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SECTION-1

Mineral Legislation and Policy on Export and Import of Minerals/Ores

1. MINERAL LEGISLATION

A. Amendments/Notifications:

1. Ministry of Mines, G.S.R. 693(E) —In exercise of the powers conferred under Section 11 B of the Mines and Minerals (Development and Regulation) Act, 1957, the Central Government hereby makes the following rules further to amend the Atomic Minerals Concession Rules, 2016, namely:

1. (1) These rules may be called the Atomic Minerals Concession (Amendment) Rules, 2020.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Atomic Minerals Concession Rules, 2016, in Rule 8, in Sub-rule (3), for the words "one thousand", the words “twenty-five thousands” shall be substituted.

Source: The Gazette of India: Extraordinary, Part II – Section 3(i), dated 05.11.2020.

2. Ministry of Mines, G.S.R. 119(E)—In exercise of the powers conferred by Sub-section (1A) of Section 17A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government in consultation with the State Government of Chhattisgarh, hereby makes the following amendments in the notification of the Government of India in the Ministry of Mines, dated 30th September, 2019 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number 697(E), dated the 30th September, 2019, namely:

2. In the said notification, beginning with the words “Name of Mineral” and ending with the figure “180 41’58.70” N”, the following shall be substituted:

Name of Mineral	Location	Area	Pillar	Longitude	Latitude
Iron ore	Bailadila reserve forest, Deposit No. 4, District South Bastar, Chhattisgarh	646.596 hects.	A	810 12’03.25650”E	180 43’38.32617”N
			B	810 13’04.84428”E	180 43’38.52758”N
			C	810 13’06.24991”E	180 43’12.30677”N
			D	810 13’03.60782”E	180 43’12.27943”N
			E	810 13’07.02661”E	180 41’26.17920”N
			F	810 12’31.89279”E	180 41’48.22195”N
			G	810 12’02.90192”E	180 41’50.38796’N

Source: The Gazette of India: Extraordinary, Part II – Section 3(i), dated 18.02.2021.

3. Ministry of Mines, G.S.R. 195(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 Mineral (Auction) Rules, 2015, namely—

1. Short title and commencement.—(1) These rules may be called the Mineral (Auction) Amendment Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Mineral (Auction) Rules, 2015 (hereinafter referred to as the said rules), in Rule 9, in Sub-rule (2), —

(i) in Clause (a), the word "and" occurring at the end shall be omitted;

(ii) in Clause (b), for the words "not owned by the State Government.", the words " not owned by the State Government; and" shall be substituted;

(iii) after Clause (b), the following clause shall be inserted, namely—

"(c) the scheduled date of commencement of production in case of auction of mining lease in respect of an area having existence of mineral contents established in accordance with Rule 5 of the Minerals (Evidence of Mineral Contents) Rules, 2015. ".

3. In Rule 13 of the said rules, in Sub-rule (2), the following proviso shall be inserted, namely— "Provided that in case of auction of mining lease in respect of an area having existence of mineral contents established in accordance with Rule 5 of the Minerals (Evidence of Mineral Contents) Rules, 2015, the lessee shall pay only fifty per cent of the amount quoted under Rule 8, for the quantity of mineral produced and dispatched earlier than the scheduled date of commencement of production as given in the tender document:

Provided further that for such quantity of mineral produced and dispatched, other payments as specified in Sub-rules (1), (3) and (4) shall be payable in full and the successful bidder shall obtain all necessary approvals, permissions, licences and the like as may be required under any law for the time being in force for starting early production.

Explanation— For the purposes of this sub-rule, it is clarified that the incentive specified in the first proviso on payment of amount quoted under Rule 8 shall be applicable on the quantity of mineral produced and dispatched between actual date and the scheduled date of commencement of production".

Note: The Mineral (Auction) Rules, 2015 were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide Notification number G.S.R. 406(E), dated the 20th May, 2015 and lastly amended vide number G.S.R. 190(E), dated the 20th March, 2020.

Source: The Gazette of India: Extraordinary, Part II – Section 3(i), dated 17.03.2021.

4. **Ministry of Mines, 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 Hydrocarbons Energy Minerals) Concession Rules, 2016, namely—

1. (1) These rules may be called the Minerals (Other than Atomic and Hydrocarbons 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 Hydrocarbons 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.".

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 4th March, 2016 and lastly amended vide number G.S.R. 191(E), dated the 20th March, 2020.

Source: The Gazette of India: Extraordinary, Part II – Section 3(i), dated 24.03.2021.

5. Ministry of Law and Justice (Legislative Department), Notification No. 18 - An Act further to amend the Mines and Minerals (Development and Regulation) Act, 1957, be it enacted by Parliament in the Seventy-second Year of the Republic of India is as follows—

1. (1) This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act, 2021. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Throughout the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the principal Act),—

(i) for the words "reconnaissance permit, prospecting licence or mining lease" wherever they occur, the words "mineral concession" shall be substituted;

(ii) for the words "prospecting licence-cum-mining lease", wherever they occur [other than in Clause (a) of Section 3], the words "composite licence" shall be substituted.

3. In Section 3 of the principal Act –

(i) for Clauses (a) and (aa), the following clauses shall be substituted, namely—

'(a) "composite licence" means the prospecting licence-cum-mining lease which is a two stage concession granted for the purpose of undertaking prospecting operations followed by mining operations in a seamless manner;

(aa) "dispatch" means the removal of minerals or mineral products from the leased area and includes the consumption of minerals and mineral products within such leased area;

(ab) "Government company" shall have the same meaning as assigned to it in Clause (45) of Section 2 of the Companies Act, 2013;

(ac) “leased area” means the area specified in the mining lease within which the mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of “mine” as referred to in Clause (i);

(ad) “minerals” includes all minerals except mineral oils;

(ae) “mineral concession” means either a reconnaissance permit, prospecting licence, mining lease, composite licence or a combination of any of these and the expression “concession” shall be construed accordingly;’;

(ii) after Clause (f), the following clause shall be inserted, namely-—

‘(fa) “production” or any derivative of the word “production” means the winning or raising of mineral within the leased area for the purpose of processing or dispatch;”

(iii) Clause (ga) shall be omitted;

(iv) after Clause (hb), the following clause shall be inserted, namely— ‘(hba) “Schedule” means the Schedules appended to the Act;’

(v) in Clause (i),—

(i) for the words and figures, “the Mines Act, 1952”, the words and figures “the Occupational Safety, Health and Working Conditions Code, 2020” shall be substituted;

(ii) the following Explanation shall be inserted, namely—

“Explanation.—For the purposes of this clause,—

(i) a mine continues to be a mine till exhaustion of its mineable mineral reserve and a mine may have different owners during different times from the grant of first mining lease till exhaustion of such mineable mineral reserve;
(ii) the expression "mineral reserve" means the economically mineable part of a measured and indicated mineral resource.".

4. In Section 4 of the principal Act, in Sub-section (1), in the second proviso, for the words “such entity that may be notified for this purpose by the Central Government”, the words “other entities including private entities that may be notified for this purpose, subject to such conditions as may be specified by the Central Government” shall be substituted.

5. In Section 4A of the principal Act, in Sub-section (4),—

(i) for the words “mining operations” wherever they occur, the words “production and dispatch” shall be substituted;

(ii) for the first, second, third and fourth provisos, the following provisos shall be substituted, namely—

"Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it shall not be possible for the holder of the lease to undertake production and dispatch or to continue such production and dispatch for reasons beyond his control, make an order, within a period of three months from the date of receipt of such application, to extend the period of two years by a further period not exceeding one year and such extension shall not be granted for more than once during the entire period of lease: Provided further that such lease shall lapse on failure to undertake production and dispatch or having commenced the production and dispatch fails to continue the same before the end of such extended period.".

6. In Section 5 of the principal Act, in Sub-section (1), after the second proviso, the following proviso shall be inserted, namely—

"Provided also that the composite licence or mining lease shall not be granted for an area to any person other than the Government, Government company or corporation, in respect of any minerals specified in Part B of the First Schedule where the grade of such mineral in such area is equal to or above such threshold value as may be notified by the Central Government".

7. In Section 8 of the principal Act, after Sub-section (3), the following sub-sections shall be inserted, namely—

"(4) Notwithstanding anything contained in this section, in case of Government companies or corporations, the period of mining leases including the existing mining leases, shall be such as may be prescribed by the Central Government:

Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule.

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein in the said Schedule with effect from such date as may be specified in the said notification.

(5) Any lessee may, where coal or lignite is used for captive purpose, sell such coal or lignite up to fifty per cent of the total coal or lignite produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule:

Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of coal or lignite that may be sold by a Government company or corporation:

Provided further that the sale of coal shall not be allowed from the coal mines allotted to a company or corporation that has been awarded a power project on the basis of competitive bid for tariff (including Ultra Mega Power Projects):

Provided also that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification."

8. In Section 8A of the principal Act—

(a) after Sub-section (7), the following sub-section shall be inserted, namely—

"(7A) Any lessee may, where mineral is used for captive purpose, sell mineral up to fifty per cent of the total mineral produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule:

Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of mineral that may be sold by a Government company or corporation:

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.";

(b) in Sub-section (8), the following provisos shall be inserted, namely—

"Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule: Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification. Explanation—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been extended after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021".

9. For Section 8B of the principal Act, the following section shall be substituted, namely—

"8B. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, all valid rights, approvals, clearances, licences and the like granted to a lessee in respect of a mine (other than those granted under the provisions of the Atomic Energy Act, 1962 and the rules made thereunder) shall continue to be valid even after expiry or termination of lease

and such rights, approvals, clearances, licences and the like shall be transferred to, and vested; subject to the conditions provided under such laws; in the successful bidder of the mining lease selected through auction under this Act:

Provided that where on the expiry of such lease period, mining lease has not been executed pursuant to an auction under provisions of Sub-section (4) of Section 8A, or lease executed pursuant to such auction has been terminated within a period of one year from such auction, the State Government may, with the previous approval of the Central Government, grant lease to a Government company or corporation for a period not exceeding ten years or till selection of new lessee through auction, whichever is earlier and such Government company or corporation shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee:

Provided further that the provisions of Sub-section (1) of Section 6 shall not apply where such mining lease is granted to a Government company or corporation under the first proviso: Provided also that in case of atomic minerals having grade equal to or above the threshold value, all valid rights, approvals, clearances, licences and the like in respect of expired or terminated mining leases shall be deemed to have been transferred to, and vested in the Government company or corporation that has been subsequently granted the mining lease for the said mine. (2) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land till expiry or termination of mining lease granted to it, in which mining operations were being carried out by the previous lessee.".

10. In Section 9B of the principal Act—

(i) after Sub-section (3), the following proviso shall be inserted, namely—

"Provided that the Central Government may give directions regarding composition and utilisation of fund by the District Mineral Foundation."

(ii) in Sub-section (5), after the words and figures, "Amendment Act, 2015", the words, brackets, figures and letter ", other than those covered under the provisions of Sub-section (2) of Section 10A" shall be inserted;

(iii) in Sub-section (6), after the words and figures, "Amendment Act, 2015", the words, brackets, figures and letter "and those covered under the provisions of Sub-section (2) of Section 10A" shall be inserted.

11. In Section 9C of the principal Act—

(i) in Sub-section (1), for the words "non-profit body", the words "non-profit autonomous body" shall be substituted;

(ii) after Sub-section (4), the following sub-section shall be inserted, namely—

"(5) The entities specified and notified under Sub-section (1) of Section 4 shall be eligible for funding under the National Mineral Exploration Trust."

12. In Section 10 of the principal Act, after Sub-section (3), the following sub-section shall be inserted, namely—

"(4) Notwithstanding anything contained in this section, no person shall be eligible to make an application under this section unless—

(a) he has been selected in accordance with the procedure specified under Sections 10B, 11, 11A or the rules made under Section 11B;

(b) he has been selected under the Coal Mines (Special) Provisions Act, 2015; or

(c) an area has been reserved in his favour under Section 17A.".

13. In section 10A of the principal Act, in Sub-section (2),—

(i) in Clause (b), the following provisos shall be inserted, namely—

"Provided that for the cases covered under this Clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021:

Provided further that the holder of a reconnaissance permit or prospecting licence whose rights lapsed under the first proviso, shall be reimbursed the expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government.";

(ii) after Clause (c), the following clause shall be inserted, namely—

"(d) in cases where right to obtain licence or lease has lapsed under, Clauses (b) and (c), such areas shall be put up for auction as per the provisions of this Act:

Provided that in respect of the minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than the threshold value, the mineral concession for such areas shall be granted in accordance with the rules made under Section 11B.".

14. In Section 10B of the principal Act—

(i) for Sub-section (1), the following sub-section shall be substituted, namely—

"(1) The provisions of this section shall not apply to the—

(a) cases falling under Section 17A;

(b) minerals specified in Part A of the First Schedule;

(c) minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time; or

(d) land in respect of which the minerals do not vest in the Government.";

(ii) in Sub-section (3), the following proviso shall be inserted, namely—

"Provided that where the State Government has not notified such area for grant of mining lease after establishment of existence of mineral contents of any mineral (whether notified mineral or otherwise), the Central Government may require the State Government to notify such area within a period to be fixed in consultation with the State Government and in cases where the notification is not issued within such period, the Central Government may notify such area for grant of mining lease after the expiry of the period so specified.";

iii) in Sub-section (4), the following provisos shall be inserted, namely—

"Provided that—

(a) where the State Government has not successfully completed auction for the purpose of granting a mining lease in respect of any mineral (whether notified mineral or otherwise) in such notified area; or

(b) upon completion of such auction, the mining lease or letter of intent for grant of mining lease has been terminated or lapsed for any reason whatsoever,

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within a period to be fixed in consultation with the State Government and in cases where such auction or re-auction process is not completed within such period, the Central Government may conduct auction for grant of mining lease for such area after the expiry of the period so specified:

Provided further that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease for such area to such preferred bidder in such manner as may be prescribed by the Central Government.";

(iv) in Sub-section (6), for the proviso, the following proviso shall be substituted, namely— "Provided that no mine shall be reserved for captive purpose in the auction."

15. Section 10C of the principal Act shall be omitted.

16. In Section 11 of the principal Act—

(i) for Sub-section (1), the following sub-section shall be substituted, namely—

"(1) The provisions of this section shall not apply to the,—

(a) cases falling under Section 17A;

(b) minerals specified in Part A of the First Schedule;

(c) minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time; or

(d) land in respect of which the minerals do not vest in the Government.";

(ii) in Sub-section (4), the following proviso shall be inserted, namely—

"Provided that where the State Government has not notified such area for grant of composite licence of any mineral (whether notified mineral or otherwise), the Central Government may require the State Government to notify such area within a period to be fixed in consultation with the State Government and in cases where the notification is not issued within such period, the Central Government may notify such area for grant of composite licence after the expiry of the period so specified.";

(iii) in Sub-section (5), the following provisos shall be inserted, namely—

"Provided that—

(a) where the State Government has not successfully completed auction for the purpose of granting a composite licence in respect of any mineral (whether notified mineral or otherwise) in such notified area; or

(b) upon completion of such auction, the composite licence or letter of intent for grant of composite licence has been terminated or lapsed for any reason whatsoever,

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within a period to be fixed in consultation with the State Government and in cases where such auction or re-auction process is not completed within such period, the Central Government may conduct auction for grant of composite licence for such area after the expiry of the period so specified:

Provided further that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant composite licence for such area to such preferred bidder in such manner as may be prescribed by the Central Government.";

(iv) for Sub-section (10), the following sub-section shall be substituted, namely—

“(10) On completion of the prospecting operations, the holder of the composite licence shall submit the result of the prospecting operations in the form of a geological report to the State Government specifying the area required for mining lease and the State Government shall grant mining lease for such area, to the holder of the composite licence in such manner as may be prescribed by the Central Government.’’.

17. In Section 12A of the principal Act—

(i) in Sub-section (2),—

(a) for the words, figures and letter, “Section 10B or Section 11”, the words “this Act” shall be substituted;

(b) the following proviso shall be inserted, namely—

“Provided that the transferee of mining lease shall not be required to pay the amount or transfer charges referred to in Sub-section (6), as it stood prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, after such commencement but no refund shall be made of the charges already paid.”;

(ii) Sub-section (6) shall be omitted.

18. In Section 13 of the principal Act,—

(a) in Sub-section (1), for the words “reconnaissance permits, prospecting licences and mining leases”, the words “mineral concession” shall be substituted;

(b) in Sub-section (2),—

(i) the Clauses (qqh) and (qqk) shall be omitted;

(ii) for Clause (r), the following clauses shall be substituted, namely

(r) the period of mining lease under Sub-section (4) of Section 8;

(s) the manner of sale of mineral by the holder of a mining lease under Sub-section (5) of Section 8;

(t) the manner of sale of mineral under Sub-section (7A) of Section 8A;

(u) the manner for reimbursement of expenditure towards reconnaissance permits or prospecting operations under the second proviso to Clause (b) of Sub-section (2) of Section 10A;

(v) the manner of granting mining lease to the preferred bidder under the second proviso to Sub-section (4) of Section 10B;

(w) the manner of granting composite licence to the preferred bidder under the second proviso to Sub-section (5) of Section 11;

(x) the manner of granting mining lease by the State Government to the holder of the composite licence under Sub-section (10) of Section 11;

(y) any other matter which is to be, or may be prescribed, under this Act.".

19. In section 17A of the principal Act,—

(a) for sub-section (2A), the following shall be substituted, namely—

"(2A) Where in exercise of the powers conferred by Sub-section (1A) or Sub-section (2), the Central Government or the State Government, as the case may be, reserves any area for undertaking prospecting or mining operations or prospecting operations followed by mining operations, the State Government shall grant prospecting licence, mining lease or composite licence, as the case may be, in respect of such area to such Government company or corporation within the period specified in this section:

Provided that in respect of any mineral specified in Part B of the First Schedule, the State Government shall grant the prospecting licence, mining lease or composite licence, as the case may be, only after obtaining the previous approval of the Central Government.";

(b) in Sub-section (2C),—

(i) for the words, "may be prescribed by the Central Government.", the words "specified in the Fifth Schedule" shall be substituted;

(ii) the following shall be inserted, namely—

"Provided that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein in the said Schedule with effect from such date as may be specified in the said notification.

