount of 10 percent of Royalty and Administrative charges of quantity given in Mining Plan shall be obtained by collector as security in advance. This bank guarantee shall be refunded within three months of the expiry of quarry permit if the permit holder has complied of all the conditions/rules of license.
- (5) If the land owner is not applicant itself, then Collector, prior to sanction quarry permit, may summon the land owner in front to confirm their consent. If the land owner is not capable to present himself, then Collector

can carry necessary enquiry or ask for any record for their satisfaction.

**16. Conditions of Quarry Permit for sand in private land-**

- (1) Mining operation in quarry permit area shall be carried out in accordance with the approved mining plan.
- (2) Conditions of environment clearance and consent to operate as per Air (Prevention and Control of Pollution) Act, 1981 / Water (Prevention and Control of Pollution) Act, 1974 shall be complied.
- (3) Mining shall be permitted upto the least quantity permissible in approved mining plan, environment clearance and air / water consent, whichever is the less.
- (4) Any other condition, prescribed by collector or state government shall be complied.
- (5) The Quarry Permit Holder shall before removing sand from quarry permit area sanctioned in private land, get entry letters as prescribed by depositing royalty at the rate of 75 rupees per cubic meter and amount at the rate rupees 150 per cubic meter in the District Mineral Foundation.
- (6) Mining in excess of quantity permitted in rule 16(3) shall be treated as illegal mining.
- (7) In case of violation of conditions of quarry permit collector may forfeit security deposit fully or partly or / and may cancel the quarry permit.

Provided that before forfeiting fully or partially security deposit or / and cancelling the quarry permit a

reasonable opportunity shall be given to correct the violation and hearing to the quarry permit holder.

## **CHAPTER - V**

### **17. Storage cum Trading License or Trading License-**

(1) **Purpose** -Storage cum trading license for "storage of sand and their trading" and Trading License for "supply of sand to the consumer from quarry area without storing" shall be given.

(2) **Licensing Officer:-** The Collector shall be licensing authority for storage cum trading license or trading license.

(3) **Eligibility:-**

- (a) To be Indian citizen.
- (b) Any company defined under Section 2 of clause (20) of Companies Act, 2013 (No. 18 of 2013) or firm or association in which all the members are Indian citizen.
- (c) There should be no dues on applicant of mineral revenue, land revenue, value added tax (VAT), goods and service tax (GST). For this only the affidavit for such intension shall be submitted by applicant.
- (d) in case of Government Land should have no objection certificate from tehsildar.

In case of private land should be land owner of the land for the storage or having consent of land owner.

**(4) Application -**

Application shall be made in Form-V as prescribed.

**(5) Fee for Application -** Every Application shall be accompanied by challan of Rupees 10,000/- as application fee deposited in the head prescribed in Rule – 21:

Provided that, if the applicant is member of Scheduled Tribes/Scheduled Castes/Backward Classes then application fee of Rupees 5,000/- shall be deposited.

**(6) Required Document:-**

- (a) An affidavit in Form-VI.
- (b) Certified map and copy of current year khasra of that area, where the storage and trading of mineral is proposed. For trading it will not require.
- (c) In case of government land no objection certificate from tehsildar.

or

in case of private land and if not land owner then consent of land owner.

**(7). Sanction-**

- (a) On application of Storage cum Trading License or Trading License submitted in Form-V along with documents after the seven days from the date of acknowledgment issued in Form - VII, the acknowledgment shall be deemed as licence.
- (b) Within 3 months of grant of storage cum trading license or Trading License the Collector or Officer authorised by him shall carry out enquiry. On enquiry if it is found that license holder has got sanction by furnishing wrong or false information then after giving reasonable opportunity of hearing, to the license holder, Collector may cancel the license and impose a penalty upto Rupees 50,000/-.
- (c) If any arrears regarding mineral revenue, land revenue, value added tax (VAT), goods and service tax (GST) is found on the license holder on date of application, then the sanctioned license shall be suspended, by Officer In charge, Mining Section immediately till the decision of sub-rule (b) above.
- (d) On cancellation of license, mineral available at storage place on date of cancellation shall be forfeited. The forfeited mineral may be given to the construction department for the use in Government works, by receiving appropriate value of mineral, by the Collector. If not required by the construction department then it will disposed off

in transparent manner. Amount so received shall be deposited in the head of the account prescribed in rule - 21.

