

MINERAL ENTERPRISES PRIVATE LIMITED

CIN - U14219KA1962PTC001473

Registered Office #2, Berlie Street, Langford Town,
Bangalore - 560 025

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22.04.2022

To,
The Nodal Officer,
and Principal Chief Conservator of Forests,
(Forest Conservation)
Aranya Bhavan, 18th Cross Malleshwaram,
Bengaluru - 560003,
Karnataka

Dear Madam/Sir,

Subject: Grant Order dated 19.03.2009 by State of Karnataka for Mining Lease in respect of Iron Ore and Manganese Ore, admeasuring 178.30 Acres (72.15 Ha.) in Gollarahalli Village of Tumkur District in State of Karnataka - Order of Hon'ble Supreme Court dated 01.02.2019 in SLP (C) (Diary) No. 1663/2019 and connected Petitions, and undertaking given by the Applicant before the Hon'ble Supreme Court of India on 01.02.2019.

1. We apply for Forest Clearance under the Forest Conservation Act, 1980 in the prescribed form and would request you to kindly grant necessary approval at the earliest.
2. The present application seeking permission is being sought because the land in question was mined since 1950 when the original lease admeasuring approximately 2500 acres, was leased to, and operated by, one Sri. Sarangapani Mudaliar. (The area granted to us for mining is part of this original area)
3. Pertinently, the leased land to Sri. Sarangapani Mudaliar was never treated as Forest Land but was treated as Revenue Land.
4. Thereafter, in 1999, on account of prior termination / surrender of the said mining Lease, the Government of Karnataka offered a portion of the original leased area (admeasuring 1275 acres (515.98 Ha)) to various parties through a public advertisement. This was also done on the basis that the said land was Revenue Land and not Forest Land.
5. We had applied for, and were granted, permission for mining on 178.30 acres (72.15 Ha.) of land on 19. 03. 2009, vide Notification No.CI.37:MMM.2001(2), after

obtaining prior approval of the Central Government through the Ministry of Mines which had granted necessary approval vide Letter No. 5/184/2007-M.IV, dated 17.03.2008. The said grant order dated 19.03.2009 is enclosed for your perusal as Annexure A.

6. However, the State Government did not execute the Lease Deed in our favour in view of certain interim orders passed by the Hon'ble Supreme Court of India. We had to move the Hon'ble High Court for execution of Lease Deed which, by Judgment and Order dated 21.11.2016, issued directions to the State Government to execute the Lease Deed. Pursuant thereto, the State Government even took steps in this regard and demarcated the lease area to a reduced area of 37.45 Ha (92.54 Acres) as directed by the Hon'ble High Court in W.P. No.45745/2015 dated 14.12.2016 and subsequent survey and demarcation carried out by the Department of Mines & Geology along with other District authorities from 07.01.2017 to 10.01.2017 in compliance with the Hon'ble High Court's Order (total extent applied for Forest Clearance - Mining 37.45 Ha (92.54 Acres) + approach road 15.52 Ha (38.35 Acres) Total: 52.97 Ha (130.89 Acres), but did not conclude the matter by executing the lease deed). Therefore, we were forced to initiate contempt proceedings. The Hon'ble High Court, in Order dated 20.12.2018 in CCC No.1829 of 2017, issued Notice to State Government to Show Cause why Contempt Proceedings should not be initiated against the concerned officials.
7. It was in course of these contempt proceedings that the State Government took the contention for first time that the leased land was a Forest Land and forest clearance must be obtained, by relying on a Corrigendum No. FEE 188 FAF 2014 dated 04.09.2014 issued by the Forest Department, substituting the schedule in Notification bearing No. AHFF 205 FAF 88 issued under Section 4 of the Karnataka Forest Act. The Contempt Court, however, rejected the said contention and directed the Accused therein to appear for framing of the charges.
8. Parallely, other parties aggrieved by the aforesaid Corrigendum bearing No. FEE 188 FAF 2014, challenged the same in a batch of Writ Petitions before the Hon'ble High Court of Karnataka, Bangalore. Pursuant to directions of the Hon'ble High Court in a batch of Writ Petitions, the Additional Chief Secretary heard the aggrieved parties and passed an Order dated 21.12.2015 setting aside the impugned Corrigendum. However, on 29.06.2018, the then Additional Chief Secretary passed an Order recalling the aforesaid Order dated 21.12.2015. The aggrieved parties challenged the said Order of the Additional Chief Secretary in

Writ Petition No.29328/2018 before the Hon'ble High Court, which allowed the said Writ Petition. The same was challenged before the Hon'ble Supreme Court and was remanded to the Hon'ble High Court which, vide Judgment dated 13.03.2020, held that the land in question was Forest Land. This was appealed to the Hon'ble Supreme Court and the Hon'ble Supreme Court dismissed the Petition vide Order dated 16.11.2021 thus affirming that land was forest land.