Explanation—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been granted after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021."

(c) after Sub-section (3), the following sub-sections shall be inserted, namely—

"(4) The reservation made under this section shall lapse in case no mining lease is granted within a period of five years from the date of such reservation:

Provided that where the period of five years from the date of reservation has expired before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 or expires within a period of one year from the date of commencement of the said Act, the reservation shall lapse in case no mining lease is granted within a period of one year from the date of commencement of the said Act:

Provided further that the State Government may, on an application made by such Government company or corporation or on its own motion, and on being satisfied that it shall not be possible to grant the mining lease within the said period, make an order with reasons in writing, within a period of three months from the date of receipt of such application, to relax such period by a further period not exceeding one year:

Provided also that where the Government company or corporation in whose favour an area has been reserved under this section before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, has commenced production from the reserved area without execution of mining lease, such Government company or corporation shall be deemed to have become lessee of the State Government from the date of commencement of mining operations and such deemed lease shall lapse upon execution of the mining lease in accordance with this sub-section or expiry of period of one year from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, whichever is earlier.

(5) The termination or lapse of mining lease shall result in the lapse of the reservation under this section."

20. In Section 21 of the principal Act, after Sub-section (6), the following Explanation shall be inserted, namely—

'Explanation—On and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the expression "raising, transporting or causing to raise or transport any mineral without any lawful authority" occurring in this section, shall mean raising, transporting or causing to raise or transport any mineral by a person without prospecting licence, mining lease or composite licence or in contravention of the rules made under Section 23C.'.

21. After the Fourth Schedule to the principal Act, the following Schedules shall be inserted, namely—

[The Fifth Schedule]

[See Sections 8(4), 8A(8) and 17A(2C)]

S.No.	Mineral	Additional amount on grant or extension of mining lease
1.	Iron ore and chromite	Equivalent to one hundred and fifty per cent of the royalty payable
2.	Copper	Equivalent to fifty per cent of the royalty payable
3.	Coal and lignite	Equivalent to the royalty payable
4.	Other minerals (other than coal and lignite)	Equivalent to the royalty payable

Explanation. - For the purposes of this Schedule, the additional amount shall be in addition to royalty or payment to the District Mineral Foundation and National Mineral Exploration Trust or any other statutory payment.

[The Sixth Schedule]

[See Sections 8(5) and 8A(7A)]

	I. For non-auctioned captive mines (other than coal and lignite)	
S.No.	**Mineral**	**Additional Amount**
1.	Bauxite	
	(i) Metallurgical Grade	Equivalent to one hundred and fifty per cent of the royalty payable
	(ii) Non-Metallurgical Grade	Equivalent to the royalty payable
2.	Chromite	
	(i) Up to forty per cent of Cr_2O_3	Equivalent to the royalty payable
	(ii) forty per cent and more of Cr_2O_3 and concentrates	Equivalent to two hundred per cent of the royalty payable
3.	Iron ore	
	(i) Lumps, ROM and concentrates	Equivalent to two hundred and fifty per cent of the royalty payable
	(ii) Fines	Equivalent to one hundred and fifty per cent of the royalty payable
4.	Limestone	
	(i) L.D. Grade (less than 1.5 per cent silica content)	Equivalent to two hundred per cent of the royalty payable
	(ii) Other grades	Equivalent to the royalty payable
5.	Manganese	
	(i) Less than thirty-five per cent of manganese content	Equivalent to the royalty payable
	(ii) Thirty-five per cent and above of manganese content	Equivalent to five hundred per cent of the royalty payable

6.	Other minerals	Equivalent to the royalty payable
	II. For auctioned captive mines (other than coal and lignite)	
S.No.	**Quantity of sale**	**Additional Amount**
1.	Sale of mineral up to twenty-five per cent of annual production	*Nil*
2.	Sale of mineral more than twenty-five per cent and up to fifty per cent of annual production	Equivalent to fifty per cent of the royalty payable
	III. For coal and lignite	
S.No.	**Type of mine**	**Additional Amount**
1.	(i) Captive coal and lignite mines, auctioned for power sector through reverse bidding under the Coal Mines (Special Provisions) Act, 2015 (11 of 2015)	Equivalent to two hundred per cent of the royalty payable
	(ii) Captive coal and lignite mines allocated through allotment route [other than mines covered under Item no. (iv)]	Equivalent to the royalty payable
	(iii) Captive coal and lignite mines allocated through auction route [other than mines covered under Item nos. (i) and (iv)]	Equivalent to the royalty payable
	IV. For captive coal and lignite mines that were auctioned and allotted with condition allowing sale of coal up to twenty-five per cent of annual production -	
	(a) for sale of coal up to twenty-five per cent of annual production	Additional amount payable as per the condition mentioned in the tender document or allotment document
	(b) for sale of coal more than twenty-five per cent and up to fifty per cent of annual production	Fifty per cent of the royalty payable

Explanation – For the purposes of this Schedule, it is hereby clarified that -

(i) the additional amount shall be in addition to royalty or payment to the District Mineral Foundation and National Mineral Exploration Trust or any other statutory payment or payment specified in the tender document or the auction premium (wherever applicable).

(ii) Ad valorem royalty for the purpose of calculating the additional amount for coal and lignite shall be based on National Coal Index and Representative Price of coal excluding the taxes, levies and other charges".

Source: The Gazette of India: Extraordinary, Part II—Section 1, dated 28.03.2021.

6. Ministry of Mines, S.O. 1401(E)—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 (16 of 2021), the Central Government hereby appoints the 28th day of March, 2021 as the date on which all the provisions of the said Act, except Sub-clause (i) of Clause (v) of Section 3 of the said Act, shall come into force.

Source: The Gazette of India: Extraordinary, Part II—Section 3(ii), dated 28.03.2021.

B. Court Decisions:

1. Padmashekar Jain, Petitioner v. State of Karnataka and others, Respondents, AIR 2020 Karnataka, Vol. 107, Part 1282 October 2020.

Subject : Challenging the notice dated 22.05.2020 to pay penalty amount and stopping quarrying operations.

Facts: The petitioner was granted a quarrying lease on 24th October, 2017 under the provisions of the Karnataka Minor Mineral Concession Rules 1994 (for short `the said Rules of 1994'). The lease was for a period of 10 years. A notice was issued by the second respondent to the petitioner on 14/18th February, 2020 stating that a spot inspection was conducted on the basis of a complaint and it was found that the quarrying activities were conducted in an area of 0.28 acres outside the leased area. Therefore, the petitioner was called upon to show-cause within 30 days as to why action should not be taken against him for carrying out quarrying activities outside the leased area. The notice further records that stone mining lease area was surveyed through drone and GPS survey, which revealed that without obtaining a licence, the petitioner had conducted the quarrying operations within the leased land and had transported 35,171 Metric Tons of building stones. It is further alleged that drone survey revealed that the quarrying operations were carried out outside the leased area. Therefore, the petitioner was called upon to pay a sum of Rs 7,46,08,388/-. By the same notice, the petitioner was called upon to stop the quarrying operations.

The Learned Counsel for the petitioner submitted that a copy of the drone survey report was not served to the petitioner and in fact, copies of none of the documents relied upon in the impugned notice were served to the petitioner as pointed out in the reply dated 3rd June 2020 filed by the petitioner.

Decision: The High Court has stated that there is no specific demand mentioned in the show-cause notice dated 14/18th February, 2020. The said notice does not refer to any GPS or drone survey which is the foundation of the demand in the impugned Notice dated 22nd May 2020. The elementary principles of natural justice have been violated. The petition succeeds in part and we pass the following order:

The respondents to provide a copy of the joint survey report of the survey conducted on 30th January, 2020/copy of mahazar as well as a copy of the report of drone and GPS survey carried out in April 2019;

The copies shall be supplied to the petitioner within a period of 3 weeks from the date on which this order becomes available on the website of this Court;

Within four weeks thereafter, the petitioner will submit a detailed reply to both the notices dealing with the documents supplied to the petitioner;

Within a period of six weeks from the date on which the reply is submitted or within a period of six weeks from the date on which time to submit the reply expires, the Deputy Director shall pass appropriate orders in accordance with law after giving an opportunity of being heard to the petitioner.

The court make it clear that the demand mentioned in the Notice dated 22nd May 2020 shall not be enforced till final order is passed;

The court also make it clear that the direction to stop the quarrying operations within the leased area shall not operate subject to the condition that the petitioner shall not carry out any quarrying operations outside the leased area. Within two weeks from today, the petitioner shall file a written undertaking to that effect in the office of the Deputy Director;

All contentions of the parties are left open to be decided by the concerned authority in accordance with law;

The High Court has disposed of the Writ Petition on the above terms.

Order accordingly

2. **Ramesh Chandra Mishra, Petitioner v. Collector-cum-District Magistrate, Puri and others, Respondants, AIR 2020 Orissa 148, Vol. 107, Part 1282, October, 2020**

Subject: Challenging the decision taken by the Collector for cancellation of the earlier tender process and for deciding to invite fresh bid for lease of murrum sairat.

Facts Originally, an advertisement for lease of Morrum Sairat under OMMC (Amendment) Rules, 2014 was published by the Tahasildar,Delanga (Opposite Party No.3) on 13.02.2015 and royalty of Rs 28 per CM was fixed by the State authorities. All four Morrum Sairats were clubbed together in order to make cluster approach. The petitioner participated in bidding process. One Shri Dushmanta Kumar Lenka was the highest bidder but he was absent on the date of bidding i.e. on 04.04.2015. In fact, the highest bidder failed to deposit the bid amount

within seven days. Even though the petitioner was the second highest bidder, the opposite parties-authorities, instead of inviting the petitioner for grant of lease as per the provisions of Section 26(7) of the OMMC Rules, 2004, cancelled the tender process and decided to invite fresh bid. In such background, the petitioner approached this Court by filing W.P.(Civil) No.8859 of 2015.

The Court initially passed an interim order on 13.05.2015 directing the authorities not to again put the Sairat in auction. The said writ petition remained pending for almost four years and was finally decided by this Court vide Order dated 26.11.2019 whereby the letter dated 06.05.2015 issued by the Collector, Puri was quashed and the matter was remanded back to him for deciding the same in accordance with law within four months from the date of receipt of certified copy of the order. In compliance with the said direction of this Court, the Collector, Puri has now passed the impugned order.

The Collector, Puri, in the impugned order, has stated that as per the original advertisement inviting bids, the Morrum Sairat was required to be awarded for a period of five years from 2015-16 to 2019- 20 and since that period has already been over on 31.03.2020, the grievance of the petitioner cannot be considered at this stage.

Learned Counsel for the petitioner argued that merely because the matter was pending before this Court for a long time and the petition could not be decided early, the peittioner should not be penalised. The Collector, Puri, has not properly followed the direction of this Court given in the earlier writ petition.

Decision: This High Court has stated that in the present case, undisputedly, the original advertisement inviting bids for lease of Morrum Sairat was for a period of five years commencing from 2015-16 to 2019-20. That period has already come to an end on 31.03.2020. Though after receipt of this Court's order on 13.01.2020, the Opposite Party No.1 has tried his best to obtain approved Mining Plan and EC, but as the same was a time consuming affair, he could not obtain the same prior to 30.03.2020. In such background, we do not find any infirmity in the decision taken by the opposite party No.1 Collector, Puri, who has also observed in the impugned order that fresh auction shall be undertaken and the petitioner shall be at liberty to participate in the said auction process.

Accordingly, for want of merit, the High Court has dismissed the writ petition.

Petition dismissed.

3 Chowgule and Company Pvt. Ltd, Petitioner v. Goa Foundation and others, Respondents, AIR 2020 Supreme Court 4870, Vol.107, Part 1283, November, 2020.

Subject : The miscellaneous applications filed for extension of time for removal of mineral mined.

Facts: In Goa Foundation vs. Union of India-I ((2014) 6 SCC 590), this Court held that all iron ore and manganese ore leases had expired on 22.11.2007 and that any mining operation carried out beyond the said date was illegal. While holding so, this Court also pointed out that for a second renewal of the mining lease, an order is required to be passed by the State;

The observations regarding second renewal of the mining leases, gave rise to a fresh set of litigations, which culminated in the decision in Goa Foundation vs. Sesa Sterlite Ltd.¬II2. In Paragraph 154 of the said decision, this Court recorded 9 conclusions, one of which in Para 154.6, reads as follows:¬ "...

154.6. The mining leaseholders who have been granted the second renewal in violation of the decision and directions of this Court in Goa Foundation [Goa Foundation v. Union of India, (2014) 6 SCC 590] are given time to manage their affairs and may continue their mining operations till 15.3.2018. However, they are directed to stop all mining operations with effect from 16.3.2018 until fresh mining leases (not fresh renewals or other renewals) are granted and fresh environmental clearances are granted."

The aforesaid directions led to a fresh bout of litigation, that culminated in the order by this Court on 30.01.2020 in Civil Appeal Nos.839848 of 2020. The controversy that revolved around Paragraph 154.6 Goa Foundation II was as to whether the time given to the lease holders to manage their affairs up to 15.03.2018 would include the time to remove the mined mineral. This controversy was resolved by this Court in the judgment dated 30.01.2020 which we may call Goa FoundationIII. This Court held therein: (1) that the only prohibition imposed by Paragraph 154.6 of Goa FoundationII was for carrying out mining operations and not transportation; and (2) that the policy decision of the State of Goa dated 21.03.2018, to permit the transportation of mineral mined prior to 15.03.2018 was valid.

After so interpreting Paragraph 154.6 of Goa FoundationII, this Court also took note of Rule 12(1)(gg) of The Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, which also allows a period of six months for the lessees to remove the excavated material, on the expiry or sooner before the termination of the term of lease. Accordingly, this Court, by its order dated 30.01.2020, granted a period of 6 months to all lease holders to transport the mineral already excavated on or before 15.03.2018;

The time granted by this Court to the lease holders, by the Order dated 30.01.2020 expired on 30.07.2020. A lockdown was clamped on 24.03.2020 due to the pandemic. Therefore, a few lessees have come up with the aforesaid applications for extension of time by six months with effect from 01.10.2020 for the transportation of the mineral allegedly extracted by them on or before 15.03.2018;

Contending that the benefit of extension of time should also be granted to them, a lessee who did not challenge the order of the High Court by way of a civil appeal, has come up with an application for intervention, in the disposed of Civil Appeals;

Goa Foundation which was the first respondent in the Civil Appeals has come up with an independent application seeking the following reliefs:

(a) Clarify that the Judgment/Order, dated 30.1.2020, passed in Civil Appeal No.839 of 2020 only applies to or on which royalty has been paid prior to 15.03.2018;
(b) Direct the Directorate of Mines & Geology of the Government of Goa (Respondent No.4) to recover the amounts involved in transportation and sale of mineral in violation of the order dated 30.01.2020;
(c) Direct the State of Goa (Respondent No.2) to take possession of all active and passive mining leases forthwith in compliance of the aforesaid judgment;
(d) Pass such Order or further order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case in favour of the Applicant.

The applicants in M.A. No.1653 of 2020 did not challenge the order of the High Court before this Court. Even if he had benefited by the judgment dated 30.01.2020, by virtue of the policy of the State dated 21.03.2018, which we upheld, the applicant cannot now seek the benefit of extension. Therefore, the application for intervention is dismissed.

Applications for extension of time have been filed by the lessees primarily on two grounds namely:(1) the delay on the part of the statutory authorities in issuing transit permits for the transportation of the royalty paid ore; and (2) the imposition of lockdown within two months of the judgment of this Court dated 30.01.2020. But the applications for extension of time are opposed by Goa Foundation on the grounds inter alia:

(1) that the ore on which royalty had not already been paid, can never be removed;
(2) that even as per the affidavit of the Chief Secretary of the State, the ore inside the leasehold area on which advance royalty had already been paid, was only 73,850.26 tonnes;
(3) that in terms of Rule 12(1)(hh) of The Minerals (Other than Atomic and Hydro carbons Energy Minerals) Concession Rules, 2016, the mineral not removed within a period of six calendar months is liable to be confiscated by the Government; and
(4) any extension of time is bound to be misused by the lessees.

Point of Issues (1) whether the right to remove the mined minerals is only in respect of "the royalty paid ore" or upon payment of royalty at the time of movement and disposal; and

(2) whether the State Government ought to have invoked Rule 12 (1)(hh) of the Rules or not?

Decision: Regarding Issue No. 1, the Supreme Court has referred to Section 9 of the MMDR Act, 1957 and pointed out that the question whether royalty had already been paid or not assumed significance in the second round of litigation, in respect of the minerals excavated/mined on or before 15.03.2018 and removed to jetties. The Order dated 04.04.2018 in SLP(C)Nos.8483 & 8484 of 2018, and the Order dated 11.05.2018 in SLP(C)No.12449 of 2018 used the expression "royalty paid ore", in the context of the mineral removed from the mines and brought to the jetties on or before 15.03.2018. Therefore, the first objection of Goa Foundation cannot be sustained.
Regarding Issue No.2, the Supreme Court has referred to the Rule 12(1)(hh) of the Minerals (Other than Atomic and Hydrocarbon Energy Minerals) Concession Rules, 2016, and stated that by virtue of the aforesaid Rule, any (i) ore or mineral; (ii) engines; (iii) plant and

machinery; (iv) building structures; (v) tramways, railways and other work; (vi) erections and conveniences; and (vii) other property which are not required by the lessee in connection with operations in any other land held by it under a mining lease, shall be deemed to become the property of the Government if two conditions are satisfied, namely:(i) that such property remained in or upon the leased land, at the end of six calendar months after the expiry or sooner termination of the lease term; and (ii) that such property is not removed by the lessee within one calendar month of being notified to do so by the State Government. Therefore, Goa Foundation may be right in contending that the State Government should have invoked Rule 12(1)(hh) to confiscate the mineral allegedly lying at site for the past more than 2 years. But the difficulty today is that Rule 12(1)(hh) was not pressed into service before this Court, when this Court rendered its judgment dated 30.01.2020. As a result, the judgment dated 30.01.2020 giving six months time to the lessees to remove the material, has attained finality. If the lessees had removed the material within the six months period prescribed in the judgment 30.01.2020, Goa Foundation could not have come up with this contention. In fact, the application for clarification/ direction in M.A.No.1625 of 2020 was filed only in September, 2020, after the expiry of six months' period granted by this Court by the Judgment dated 30.01.2020. Even now there is no impediment for the State to invoke Rule 12(1) (hh).