## **18. Storage License-**

- (1) **Purpose:-** Storage license shall be given for storage of sand mineral for to be used by its own:

Own use means, use in such construction work, in which sand is used.

Provided that the permission for transportation of mineral outside from storage place shall not be given.

Provided further that no storage license shall be required for storing sand less then 50 cubic meter.

- (2) **Licensing Officer:-** The Officer-in-charge Mining Section shall be licensing authority for storage license.

(3) **Eligibility-**

The following person shall be eligible for storage License:-

- (a) An Indian citizen.
- (b) Any company defined under Section 2 of clause (20) of Company Act, 2013 (No. 18 of 2013) or association in which all the members are Indian citizen.
- (c) There should be no dues on applicant of mineral revenue, land revenue, value added tax (VAT), goods and service tax (GST). For this only the affidavit for such intension shall be submitted by applicant.

- (d) in case of Government Land should have no objection certificate from tehsildar.

or

In case of private land should be land owner of the land for the storage or having consent of land owner.

**(4) Application:-**

An application shall be made In Form-V as prescribed.

- (5) Fee for Application** - Every Application shall be accompanied by challan of Rupees 5,000/- as application fee deposited in the head prescribed in Rule 21:

Provided that if the applicant is member of Schedule Tribe / Schedule Caste / Backward Class then application fee of Rupees 2500/- shall be deposited.

**(6) Required Documents:-**

- (a) An affidavit in Form-VI;
- (b) Certified map and copy of current year khasra of that area, where the storage of mineral is proposed;
- (c) In case of government land no objection certificate from tehsildar.

or

in case of private land and if not land owner then consent of land owner.



**(7) Sanction-**

- (a) On application of Storage License submitted in Form-V along with documents after the seven days from the date of acknowledgment issued in Form – VII, the acknowledgment shall be deemed as licence.
- (b) The Officer In charge of Mining Section shall enquire within three months from the date of the grant of License and if it is found in the enquiry that Licensee has got sanctioned the License by furnishing wrong or false information then he may recommend the case to the Collector for cancelling the License and Imposing a penalty of up to Rupees 25,000/-. On recommendation the collector may cancel and impose fine of Rupees 25,000/- after giving reasonable opportunity of hearing to licensee.
- (c) If any arrears of mineral revenue, land revenue, value added tax (VAT), goods and service tax (GST) is found on the licensee on the date of application, then the sanctioned license shall be suspended by Officer Incharge, Mining Section immediately, till the decision of sub-rule (b) above.
- (d) On cancellation of license, mineral available at storage place on date of cancellation shall be forfeited. The forfeited mineral may be given to the construction department for the use in

Government works, by receiving appropriate value of mineral, by the Collector. If not required by the construction department then it will be disposed off in transparent manner. Amount so received shall be deposited in the head of the account prescribed in rule - 21.

**19. Conditions of Storage cum Trading License or Trading License or Storage License. -**

- (1) Every License granted under these rules shall, in addition to any other conditions, that may be specified therein, be subject to the following conditions, namely-
  - (i) The Storage cum Trading/Storage Licensee shall keep accurate and faithful account showing the quantity of sand received and dispatched from the storage place in the register prescribe in Form-IX and Trading License holder in Form-IX(a).
  - (ii) The Storage cum Trading/Storage Licensee shall submit half yearly returns to the Licensing Authority in Form-X. Trading License holder shall not require to submit any return.
  - (iii) The Licensee shall keep the record of the name, nationality, age, sex and address of the persons employed;
  - (iv) The Licensee shall not pay wages less than the minimum wages prescribed by the Central or State Government from time to time under the Minimum Wages Act, 1948;
  - (v) The Licensee shall allow the person authorized by the Collector or Officer in Charge, Mining Section to-