9. Pertinently, we had - in the meanwhile - given appropriate undertaking before the Hon'ble High Court, categorically assuring that in case it was held that land is Forest Land, we will apply for necessary Forest Clearance and till such time we will not mine the area. This undertaking was accepted by Hon'ble High Court on 20. 08. 2018. A copy of the undertaking filed before the High Court and order accepting the undertaking enclosed herewith. A copy of the said Order dated 20.08.2018 is enclosed herewith as Annexure B. A copy of the applicant's undertaking is annexed herewith as Annexure C.
10. State of Karnataka assailed the Order dated 21.11.2016 in SLP (C) (Diary) No. 1663 of 2019 and ultimately on 01.02.2019, the Hon'ble Supreme Court passed the following order:

"The order of the High Court is based on an order of the Additional Chief Secretary to Govt., Department of Forest, Ecology & Environment, Government of Karnataka, dated 21st December, 2015, which has since been reviewed by an order dated 29th June, 2018. The said order dated 29th June, 2018 has been set aside by the High Court of Karnataka in a batch of writ petitions. It has been stated by the learned counsel appearing for the petitioner-State that the aforesaid orders of the High Court would be subjected to challenge before this Court by filing a special leave petition, which is yet to be filed. We therefore do not consider to pass any order at this stage in the present special leave petition, which shall be kept pending and be tagged with the special leave petition which may be filed at the later stage.

Learned counsel for the respondent has placed before the Court an undertaking furnished by it before the High Court that even if a lease deed would be granted, he would not operate the said lease, till the issue is decided by the Supreme Court etc. The said undertaking be kept on record for consideration at the subsequent time."

A copy of the said Order is enclosed herewith as Annexure D.

Madam/Sir, under the circumstances, the issue now finally having been adjudicated upon and the land in question finally held to be Forest Land and in compliance of our

undertaking given to the Hon'ble High Court and the Hon'ble Supreme Court and as also the Orders of the Hon'ble High Court and Hon'ble Supreme Court in this regard, we hereby apply for the Forest Clearance in prescribed form, in respect of the reduced area of 37.45 Ha (92.54 Acres) identified in terms of the subsequent survey and demarcation carried out by the Department of Mines & Geology along with other District authorities from 07.01.2017 to 10.01.2017 (Total Extent applied for FC - Mining 37.45 Ha (92.54 Acres) + approach road 15.52 Ha (38.35 Acres) Total: 52.97 Ha (130.89 Acres).

We assure you that we are willing to comply with all necessary requirements under the Forest Conservation Act, 1980. We also wish to mention that we have obtained the following clearances:

- a) Approved IBM Mining Plan vide letter No.MP/TMK/FeMn-231-SZ, dated 16.02.2009.
- b) Environmental Clearance accorded by Ministry of Environment of Forest, Climate Change vide letter No. J-11015/73/2009-IA-II (M), dated 18.03.2010.
- c) Copy of the Consent For Establishment obtained from Karnataka State Pollution Control Board, Bengaluru, vide Letter No. KSPCB/SEO/MINE/CFE/2010-11/90, dated 16.06.2010.

Thanking you,

Yours faithfully,

For **Mineral Enterprises Private Limited.**,


Authorised Signatory



GOVERNMENT OF KARNATAKA**No. CL37:MMM.2001(2)**Karnataka Government Secretariat,
Vikasa Soudha

Bangalore, Dated: 19.03.2009.

-: NOTIFICATION:-

In pursuance of Section 5 read with Section 8 of the Mines and Minerals (Development and Regulation) Act, 1957, and after obtaining prior approval of Government of India, Ministry of Mines, New Delhi vide their letter No.5/184/2007-M.IV dated 17.03.2008, the Government of Karnataka hereby accords sanction for grant of Mining Lease for a period of 30 years(Thirty years only) in favour of M/s.Mineral Enterprises Pvt. Limited for Iron ore and Manganese ore over an area of 178-30 acres (One hundred and seventy eight point three zero acres only) in Sy.No.11, 12 and other Sy.Nos. of Gollarahalli village of Chikkanayakanahalli taluk, Tumkur District with the boundaries as mentioned below and as per the sketch furnished by the Director, Department of Mines and Geology, Bangalore subject to compliance of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and Mineral Concession Rules, 1960 and other applicable Acts and Rules including Forest (Conservation) Act, 1980, Environmental Protection Act, 1986, EIA Notification 2006 etc., as amended from time to time and Rules made there under.

BOUNDARIES:-


| | | | |
|-----------------|-----------------------------------|-----------------|-------------------------------|
| On the North by | Part of Sy. No.11, 71 and 10 | On the South by | Part of Sy. No. 12, 13 and 14 |
| On the East by | V.B of Hombalghatta and Yerekatte | On the West by | Part of Sy. No. 70, 71 and 73 |

Sanction of this Mining lease is subject to the necessary clearances like Environmental Clearance under Environmental Protection Act, 1986, Consent for Establishment/Consent for Operation from the KSPCB and Forest Clearance under Forest(Conservation)Act, 1980, if applicable.

.....(2)

Sanction of this Mining lease is also subject to the terms and conditions appended hereto and also subject to the result of Court proceedings in the matter, if any.