One last contention was with regard to the quantity of mineral allegedly mined on or before 15.03.2018, but lying unremoved from leasehold area. The learned Advocate General stated that the Government has complete details about the mineral already excavated on or before 15.03.2018 and lying at site. The lessees cannot remove more than what the records of the Government, already maintained in the course of discharge of official duties of the concerned officers, reflect. In the judgment dated 30.01.2020, this Court has proceeded in good faith that all mining activities have been stopped on 15.03.2018 and that the mineral mined until then is what is sought to be removed now. Therefore, this should be made subject to the verification with reference to records.

In the light of the above, the Supreme Court has disposed of the applications for extension of time filed by the lessees and the application for clarification/direction filed by Goa Foundation with the following effect: (1) The lessees are granted time up to end of January, 2021 for the removal of the minerals excavated/mined on or before 15.03.2018 subject to payment of royalties and other charges; (2) The quantity of mineral to be removed by each of the lessees shall be determined by the concerned officials with reference to the records of the Government maintained at the relevant point of time; (3) If within the time stipulated above, the lessees could not remove the mineral, the Government shall invoke the power under Rule 12(1)(hh).

Order accordingly.

4. B. Rajan, Petitioner v. State of Andhra Pradesh, Mines and Geology Department and others, Respondents, AIR 2020, Andhra Pradesh 165, Vol. 107, Part 1283, November, 2020

Subject: Challenging the Order dated 21.07.2020 passed by the 1st Respondent.

Facts: The petitioner was granted quarry lease for Silica sand in Survey No.36/P of Addepally village, Chillakur Mandal, SPSR Nellore District, admeasuring an extent of 16.512 hectares in the year 2010 and since then, he has been conducting mining operations without contravening any of the conditions of mining lease or the provisions of the Mines and Minerals (Development & Regulation) Act, 1957 (for short 'the Act') and subsequently under the provisions of the A.P. Minor Mineral Concession Rules, 1966. While so, the Sub-Collector, Gudur constituted teams for joint inspection of silica sand mining leases and has submitted a report to the 4th respondent; based on the said report, the 4th respondent issued show cause notice dated 24.07.2019 to the petitioner, alleging that there is variation between the total extracted quantity and the permitted quantity of about 81,029 MT, that dispatch permits obtained by the petitioner are for lesser quantity than the mineral extracted from the leased area and that the petitioner transported the difference of 81,029 MT without valid seigniorage fees. To the said notice, petitioner submitted his representation on 08.08.2019 stating that the mine was not inspected in his presence and also requested to furnish the sketch showing the pits whose measurements were taken, the working sheet of how the volume and tonnage were worked out, statement showing year-wise permitted quantity and actual dispatch taken into account, copies of mineral revenue assessment from the date of inception, any evidence basing on which the presumption of having dispatched the quantity from the mine and whether the stock available at mine head was measured and taken into account while calculating the quantity of mine dispatched, if so, the measurements of the stock available at mine head and also stated that the reply to the show cause notice shall be submitted after receipt of the above information.

Without furnishing the said information, the 4th respondent issued demand notice alleging that the "lease holder has not furnished any documentary evidence in token of discrepancy of transported quantity of 81,029 MTS of silica sand lifted and transported and hence reply furnished by lessee is not considerable" and directed to pay an amount of Rs 4,70,91,675/- as per Rule 26(1) and 34(1) of the Rules. Challenging the said show cause notice, petitioner filed WP No.12915 of 2019 and this Court disposed of the said writ petition on 08.11.2019 granting liberty to the petitioner to approach the authority by way of filing a revision under Rule 35 of the Rules and further directed the respondents not to take any coercive steps for a period of four weeks.

The 1st respondent has called for the parawise remarks from the 2nd respondent, who in turn called for the remarks from the 4th respondent and the remarks of the 4th respondent are

extracted in the order passed by the 1st respondent on 21.07.2020. Challenging the same, the present writ petition is filed.

Learned Counsel for the petitioner, submitted that the 1st respondent, while exercising the power of quasi-judicial authority under Rule 35(a) of the Rules, has passed non-speaking order without considering the contentions raised by the petitioner in the grounds of revision by merely extracting the parawise remarks submitted by the 4th respondent. He further submits that the authority while exercising quasi-judicial function must record reasons irrespective of whether the decision is subject to appeal, revision or judicial review. Learned Government Pleader for Mines and Geology submitted that the reply submitted by the petitioner to the show cause notice was not satisfactory and hence, the demand notice has been issued and that after granting personal hearing to the petitioner on 24.06.2020 and after considering the grounds raised in the revision, the revision application of the petitioner was dismissed upholding the demand notice of 21.08.2019.

Decision: The High Court has referred to the Order dated 21.07.2020, Para 3 (iv), (v) and (vi) of the remarks of the 4th respondent, Paras (xiii) and (xiv) of the remarks of the 4th respondent, the cases S.N. Mukherjee v. Union Of India (1990 (4) SCC 594); Kranti Associates Pvt. Ltd v. Masood Ahemd Khan (2010) 9 SCC 496; Kalari Nagabhushana Rao v. the Collector, Panchayat Wing, Guntur (AIR 1978 AP 444) and stated that the impugned order there is no discussion at all with regard to the grounds raised in the revision application and reasons are not given as to why the revision application is dismissed, which is contrary to the above discussed judgments of the Hon'ble Supreme Court. The High Court has held that in view of the facts and circumstances of the case and for the reasons recorded above, the impugned Order dated 21.07.2020 is set aside and the matter is remitted back to the 1st respondent for passing appropriate orders after giving opportunity of hearing to the petitioner. There was an interim Order passed by this Court in the previous W.P.No.1113 of 2020 filed by the petitioner, directing the respondents not to take coercive steps. In view of the same, pending consideration of the revision application by the 1st respondent, no coercive steps shall be taken against the petitioner pursuant to the demand notice dated 21.08.2019.

Accordingly, the High Court has allowed the writ petition without any order as to costs.

Petition allowed.

5. Bhati Suratsinh Premsinh, Petitioner v. State of Gujarat and others, Respondents, AIR 2020, Gujarat 188, Vol. 107, Part 1283, November, 2020.

Subject : The petition filed under Article 226 of the Constitution of India, for the reliefs –

(a) This Hon'ble Court may be pleased to admit and allow the petition;

(b) This Hon'ble Court may be pleased to issue appropriate writ, order or direction for releasing the vehicle bearing Loader No. GJ-12-BJ-3811 of the ownership of the petitioner which is

seized by the respondents and at present the case is pending with the respondent, on such terms and conditions as the Hon'ble Court may deem think fit.

(c) This Hon'ble Court may be pleased to quash and set aside the notice dated 23.12.2019 issued in connection with the Loader No. GJ-12-BJ-3811 of the ownership of the petitioner which is seized by the respondents.

(d) Your lordship may be pleaded to issue writ of mandamus or any other appropriate writ, order or direction to decide the application of the petitioner dated 20.06.2020 made to Respondent no.2 and therefore release the said vehicle."

Facts : It is the case of the petitioner that on 14.12.2019, a team from the office of the Respondent no.2 came for an inspection, and the vehicle was seized and detained and kept at the premises of the Respondent No.3 and thereafter, on 23.12.2019 a show cause notice was issued wherein it was stated that the vehicle is found in violation of the rules and the petitioner is liable to pay Rs 2,00,000/- towards the compounding fees and for carrying 2 Mt of Minor Mineral Soil (mati). In addition to the environmental damage charges the petitioner is liable to pay Rs 494/- as penalty. It is the case of the petitioner that in spite of requesting the Respondent authorities from time to time, the C/SCA/8041/2020 ORDER vehicle was not released by the detaining authority and therefore, the petitioner made representation on 20.06.2020 to the Respondent No.2 stating that the vehicle is seized by the Respondent No.2 on 14.12.2019 and till 20.06.2020 i.e. till seven months, as per Rule 12(2)(b)(ii) of the Rules if the application for compounding of offence is not received, the vehicle so seized shall be produced before the Court having power to determine the commission of such offence, upon expiry of 45 days from the date of seizure or upon completion of investigation, whichever is earlier. Since, the respondent authority failed to justify the reason for the vehicle in question, and also failed to follow the procedure prescribed under the Rules the action of seizure of the vehicle, the show cause notice is required to be quashed and set aside and the vehicle is required to be released as early as possible.

It is the case of the petitioner that since the vehicle is seized on 14.12.2019 by the respondent authority and almost after seven months the custody of the vehicle is not handed-over to the court below nor any offence is registered against the petitioner, the action of the respondent authority of seizing of the vehicle requires to be quashed and set aside and the vehicle is required to be ordered to be released as early as possible. It is the case of the petitioner that as the respondent authorities have failed to justify the reason for detention of the vehicle in question and further failed to follow the procedure prescribed under Rule-12 of the Rules, 2017, the action of the seizure of the vehicle in question is required to be quashed and set aside and the vehicle is required to be ordered to be released as early as possible.

Learned Advocate for the petitioner has submitted that the case of the petitioner is entirely covered by the decision of this Hon'ble Court in Letters Patent Appeal No.397 of 2018 and Special Civil Application No.7268 of 2020.

The learned Assistant Government Pleader has submitted that the show cause notice is issued to the petitioner, and therefore, the petitioner is required to give reply to such show cause notice for the purpose of release of the vehicle in question.

Decision: The High Court has referred to the decision of the Division Bench of this Court in the case of Zaverbhai Nanubhai Devani versus State of Gujarat in Letters Patent Appeal No.397 of 2018 in Special Civil Application No. 3862 of 2018 with Civil Application No.1 of 2018 dated 18.04.2018, and stated that in view of the above settled legal position, the High Court has allowed the petition with the following directions:-

1. The action of the respondent authorities of seizing the vehicle in question bearing Loader No. GJ-12-BJ-3811, under Rule-12 of the Rules, 2017 is quashed and set aside.
2. The respondent authorities are directed to release the vehicle in question, bearing Loader No. GJ-12-BJ-3811 forthwith, on furnishing the bank guarantee by the petitioner amounting to Rs.25,000/- of any nationalised bank for a period of one year before the release of the vehicle in question.
3. The petitioner is further directed to file a reply to the show cause notice dated 23.12.2019 within a period of four weeks from today.
4. The respondent authority is directed to decide the show cause notice within a period of four weeks from the date of the receipt of the reply that may be received from the petitioner.
5. The registry is directed to send the copy of the writ of this order to the learned advocate appearing for the petitioner through e-mail, so as to enable him to serve the same upon the respondent authorities. Rule is made absolute to the aforesaid extent. Direct service is permitted, to be served through Email.

Petition allowed.

6. Dharmendra Singh, Appellant v. State of Uttar Pradesh and others, Respondents, AIR 2020 Supreme Court 5360, Vol. 107, Part 1284, December, 2020

Subject : Demand of refund of Security deposit, royalties for the obstructed period of the lease.

Mining leases granted to projects in the mineral-rich district of Sonbhadra, carved out of the District Mirzapur in the State of Uttar Pradesh (for short 'State of UP') in 1989. The All India Kaimur People's Front (for short 'AIKPF') filed an application before the National Green Tribunal, New Delhi (for short 'NGT'), being O.A. No.429/2016, inter alia seeking directions for immediate prohibition of alleged illegal mining in the vicinity of Kaimur Wildlife Sanctuary located in Village Billi Markundi in Sonbhadra District. The area being ecologically sensitive and preservation of wildlife being the objective, the NGT issued notices in the matter.

In pursuance of this initial development, a Notification dated 20.3.2017 was issued by the Ministry of Environment, Forest and Climate Change (for short 'MoEFCC') declaring the "area in question" as an Eco-Sensitive Zone (for short 'ESZ') under Sub-section (1) and Clauses (v) and (xiv) of Sub-sections (2) and (3) of the Environment (Protection) Act, 1986 (hereinafter referred to as the 'EPA').

The NGT called upon the State of UP to explain the position of these leases in view of the order it had passed on 4.5.2016 in T.N. Godavarman Thirumalpad v. Union of India and Ors.1 by way of which the NGT had directed the State of UP to cancel all mining leases and all other non-forestry activities on the areas notified under Section 4 of the Indian Forest Act, 1927 (hereinafter referred to as the 'Forest Act'). The NGT in the said proceedings noted the admission of the State of UP that some active leases still remained in force on lands which were covered under the Notification issued under Section 4 of the Forest Act for which the corresponding notification under Section 20 of the Forest Act had still not been issued.

In the proceedings before the NGT, the leaseholders of the leases were not made parties, not even in a representative capacity, yet, they suffered the consequences of the aforesaid order inasmuch as the District Magistrate (for short 'DM'), Sonbhadra, issued administrative orders (on 29.8.2018 and 5.2.2019) in pursuance of the aforesaid order of the NGT prohibiting mining and transportation of gettis/boulders till the next order. This effectively stopped the mining activity. The appellants naturally being aggrieved filed appeals before this Court as being the affected parties under Section 22 of the National Green Tribunal Act, 2010 (hereinafter referred to as the 'NGT Act') arraying the State of UP, its concerned departments and officers, MoEFCC, as well as AIKPF (the original petitioners before the NGT) as respondents.
As far as prior litigations are concerned, the first line of legal development arose from Notification No. 3723/14-b-4(67)69 dated 5.11.1969 issued by the State of UP under Section 4 of the Forest Act. The Notification included in its compass large tracts of land in Village Billi Markundi declaring that it has been decided to constitute such land as reserved forest.

The second line of litigation pertains to events of 1992 when the Uttar Pradesh State Cement Corporation (for short 'UPSCCL') became a sick industry and was put to auction where M/s Jayprakash Associates Limited (for short 'JAL') emerged as the highest bidders. The significance of this event is that it culminated in the order in the T.N. Godavarman case dated 4.5.2016, on which considerable reliance has been placed in the impugned order before us.3 The assets purchased by JAL included a mining lease of 2,168 hectares of area of which some portions were included within Section 4 Notification area.

As far as the current litigation is concerned, in the present civil appeals in which notices were issued and the matters were clubbed. In the counter affidavit dated 23.4.2019 filed by the State

of UP, the factual progression discussed aforesaid in respect of the land excluded from the purview of Section 4 was set out. The State of UP also sought permission of the Court with respect to issuance of the notification under Section 20 for those lands, which did come under Section 4 of the Forest Act. A series of orders had to be passed by this Court due to delay on behalf of the State of UP, and it is only on 15.7.2020 that this Court noted that the Section 20 notification had finally been issued on 15.6.2020. Thus, it was noted by this Court on that date that the only question now remaining to be determined was with regard to the extension of leases for the period for which the mining leases of the appellants were not permitted to operate.

The State respondents filed an additional affidavit dated 6.8.2020 setting forth its stand. It was contended by the State of UP that no permission for mining can be granted for the obstructed period as there does not exist any provision for grant of such permission for mining in case of disruption of mining operations under the Uttar Pradesh Mining Minerals (Concession) Rules, 1963 (hereinafter referred to as the 'Mining Rules').

The State of UP issued a New Mining Policy on 12.6.2017. In terms of this policy there is no provision for grant of extension of time for obstructed period of mining lease and all mining leases were to be permitted by e-tendering or e-auction alone. It is also contended before us on behalf of the State of UP by learned senior counsel, Mr. V. Shekhar that there was no legal provision/rule or any provision in the respective lease deeds to pay damages in case of disruption of mining leases and the consequences of such disruption are set out in Rule 40(h) of the Mining Rules. Thus, it was contended that the State of UP is only liable to refund (i) any security deposit, or (ii) advance royalties paid to it. The land for which mining leases granted to the appellants were excluded from the purview of the Section 4 notification in pursuance of the settlement proceedings concluded as per directions in Banwasi Seva Ashram case. These settlement proceedings are pleaded to have been ignored while passing the impugned order and that too without notice to the appellants.

Decision: The Supreme Court has stated that even if we take the notification of the State of UP dated 31.7.2014 into account, and the authorisation of the DMs to extend the lease where no third party interest was created and the leases were prevented from operation for no fault attributable to the leaseholders, the subsequent transparent policy of 2017 would weigh in favour of not exercising the jurisdiction to extend the leases for the obstructed period. The Supreme Court has further stated that the appropriate course of action to be adopted in this case cannot be to extend the lease for the obstructed period but to direct that the security deposit, if not already refunded, should be refunded and the amount deposited by the appellants/leaseholders as 35 Beg Raj Singh case (supra) advance royalties to the respondent/State be also paid back to them along with something more.

The Supreme Court also took the view that since these monies have remained blocked, the monies should carry simple interest @ 9% per annum.

The Supreme Court directed that the following amounts be refunded to the appellants:

(i) Security deposit, if not already refunded, with simple interest @ 9% per annum from the date it ought to have been refunded after the expiry of the lease till it is now actually refunded, in case of expired leases; and (ii) Advance royalties, if not already refunded, with simple interest @ 9% per annum from the date of the obstruction occurred, i.e., 29.8.2018 and 5.2.2019 as applicable to the respective appellants, till the date of payment. (iii) Both the aforementioned amounts be refunded within two months from today.

Accordingly, the Supreme Court disposed of the appeals and all pending applications in terms of the abovesaid direction and also directed the parties to bear their own costs.

Order Accordingly.

7. **M/s R.V. Granites Represented by its Managing Partner, Petitioner v. State of Andhra Pradesh and others, Respondents, AIR 2020 Andhra Pradesh 178, Vol. 107, Part 1284, December, 2020**

Subject : Seeking a Writ of Mandamus for a direction against the respondents to process the quarry lease application dt. 02.07.1997.

