

Speed Post/Email-Violation cum Show Cause Notice

भारत सरकार
खान मंत्रालय
भारतीय खान ब्यूरो
क्षेत्रीय खान नियंत्रक कार्यालय
कर्मयोगी भवन, चतुर्थ माला, ब्लॉक-2, सी विंग,
सेक्टर-10A, गांधीनगर, गुजरात, 382010



Government of India
Ministry of Mines
Indian Bureau of Mines
Office of Regional Controller of Mines
Karmayogi Bhavan, 4th Floor, Block-2, C Wing, Sec 10A
Gandhinagar, Gujarat-382010

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File No: KAIRA/BXT-023

Mine code 07GUJ09021

दिनांक:

To

Mr. Brijeshbhai Rajeshbhai Patel,
15/A Shivam Park Society, Dakar Road,
Kapadwanj, Kheda District, Gujarat-387620,
E-mail id: mahendra_bauxite@yahoo.com

विषय: गुजरात राज्य के जिले- Kheda की तालुका- Kapadwanj में स्थित आपकी Mahendar (Taiyabpur) Bauxite Mines (SR. No.37P), क्षेत्रफल- 0.8499 Ha हे. में खनिज संरक्षण एवं विकास नियमावली, 2017 के नियमों का उल्लंघन।

महोदय,

आपकी उपरोक्त खान का स्टार रेटिंग निरीक्षण अधोहस्ताक्षरी द्वारा दिनांक 24.12.2024 को Mr. Brijesh Patel (खान अभिकर्ता) की उपस्थिति में किया गया तथा उक्त निरीक्षण के समय खनिज संरक्षण एवं विकास नियमावली, 2017 के निम्नलिखित नियमों का उल्लंघन पाया गया-

Rule No.	Nature of Violation observed
11(1)	No holder of a mining lease shall commence or carry out mining operations in any area except in accordance with the mining plan approved, modified or reviewed by the Indian Bureau of Mines: However following mining operations were not carried out as per the Approved Mining plan No. 684(4) (1)/MP-125-GNR, Dated: 22.05.2018 for period 2018-19 to 2022-23. Section 8.1 of the Progressive Mine Closure Plan (PMCP) proposal of the previously approved Review of Mining Plan, proposed for afforestation through tree planting (green belt development) from boundary pillar A to C with a survival rate of 60%. However, during the inspection, it is observed that the planted trees have very low survival rate around 25%.
11(4)	The holder of a mining lease shall submit the mining plan to the competent authority for review at least one hundred and eighty days before the expiry of five years period for which it was approved on the last occasion, for mining operations for a period of five subsequent years. However, in your case it has been observed that no mining plan was submitted for review before the expired of validity of the previously approved mining plan.
27	A financial assurance shall be furnished by the holder of the mining lease, for due and proper implementation of the progressive mine closure plan contained in the mining plan or the final mine closure plan, as the case may be, which shall be an amount of 2[five lakh rupees for Category 'A' mines and three lakh rupees for Category 'B' mines], per hectare of the mining lease area put to use for mining and allied activities: Provided that the minimum amount of financial assurance to be furnished under