- (a) Enter and inspect the storage place including mineral Processing Unit, if any, building, office or any relevant premise;
  - (b) Survey, weigh, measure or take measurements of the stocks of sand lying at the storage place;
  - (c) Examine any documents, books, registers or relevant record in the possession of the Licensee or any other person having the control there of or connected therewith and take extracts from or make copies of such documents, books, register or record;
  - (d) Examine the Licensee or any person having the control thereof or connected there with;
  - (e) Collect any other relevant information;
  - (vi) Every licensee shall geo map of storage place as prescribed;
  - (vii) The Licensee shall display the license prominently at the storage place.
  - (viii) Storage cum Trading or Trading Licensee shall issue "Sale-Memo" for sale of sand as prescribed.
- (2) **Powers of the Licensing Authority.-** In the case of breach by the licensee of any conditions the licensing officer may take action impose fine up to Rupees 50,000/- and / or cancel the license.

Provided that, prior to imposition fine and /or cancelling of license, reasonable opportunity to comply the violation of conditions and reasonable opportunity of hearing shall be given.

**20. Period of License and its surrender. -**

- (1) The storage cum trading license / Trading License / storage license shall be granted for Five years. If the license is applied for less than this period, then license shall be granted for applied period.
- (2) The licensee may at any time during the sanctioned period, after giving one month notice, surrender the sanctioned storage cum trading license / Trading License / storage license.

**21. Deposit of Prescribed fees.-**

The prescribed fee for obtaining Storage cum Trading License / Trading Licence / Storage License shall be deposited in the following head, which shall not be refundable : -

0853- Mines and Minerals

102-C - Mineral concession fees, rent and royalties.

800- Other receipts.

002- Receipts from minor minerals including fines, forfeitures,

- 22. Register of application and sanction of License.-**The Officer In-charge of the mining section, shall maintain a register of application as prescribed for grant of a License in FORM-VIII which shall be displayed on the departmental website.

**CHAPTER – VI****Illegal Mining and Storage of Sand****23.(1) Penalty for unauthorized mining/storage.-**

Where any person engages in mining or storage of sand otherwise these rules, or where mining or storage is done on behalf of other, he shall be presumed as a party for such illegal mining or storage and the Collector or any officer authorised by him not below the rank of Deputy Collector after giving an opportunity of being heard, decides that such person has engaged in mining or storage in violation of the provisions of said rules, he may-

- (a) Impose a penalty of minimum 60 times royalty of sand mined or stored or rupees 20,000.- whichever is more

An amount equivalent to the penalty imposed above shall also be imposed in addition to the penalty, as compensation to environmental loss and this amount shall be deposited in District Mineral Foundation.

- (b) During the proceedings of illegal mining or illegal storage cases, vehicle machinery tools or other materials or stored minerals may be seized from the spot. Collector of concerned district may handover the seized vehicle, machinery, tools or other material to the local body or the government department. During the period of possession the local body or government department, maintain, keep safe the seized vehicle, machinery and tools and may use as per the condition prescribed by the Collector.

During the proceeding of registered case of illegal mining or illegal storage, Collector of concerned district on the basis of satisfactory reason and on deposition of bank guarantee, fixed deposit or amount equivalent to

the market value of seized vehicle, machinery and tool may handover to their owner.

On being found guilty in the final disposal of the case of illegal mining or illegal storage, a order shall be issued regarding confiscation, in respect of seized vehicles, machinery, tools etc. Confiscation shall not be mandatory if the case is proved first time but if case is proved second time or more then the seized vehicle, machinery, tool shall be confiscated mandatorily. Confiscated vehicle, machinery, tool etc shall be disposed off in transparent manner.

- (c) In such cases, where the illegal excavator ran away leaving the vehicle / machine at the place of mining, in those cases and other all cases of seizer the double amount of actual expenses incurred for keeping the seized vehicle / machine in safe places, shall be imposed in addition to penalty above and this amount shall be deposited in District Mineral Foundation. The expenses, incurred to bring, keep and to look after the vehicle / machine in safe place from the place of seizer, shall be reimbursed from this amount. For use and keeping safe the seized vehicle and machine may be handed over by the Collector to the local body or construction department as per the procedure of these departments.