Facts: The petitioner has applied for grant of quarry lease on 02.07.1997, for black granite over an extent of 9.00 hec in Sy. No. 125/2, 162 and 163 of R.L. Puram Village, Chimakurthy Mandal, Prakasam District. The application was pending for consideration with the Government. In the meanwhile the Government had issued G.O.Ms. No. 181, Industries & Commerce Department, dated 28.05.1998 fixing the time limits at different levels for disposal of the applications. As per the G.O.Ms. No. 181, the Mandal Revenue Officer has to submit his report in respect of "No Objection Certificate" within 30 days from the date of receipt of request from the Assistant Director. In the instant case, the No Objection Certificate was issued on 17.07.2004 i.e after a delay of nearly seven years. On an erroneous view of the matter "No Objection Certificate" issued by the Mandal Revenue Officer was cancelled by the District Collector, vide proceedings dt. 24.09.2008 in exercise of the powers under Rule 12(5)(d) of the A.P. Minor Mineral Concession Rules, 1966 and thereby rejected the application of the petitioner. The rejection order is vide letter dt. 22.04.2005 of District Collector.

Aggrieved by the rejection of quarry application, the petitioner preferred a Revision under Rule 35-A of the A.P Minor Mineral Concession Rules, 1966 before the Government. The Government allowed his revision by setting aside the proceedings of the Director of Mines and Geology dt. 24.09.2008. The petitioner was directed to obtain No Objection Certificate again

from the Revenue Department immediately. The learned counsel for the petitioner submitted that the petitioner need not obtain again another No Objection Certificate from the Revenue Department, as the No Objection Certificate which was granted by the Mandal Revenue Officer dt. 22.04.2005 is still in force, as it was not cancelled by the District Collector.

It is further contended that as per Rule 12(5)(d) of the A.P. Minor Mineral Concession Rules 1966, the application for granting quarry lease for granite and marble shall be disposed of by the Director in the order of their receipt. The petitioner had applied for quarry lease about 20 years ago. The application of the petitioner had to be given priority as per the above rule. It is due to their delay in issuing the No Objection Certificate, the petitioner was not granted the quarry lease. There was no fault on behalf of the petitioner.

Decision: This High Court has stated that the petitioner applied for mining lease about 20 years ago. The petitioner had waited till 2004 for getting No Objection Certificate. There is an alternative remedy available to the petitioner, but he had not availed. The petitioner must be able to establish that there was an infringement of his right, for seeking a remedy under Article 226 of Constitution of India. Whenever there is no statutory violation, no relief can be granted, under Article 226 of Constitution of India.

This High Court has further stated that since the petitioner has submitted his representation dt. 06.07.2020 and the same is pending, the Respondent No. 5 shall consider the same and pass appropriate orders in accordance with law within eight (8) weeks from the date of receipt of copy of this order. If the petitioner is aggrieved by the order passed by the respondents, he may resort to legal remedies available to him in accordance with law.

Accordingly, the High Court has disposed of the writ petition without any order as to costs.

Order accordingly.

8. Thankachan M.S., Petitioner v. Senior Geologist Department of Mining and Geology, Kozhikode, Respondent, AIR 2020, Kerala 209, Vol. 107, Part 1284, December, 2020

Subject: Writ Petition filed for Challenging the Ext. P9 Order.

Facts : The petitioner owns a granite quarry. After obtaining all the requisite permissions and licences including environmental clearance, the petitioner applied for and obtained Ext.P1 quarrying permit from the respondent on 14.03.2018 for extraction of 14,630 metric tons of granite stones from his quarry. The quarrying permit was valid till 13.03.2019. The petitioner had to pay a sum of Rs.3,51,120/- towards royalty and Rs.35,112/- towards contribution to the Quarry Safety Fund in the matter of obtaining Ext.P1 quarrying permit. On 14.03.2018, in terms of the interim order passed by this Court in W.P.(C) No.8644 of 2018 instituted by one Abdul Salam, this Court restrained the petitioner from conducting the operations in his quarry.

The case set out by the petitioner in .W.P. (C) No.8644 of 2018 was that the petitioner was not entitled to environment clearance having regard to the proximity of his quarry from the nearby forest. Pursuant to the said interim order, the respondent issued Ext.P4 stop memo to the petitioner, directing him to stop the activities in the quarry. In the light of the interim order passed by this Court and the stop memo, the petitioner could not operate the quarry on the strength of Ext.P1 quarrying permit. W.P. (C) No.8644 of 2018 was disposed of by this Court in terms of Ext.P5 judgment on 29.01.2019, directing the State Environmental Impact Assessment Authority (the SEIAA) to consider whether the petitioner was entitled to environmental clearance having regard to the proximity of the quarry to the nearby forest. As the environmental clearance obtained by the petitioner was due to expire on 04.12.2019, the petitioner preferred an application in the meanwhile for renewal of the same. Ext.P6 is the order passed by the SEIAA on 04.11.2019 pursuant to the direction issued by this court in Ext.P5 judgment. In terms of Ext.P6 order, the SEIAA did not interfere with the environmental clearance, on the basis of which the petitioner was issued Ext.P1 quarrying permit. As per order, the SEIAA has renewed the environmental clearance granted to the petitioner by another period of five years. The term of Ext.P1 quarrying permit expired in the meanwhile on 13.03.2019. As the petitioner could not conduct quarrying operations on the strength of Ext.P1 quarrying permit, he preferred an application before the respondent to extend the term of Ext.P1 quarrying permit for a term equal to the term during which he could not operate quarry on the strength of Ext.P1 permit for reasons not attributable to him. The said application has now been rejected by the respondent in terms of Ext.P9 order, stating that the royalty and other charges collected in terms of the provisions contained in Kerala Minor Mineral Concessions Rules, 2015 (the Rules) once cannot be refunded and as such, the petitioner may, if so advised, prefer an application for grant of a fresh quarrying permit and if he is found eligible for a fresh quarrying permit, he will be granted the same, after collecting the royalty and charges payable. Ext.P9 is under challenge in the writ petition.

The respondent has contended that orders in the nature of Ext.P9 are appealable under Rule 98(1) of the Rules and therefore, the writ petition is not maintainable.

Decision : The High Court has referred to the Rule 10 of the Rules and stated that the petitioner would get any relief in an appeal under Rule 98 of the Rules. The High Court has allowed the Writ Petition and directed that to validate Ext.P1 permit for a term equal to the term during which the petitioner could not operate the quarry on the strength of the said permit without insisting any further payment. This shall be done within one month from the date of receipt of a copy of this judgment.

Petition allowed.

9. **M/s Dilip Singh, Petitioner v. State of Uttar Pradesh & Others, Respondents, AIR, 2021, Allahabad 10, Vol. 108, Part 1285, January, 2021**

Subject: Challenging the Government Order dated 15.10.2015 and the order of the Engineer-in-Chief (Development & Head of Department), Public Works Department dated 26.08.2019.

Facts: The petitioner is "A" class Contractor, executing work of Public Works Department, apart from others. He is using the minerals for execution of contract work. It is after compliance of the provisions of Uttar Pradesh Minor Minerals (Concession) Rules, 1963 (hereinafter referred to as, 'the Rules of 1963'). He may be subjected to deduction of royalty six times to the amount of royalty pursuant to the Government Order of 15.10.2015. The direction has been given therein to deduct the amount of royalty to the extent of five times to the royalty amount in case it is found that the mineral has been used without a valid transit pass on Form MM-11. The deduction amount to be from the bills of the Contractor.

The Learned Counsel for the petitioner states that in case a Contractor fails to produce required documents to prove payment of royalty, it cannot suffer with payment of royalty apart from an amount five times to the royalty in absence of any provision under the Rules. Thus, the Order dated 15.10.2015 and the consequential order of Engineer-in-Chief are illegal.

Decision: The High court has referred to the decision given by the Supreme Court in the case State of Rajsthan and another Vs. Deep Jyoti Company and another reported in (2016) 6 SCC 120 and held that the circular has been issued for justifiable purposes and otherwise, petitioner could not show reasons to justify delay in challenge to the order issued in the year 2015, as for that, petition has been filed in the year 2020. It more so, when the petitioner is an "A" class Contractor undertaking the work of the Department regularly.

Accordingly the High court has dismissed the writ petition.

Petition dismissed.

10. **M/s JMB Rocks, Petitioner v. State of Andhra Pradesh and others, Respondents, AIR 2021, Andhra Pradesh 10, vol. 108, Part 1285, January, 2021.**

Subject: The writ petition is filed for seeking relief of mandamus against the issuance of the show-cause notice dated 15.04.2020, by which the petitioner was demanded to pay a certain sum of money representing the seigniorage fee, market value and penalty, failing which it was stated that necessary action will be initiated.

Facts: There is an express reference to Rule 26(3) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (in short "the Rules") in this notice, which was last amended in March-2016 and it is therefore contended that the notice itself is untenable in law. The learned Government Pleader for Mines and Geology has filed his counter and opposed the prayers. The Learned Counsel for the petitioner has essentially raised two main questions in this Writ

Petition. According to Rule 26(3) of the Rules, as amended in 2016, made the unaccounted consumption or possession of minerals without proof of payment of revenue a penal offense and so this sort of levy/penalty can only be imposed after a due/proper trail like a sentence by the Court of Law and not by an officer of the Department. He argues that the show cause notice is without jurisdiction and is liable to be quashed. He alleged quantity of minor mineral for which fee has not been paid. The records could not be produced as they were with the GST Department and that ulterior and for political motives a show cause notice has been issued. Learned Government Pleader for the respondent contended that the petitioner did not furnish the records as demanded. He also states that an inspection was held on 04.12.2019 and that on 23.12.2019 a request was made for the production of various records but the same was not done. In these circumstances, the alternative method for calculation had to be adopted based on the electricity consumption. Learned Government Pleader also submits that Rule 8(IV) of A.P.Mineral Dealers Licence 2017 authorizes the imposition of penalty as per the provisions of Rule 23(3) of the Rules. He submits that the show cause notice by itself cannot be challenged and that since there is an effective alternative remedy the writ itself is not maintainable.

Decision: The High court has referred to the amended Rule 26 (3)(ii) of the Rules and opined that this is the punishment that can be imposed by a Court of competent jurisdiction only. The earlier Rule has been drastically amended and the words fine "along with"market value and seigniorage fee or both have been incorporated. Higher punishment is proposed and the power to sentence the defaulter to imprisonement is also given. It is clear that the power of imposing the punishment of imprisonment with or without fine/market value etc., is conferred exclusively to the Courts of competent jurisdiction only and the same cannot be exercised by the Assistant Director of Mines & Geology (Respondent No.3). The fine to be imposed is also linked to the market value and the seigniorage fee. Imprisonment up to two years or fine along with market value etc., or both are the alternatives. The power to impose such punishments of imprisonment with other penalties is exercisable by the Competent Court's alone. There are a large number of variables which can affect the consumption of electricity, for example, the age of the machinery, the size / density of the raw material, the skill of the worker, the ambient air temperature in the area and so on. This list is only illustrative and not exhaustive. Unless, all such variables are considered and their effect is eliminated, no demand can be made on the basis of the electricity consumption alone. It should also be ensured that the recording of the electricity consumption is correct by cross checking the electricity meter etc. Instances abound when writs are filed questioning the demand by the Electricity authorities that the recording is not correct due to a faulty electricity meter etc. This method also cannot be called a "best judgment assessment" until the variables are ruled out and a proper test check is done. In the opinion of this Court such assessment, merely on the basis of the energy consumption record, cannot be the basis for the demand. In fact, there is no statutory backing for this method also and nothing to the contrary was pointed out during the hearing. Other than stating this is a 'scientific' method nothing was pointed out to support the same. It is left to the wisdom of the authorities with their expertise to evolve a proper method which may serve the purpose in such cases. Needless to say, it is hoped that a method will be evolved to meet the emerging situations. Whatever be the method it must have a scientific rational basis plus the statutory backing.

Regarding the issue of the maintainability of the Writ Petition, the High Court has held that if the show cause notice is issued without any statutory support or basis, this Court can interfere as per the settled law. Here in this case as this Court holds that the method in which the demand was quantified is totally unscientific/without any statutory backing and as the 3rd respondent has abrogated to himself the power which is to be exercised by the Courts alone, this Court holds that the writ is maintainable.The High Court has further held that the show cause notice dated 05.04.2020 is set aside for all the reasons detailed above. It is left open to the respondents to evolve an appropriate method to take action strictly in accordance to law keeping in view the findings in this matter.

Accordingly, the High Court has allowed the Writ Petition without any order as to costs, and also directed that as a sequel pending miscellaneous applications, if any, shall stand closed.

Petition allowed.

11. **Marbat Dohkrot, Petitioner v. State of Meghalaya & Ors., Respondents, AIR 2021 Meghalaya 3, Volume 108, Part 1285, January, 2021.**

Subject: Challenging the validity of demand notices served upon the petitioners, directing the submission of returns, and also for payment of arrear cess within a period of 60 days.

Facts: All the writ petitioners are holders of valid mining leases under the provisions of the Meghalaya Minor Mineral Concession Rules, 2016 framed under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957. The writ petitioners produce and extract limestone for the manufacturing of lime and for raw limestone export to Bangladesh by paying the requisite royalty amount, reclamation fee as well as GST.

The grievance of the petitioners is that the impugned demand notices had been served upon them, directing the submission of returns as per the rules, and also for payment of arrear cess charged under the Meghalaya Mineral Cess Rules, 1989 within a period of 60 days, from the date of the impugned demand notice. The grievance of the writ petitioners, is based on the pleading that the impugned demand notices, can never be construed as a statutory notice issued under Rule 11(2) in 'Form H', and that further, the tax liability period for filing of returns and the date for submission of the same under Rule 5, are completely absent in the impugned demand notices, which have been issued under the provisions of Meghalaya Mineral Cess Rules, 1989. Further grievance is that the Director (Respondent No. 3) has already pre-determined the arrear cess payable, while at the same time directing the petitioners to submit the returns, which they assert, is in violation of the statutory requirements.

Besides, these were petitioner before this court the vires of the Meghalaya Mineral Cess Act, 1989 has been put to challenge by an Association under the name of Limestone and Boulder Stone Miners-cum-Exporters Forum, in WP(C) No. 454 of 2019, of which the writ petitioners are also members. A Misc. application in the writ petition being Misc. Case No. 244 of 2019, is also pending adjudication, wherein directions have been sought to command the respondents

not to insist on the payment of cess retrospectively, pending the decision in WP(C) No. 454 of 2019. Though, undoubtedly connected, the present writ petitions specifically assail only the demand notices, and as such the disposal of the instant writ petitions pending the adjudication of the challenge to the vires of the Act, will not impact, or be considered to have any bearing on WP(C) No. 454 of 2019.

The learned counsel for the petitioners contended that the impugned demand notices assailed in these writ petitions, have been issued under Rule 11 (4) of the Meghalaya Mineral Cess Rules, 1989 (hereinafter referred to as MMC Rules, 1989) quantifying the quantity of minerals, cess liability period and arrears of cess in 'Form J', after a unilateral assessment made by the Respondent No. 3 (Director) under Rule 11 (4) without issuing notice under Rule 11 (2) for filing of monthly returns, within 30 days as provided in the MMC Rules, 1989. Learned Counsel also contends that the Respondent No. 3 by not adhering to the provisions of the Rules, has also violated the principles of natural justice and hence the impugned action and notices are unsustainable in law.

It is also contended that the mining lease executed by the parties and the State of Meghalaya under the Meghalaya Mineral Concession Rules, 2016 does not mention the fact they were liable to pay cess and further since the commencement of the operation they were never called upon to produce the transit or dispatch challan wherein the payment of cess was indicated.

Learned counsel has placed reliance in the case of S.K. Bhargava vs. Collector, Chandigarh & Ors. reported in (1998) 5 SCC 170, wherein it has been held that the principles of natural justice were not complied with, in the determination of sums due from the defaulter in the context of the Haryana Public Moneys (Recovery of Dues) Act, 1979, as no opportunity was afforded to the alleged defaulter to dispute the said sum, and that though there was no express provision for opportunity being given, the principles of natural justice must be read into it.

Reliance has also been placed on the Judgment dated 3rd April, 2020 of the Hon'ble Supreme Court in Civil Appeal No. 1008 of 2020 in the case of New Delhi Television Ltd vs. Deputy Commissioner of Income Tax wherein it has been held that the manner of notice, and reasons given did not conform to the principles of natural justice and the assesse did not get a proper and adequate opportunity to reply to the allegations which were then being relied upon by the revenue authorities. The learned counsel has also cited the case of Sukhdev Singh & Ors. vs. Bhagatram Sardar Singh Raghuvanshi & Anr. reported in AIR 1975 SC 1331, to buttress his submissions of the duty to comply with the principles of natural justice and rules, whenever a man's rights are affected by a decision taken in exercise of statutory powers.

It is also prayed that the writ petitioners be given liberty to approach the respondents and allow them to raise their contentions on the assessment before any action is taken by them for recovery of the alleged arrears in cess. Lastly, it is submitted that the impugned notices being bad in law be set aside and quashed.

The learned Advocate General, submitted that at the outset, that the writ petitions are liable to be dismissed on the ground of concealment of material facts, inasmuch as, the writ petitioners have simply disclosed information about the pending writ petition i.e. WP(C) No. 454 of 2019, without disclosing that at least two of the prayers are identical to the instant writ petitions, and

further that the prayer in Misc. Application No. 244 of 2019 in the pending writ petition, is similar to the prayer made in the Misc. applications of the instant writ petitions.

He has placed reliance in the case of Udyami Evam Khad Gramodyog Welfare Sanstha and Anr. v. State of Uttar Pradesh and Ors. (AIR 2007 SCW 7656 and K.D. Sharma v. Steel Authroity of India Limited and Ors. (AIR 2008 SCW 6654)

The learned counsel submitted that the writ petitioners therefore, cannot take the plea that they are not liable to pay cess on account of the challenge to the constitutional validity of the Meghalaya Mineral Cess Act, 1988 and the Rules of 1989 made thereunder. Learned Counsel further submitted that no direction can be sought contrary to prevailing Acts and Rules, as has been made by the writ petitioners, who have prayed for directions to command the State respondents to not make a demand, which is in violation of the statutory provision as laid down.