	<p>sub-rule (1), shall be ten lakh rupees for Category 'A' mines and five lakh rupees for Category 'B' mines:</p> <p>²[Provided further that the provisions of sub-rule (1) shall not be applicable for a mining lease wherein the Mine Development and Production Agreement has been signed between the lessee and the State Government and performance security has been submitted.]</p> <p>(2) Where financial assurance is required to be furnished by the holder of the mining lease under sub-rule (1), such amount of financial assurance shall be submitted to the authorised officer, as the case may be, in the form of a bank guarantee in the format specified by the Indian Bureau of Mines:</p> <p>However, in your case, it is found that; there is no valid Financial Assurance in the form of a bank guarantee furnished by the lessee.</p>
28	<p>The holder of a mining lease shall send to the authorised officer, as the case may be, and the State Government a notice in Form E when the mining or mineral processing operations in the mine or part thereof are discontinued for a period exceeding ninety days so as to reach them within one hundred and twenty days from the date of such temporary discontinuance.</p> <p>However, in your case, it is found that;</p> <p>The mine is not in operation more than ninety days in 2023-24, but the lessee not submitted notice of temporary discontinuance in Form-E to the competent authority.</p>
34(A)	<p>Every lessee having— (a) an annual excavation plan of less than one million tonne in a particular year; or (b) leased area of less than fifty hectare, (1), shall submit soft copy of high resolution Georeferenced Ortho-rectified Multispectral satellite images of the leased area and upto hundred metres outside the lease boundary taken in the month of April to June of every year, to the Controller General on or before 1st day of July of the that year in the standards formats such as GeoTIFF along with metadata or any other format as may be specified by the Indian Bureau of Mines in this regard:</p> <p>However, in your case, it is found that;</p> <p>The drone survey/Satellite data for the year 2023-24 not submitted on the DDMS portal of the Indian Bureau of Mines.</p>
35(2)	<p>Every holder of a mining lease shall monitor his mining and allied activities as per the template of star rating in the format specified in this behalf by the Indian Bureau of Mines from time to time, and shall submit online its self-assessment report before the 1st day of July every year for the previous financial year, along with the digital images of mining lease area under rule 34A, to the Regional Controller or the authorised officer of the Indian Bureau of Mines:</p> <p>In your case, it has been observed that the lessee submitted the self-assessment report for the year 2023-24 in offline mode (hard copy) using the specified star rating template issued by the Indian Bureau of Mines. However, the lessee did not submit the self-assessment report in online mode as per the specified star rating template format as per the Rule 35(2) of the MCDR 2017.</p>
45(5)(c) read with 45(7)	<p>The holder of a mining lease shall submit online Annual returns in respect of each mine to the Regional Controller or any other authorized officer of the Indian Bureau of Mines which shall be submitted before 1st day of July each year for the preceding financial year in electronic form, which shall be complete, correct and true in all aspects.</p> <p>However, in your case, it is found that;</p> <ol style="list-style-type: none"> a) You have submitted following incomplete/ wrong/ false information in the Annual Return for the year 2023-24:- <ol style="list-style-type: none"> i) In PART-I (General), (Uploaded documents), in the submitted PMCP yearly report, the total area utilized in different heads is reported greater than the lease area in the submitted Annual Return-2023-24. ii) In PART-VII (Cost of Production), the lessee reported a production cost of 398 rupees per tonne. However, the lessee also reported zero

	production during the financial year 2023-24. This creates a conflict in the reported production-related data.
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2. In this connection, it is brought to your kind notice that :-
 - a) the above violations constitute an offence punishable under Rule 62 of MCDR 2017 and/or;
 - b) Mining operations can be suspended as per rule 11(2) of MCDR 2017 in case of non-compliance of above rules as these violations also affects provisions of Rule11(1) of MCDR 2017 and/or;
 - c) You are advised to rectify the violation of above Rules immediately and intimate the compliance position to this office, within a period of 30/45 days, as the case may be, for violated rules from date of issue of this letter.
3. In case of violation of Rule 45,
 - a) You are also liable to pay such amount as prescribed under MCDR 2017 for delay of each day as per **Schedule-II**, read with Rule **45(7A)** in case of non-compliance of various provisions of Rule 45.
 - b) As per provision of Rule **45(7) and/or 45(7A)(ii)** the Regional Controller of Mines may take appropriate action including order of suspension of **all mining operations and dispatches** on non-compliance of various provisions of Rule 45.
4. In context to the violations of Rule 45, this letter has been considered as show cause notice where you are directed to show cause within a period of **30 days** from the date of issue of this letter as to why the action under Rules **45(7) and/or 45(7A)** shall not be taken against you.
5. In context to the violations of **Rule 35(2)**, this letter has been considered as Show Cause Notice are therefore directed to show cause within a period of 45 days from the date of issue of this letter as to why the action under Rules 35(4A) shall not be taken against you.
6. In case of other violated rules you are advised to rectify the above violations immediately and intimate the compliance position to this office, within a period of 45 days for violated rules from date of issue of this letter.
7. Please note that no further notice will be given to you in this regard.
8. This letter is being issued with the approval of Regional Controller of Mines.

भवदीय/Yours faithfully,

Signed by Debajyoti Nayak

Date: 04-04-2025 17:10:24

Dr. Debajyoti Nayak
Junior Mining Geologist
Indian Bureau of Mines

प्रतिलिपि सूचनार्थ हेतु प्रेषित/ Copy for favor and information:-

1. Controller of Mines(NZ), Udaipur
2. Commissioner of Geology and Mining, Gandhinagar
3. DDG, MMS Division, Nagpur
4. Guard File

कनिष्ठ खनन भूविज्ञानी / Junior Mining Geologist