**(2) Investigation in cases of un-authorized excavation and storage:-**

Whenever any person extracts/stores has extracted/stored or is found extracting / storing sand in contravention of the provisions of these rules, the Collector/Additional Collector/Deputy Collector/Chief Executive Officer of Jila Panchayat/Chief Executive Officer

of Janpad Panchayat/Deputy Director (Mining Administration/In charge officer (Mining Section)/Assistant Mining Officer / Mining Inspector/ officer in charge (flying squad) Sub-Divisional Officer (Revenue)/Tehsildar/Naib Tehsildar and any other officer authorised by the Collector who is not below the rank of Class-III executive from time to time shall take action as the manner prescribed below:-

- (a) to initiate the case of un-authorized excavation or storage by making panchnama on the spot;
- (b) to collect necessary evidence, which includes videography, relevant to un-authorized excavation or storage;
- (c) to acquire all the tools, machine, vehicles and other material used for un-authorized excavation or un-authorized storage and all the materials so seized. The seized material shall be kept its own or in custody of local body or government department or to give it to lessee for protection or to the suitable person from whom the such material is seized after execution of bond of satisfactory nature, so that It shall be produced immediately at the time and place when such production is asked by investigation officer or competent court:
- (d) Officers mentioned above shall inform the District Collector or the officer authorized by him not below the rank of Deputy Collector within 48 hours of being informed of incident.
- (e) The Officers mentioned above if necessary shall seek for Police assistance from

concerned police station and the Police Officer In Charge of the concerned police station shall provide such help as would be necessary for stopping illegal mining.

**(3) The Power of Investigation officer.-**

The investigation officers during the investigating in the case of illegal mining or illegal storage or of minerals in contraventions of these rules shall have following powers, namely: -

- (a) To call persons concerned for recording statement;
- (b) To seize the records and other articles relating to the case;
- (c) To enter the concerned spots and to conduct spot inspection;
- (d) All powers of in-charge officer of the Police Station when investigation of a cognizable offence under Code of Criminal Procedure is being made; and
- (e) All powers under Code of Civil Procedure to compel attendance or examination on oath of any person or to submit any document.

**(4) Submission of application for compounding by Excavator or Stock holder and its disposal.-**

During the investigation under sub rule (2) are proceeding under sub rule (1) if the excavator or stock holder wants to compound the case then he shall submit an application to the Collector / Additional Collector/ Deputy Collector/ Sub-Divisional Officer (Revenue)/Deputy Director (Mineral Administration) /Mining Officer/ Officer-In-Charge (Mineral Branch) /Assistant Mineral Officer/Officer-in-Charge (Flying



squad) and then he may decide to accept or reject the application.

Provided that before compounding the case he shall deposit 60 times of royalty of minerals illegally excavated or stored or Rs 20,000/- (Twenty thousand only) whichever is more, as fine. After compounding, seized minerals, tools, machinery and other material shall be released and case deemed to be closed:

In case of compounding 50 percent of the amount of penalty as above shall also be deposited in addition to the penalty, as compensation to environmental loss, in District Mineral Foundation.

## **CHAPTER - VII**

### **Appeal and Revision**

- 24. Appeal.-** (1) Any person aggrieved by an order passed under these rules by collector or any competent authority, may within sixty days of the date of Communication of the order to him/her, may file appeal to the Divisional Commissioner in Form-XI. The appellant shall deposit a fee of Rupees 1,000/- (Rupees One Thousand Only) in the head prescribed in Rule 21. Original challan shall be attached with the appeal:

Provided that if the appellant is a member of Schedule Tribe/Scheduled Caste/Other Backward Classes, then he shall have to deposit a fee of Rupees 500/- (Rupees Five Hundred Only):

Provided further that, any application for appeal may not be entertained by the appellate Authority after the said period, until the appellant satisfies appellate authority that

he / she has sufficient reason for not filing the application for appeal in time.

- (2) Where an appeal is made under these rules, the Appellate Authority may confirm, modify or set aside the order passed under these rules or pass such other order in relation thereto, as it may deem just and proper:

Provided that no order shall be passed against any person interested, unless he / she has been given an opportunity to represent his / her case:

Provided further that the Appellate Authority may at any time direct that the execution of the order appealed against be stayed for such time, as it may deem fit.