The learned Advocate General has contended that the non-payment of the cess by the petitioners amounts to an evasion of social responsibility on their part. He further submits that the principles of taxation and requirement of notice as held by the Hon'ble Supreme Court, cannot be invalidated for mere non-adherence to procedural formality.

Decision: The High Court has referred to the Sections 11(2) and (4), Section 5(1) and (2) and Forms H & J of the Meghalaya Minerals Cess Rules, 1989, the composite notices under Rule 11(2) and 4 served upon the petitioner, the cases – Dharampal Satyapal Ltd. v.Deputy Commissioner of Central Excise, Guwahati and Ors. (AIR 2015) SCW 3884; the Chairman, Board of Mining Examination and Chief Inspector of Mines and Anr. vs. Ramji (AIR 1977 SC 965); Maharshi Dayanand University v. Surjeet Kaur (AIR 2010 SCW 6001) - and stated that the plea of the writ petitioners, in seeking refund of the current cess already paid during the pendency of WP(C) No. 454 of 2019 is also unsustainable in law. The High court has further referred to the case Organo Chemical Industries and another vs. Union of India and others (AIR 1979 SC 1803) and held that though the assessment has been done by the competent authority, which is final as per the scheme of the MMC Rules, 1989, and the presumption is always that public officials discharge their duties in accordance with law, it would however, be just and proper and in the interest of justice if the writ petitioners be allowed to make a representation before the Respondent No. 3, as to the assessment of cess made in the demand notices under Rule 11(4) before any further action that may follow, in proceedings under Section 7 of the Meghalaya Mineral Cess Act, 1988.

The High Court has directed that the writ petitioners are therefore allowed to make representations within 10 (ten) days from the date of this order and the Respondent No. 3 to decide the same preferably within the period of 2 (two) weeks thereafter on receipt of the said representations.

Accordingly, the High Court has disposed these writ petitions without any order as to costs.

Order accordingly.

12. **Rajshibhai Jethabhai Modha, Petitioner v. The Royalty Inspector, Respondent, AIR 2021, Gujarat 25, Vol.108, Part 1286, February, 2021**

Subject: The petition is filed under Articles 14, 16, 19(i)(g), 226 and 227 of the Constitution of India with following prayer:

(A) That the Hon'ble Court may be pleased to admit this petition;

(B) That the Hon'ble Court may be pleased to allow this Special Civil Application by issuing appropriate writ, order or direction directing respondent authority to forthwith release the truck of the petitioner and also be pleased to quash and set aside the show cause notice and the proceedings arising out of the show cause notice in the facts and circumstances of the present case.

(C) Pending admission hearing and final disposal of this petition, this Hon'ble Court may please grant stay as to execution, implementation and operation of the show cause notice and the proceedings arising out of the same in the interest of justice.

(D) Grant such other and further relief (s) as deemed just and proper by this Hon'ble Court in the interest of justice.

Facts: The petition pertains to release of vehicle which appears to have been seized under the provisions of Gujarat Mineral (Prevention of Illegal Mining, Storage and Transportation) Rules, 2017 (hereinafter referred to as Rules of 2017) for it C/SCA/516/2020 ORDER being involved in transporting mineral / illegal mining. Vehicle is of following description: Truck No. GJ-10-X-7695.

Learned Advocate for the petitioner submitted that the petitioner is ready and willing to comply with the provisions and also ready and willing to pay the penalty amount without the compounding penalty and also ready and willing to undertake before this Court that forthwith, the amount that may be specified by the Authority after completion of entire proceedings at the departmental level or upon the completion of the trial, if any.

It is further submitted that the vehicle being seized under the provisions of Rules of 2017. The Rules itself provide for the release of vehicle upon the compliance of the certain conditions. Learned Advocate mainly relies upon the provisions of Rule-12, Sub-rule (5) and Rule-12, Sub-rule (7). It is submitted that after the seizure of the vehicle, the petitioner has been issued show cause notice for compounding of the offence under Rules of 2017 by paying stipulated amount towards the penalty for the offence as well as penalty towards compounding charges. As per the show cause notice, the petitioner is called upon to penalty of Rs.1,19,850/-.

Learned Advocate for the petitioner draws attention of this Court to the Oral Order in Letters Patent Appeal No. 397 of 2018 dated 18-04-2018 in case of Zaverbhai Nanubhai Devani v/s. State of Gujarat and Letters Patent Appeal No. 1322 of 2018 in case of Kikubhai Maganbhia Dhodi v/s. State of Gujarat dated 26-10-2018 to submit that the respondent Authorities again continue the seizure of the vehicle and under the provisions of the Rules of 2017, must release the vehicle. It is submitted that the petitioner's Truck No.GJ-10-X-7695 while carrying the limestone and passing on Madhavpur-Gunjal check post on 11.11.2019 was checked by Madhavpur police station and though the royalty slip was also there, the truck was seized under the pretext that the time limit of Royalty slip was till 9.55 and on 11.11.2019; and straightaway the truck was ordered to be seized under Motor Vehicle Act."

Learned Assistant Government Pleader opposing the petition submitted that the Truck was found involved in the illegal mining activity and therefore, the Department has acted as per the provisions of Rules of 2017 and as the petitioner is not ready and willing to compound the offence, the vehicle cannot be released. It is submitted that vehicle was seized on 11-11-2019, show cause notice issued on 19-11-2019.

Decision : The High Court referred to the Clauses- 12(1), 12(2), 12(3), 12(5), 12(6), 12(7) of the Rule 12 of the Rules of 2017, Letters Patent Appeal No. 397 of 2018, Letters Patent Appeal No. 1322 of 2018, and stated that the Rules categorically provides for the release of vehicle by the Authorized Officer, the moment person allegedly whose vehicle is involved in illegal mining activity furnishes the Bank guarantee or the security deposit as specified in Sub-rule (7) of Rule 12. Authorized Officer is obliged to release the vehicle. It is found that in many cases, the application by the petitioner are not even accepted by the Department nor the Department produces the vehicle with appropriate report before the Magistrate concerned. Thereby leaving with no option to such person but to file petition before this Court. As the petitioner is ready and willing to pay the penalty amount at the same time, safe guard interest of the State as well, the Court deemed it fit to release the Truck No. GJ-10-X-7695 and ordered for the truck to be released after complying with following conditions:

(a) The petitioner to file an undertaking before this Court that the petitioner shall forthwith comply with the directions contained in the outcome of the proceedings under Rules of 2017 and Mines and Mineral (Regulation and Development) Act, 1957;
(b) to deposit an amount of Rs.1,19,850/- towards the penalty quantified by the Department;
(c) to furnish the Bank guarantee for an amount of Rs.1,00,000/- for a period of one year;
(d) If the Petitioner and or the vehicle is found again violating the provisions of Rules of 2017 and Mines and Mineral (Regulation and Development) Act, 1957, it is open for the Department to invoke the Bank guarantee;

Accordingly, the High Court has allowed the petition in the aforesaid terms, without any order as to costs.

Petition allowed.

13. **B. Karthik, Petitioner v. District Collector, Thiruvallur and another, Respondents, AIR 2021, Madras 31, Vol. 108, Part 1286, February, 2021**

Subject Seeking a mandamus for an extension of quarry period.

Facts : The petitioner had applied for permission to remove savudu/gravel earth from P.W.D. Tank on 14.7.2011 under Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959. According to the petitioner, if savudu is removed from P.W.D. Tank, as per Executive Engineer's decision, the tank will be desilted and deepened so as to improve its storage capacity. The work involves desilting and deepening of tank without any cost, but the Government will also be benefited by way of seigniorage fee for quarrying savudu earth from P.W.D. Tank. The petitioner stated that the authorities concerned inspected the area and have come to a conclusion that nobody has objected to the petitioner, quarrying and removing of savudu from P.W.D. Tank. As everything is in conformity with Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959, the authorities in W.P.No.6247 of 2019 have recommended to the District Collector to grant permission to the petitioner for removal of savudu from P.W.D. Tank after payment of necessary charges. It is further stated that approval of mining plan and necessary environmental and pollution clearance for quarrying, were also obtained. Petitioner was also directed to pay advance seigniorage fee, security deposit, and Area Assessment Fee, which were also paid by him, in addition to complying with the formalities, as contemplated under Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959 for removal of gravel earth for their business purposes.

The petitioner was permitted to quarry 4750 loads of savudu on 16.09.2011 by the order of the 1st respondent at S. No.173/1, Periyapuliur Village. As per the said order, the petitioner has deposited a sum of Rs.70,875/-. It is his further contention that due to heavy rain and also since he met with a major accident, he could not do quarry operations. Hence, this writ petition.

The learned Special Government Pleader appearing for the respondents had filed a counter affidavit and stated that there was an amendment to Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and a Government Order was issued in G.O. Ms. No.233, Industries (MMC-2) Dept., dated 23.9.2015, which was published in Tamil Nadu Government Gazette No.201 on 23.09.2015.

The learned Special Government Pleader submitted that, as per the above amended rule, no extension would be granted for mining or removing the mineral, for whatsoever be the reason. Therefore, the petitioner cannot ask for extension.

Decision: The High Court has stated that the petitioner has come to this Court seeking extension after eight years and has not given any reason for the delay and laches on his part.

The petitioner has not even furnished a piece of paper in support of the above fact that he met with a major accident and that he was immobilised for eight years. In the absence of any convincing reason, the extension cannot be granted. The learned Special Government Pleader also could not state whether the GO referred above, is applicable retrospectively for those leases, which were granted prior to the amendment of the rule.

The High Court has further stated that even though the petitioner has come to this court seeking a mandamus for extension, he has not approached the first respondent before filing the writ petition, seeking an extension. Without making a request before the first respondent, the petitioner has straight away moved this Court, which cannot be entertained.

Thus, the High Court has dismissed the Writ Petition for want of merit, without any costs.

Petition dismissed.

14. **M/s Surana Minerals Pvt. Ltd., Petitioner v. State of Rajasthan and others, Respondents, AIR 2021, Rajasthan 18, Vol. 108, Part 1286, February, 2021.**

Subject: Writ petitions filed for challenging the (i) legality of notification dated 10.3.2019 issued by the Department of Mines, Government of Rajasthan, for restricting the transportation of feldspar in the forms of grains, chips and gitti out of the State for a period up to 04.10.2021 (ii) validity of Rule 82 of the Rajasthan Minor Mineral Concession Rules, 2017, (iii) the legality and propriety of notification dated 5.10.2018 restricting the transportation of mineral feldspar in lumps out of the State for a period of three years.

Facts: The petitioner Surana Minerals Private Limited, a company registered under the Companies Act, 1956, is engaged in business of grinding of various minerals including feldspar, marble and masonry stones, slabs of marble and other stones. The petitioner was granted permission to operate a Grinding plant at Warjunda, Tehsil-Nathdwara, District Rajsamand for grinding of various minerals including feldspar. After the grant of approval to establish the plant as aforesaid, the petitioner was also granted 'Consent to operate' for grinding of 'Feldspar and Quartz', by the Rajasthan Pollution Control Board vide letter dated 29.6.2016.

The State of Rajasthan has largest deposits of mineral feldspar in the country, around 85%. The mineral feldspar in the form of gitti, grain and chips and powder is used in manufacturing of ceramic products and vitrified tiles. The State of Gujarat is the (18 of 51) [CW-4101/2019] leading producer of ceramic tiles, sanitary wares and other products, wherein feldspar is used as raw material. The petitioner has established an industry with equipment, called Vertical Shaft Impact ('VSI') machine, a grain plant. About 50 such plants are in operation in the State of Rajasthan, which converts the feldspar lump into grain, which are later sent to ball mill for conversion of grain into powder. There are around 3,000 ball mill industries operating in the State of Rajasthan.

There exists one more technology known as 'Washing Plants' for processing of mineral feldspar, wherein mineral feldspar is reduced to finer particles of 150/200/300 mesh size and simultaneously the impurities are removed. There are around 50 such machines operating in Morbi, Gujarat, which are totally automated plants with human interference in minimal. The transportation of mineral feldspar from the State of Rajasthan to State of Gujarat to cater to the need of raw material for automated plant established in Gujarat was adversely affecting 3,000 small-scale industries established in the State of Rajasthan engaged in the activity of converting mineral feldspar lump into gitti, chips and grains and then grains into powder and therefore, in

the first instance the State Government issued notification dated 5.10.18 restricting transportation of mineral feldspar in lumps out of State for a period of three years from the date of publication of the notification in the official gazette. Thereafter, yet another notification dated 10.3.2019 is issued by the State Government on the recommendation of Department of Industry, Government of Rajasthan, to protect the domestic industries and in public interest, to restrict the transportation of mineral feldspar in (19 of 51) [CW-4101/2019] the form of grains, chips and gitti out of the State for a period up to 4.10.21. Hence, these petitions.

The case set out by the petitioner is that notification dated 10.3.2019 issued by the Department of Mines, Government of Rajasthan, in purported exercise of the power conferred under Rule 82 of the Rules of 2017, is issued not to regulate the mines and mineral development within the State of Rajasthan, but to restrict the inter-State trade and commerce, which is per se illegal, void and unconstitutional. According to the petitioner, Section 15 of Mines and Minerals (Development and Regulation) Act, 1957 ('MMDR Act') provides for delegation of power to the State Government to make the rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of the minor minerals and for the purposes connected therewith, but while issuing the impugned notifications, the State authorities have ventured far beyond the powers delegated to them by restricting the movement of goods from one State to another, which is besides being beyond the power conferred under the MMDR Act, is violative of Articles 301, 302, 303 & 304 of the Constitution of India.

A reply to the writ petition has been filed on behalf of the State taking the categorical stand that the impugned notifications regulating the transportation of the mineral feldspar in lumps, gitti, chips and grains have been issued to protect 3,000 ball mills, which fall under the category of 'small-scale industry' and wherein 50,000 people are directly or indirectly employed. It is submitted that the transportation of the mineral feldspar in lump, gitti, chips and grains, outside the State shall result in closure of 3,000 ball mills established in the State of Rajasthan engaged in the activity (20 of 51) [CW-4101/2019] of converting mineral feldspar into powder. It is submitted that while issuing the impugned notifications, the movement of the mineral feldspar as such has not been restricted inasmuch as the mineral in powder form is ultimately sold in inter-State trade and commerce for the use in ceramic industries, basically operating in the State of Gujarat. According to the State, Rule 82 of the Rules of 2017, includes within its ambit power to regulate the transportation of mineral intra-State and inter-State. It is emphasised that the notifications issued nowhere cast any impediment or restriction on trade and commerce but it is only regulating the transportation of mineral, which is permissible under the relevant statute. It is submitted that the notifications have been issued considering overall aspects of the matter in the public interest involved and there is no blanket ban imposed on transportation of mineral as projected by the petitioner. It is submitted that the feldspar in powder form is used as raw material for manufacturing of vitrified tiles and other ceramic products manufactured in the State of Gujarat, the transportation whereof has not been restricted and therefore, there is no violation of Article 301 or 302 of the Constitution of India.

The learned Senior Advocate for the petitioners contended that the Rule 82 framed by the State Government in purported exercise of power conferred under Section 15 of the MMDR Act, in no manner empowers it to restrict the transportation of any mineral out of the State rather, it permits it to restrict or regulate transportation of mineral from 'any area' which obviously refers to area covered by quarry licence or mining lease within the State of Rajasthan. The rule as framed in no manner could be intended to give power to the State Government to restrict the transportation of minerals so as to prohibit its transportation in inter-state trade and commerce inasmuch as any other interpretation of the rule would render it unconstitutional being violative

of Article 19(1)(g), 301 & 302 of the Constitution of India. He relied upon the decision in "State of Gujarat vs. Jayeshbhai Kanjibhai Kalathiya etc.", decided vide Judgment dated 1.3.2019, (AIR 2019 SC 1213). He further contended that by virtue of Entry No.42 of List I of the Schedule VII of the Constitution, the legislation on the subject inter-state trade and commerce is exclusively within the domain of the Parliament and the State Legislature is not even competent to legislate on the subject and thus, the notification issued by the State Government imposing restriction on transportation of mineral feldspar in the form of grains, chips and gitti out of the State amounts to usurping the power exclusively vested in the Parliament. Relying upon Article 304(1)(b) of the Constitution, learned counsel submitted that any restriction on the freedom of (23 of 51) trade or commerce or inter course with or within the State as may be required in the public interest can also be imposed only by way of a bill introduced or moved in the Legislature of the State with previous sanction of the President and thus, viewed from any angle, the impugned notification issued by the State Government being violative of the provisions of Part XIII of the Constitution. Learned counsel also contended that power of the State Government to regulate the grant of mining leases and quarry licence and purposes connected therewith does not extend to the manufacturing activities undertaken by the manufacturers, who have nothing to do with the excavation of the mineral as such. Learned counsel urged that if the impugned notification issued is allowed to stand, it will result in closure of the industries run by the petitioners herein. It is submitted that the petitioners have established the industries after obtaining consent to operate from the Department of Industries and Rajasthan State Pollution Control Board and the petitioners have made huge investment wherein the subsidy is also granted by the Government and thus, the Government in the garb of protecting one industry, cannot create a situation resulting in closure of other industries.

The learned Advocate General appearing for the State contended that Rule 82 of the Rules of 2017, within its ambit include the power to regulate the intra-state and inter-state transportation of mineral, which is a purpose directly connected with the grant of quarry licence and mining lease granted in respect of the minor mineral by the State Government. It is submitted that while exercising the power under Section 15, the State Government has framed the rules only for regulating the grant of quarry licence and mining leases and Rule 82 of the Rules of 2017, in no manner travels beyond the rule making authority of the State Government under the relevant statute. Learned counsel submitted that while issuing the impugned notifications the endeavour of the State Government is to only regulate the activities pertaining to mineral concessions extended in respect of minor mineral feldspar and there is no absolute restriction imposed on transportation of the said mineral out of the State inasmuch as the transportation of feldspar in powder form, which is used as raw material by the ceramic industries is still permissible. Learned counsel submitted that the State has all power to impose restriction of the movement of the mineral in public interest involved in protecting the industries operating in the State, which are bound to be closed if the mineral feldspar in its all form is permitted to be transported out of the State. It is submitted that the impugned notifications issued in no manner imposes a blanket ban on transportation of the mineral as projected by the petitioners. Learned AG would submit that while referring to the provisions of Section 15 of the MMDR Act, the learned counsel for the petitioners has ignored the provisions of Sub-section (1A) of Section 4 of the MMDR Act, 1957. Learned AG further contended that Sub-section (1A) clearly empowers the rule making authority to make the provisions regulating transportation and storage of the mineral. Section 23C also empowers the State Government to make rules for preventing illegal mining, transportation and storage of the minerals. Learned AG emphasised that the impugned notifications issued in no manner restrict the inter-state movement of the mineral feldspar, rather it only regulates the transportation of the mineral in specified forms for specific period, which is well within the power of the State Government under Rule 82 of the

Rules of 2017. Learned AG urged that the prohibition on transportation of the mineral feldspar in the form of grains, chips and gitti out of the State is covered by 'regulation' contemplated under Section 15 of the Act. The learned AG relied upon decisions of the Supreme Court in State of Tamilnadu v. Hindstone, (1981) 2 SCC 205 and PTC India Limited vs. Central Electricity Regulatory Commission (AIR 2010 SC 1338). Learned AG submitted that the decision of the State Government in issuing notification in protecting the domestic industries and employment of 50000 persons is certainly in public interest which does not warrant any interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

Point of Issues:From the rival submissions, the issues which arise for consideration of this Court may be summarised thus:

(i) Whether the Rule 82 of the Rules of 2017 as framed by the State Government travels beyond the rule making power conferred upon it under Sections 15, 23C and 4(1A) of the MMDR Act and therefore, deserves to be declared ultra vires?

(ii) Whether Rules 82 of the Rules of 2017 and the impugned notifications issued by the State Government in purported exercise of the power conferred under Rule 82 of the Rules of 2017 are violative of Part XIII of the Constitution?

(iii) Notwithstanding the provisions of Part XIII of the Constitution, whether the State Government is empowered to restrict the movements of the mineral out of the State in public interest to protect the domestic industries?

(iv) Whether the decision of the Supreme Court in Jayeshbhai Kanjibhai Kalathiya's case (supra) is per incuriam and not a binding precedent on account of non consideration of the provisions of Sub-section (1A) of Section 4 of the MMDR Act as alleged by the respondents?

Decision: The High Court has referred to Rule 82 of the Rules of 2017 and the notifications dated 5.10.18 and 10.3.19, list I Entry No. 54, Hindstone case (supra), M.P.P. Kavery Chetty's case (supra), K.T. Verghese's case (supra), Section 4(IA) & Section 23-C of the MMDR Act, 1957 and held that the impugned notifications impose absolute restriction on the transportation of the mineral feldspar in the specified forms out of the State directly affects the free flow of inter-state trade and commerce of the said mineral which is violative of the provisions of Part XIII of the Constitution. As discussed hereinabove, freedom of trade and commerce within the State or from one State to another cannot be obstructed even by the State Legislature without enacting an appropriate law which satisfies the triad conditions (the legislation under Article 304 (b) triad conditions must be satisfied: (i) previous sanction of the President must be obtained; (ii) the legislation imposing restriction must be in public interest; (iii) the restriction sought to be imposed must be reasonable and as enumerated under Article 304 (b) of the Constitution. In any case, the executive authority has no power to act in any manner which affects or hinders the very essence and thesis contained in the scheme of Part-III of Constitution (vide The Indian Cement & Ors. v. State of Andhra Pradesh: AIR 1988 SC 567). Thus, the impugned notifications issued by the State Government imposing absolute restriction on free flow of the mineral feldspar in the specified form in the inter- state trade or commerce are not sustainable in the eyes of law and deserve to be declared unconstitutional.

The High Court has held that the vires of Rule 82 of the Rules deserves to be upheld, of course, with the declaration that in exercise of the power conferred under the said rule, the State

Government is not empowered to put restriction on transportation of the minerals outside the State and such power can only be exercised so as to regulate the transportation thereof only for the purposes of preventing illegal mining transportation and storage of the mineral and connected therewith. The impugned notifications issued by the State Government in purported exercise of power conferred under Rule 82 of the Rules of 2017, putting restriction on transportation of the mineral feldspar in lumps or in the form of grains, chips and gitti so as to protect the domestic industries and in public interest are ex-facie violative of the provisions of Part XIII of the Constitution and deserve to be quashed.

Accordingly, the High Court has allowed and quashed the impugned notifications dated 5.10.18 and 10.3.19 issued by the Department of Mines, Government of Rajasthan, without any order as to costs.

Petition allowed.

15. **Sajid S. Khan and another, Petitioner v. State of Maharashtra and others, Respondents, AIR 2021 Bombay 49, Vol. 108, Part 1287, March, 2021.**

Subject: The points raised in the writ petition for consideration are-

"(I) Whether the provisions contained in Section 48 of the Maharashtra Land Revenue Code, 1966 would apply to "minor minerals"?

(II) When any action is to be taken for breach of the provisions contained in Section 48 of the Maharashtra Land Revenue Code, 1966 or those contained in the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 framed under the Mines and Minerals (Development and Regulation) Act 1957 in relation to the unauthorised extraction, removal, transportation etc. of minor minerals, which of the two different sets of provisions as contained in Section 48 of the Maharashtra Land Revenue Code, 1966 or in Rule 78 of the Rules of 2013, would prevail ?"

Facts: On 01/02/2018, four vehicles alleged to be owned by the petitioners were carrying sand from the sand ghat situated near Rajura, District Chandrapur to Adilabad. The Naib Tahsildar, Rajura stopped the vehicles and though all the relevant documents were produced and were verified by the Naib Tahsildar, the vehicles were detained. The petitioners claim that they are in the business of transport and they were transporting the sand as per the contract with the Respondent no. 5 who according to the petitioners was holding valid licence for excavation of sand from the ghat at Mudholi Tukum. According to the petitioners, they were having valid permit to transport five brass of sand per day and the action of the Naib Tahsildar in detaining the vehicles on the ground that the sand was being transported in the vehicles in excess of permissible limits, is illegal and unjustified.

According to the respondent-Authorities, the transport permits produced by the drivers of the vehicles did not show the invoice number, period of validity of the transport permits, date of issuance of the transport permits and the date of expiry of the transport permits.

Be that as it may, we are not required to deal with the contentions on merits of the matter and the facts are reproduced only to understand the controversy and for answering the reference.

The learned advocate for the petitioners contended that to urge that the provisions of Sections 48(7) and 48(8) of the Code of 1966 are not attracted if the transporter is found transporting the sand on contract with the holder of mining lease, and consequently action cannot be taken against the transporter under Sections 48(7) and 48(8) of the Code of 1966 on the premise that the transporter has committed breach of those provisions. It is further contended that action is not taken against the holder of mining lease at whose behest the sand was being transported, and therefore action only against the petitioners i.e. the transporters is per se illegal and unsustainable in law. The learned Advocate for the petitioners relied on the cases Suresh Nanda v. C.B.I.(AIR 2008 SC 1414); Sharat Babu Digumarti v. Government (NCT of Delhi) (AIR 2017 SC 150).

Learned Addl. Govt. Pleader submitted that the Rules of 2013 and the Code of 1966 operate in different situations. Rule 70 of the Rules of 2013 lays down that the procedures for auction, disposal, terms and condition with the auctioneer etc. shall be specified by way of executive instructions by the Government which in the present case as per Rule 2(m) of the Rules of 2013 is the Government of Maharashtra, and accordingly the Government of Maharashtra is issuing executive instructions from time to time laying down the procedures for auction, disposal, terms and condition with the auctioneer etc. It is argued that the executive instructions issued by the Government of Maharashtra in exercise of the powers conferred by Rule 70 of the Rules of 2013 therefore have the force of law.

Learned Addl. Govt. Pleader relied on the case of Quarry Owners' Association v. State of Bihar and others (AIR 2000 SC 2870).

Point of Issues -

(i) The Code of 1966 would apply only when question of levy and recovery of the land revenue arises and the provisions cannot be made applicable ANSARI when rights in the government land are assigned to private individual.
(ii) The Act of 1957, and the Rules of 2013 which are made in exercise of the powers conferred by Section 15 of the Act of 1957, are complete code and the provisions thereof deal with the aspects of grant of permits for excavation of minor minerals and the matters related thereto including the transport of excavated minor minerals and the punishments for breach / breaches.

(iii) The Act of 1957 and the Rules of 2013, being the special law for regulating the matters relating to minor minerals, would prevail over the provisions of the Code of 1966 which is a general law in the matter.

Decision: The High Court has stated that Section 48(8)(1) of the Code of 1966 empowers the Authorities under the Code of 1966 to seize and confiscate any means of transport, deployed to transport the minor minerals extracted unauthorisedly. Section 48(8)(2) of the Code of 1966 deals with the mechanism to be adopted after seizure of such means of transport used for excavation of the minor minerals unauthorisedly. As recorded earlier, there is no challenge to the legality and / or constitutionality of the provisions of Sections 48(8)(1) and 48(8)(2) of the Code of 1966. Hence, the argument that action cannot be taken against the transporter only cannot be accepted. Another fallacy in this submission is that a wrongdoer cannot allege that action cannot be taken against him only because action is not taken against another wrongdoer. It would be highly improper and hazardous to set free a wrongdoer, exercising extraordinary jurisdiction under Article 226 of the Constitution of India, only on the ground that action is not taken against the co-wrongdoer. Moreover, exercising the extraordinary jurisdiction under Article 226 of the Constitution of India and setting free a wrongdoer only because action is not taken against the co-wrongdoer will result in aborting the process, and not only setting free a wrongdoer but would also result in protecting the co-wrongdoer against whom action may be taken by the Competent Authority later on also. The petitioners have not been able to point out any provision which casts an obligation on the concerned authority to initiate action against all the wrongdoers simultaneously and if it is not done, action cannot be initiated against one particular wrongdoer. We find that the Division Bench while deciding Criminal Writ Petition No. 1105/2017 failed to examine all these relevant aspects and accepted the submissions made on behalf of the petitioner therein without recording any reasons therefor.

The High Court has held that Sections 48(7) and 48(8) of the Code of 1966 can be invoked against a transporter also, even when assignee is not proceeded against. Whether transporter is liable for penalty prescribed by Section 48(8) of the Code of 1966 would depend on the outcome of adjudication by the Competent Authority under the Code of 1966, depending on the factual aspects regarding breach of any condition of the transport permit by the transporter. The High Court has further held that proposition in Para no. 6 of the judgment delivered in Criminal Writ Petition No. 1105/2017 (Neha D/o Anil Agre v. State of Maharashtra & ors.) does not lay down the correct position of law.

The High Court has ordered that the papers be placed before appropriate Bench for deciding the petition on merits.

Order accordingly.

16. **M/s Jindal Steel & Power Limited and another, Petitioner, v. State of Odisha & others, Respondents, AIR 2021, Odisha 41, Vol. 108, Part 1287, March, 2021.**

Subject: The Petitioner praying for issuance of a writ of mandamus to quash the notice dated 03.03.2009, issued by the Asst. Collector-in-Charge-cum-Tahasildar, Banarpal, directing to pay an amount Rs 1,23,57,883.00/- towards Royalty, Penalty Surface Rent and Dead Rent by 13.03.2009 in terms of Rule 68(1)(i) of the Orissa Minor Minerals Concession Rules, 2004.

Facts : The Jindal Steel & Power Limited is a Company incorporated under the provisions of the Companies Act, 1956, having its Registered Officer at Delhi Road, Hissar, Haryana. The Petitioner no. 1-Company is setting up an Integrated Steel Plant at Similipada, district Angul in the State of Odisha. The petitioner no. 2 is the Head of the Department (F & A) of the Petitioner no. 1-Company and is a citizen of India. The Petitioner no. 1-Company entered into a Memorandum of Understanding (MoU) with the Government of Odisha on 03.11.2005 for setting up of a Beneficiation Plant at Deojhar, Keonjhar and Integrated Steel Plant at Angul having production capacity of 6 MTPA and 1100 MW Captive Power Plant with a total investment of Rs 22,420 crores. In the said MoU, the State Government had promised to extend various facilities in respect of land, water, electricity, coal and iron ore for setting up the proposed 6 MTPA Steel Complex.

In pursuant to the MoU dated 03.11.2005, the Orissa Industrial Infrastructure Development Corporation Limited (IDCO) executed lease deed dated 30.07.2007 for outright payment for industrial plots with the Petitioner no. 1-Company for lease of land comprising of Ac.346.46 dec. at a total consideration of Rs 8,18,46,941/- subject to the terms and condition mentioned in the lease deed. The Petitioner no.1-Company requires approximately 5750 acres of land for setting up the Steel Plant, out of which IDCO has already leased out a total area of 2900 acres of land including Government and Private Lands by executing lease deeds (including Lease Deed dated 30.07.2007) with the Petitioner no.1-Company for setting up of the proposed steel plant. After the possession of the lands, the same were handed over to the Petitioner no. 1-Company. The Petitioner no.1-Company started construction of raising boundary wall of the Steel Plant in terms of the MoU dated 03.11.2005.

It is submitted that as the leased out land in terms of lease deed dated 30.7.2007 for Ac.346.47 dec. (including Ac.112.75 dec. of land in Village Basudevpur) comprised of both low lying area as well as rocky and uneven surface, the Petitioner no.1-Company, in order to set up the integrated steel plant, had to make the filling, leveling and grading of land by cutting uneven surface by removing earth, stone and moorum from the said uneven surface of the lease out area and utilizing the same for filling up/leveling/grading the low lands of the leased out area. It

is pleaded that the Petitioner no. 1-Company has never dug out/excavated anything from the leased out land for winning of any minor mineral excepting cutting uneven surface as well as removing earth, stone and moorum from the said uneven surface of the leased out area and utilising the same for filling up/leveling/grading the low lands within the leased out area.

It is relevant to mention that the sand, earth, stone and moorum generated during cutting of uneven surface of land have never been utilised for any construction purpose nor have been transported and/or removed out of the leased hold area granted by IDCO for setting up of the steel plant. The said sand, earth, stone and moorum generated from cutting of uneven surface of land were used only for filling, leveling and grading of low lying land within the lease hold area of the Petitioner no. 1-Company. Such leveling and grading work is neither a quarry nor a mining operation. Further such leveling/grading work is only to make the leased out land feasible for setting up of the steel plant.

It is submitted that the Petitioner no. 1-Company has obtained the lease of Ac.346.47 dec. vide Lease Deed dated 30.7.2007 from IDCO for the purpose of setting up of its Steel Plant. Petitioner no. 1 Company - has never obtained either any Prospecting Licence under Chapter-II or Mining Lease under Chapter-II or Quarry Lease under Chapter-IV or Quarry Permit under Chapter-V nor participated in any auction under Chapter-VI of the Rules 2004 for winning i.e. extraction and/or removal of any Minor Minerals.

The Tahasildar, Banarpal (opposite Party no. 3) issued notice dated 16.2.2009 to the Executive Director of Petitioner no.1-Company alleging therein that the Petitioner no.1- Company has unauthorised extracted and removed 870029 cu.m of Earth in Village Basudevpur (over Ac.112.75 dec. of land in Village Basudevpur) and has used in constructions/maintenance of different civil work, without obtaining prior permission from the Competent Authority, which is illegal extraction & removal or minor minerals as per Rule 68(1)(i) of the Rules, 2004 and directed the Petitioner no. - 1 Company to show cause as to why Royalty and Penalty amounting to Rs 1,23,57,883.00/- should not be realised for such illegal activity.

The opposite Party no. 1 contended that the writ petition is not maintainable as it devoids of merit and liable to be rejected. The opposite Party no. 1 further claims that the similar issue arose before the Hon'ble Supreme Court in Civil Appeal No. 2235 of 1996, wherein the Hon'ble Supreme Court has held that the use of minor minerals on the railway track, after being excavated from the land, not coming under the expression “bona-fide domestic consumption”, the said operation would be a quarrying operation under Rule 2(o) of Orissa Minor Minerals Concession Rules, 1990 and consequently the Railway Administration though not a lessee and

at the same time is not authorised under Rule 3 to undertake any quarrying operation for the purpose of extraction of minor minerals, then for such unauthorised action, the Railway Administration would be liable for penalties, as contained in Rule 24 of the Orissa Minor Minerals Concessions Rules 1990. This being the position and in view of the prohibition contained in Sub - rule 2 of Rule 10 of the Orissa Minor Minerals Concessions Rules, 1990 and taking into account the fact that such minor minerals would be absolutely necessary for laying down the railway track and maintenance of the same, the Hon'ble Supreme Court held that the Railway Administration would be bound to pay royalty for the minerals extracted and used by it in laying down the railway track.

The opposite Party No. 1 in reply to averments made in Para 8, submitted that the petitioner has neither been permitted to extract/remove the minor minerals such as earth, stone, moorum from the said site nor the petitioner has sought for any permission from the Government for the same. It is further pleaded by the opposite Party no. 1 that the sand, earth, stone and moorum generated from the cutting of uneven surface of leased out land and utilisation of the same for filling, leveling and grading of low lying land within the lease hold area of the petitioner is certainly not a 'bona-fide domestic consumption, rather it is commercial activity. Hence, the Petitioner No. 1-Company is liable for royalty and penalty for utilisation of the earth, stone, sand and moorum in leveling/grading the lease hold area in terms of the provisions of the Act and the Rules governing the Minor Minerals. Such leveling and grading work do not come under the expression of 'bona-fide domestic consumption. It is a quarrying operation for the purpose of extraction of minor minerals.

The opposite Party Nos. 2 and 3 have filed their counter affidavit stating that the alternative forum available under Rule 64 of the Orissa Minor Minerals Concessions Rule has not been exhausted, hence, the writ petition is not maintainable.