Provided passing before such order appellant has to deposit 50 percent of the penalty imposed in order under appeal and in case of confiscation of vehicle etc. the 50 percent prevailing market value of them either in the account head prescribed in Rule - 21 or has to provide bank guarantee of equivalent amount. This bank guarantee shall be deposited in the office of the Collector, in favor of Collector of concerned district. Proof of submission of bank guarantee to the Collector shall be furnished to the appellate authority after this only further action on appeal application shall be taken. If amount or bank guarantee is not deposited then appeal shall be cancelled after pending it for 30 days. The final decision to refund bank guarantee or deposited amount shall be decided along with appeal case.

**25. Revision. -**

- (1) Any person aggrieved by an order passed in an appeal under these rules, may file an application for revision before the State Government within Sixty days of the date of Communication of the order in the FORM-XI. The revisionist shall deposit a fee of Rupees 1000/- (Rupees One Thousand Only) in head prescribed in Rule 21. Original challan shall be attached with the appeal:

Provided that if the revisionist is a member of Scheduled Tribe / Scheduled Caste / Other Backward Classes he / she shall deposit fee of Rupees 500/- (Rupees Five Hundred Only):

Provided further that, any application for revision may not be entertained by the State Government after the said period, until the revisionist satisfies State Government that he / she has sufficient reason for not filing the application for revision in time.

- (2) Where an application for revision is made under these rules, the State Government may confirm, modify or set aside the order passed by the Appellate Authority or pass such other order in relation thereto, as it may deem just and proper:

Provided that no order shall be passed against any person interested, unless he/she has been given an opportunity to represent his/her case:

Provided further that the State Government may at any time direct that the execution of the order

passed by Appellate Authority be stayed for such time, as it may deem fit.

Provided passing before such order revisionist has to deposit 50 percent of the penalty imposed in order under revision and in case of confiscation of vehicle etc. the 50 percent prevailing market value of them in the account head prescribed in Rule - 21 or has to provide bank guarantee of equivalent amount. This bank guarantee shall be deposited in the office of the Collector, in favor of Collector of concerned district. Proof of submission of bank guarantee to the Collector shall be furnished to the revision authority. The final decision to refund bank guarantee or deposited amount shall be decided along with revision case.

In general the revision authority shall not consider the stay application without depositing the amount or bank guarantee as above. In special condition the revision authority may consider the stay application by showing reason to exempt to deposit the amount or bank guarantee.

- (3) State Government at any time may suo-moto revise any order passed by his subordinate officer.

**CHAPTER – VIII****MISSLENIIOUS**

- 26. Amendment in earlier order.** –The Officer may rectify the clerical or substantial error within six months from the date of the order passed by him under these rules:

Provided that, if such amendment, affect adversely to any party, will not be made, unless the concerned officer has given the notice of its intent to do so to the concerned party and has given the reasonable opportunity of hearing:

Provided further that, in case of such orders in which more than six months period has lapsed after date of order or order passed by his predecessor, the officer may make amendment after taking permission from the senior officer:

Provided that, the orders under appeal or revision shall not be amended by Collector, under these rules:

Provided further that order under appeal or revision may be amended by submitting a application before appellate or revision authority:

Provided further that the State Government may amend the order at any time.

- 27. Powers to remove difficulty .-** If there is any difficulty found in implementing the provisions of these rule, then the State Government may issue such instruction, which is not inconsistent with the provisions of these Rule, to remove difficulty and order issued in this regard shall be published in the gazette.
- 28. Repeal.-** The provisions pertaining to the mineral sand in Madhya Pradesh Minor Mineral Rule, 1996 and Madhya Pradesh (Prevention of Illegal Mining, Transportation and Storage) Rules, 2006 shall be applicable to the extent where it does not transgress to these Rules.

## FORM-I

[See Rule 6(1)]

Office of the Collector (Mining Section)

District ..... (M.P.)

No.

dated,

To,

(1) Mayor / Commissioner,

Municipal Corporation .....,

District .....

(2) President/Chief Municipal Officer

Nagar Palika/Nagar Parishad .....

Tehsil .....

District.....