The opposite parties claim that the present petitioner is not the owner of the lease in question, if only has the lease hold rights over the same and cannot use generated minor minerals for bona-fide domestic consumption.

Decision : The High Court has referred to the case and opinion that the judgment rendered in the reported case of State of Odisha v. Union of India (supra), and opinion that this is a case, whether the case of the petitioners being a lessee under the IDCO falls within the ambit and scope of person/corporation is liable to pay royalty and penalty. In view of the Judgement passed in the aforesaid case, view taken by this Court in Nalini Kumar Das v. State Of Odisha & Ors. (supra) can be held to be in proper proposition of law, if the Railways, who has become

the owner of the property, is held liable to pay royalty under the Orissa Minor Minerals Concession Rules, 2004. This High Court has further opined that Tahasildar, Banarpal-opposite Party no. 3 issued a notice to the petitioners Company to pay royalty and penalty and to show cause. If the petitioners Company has any issue, it could have raised before the Tahasildar, Banarpal. However, they have not filed any show cause and have come to the Court directly. The principle of natural justice is not violated in this case, as the petitioner had option to file show cause before the Tahasildar, Banarpal, inter-alia, raising all such issues, law and fact regarding their non-payment of royalty and penalty. So, there is no violation of the principle of natural justice.

The High Court has also stated that a notice was issued to the Executive Director of the petitioners Company on 16.2.2009. The reply was given by the petitioners Company on 25.2.2009 and after considering the same, the Asst. Collector-In-Charge-cum-Tahasildar, Banarpal, has passed the order on 03.03.2009. The lease agreement has also been entered into on 30.07.2007. It is also apparent from the records that the notice dated 16.2.2009 has been filed by the petitioners Company, wherein show-cause was called from the petitioners Company. Thus, in view of the aforesaid fact, the Orissa Minor Minerals Concession Rules, 2004 will be applicable to the present case. Rule-68 of the said Rules provides for penalties. Sub-rule (4) of Rule 68 of the said Rules provides for recovery of rent, royalty or tax from such person the mineral so raised. It is argued on behalf of the petitioners Company that in this case, the Orissa Industrial Infrastructure Development Corporation, IDCO Towers, Janpath, Bhubaneswar has made an agreement with the petitioners Company for grant of lease comprising of Ac.346.47 of land for establishment of 6.00 MTPA Integrated Steel Plant and 900 MW Captive Power Plant Project. Hence, it is argued that this is not a lease which is leviable with royalty for extraction of minor minerals. Any other improvement or development is purely the responsibility of the lessee. Clause 14 of the lease agreement, relied upon by the Petitioners Company to the writ petition provides that the lessor's reserved right will be waived including the minor minerals or if any area covered by the lease and the lessee will have the surface rights over the land. Thus, if the petitioners Company uses minor minerals in any way, it is violation of the conditions of lease agreement.

This High Court has opined/held that even if a lessee of a quarry lease or mining lease is liable to pay royalty, even for minor minerals, then the land occupier, being a lessee under a lease agreement either with the Government of Odisha or any of its corporation, where the lessor has

reserved the right to the minerals including minor minerals, then such use of minor minerals for the purpose of the developing the land and for labeling the land, is also liable to pay royalty and in default to pay penalty.

Thus, this High Court has dismissed the writ petition for devoid of merit, without any orders as to costs.

Petition dismissed**.**

SECTION -2

Trend in Mining, Prospecting and Reconnaissance

2.1 TREND IN MINING

A. Mining Leases Granted

During the period under review, the information pertaining to the grant of 12 mining leases covering an area of about 3,806.37 hectares was received. Of these, Iron ore accounted for 01 mining lease followed by 11 mining leases for Limestone.

Reviewing areawise, mining lease granted for Limestone covered over an area of 3,781.90 ha, followed by Iron ore covered over an area of 24.47 ha.

Reviewing Statewise, number of mining leases and area granted in Madhya Pradesh were 08 leases with 2,501.45 ha, while that of Gujarat were 02 with 524.31 ha, Maharashtra 01 with 756.14 ha and Karnataka 01 with 24.47 ha.

The mineralwise number of mining leases granted together with lease area and details of mining lease granted are given in Tables 1 A & 1 B, respectively

Table – 1 A: Details of Mining Leases Granted (By Minerals)

Mineral	No. of Mining Leases Granted	Area in ha
Iron ore	01	24.47
Limestone	11	3781.90
Total	**12**	**3806.37**

Table – 1 B: Details of Mining Leases Granted

Mineral	State/ District	Village	Area in ha	Date of Grant	Period in years	Name & Address
Iron ore	Karnataka/ Ballari	Nandihalli	24.47 (Within CEC)	06.03.2021	-	Kirloskar Ferrous Industries Ltd, Laxmanrao Kirloskar Road, Khadki, Pune – 411 003
Limestone	Madhya Pradesh/ Dhar	Rodada	42.85	13.01.2021	50	Satguru Cement Private Limited, 601-A, Airen Heights, PU-3, Scheme No. 54, opp. C-21 Mall, A.B. Road, Indore -452010 (M.P.)
Limestone	Madhya Pradesh/ Neemuch	Borkhedi and Nayagaon	453.42	30.12.2020	50	Ultratech Cement Limited (Unit : Vikram Cement Works), Dist: Neemuch, Khor, Madhya Pradesh, India, 458 470

Contd….

Table – 1 A (Contd.)

Limestone	Madhya Pradesh/ Satna	Bathiya, Barhiya, Chapna, Tamoriya and Karondidubey	266.30	13.01.2021	50	AAA Resources Pvt. Ltd, Industry House, II[nd] Floor, Churchgate Reclamation, Mumbai- 400 020
Limestone	Madhya Pradesh/ Dhar	Rodada	44.46	15.01.2021	50	Satguru Cement Private Limited, 601-A, Airen Heights, PU-3, Scheme No. 54, opp. C-21 Mall, A.B. Road, Indore -452010 (M.P.)
Limestone	Maharashtra/ Chandrapur	Persoda, Kothoda Khurd, Kothoda Buzurg and Govindpur	756.14	14.01.2021	50	RCCPL Private Limited, Industry House, Second Floor, 159, Churchgate Reclamation, Mumbai- 400 020
Limestone	Madhya Pradesh/ Dhar	Badiya	04.02	25.01.2021	50	Satguru Cement Private Limited, 601-A, Airen Heights, PU-3, Scheme No. 54, opp. C-21 Mall, A.B. Road, Indore -452010 (M.P.)
Limestone	Madhya Pradesh/ Dhar	Kheri Balwari	14.42	25.01.2021	50	Satguru Cement Private Limited, 601-A, Airen Heights, PU-3, Scheme No. 54, opp. C-21 Mall, A.B. Road, Indore -452010 (M.P.)
Limestone	Madhya Pradesh/ Dhar	Bekalya	95.00	25.01.2021	50	Satguru Cement Private Limited, 601-A, Airen Heights, PU-3, Scheme No. 54, opp. C-21 Mall, A.B. Road, Indore -452010 (M.P.)
Limestone	Gujarat/ Gir Somnath	Lodhva Padurka	136.18	05.03.2021	50	Gujarat Sidhee Cement Limited, At Sidheegram, Post-Prashnavada BO Via Sutrapada SO, Dist: Gir Somanth, Gujarat- 362 275
Limestone	Gujarat/ Gir Somnath	Lodhva	388.13	05.03.2021	50	Gujarat Sidhee Cement Limited, At Sidheegram, Post-Prashnavada BO Via Sutrapada SO, Dist: Gir Somanth, Gujarat- 362 275
Limestone	Madhya Pradesh/ Satana	Bairiha and Choramari	1580.98	22.02.2021	50	Prism Johnson limited., Rajdeep, Rewa Road, Dist: Satna, Madhya Pradesh- 485 001

B. Mining Leases Executed

Table – 2 A : Details of Mining Leases Executed (By Minerals)

Mineral	No. of Mining Leases Executed	Area in ha
Iron Ore	01	24.47

Table – 2 B : Details of Mining Leases Executed

Mineral	State/ District	Village	Area in ha	Date of Execution/ Registration	Period in Years	Name & Address
Iron ore	Karnataka Ballari	Janikunta	24.47	08.03.2021	50	Kirloskar Ferrous Industries Ltd., Laxmanrao Kirloskar Road, Khadki, Pune – 411 003

Table – 2 C : Execution of Rectification Deed (By Minerals)

Mineral	State/ District	Village	Area in ha	Date of Execution*	Name & Address
Iron ore	Karnataka Ballari	Malgolla (S.M. block)	21.03 (FC area)	10.02.2021	JSW Steel Limited, JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai-400051

***** Original deed executed on 17.03.2018.

C. Mining Lease Period Extended

During the period under review, the information pertaining to the extension of mining lease period for 13 Mining Leases covering an area of about 1,932.127 hectares was received. Of these, limestone accounted for 06 mining leases followed by iron ore 03 leases and manganese ore 01 lease. In addition to these, the mining leases extended in respect of 02 or more minerals are dolomite, iron ore & calcite 01 lease, iron ore, manganese & clay 01 lease and limestone & dolomite 01 lease.

Reviewing areawise, limestone accounted for 1,158.397 ha followed by iron ore with 671.63ha, manganese ore 20.23 ha, iron ore, manganese & clay 64.35 ha, dolomite, iron ore & calcite 12.66 ha and limestone & dolomite 4.86 ha.

Reviewing Statewise, the number of mining leases for which period was extended in Karnataka State was 09 with an area about 1,497.167 ha, 2 leases in Gujarat over an area of 62.04 ha, 1 lease in Telangana over an area of 360.26 ha and 1 lease in Andhra Pradesh over an area of 12.66 ha.

The mineral wise number of mining lease period extended together with lease area and details of mining leases extended are furnished in Tables 3A & 3B.

Table – 3A: Details of Mining Leases Period Extended
(By Minerals)

Mineral	No of Mining Leases Extended	Area in ha
Iron Ore	03	671.63
Limestone	06	1158.397
Manganese ore	01	20.23
Dolomite, Iron Ore & Calcite	01	12.66
Iron ore, Manganese and Clay	01	64.35
Limestone and Dolomite	01	4.86
Total	**13**	**1932.127**

Table – 3 B : Details of Mining Leases Period Extended

S. No.	Mineral	State/ District	Village	Area in ha	Date of Extension	Date up to which lease period extended	Name & Address
1	Dolomite Iron ore & Calcite	Andhra Pradesh/ Kurnool	Valasala(V) & Dhone	12.66	16.03.2021	23.12.2047	Smt. D. Venkata Subbamma, Chinna Mallapuram (V), Dhone(M) District:-Kurnool Andhra Pradesh
2	Iron ore	Karnataka/ Ballari	Saneevarayankote	42.42 (As per CEC)	08.01.2021	01.12.2050	Allum Prashant Gadigi Palace, Car Street Ballari-583 101
3	Iron ore	Karnataka/ Ballari	Donimali Range	597.54 (As finalized CEC)	12.02.2021	03.11.2038	National Mineral Development Corporation Ltd. 10-03-311/A, Khanja Bhavan, Castle Hills, Masab Tank, Hyderabad
4	Iron ore	Karnataka/ Ballari	Jambunathanahalli	31.67 (As per CEC)	10.03.2021	07.03.2022	Allum Basavaraj, Gadigi Palace, Car Street, Ballari - 583 101
5	Iron ore, Manganese and Clay	Karnataka/ Tumakuru	Sondenahalli	64.35 (As per CEC)	25.02.2021	10.11.2043	Tumkur Minerals Pvt Ltd. Ramanashree Chambers, 102, Ist Floor, 37 Lady Curzon Road, Bengaluru-560 001
6	Limestone	Gujarat/ Junagadh	Bhotali	51.92	11.01.2021	16.04.2052	Bharat Chemical Industries 12, Manichandra Society Part-1, Surdhara Circle, Thaltej, Ahmedabad
7	Limestone	Karnataka/ Belgavi	Yadwad	4.85	25.02.2021	14.01.2060	Mallappa Shivappa Chekkennaavar, S/o Shivappa, Gokal Taluk, District: Belgavi, Yadwad- 591 136.

Contd….

Table – 3A Contd….

8	Limestone and Dolomite	Karnataka/ Bagalkote	Varchagal	04.86	10.03.2021	01.06.2051	Sudhakar S. Sarwad Maharaja Colony, Mudhol taluka, District:Bagalkot, Karnataka
9	Limestone	Karnataka/ Kalburgi	Malkakhed, Anaganhalli and Udagi	715.987	15.03.2021	03.08.2031	Ultra Tech Cement Ltd. (Unit-Rajashree Cement Works) Nrupatungnagar, Malkhed Road, Sedam Taluka, Kalburgi-585 292
10	Limestone	Gujarat/ Porbandar	Kuchhadi	10.12	06.04.2021	19.10.2027	Meraman Chanabhai Modhwaida , Ambar vihar-2, Wadi Plot, Porbandar, Dist:Porbandar, Gujarat- 360 575
11	Limestone	Karnataka/ Bagalkote	Varchagal & Palkimanya	15.26	30.03.2021	14.11.2036	Vinayakant P. Patel Bagalkot Road, Lokapur District: Bagalkot, PIN- 587 122
12	Limestone	Telangana/ Peddapalli	Palakurthy & Thakkallapally	360.26	09.02.2021	31.03.2030	Kesoram Cements Prop: Kesoram Cement Industries Ltd., Basanthnagar, Ramagundam (M). District: Peddapalli Telangana
13	Manganese ore	Karnataka/ Chitradurga & Davangere	Bahadurgatta and Gummanur	20.23	11.02.2021	21.03.2029	K. Chandranath L.R. of K. Vishwanath No. 15, VIII ward Sakri Karadeppa Street Ballari.
Govt. of Andhra Pradesh Order regarding 'Renewal of Mining Lease for Manganese ore over an extent of 29.48 ha in Poran RF Block-II, Village Chinthalavalsa, Ramabhadrapuram Mandal, Vizianagram District in favour of Smt. Y. Suvarchala as 50 years from 30.08.1957 to 29.08.1977 (20 years) and 27.08.1997 to 26.08.2027 (30 years) duly excluding the gap period of non - possession of lease period-orders-Issued received vide Letter no. G. O. MS. No. 13 dated 10.03.2021.							

D. Mining Leases Executed after Grant of Extension of Mining Lease Period

Table – 4: Details of Mining Leases Executed after Grant of Extension of Mining Lease Period

Mineral	State/ District	Village	Area in ha	Date of Execution/ Registration	Date up to which lease period extended	Name & Address
Iron	Karnataka/ Ballari	ML no.1893	31.67	10.03.2021	07.03.2022	Allum Basavaraj, Gadigi Palace, Car Street, Ballari - 583 101

E. Mining Leases Renewed/ Revived/Restored

Table – 5: Details of Mining Leases Renewed/Revived/Restored

Mineral	State/District	Village	Area in ha	Date of Renewal	Period in Years (From date of Execution/ Registration)	Name & Address
No such information is received during the period.						

F. Mining Leases Revoked

Table – 6: Details of Mining leases Revoked

Mineral	State/ District	Village	Area in ha	Date of Revoke	Name & Address
No such information is received during the period.					

G. Mining Leases Determined

Table – 7: Details of Mining Leases Determined (By Minerals)

Mineral	State / District	No. of Mining Leases Determined	Area in ha
No such information is received during the period.			

H. Mining Leases Surrendered

Table – 8: Details of Mining Leases Surrendered

Mineral	State / District	Village	Area in ha	Date of Surrender	Name & Address
No such information is received during the period.					

I. Mining Leases Terminated

Table – 9: Details of Mining Leases Terminated

Mineral	State / District	Village	Area in ha	Date on which Lease Terminated	Name & Address
No such information is received during the period.					

J. Mining Leases Transferred

Table – 10A: Details of Mining Leases Transferred

Mineral	State / District	Village	Area in ha	Name and Address		Valid up to year	Date of Transfer of Deed
				Transferor	Transferee		
No such information is received during the period							

Table – 10B: Details of Transferred Mining Leases Executed / Registered

Mineral	State / District	Village	Area in ha	Name and Address		Period (in Yrs)/ Dt of expiry.	Date of Execution/ Registrationof Transfer Deed
				Transferor	Transferee		
No such information is received during the period.							

K. Mines Opened

Table – 11: Details of Mines Opened

Mineral	State/District	Name of Mine	Village	Date of Opening	Area in ha	Name & Address
No such information is received during the period.						

L. Mines Temporarily Discontinued

Table – 12: Details of Mines Temporarily Discontinued

Mineral	State/ District	Name of Mine	Village	Date of Discontinuance	Reason	Area in ha	Name & Address
No such information is received during the period.							

M. Mines Reopened

Table – 13: Details of Mines Reopened

Mineral	State / District	Name of Mine	Village	Date of Reopening	Area in ha	Name & Address
No such information is received during the period.						

N. Mines Abandoned

Table – 14: Details of Mines Abandoned

Mineral	State / District	Name of Mine	Village	Date of Abandonment	Reason	Area in ha	Name & Address
No such information is received during the period.							

2.2 TREND IN PROSPECTING

A. Composite Licences Granted

Table – 15 : Composite Licences Granted (By Minerals)

Mineral	State / District	Village	Area in ha	Date on which Licences Granted	Period in Years	Name & Address
No such information is received during the period.						

B. Prospecting Licences Granted

Table – 16 : Prospecting Licences Granted (By Minerals)

Mineral	State / District	Village	Area in ha	Date on which Licences Granted	Period in Years	Name & Address
No such information is received during the period.						

C. Prospecting Licences Executed

Table – 17 : Details of Prospecting Licences Executed

Village	Mineral	State / District	Area in ha	Date of Execution	Period in Years	Name & Address
No such information is received during the period.						

D. Prospecting Licences Renewed

Table –18 : Mineralwise Details of Prospecting Licences Renewed

Mineral	No. of Mining Leases Renewed	Area in sq. km
No such information is received during the period.		

E. Prospecting Licences Revoked

Table – 19: Details of Prospecting Licences Revoked

Mineral	State/District	Village	Area in ha	Date of Revoke	Name & Address
No such information is received during the period.					

2.3 TREND IN RECONNAISSANCE PERMITS (R.P.)

Table – 20: Details of Reconnaissance Permits

Mineral	State/District	Area in sq. km	Date of Approval of Grant	Name & Address
No such information is received during the period.				

SECTION -3

Highlights

A. DOMESTIC

NMDC RESTARTS OPERATIONS AT DONIMALAI IRON ORE MINE

The State owned iron ore mining major in a regulatory filing has informed that after obtaining the Lease extension of the Donimalai Iron Ore Mine (ML-2396) for 20 years from the Karnataka Government and completing the associated statutory requirements, the Company's Donimalai Iron Ore Mine was restarted in 2018. The Donimalai mine is set to boost ore output of the Company by about 7 million tonnes in full year of operation at about permitted 0.5-0.6 MT per month. It's full impact will be felt in the next fiscal. The long pending issue of Donimalai mine, has finally concluded through the endeavour of the Government. The decision has not only paved way for operationalisation of the mine but also is timely as the country's steel companies are facing shortage of supply of iron ore. The Centre, while exercising the power under Section 31 of the MMDR Act, 1957, reached at an agreement with the Government of Karnataka and Ministry of Steel to extend Donimalai Iron ore lease. The Donimalai Iron ore mine has total concession area of 597.54 hectares and estimated resource of 149 MT. The mining operations will help more than two dozen SMEs near Donimalai area that were directly or indirectly dependent on NMDC for supply of raw material.

The Business Line - 20th February, 2021.

GOVERNMENT CUTS IMPORT DUTY ON GOLD, SILVER

The Government announced to cut in import duty on gold and silver, a move that will help bring down prices of these precious metals in the domestic market and boost exports of gems and jewellery. The duty was reduced on other precious metals including gold dore bar, silver dore bar, platinum, gold/silver findings, and precious metal coins. Gold and silver presently attract a basic customs duty of 12.5 %. Since the duty was raised from 10 % in July 2019, prices of precious metals have risen sharply. To bring it closer to previous levels, we are rationalising customs duty on gold and silver. The customs duty on gold and silver was reduced to 7.5 %. The duties on other precious metals were cut down to 6.9 % on gold dore bar from 11.85 %; 6.1 % on silver

dore bar from 11 %; 10 % on platinum from 12.5 %; 10 % for gold/silver findings from 20 %; and 10 % on precious metal coins from 12.5 %.

The Hitavada - 02th February, 2021.

GOVT REDUCES CUSTOMS DUTY ON CERTAIN STEEL ITEMS TO PROVIDE RELIEF TO MSMES

The Government announced slashing of import duties on a number of steel items in order to provide relief to MSMEs, which have been hit hard by the high cost of raw materials. MSMEs and other user industries have been severely hit by the recent sharp rise in iron and steel prices. Consequently, the Government announced reducing of customs duty uniformly to 7.5 per cent on semis, flat, and long products of non-alloy, alloy, and stainless steels. The existing duty on primary/semi-finished products of non-alloy steel, long products of non-alloy, stainless and alloy steel is 10 per cent, while on flat products of non-alloy and alloy-steel the duty ranges between 10 per cent and 12.5 per cent. The duty on all these items has been lowered to 7.5 per cent. The 2.5 per cent duty on iron and steel melting scrap, including stainless steel scrap, and raw materials used in the manufacture of CRGO (Cold Rolled Grain Oriented) steel has been lowered to nil in the Budget.

Press Trust of India, New Delhi 01 February, 2021.

CUT IN DUTY TO ABET STAINLESS STEEL IMPORTS

The huge funding in infrastructure tasks is predicted to spice up metal demand whereas the reduction import responsibility on sure metal merchandise is predicted to open up doorways for imports. Temporary revocation of Anti-Dumping and Countervailing Duty is predicted to open floodgates for imports of chrome steel flat merchandise from China and Indonesia and will damage home manufacturing. This is not going to solely hamper Indian production however will turn many MSME producers into merchants. The Government’s geopolitical stand on banning Chinese apps on one hand and easing bulk commerce on the opposite runs opposite to the targets of Atmanirbhar Bharat and $5 trillion economy-dream. Stainless metal constitutes solely three per cent of the metal requirement within the nation, however it accounts for over 35 per cent MSME suppliers who will probably be hit adversely by this choice.

Newswrap India February 1,2021

CABINET CLEARS PRIVATISATION OF RASHTRIYA ISPAT NIGAM

The Cabinet has approved privatisation of steel-maker Rashtriya Ispat Nigam Ltd (RINL), the 'navratna' PSU which runs the 7.3 million-tonne capacity Visakhapatnam Steel Plant. The Government currently holds 100 per cent stake in the Company that makes long products used in construction. While approving the strategic disinvestment of RINL a few days ago, the Cabinet delegated powers to the Alternative Mechanism headed by the Finance Minister to decide whether the subsidiaries of RINL will be part of the transaction, depending on the feedback from potential investors. RINL runs two subsidiaries – The Orissa Minerals Development Company Ltd (OMDC) and The Bisra Stone Lime Company Ltd (BSLC). OMDC operates six iron ore and manganese ore mining leases at Barbil in Odisha's Keonjhar district. The leases are Dalki manganese mines, Kolha Roida iron & manganese mines, Thakurani iron & manganese mines, Belkundi iron and manganese mines, Bariaburu iron mines and Bhadrasai iron & manganese mines. The lease rights of all the six mines have expired and are not in operation for want of statutory clearances, for which necessary action is being taken by the Company to re-start mining. BSLC undertakes mining and marketing of limestone and dolomite. The mines are located at Birmitrapur in Orissa's Sundargarh district, with reserves of about 287 million tonnes of dolomite and 367 million tonnes of limestone. RINL also runs RINMOIL Ferro Alloys Pvt Ltd, an equal joint venture with MOIL Ltd and RINL Powergrid TLT Pvt Ltd, also an equal joint venture with Power Grid Corporation of India Ltd.

Business Line, – 03 February, 2021

GOVT PLANS INCENTIVE FOR STARTING PRODUCTION EARLY FROM AUCTIONED MINES

The Government plans to provide incentive to mineral block allocatees for early commencement of production from the auctioned mines, a move aimed at increasing mineral output of the country and reducing imports. The Mines Ministry plans to do the same through amendment of the mining rules and has sought comments and suggestions from stakeholders on the same. The Ministry of Mines has prepared the Mineral (Auction) Amendment Rules, 2021 seeking to amend Mineral (Auction) Rules,

2015. As part of the prelegislative consultation policy, the draft Amendment Rules are made available. Comments /suggestions are invited from the general public, Governments of States and Union Territories, Mining Industry, stakeholders, industry associations, and other persons and entities concerned, on the draft Amendment Rules, the Mines Ministry said in a notice. A High Level committee (HLC) headed by Vice Chairman, NITI Aayog, on mines, minerals and coal sectors was constituted by the Government to give recommendations for enhancing exploration and domestic production, reducing imports and achieving rapid growth in exports. The panel in its report on the Coal Sector has recommended that the Ministry of Mines may also adopt the methodology for commercial auction as per the recommendation of the Coal Sector.

One of the recommendations in the panel report is for providing incentive to successful bidders for early commencement of production from the auctioned mines. “In view of the HLC recommendations, it has been decided to provide in the Mineral (Auction) Rules, 2015, that for fully explored blocks, there would be a 50 per cent rebate in the quoted revenue share, for the quantity of mineral produced and dispatched earlier than scheduled date of production as provided in tender document," as per Ministry source. The incentive will encourage the lessee to operationalise the mine and start production at an early date thereby, increasing the mineral production in the country. The objective of the amendment is to make minerals available in the market at the earliest considering that minerals are input to several industries. "Accordingly, a draft amendment to Rule 13 of the Mineral (Auction) Rules, 2015 has been proposed.

Press Trust of India, New Delhi, January 26, 2021

GOVT APPROVES PROPOSAL FOR MINERAL REFORMS TO BOOST PRODUCTION: REPORT

The Cabinet approved a proposal for mega mineral reforms, a move that will boost mineral production in the country and bring more mineral blocks into auction. These reforms will be implemented through an amendment to the Mines and Mineral (Development and Regulation) Act, 1957 for which a bill will be placed in Parliament in the upcoming session. With the approval of the proposal for reforms, legacy issues related to the mines will be resolved, making a large number of mines available for auctions. It will help strengthen the auction-only regime and boost transparency in the system. “It will require an amendment in Section 10A (2)(b) and 10A (2)(c) of the

MMDR Act,". The reforms include removing the distinction between captive and non-captive mines and introduction of an index-based mechanism by developing a National Mineral Index (NMI) for various statutory payments, among others. In order to boost exploration, there will be review of functioning of the National Mineral Exploration Trust (NMET). NMET will be made an autonomous body. Private entities will also be engaged in exploration works now. Simplification of exploration regime will also be done to facilitate seamless transition from exploration to production. "Captive mines will be allowed to sell up to 50 per cent of the minerals excavated during the current year. Based on the experience in the Coal Sector, it has been proposed to provide 50 per cent rebate in the quoted revenue share for the quantity of mineral produced and dispatched earlier than scheduled date of production," the source said. Based on wide consultation with various stakeholders comprising States, Ministries, Industry Associations, public consultation and NITI Aayog, it was felt that only major structural reforms can help India become 'Aatmanirbhar' in the Mineral Sector, sources said. The major objective of the reforms is to generate huge employment opportunities, reduce imports and increase production by bringing large mineral blocks into auction. The Government said the country's Mining Sector will see "hectic activity" in the new year. "The year 2021 will see hectic activity on the Mining side because the reforms which have been in waiting for some time, they (reforms) are likely to be approved in the month of January which will involve some changes in the MMDR Act and some changes in the rules, all meant to liberate the sector. "It is going to bring into play a large number of mining blocks so that the production in most of the minerals resources will see quantum jump because of these mines which will become available for interested parties in the calendar year 2021". Under the Aatmanirbhar Bharat scheme, the Centre had in May last year announced enhancing private investments in the Mineral Sector and bringing in other reforms. The Mines Ministry had proposed legislative amendments to the MMDR Act, 1957 for undertaking structural reforms with the objective of accelerating growth and employment generation. They are also aimed at resolving legacy issues and to move towards an auction-only regime for allocation of mineral resources, removing the distinction between captive and non-captive mines, developing a transparent National Mineral Index and clarifying the definition of illegal mining, among others.

Press Trust of India, New Delhi, January 13, 2021

CENTRE PLANS TO END IRON ORE LEASES FOR MINES THAT DON'T SHOW OUTPUT AFTER 7-8 MONTHS OF AUCTION

The Mines Ministry has made a proposal to terminate the iron ore leases of those working mines that have not started production even after lapse of 7-8 months of auction and have not maintained minimum dispatch for three consecutive quarters. The Mines Ministry proposed to do so through the amendment of certain mining rules and has invited comments from the stakeholders on the same. "The Ministry of Mines has prepared the Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession (Amendment) Rules, 2021, seeking to amend the Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016," the Mines Ministry said. It added that as part of the prelegislative consultation policy, the draft amendment rules have been made available. "Comments/suggestions are invited from the general public, Governments of States and Union Territories, Mining Industry, stakeholders, Industry Associations, and other persons and entities concerned, on the draft amendment rules."

Press Trust of India, New Delhi January, 17, 2021

MINING REFORMS IN A MONTH; AUCTION OF 500 BLOCKS IN 2- 3 YRS

The Centre is planning to come out with the proposed mining reforms in a month or so and the auction of mineral blocks will kickstart two to three months after the amendments take place. The Centre is planning to come out with the proposed mining reforms in a month or so and the auction of mineral blocks will kickstart two to three months after the amendments take place. The Mines Ministry had earlier sought suggestions from the general public, mining industry and other stakeholders on the proposed reforms in the Mines and Minerals (Development and Regulation) Act, 1957. In order to implement the announcements, the Mines Ministry has proposed legislative amendments to the MMDR Act, 1957 for undertaking structural reforms in Mineral Sector with the objective of accelerating growth and employment generation. The proposals include increasing mineral production and employment generation by redefining the norms of exploration for auction of mineral blocks and ensuring

seamless transition from exploration to production.

Press Trust of India, New Delhi November 15, 2020

B. ABROAD

NASA SETS OUT TO BUY MOON RESOURCES MINED BY PRIVATE COMPANIES

NASA is set the stage for a global debate over the basic principles governing how people will live and work on the moon. NASA launched an effort to pay companies to mine resources on the moon, announcing it would buy from them rocks, dirt and other lunar materials as the U.S. space agency seeks to spur private extraction of coveted off-world resources for its use. The initiative, targeting companies that plan to send robots to mine lunar resources, is part of NASA's goal of setting what Bridenstine called "norms of behavior" in space and allowing private mining on the moon in ways that could help sustain future astronaut missions. NASA said it views the mined resources as the property of the company, and the materials would become "the sole property of NASA" after purchase.

Reuters, Washington | September 11, 2020

CABINET APPROVES PACT BETWEEN INDIA, FINLAND FOR COOPERATION IN GEOLOGY

The MoU aims to provide a framework and a platform to promote and foster cooperation in the fields of geology and mineral resources for mutual economic, social and environmental benefit. "The Union Cabinet has approved Memorandum of Understanding (MoU) for cooperation in the field of geology and mineral resources between Geological Survey of India under Ministry of Mines and Geological Survey of Finland (Geologiantutkimuskeskus), Ministry of Employment and the Economy, the Government of Finland". The pact facilitates cooperation in the field of geology, training, mineral prognostication and suitability analysis, seismic and other geophysical surveys among others finalised with the intent of reinforcing and strengthening scientific links between the two organisations. This MoU aims to provide with a framework and a platform to promote and foster cooperation in the fields of geology, and mineral resources between the participants for mutual economic, social and environmental benefit; and share experiences on geological data management and information dissemination to promote exploration and mining, in the

areas of geology and mineral resources.

Press Trust of India, New Delhi September 2, 2020

EUROPE JOINS GLOBAL SCRAMBLE FOR CRITICAL MINERALS

Europe has belatedly woken up to the fact it has metals problem. The Region's production capacity, particularly at the refining and processing stage of the supply chain, has been hollowed out by years of price attrition from lowercost competitors, first and foremost China. "Europe has reached a critical fork in the road," according to European metals association Eurometaux. As per source, "The next five years will decide whether Europe succeeds in recovering and growing in areas of sustainable metals and minerals value chains, or whether other areas of the world will push further ahead in the global resources race,". The European Commission agrees, realising its big green industrial revolution will need a lot of metals the region currently doesn't have. This week has brought an updated critical minerals list and the unveiling of the Commission's grand plan for doing something about an import dependency that has been exposed across multiple sectors by covid-19. The European Union (EU) is now following the same path as Japan and the United States in building out its own metallic supply chains.

Critical minerals:- The EU's critical minerals list is very similar to that of the United States, comprising some of the least known elements of the periodic table such as beryllium, hafnium and scandium. Bauxite (aluminum), titanium, lithium and strontium have been added in the latest three-yearly update, while helium has been dropped "due to a decline in its economic performance". Nickel is not included but will be monitored "closely". It's worth noting that both aluminum and titanium have already undergone "Section 232" national security investigations in the United States, resulting in tariffs and further negotiations with supplier countries respectively. Aluminium is a case example of Europe's raw materials problems if it is to achieve its Paris Agreement carbon emissions targets. The metal was identified by the World Bank as the biggest demand beneficiary of a drive towards renewable energy. Yet Europe's primary aluminum production capacity has fallen by around one-third since 2008. Strontium is included because the entire region relies on a single European company for the supply of a metal that is used in ceramic magnets and robotics. Lithium might look like a belated addition to the list, given its central role in batteries for electric vehicles, one of the pillars of Europe's "Green Deal" carbon reduction

strategy. But the metal is already a core focus for the "European Battery Alliance", an EU private-public initiative that has been running since 2017.

Reuters, September 4, 2020

EU ADDS LITHIUM TO CRITICAL RAW MATERIALS LIST

The European Union has added lithium, used in batteries that power electric vehicles (EVs), to a list of critical materials that it plans to support locally as part of a strategy to reduce reliance on imported supply. The group of 27 nations will need about 60 times more lithium and 15 times more cobalt for EV batteries and energy storage by 2050, analysts estimate. EU demand for rare earths, used in high-tech devices and military applications, is predicted to increase 10-fold over the same period. The European Commission, the EU's executive arm, revealed that the coronavirus pandemic has highlighted the world's increasing reliance on electronics and technology for remote work, education and communication. As a result, shortages of the key elements needed in the manufacturing of those items threaten to undermine crucial industries and expose the EU to supply squeezes by China and other resource-rich countries, the Commission said. The EU imports around 98% of rare earths from China. Turkey supplies 98% of its borate, while Chile meets 78% of Europe's lithium needs. South Africa provides 71% of its platinum and Brazil supplies 85% of the old continent's niobium, a crucial part of steel alloys used in jet engines, girders and oil pipelines.

Cecilia Jamasmie, Mining.Com | September 3, 2020

NASA FINDS RARE METAL ASTEROID WORTH MORE THAN GLOBAL ECONOMY

NASA's Hubble Telescope has obtained images of an asteroid so rich in metals that its worth puts our global economy to shame. Think $10,000 quadrillion ($10,000,000,000,000,000,000), compared to the world's economy, which was worth about $142 trillion in 2019. The rare heavy-metal object, called "16 Psyche," is one of the largest celestial bodies in the Solar System's main asteroid belt, orbiting between Mars and Jupiter. It's located at roughly 370 million km (230 million miles) from Earth and measures 226 km (140 miles) across. 16 Psyche was actually discovered in 1852, but this is the first time scientists can get a closer look. What makes it special is that, unlike most asteroids that are either rocky or icy, 16 Psyche is made almost entirely of iron and nickel, a study published in The Planetary Science Journal shows has thus reported. Tracy Becker, a planetary scientist and author of the paper, says the asteroid is likely the leftover core of a planet that never properly formed because it was hit by objects in our solar system and effectively lost its mantle and crust.

Cecilia Jamasmie | October 29, 2020

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