(3) Sarpanch/Secretary

Gram Panchayat .....

Tehsil .....

District.....

Subject:- Allotment of Sand Quarry located in Gram .....

Tehsil ..... District ..... Survey Number

..... Area ..... hectare.

Under Rule 6(1) of Madhya Pradesh Sand Rule, 2018 following sand quarry has been allotted for operation and dispatch of sand from these quarries:-

S.No	Village	Tehsil	Survey Number	Area (Hact.)	Mineable quantity as per approved Mining Plan (cubic meter)	Mineable quantity as per E.C. (cubic meter)	Mineable quantity as per C.T.O. (cubic meter)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(2) For the operation of above mentioned allotted sand quarry the following conditions shall be ensured:-

- (1) The period of allotment shall be five years from the date of order.
- (2) The mining operation shall be done only in Identified and declared area.
- (3) The mining operation shall be carried out by Gram Panchayat/Urban Local Body at its own. No contract shall be given for allotted quarry.
- (4) The mining operation shall be in the limit of quantity as mentioned in approved mining plan/pre environment clearance/consent to operate, whichever is less.

- (5) No sand mining shall be carried out in stream of water or 3 meters from the surface or up to the water level, whichever is less.
- (6) The responsibility for compliance of the condition laid down in mining plan, pre environment clearance, consent to operate shall be of concerned Gram Panchayat/Urban Local Body.
- (7) The permission for loading the quantity, as entered in entry letter, shall be given to the vehicles of mineral transportation and the entry letter should be verified.
- (8) The extraction and dispatch of the sand from the areas mentioned in rule 5(3), shall not be allowed.
- (9) The boundary pillar of identified and declared area shall be kept in order and protected.
- (10) The inspection of allotted quarry shall be made two times in a year by the officers of Panchayat and Gramin Vikas Department and Mineral Resources Department before and after monsoon period for the estimation of quantity.
- (11) The instruction issued by Panchayat & Rural Development Department and Urban Development Department shall be followed by Gram Panchayat or Urban Local Body, as the case may be.



- (12) If required, on order of collector inspection shall be made at any time by the officers of Mineral Resources Department.
- (13) Additional condition, in view of local conditions imposed by Collector or State Government, if any.
- (3) After due compliance of the conditions laid above, the undertaking shall be submitted to concerning Collector in FORM-II by the Gram Panchayat or Urban body, as the case may be.

Date:

**Enclosure-**

1. Map of the area
2. Approved Mining Plan (if any)
3. Pre Environment Clearance Order (if any)
4. C.T.O. (if any)

**Collector**

**District.....**

**Copy to:-**

**For Information**

1. Secretary, Govt. of M.P., Mineral Resources Department.
2. Director, Geology and Mining, Madhya Pradesh.

**Collector**

**District.....**

**FORM-II**

[See Rule 6(2)]

**Undertaking for allotted sand quarry to be submitted by  
Gram Panchayat/Urban Local Body**

1. I the authorized representative of ..... Gram Panchayat ..... District..... / Nagar Nigam / Nagar Parishad / Nagar Palika ..... District ..... for following allotted sand quarry gave the undertaking;

Details of allotted sand quarry:-

S.No. (1)	Village (2)	Khasra Number (3)	Area (Hect.) (4)	Sanction Period (5)
--------------	----------------	----------------------	------------------------	------------------------

2. The provisions of Madhya Pradesh Sand Rule 2018 shall be complied.
3. The conditions laid down in allotment order no ..... date.....

Witness-1

Signature .....

Name & Address .....

Witness-2

Signature .....

Name & Address .....

Signature	Signature
Sarpanch/Chairman / Mayor / Village / Nagar Palika / Nagar Parishad / Nagar Nigam	Secretary/ Chief Municipal Officer/ Commissioner Village / Nagar Palika / Nagar Parishad / Nagar Nigam

**FORM-III**

[See Rule 10(2)]

**Application for approval of Mining Plan**

To,

The Collector,

District ..... (M.P.)

Subject:- Application for approval of Mining plan.

1. In accordance of Rule 10(2) of Madhya Pradesh Sand Rule, 2018, the mining plan is submitted for approval for the allotted sand quarry village ..... Khasra No. .... Area ..... (hec.) Tehsil ..... District .....
2. The mining plan has been prepared by the RQP empanelled for the district.
3. The parameter provided in Madhya Pradesh Sand Rule, 2018 is included in the mining plan.
4. Undersigned shall abide by the conditions laid down in mining plan.
5. If any increment in minable quantity of sand is found, after inspection then he shall be committed for modification of mining plan.

The approval of Mining Plan may kindly be accorded.

Place:

Date

**Signature****Sarpanch/Secretary****Gram Panchayat .....****President/Chief Municipal  
officer****Nagar Palika/Nagar Parishad****Applicant****Name and Address**

**FORM-IV**

[See Rule 14]

**Application for Quarry Permit for sand available in private land****Sender:-**

.....

To,

The Collector,  
Mining Section,  
District .....

Sir,

1. I/we hereby request for grant of quarry permit for extraction and sale of sand from the private land as detailed below:-

S.No. (1)	Village (2)	Khasra Number (3)	Area (Hect.) (4)	Remarks (5)
--------------	----------------	-------------------------	---------------------	----------------

2. The required application fee of Rs. .... has been deposited vide challan ..... date ..... (challan enclosed)
3. Other required details
- (1) Name of the Applicant & Address -----
- (2) MobileNumber/E-mail ID  
.....
- (3) Business of applicant  
.....
- (4) Consent letter of owner of the land, if applicant is not land owner.
- (5) Affidavit (No mining land value added tax (VAT), goods and service tax (GST) dues
- (6) Other details (Applicant desire to submit)

Date ..... Place .....

**Signature of Applicant****Name****Address**

**FORM-V**

[See Rule 17(4) and 18(4) ]

**Application for grant of licence****(To be submitted in duplicate)**

Received at ..... (Place) on the ..... day of .....  
month ..... Year

Sender .....

To,

1. The Collector

District ..... Madhya Pradesh

2. Officer In-charge, Mining Section

District ..... Madhya Pradesh

**Subject:- Application for Storage cum Trading License /  
Trading License / Storage License**

Sir,

1. Name of the applicant .....
2. Address of the applicant .....
3. Mobile Number of the applicant .....
4. e-mail address of applicant .....
5. Applied period of license  
.....
6. Application fee .....
7. Challan Number.....date .....
8. Is the applicant an Individual/Private company/Public  
Company Firm or Association.
9. Current business of applicant

.....

10. Details of land applied for storage (not required for license of trading)

- (1) Detail of land applied for storage - place ..... tehsil ..... district ..... area ..... (hact) khasra No. ....
- (2) Patwari map and recent khasra panchasala of land applied for storage.
- (3) If the applied land is government land then no objection certificate of competent authority shall be enclosed.
- (4) Nazari map of applied land.

11. Purpose of Storage.-

For industrial use / Trading / Building Construction / Colony Construction / Road Construction / Other Construction work.

**Note:-** For Trading License the details of land is not required as mentioned in para-10.

Enclosure:-

- (1) Affidavit in form VI
- (2) Patwari Map and Khasra Panchsala of applied place
- (3) No Objection Certificate of Tehsildar, if the applied land is Government land
- (4) Consent Letter of Land Owner, If applicant is not land owner.
- (5) Any other detail.

**Signature of the**

**Applicant**

**Name**

**Address**

## FORM-VI

[See Rule 17(6)(a) and 18(6)(a)]

**Affidavit to be submitted along with application for storage cum trading licence/Trading License/storage licence**

By taking oath, I ..... S/o  
 ..... Age ..... years, resident of  
 ..... is authorised from the  
 Firm/Company, to submit application for storage cum trading  
 licence/storage licence.(copy of the authorisation letter is to be  
 enclosed)

2. Whereas I/Firm/Company has any dues the Land Revenue, Value Added Tax (VAT), Goods and Service Tax (GST).
3. Whereas I/Firm/Company having no any dues of Mineral Revenue.
4. Whereas I am the owner of land, assigned for storage/land belongs to other owner and I have obtained the consent of the land owner, for storage and trading of mineral.

The information furnished as above is true. I know that if the information found false then the legal action may be taken against me. Madhya Pradesh Sand Rule, 2018 shall be complied by me.

The above affidavit has been signed on dated .....  
 place ..... in presence of two witnesses.

1.

2.

**(Signature of Deponent)**

**Note:-** For Trading License the details of para-4 is not require.

**FORM-VII**

(See Rule 17(7)(a) and 18(7)(a))

GOVERNMENT OF MADHYA PRADESH

OFFICE OF THE COLLECTOR

DISTRICT.....(M.P)

**Receipt of Storage cum Trading Licence/ Trading License  
/Storage Licence**

No.....

Date.....

1. Received the application for the grant Storage cum Trading License / Trading License / Storage License from Shri .....on date ..... for the sand. Hence to Shri ..... resident of ..... has been granted Storage cum Trading Licence / Trading License/ Storage Licence for date ..... to ..... period ..... years, under the provision of Madhya Pradesh Sand Rule, 2018.

2. Details of land (place) for storage of sand

**Note:-** For Trading License the para number 2 shall not be applicable.

**Signature of licensing  
authority**

**Name**

**Post with office seal**



**FORM-VIII**

[See Rule 19(1)(i)]

**Stock Register to be maintained by Storage cum Trading /  
Storage Licensee**

1. Name and address of holder of licence.
2. Location of Storage
3. Column of the register

S.No.	Date	Opening balance (cubic meter)	Quantity of sand received (cubic meter)	Name of party from which sand obtained
(1)	(2)	(3)	(4)	(5)

Total stock (cubic meter)	Quantity of sand dispatched from storage place / used	Name of party to whom sand was sold	Closing stock (cubic meter)	Remarks
(6)	(7)	(8)	(9)	(10)

**Signature**

**FORM-VIII(A)**

[See Rule 19(1)(i)]

**Stock Register to be maintained by Trading Licensee**

1. Name and address of holder of licence.
2. Column of the register

S.No.	Date	Quantity of sand received (cubic meter)	Name of party from which sand obtained
(1)	(2)	(3)	(4)

Total quantity (cubic meter)	Name of party to whom sand was sold	Quantity Dispatched (cubic meter)	Remarks
(5)	(6)	(7)	(8)

**Signature**

**FORM-IX**

[See Rule 19(1)(ii)]

**Form of Half Yearly Return for Licensee**

Return for the Half Year of.....

1. Name of the Licensee .....
2. Address of Licensee .....
3. Licence Number .....
4. Period of License from ..... to .....
5. Location of Storage Place
6. Column of Return:-

S.No.	Opening Stock (cubic meter)	Quantity of sand Received (cubic meter)	Name and address of the party from whom received	Quantity of sand Used/ Dispatched (cubic meter)	Balance of Stock at the end of quarter (cubic meter)
(1)	(2)	(3)	(4)	(5)	(6)

**Date:****Place:****Signature of Licensee**

**FORM-X**

(See Rule 22)

**Register of Applicants Grant of Storage cum Trading  
License/Trading License/Storage License**

1. Serial Number
2. Date of Application for License
3. Date of Receipt of Application
4. Name of Applicant with Full Address
5. Period for which Application for Grant of License is made
6. Payment of Application Fee
7. Purpose for Obtaining License
8. Final decision of Application with Oder/Date
9. Signature of Authority

**FORM-XI**

[See Rule 24 (1) and 25 (1)]

**Application for Appeal/Revision  
(to be submitted in duplicate)**

To,

.....

.....

1. Name and Address of applicant
2. Cast of the applicant (if the applicant is a member of schedule tribe/schedule caste/other backward class enclosed the certified copy of caste certificate)
3. Name of authority, number and date of order against which the appeal/revision application is filed. (enclosed certified copy of the order)
4. Appeal/Revision fees, number and date of treasury challan enclosed original treasure challan
5. Ground of appeal/revision
6. Any additional information the applicant desires to furnish
7. In case the application of appeal/revision preferred after 60 days of the communication of the order, the reason of delay

Date:

Place:

**Signature of Applicant****Name of Applicant**

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
नरेन्द्र सिंह परमार, अपर सचिव.