**BY ORDER AND IN THE NAME OF THE
GOVERNOR OF KARNATAKA,**


(M. VASUDEVAMURTHY),
Under Secretary to Government (Mines)
Commerce & Industries Department.

To:

The Compiler, Karnataka Gazette, is requested to publish this in next publication of the Gazette and to supply 25 copies of Notification to this Office.

Copy to:

- 1) The Secretary to Government of India, Ministry of Mines, Shastri Bhavan, NEW DELHI-110 001.
- 2) The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, NAGPUR-440 001.
- 3) The Deputy Commissioner, Tumkur District, Tumkur.
- 4) The Director, Department of Mines and Geology, No.49, "KHANIJA BHAVAN", D. Devaraj Urs Road, Bangalore.560 001.
- 5) The Regional Controller, Indian Bureau of Mines, Southern Zone, Industrial Suburb, Opp. Old Tumkur Road, Yeshwanthapur, Bangalore.
- 6) M/s. Mineral Enterprises Pvt. Limited, No.602, A/5, 18th Cross, Sadhashivnagar, Bangalore 560080.
- 7) The Weekly Gazette.
- 8) Section Guard File/Spare Copies.

TERMS AND CONDITIONS OF THE MINING LEASE
SANCTIONED IN GOVERNMENT NOTIFICATION NO.
CI.37:MMM.2001(2) Dated: 19.03.2009.

- a) Mining lease should be in respect of **Iron ore and Manganese ore** only. If other minerals are found in association with **Iron ore and Manganese ore**, they should be brought to the notice of Government and if the lessee desires to mine these minerals along with **Iron ore and Manganese ore**, he/she/it should do so only after the consent of Government is obtained in writing.
- b) If beryl or any other substance prescribed U/S 3 of the Atomic Energy Act, XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.
- c) The lease shall also be subject to the provisions of Rules in Chapter IV of the Minerals Concession Rules, 1960.
- d) The lease shall also be subject to the Rules, issued U/S 18 of the Mines & Minerals (D&R) Act, 1957.
- e) The lessee shall pay to the Director of Mines and Geology in Karnataka, Bangalore, necessary Security Deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the lease issued to him.
- f) The lessee shall be governed by all conditions that may be incorporated in the lease deed, to be executed.
- g) The lessee shall abide by the rules contained in the Karnataka State Forest Manual, if the lease area covers any forestland.
- h) Government shall have the right of purchasing the ore at current market rates.
- i) The lease would be determined if the lessee fails to commence execution of the lease deed.
- j) The area mentioned above is subject to verification after actual survey and demarcation.
- k) The lease shall be for a period of **Thirty Years**.

P.T.O.(2)

l) The lessee/s shall pay dead rent, cesses and royalty as detailed below:-

DEAD RENT PAYABLE PER HECTARE PER ANNUM

| | |
|--|-------------|
| Ist year of the lease | : Rs. 100/- |
| 2 nd year to 5 th year of the lease | : Rs. 140/- |
| 6 th year to 10 th year of the lease | : Rs. 280/- |
| 11 th year of the lease & onwards | : Rs. 400/- |

Surface Rent: Rs.2.50 per hectare per annum on the area used by the lessee/s for mining purposes.

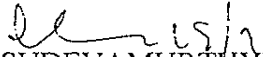
Local & other Cesses: As prevalent in **Tumkur** District.

Royalty: At the rate prescribed in Second Schedule to the Mines & Minerals (D&R) Act, 1957 and as amended from time to time.

m) The total area held by the applicant/s under mining lease including the present one, shall not exceed 10 Sq.Km.

n) Mining operations shall not be commenced/conducted unless a qualified manager and other supervisory staff are appointed as required under the Matalliferous Mines Regulations, 1961 and relevant notices are sent to the Director-General of Mines Safety, Dhanbad with a copy of the same to the concerned Director of Mines Safety.

o) The minerals should be value added and the Lessec should adhere to existing National Mineral Policy and Karnataka Mineral Policy, 2008.


(M.VASUDEVAMURTHY),
Under Secretary to Govt.(Mines),
Commerce & Industries Department.

High Court of Karnataka**Daily Orders of the Case Number: CCC 1829/2017 for the date of order 20/08/2018****Honble Justice RAGHVENDRA S.CHAUHAN AND H T NARENDRA PRASAD****20/08/2018****Order in CCC 1829/2017**

The complainant has filed an undertaking before this Court wherein he undertakes that even if a lease deed were to be executed in its favour the complainant would not operate the mine in any manner, whatsoever, till such time the issue whether the land is a forest land or not, is decided by the Hon'ble Supreme Court. He further undertakes that in case the Hon'ble Supreme Court were to opine that the land in question is, indeed, a forest land, he shall seek the necessary prior approval under the Forest Conservation Act, 1980, and shall comply with such conditions as are currently applicable ☐before operating the mine☐.

2. Mr. A. S. Ponnanna, the learned AAG, seeks time to bring the undertaking to the notice of the accused, and to seek instructions, on the issue whether the lease deed can be executed in favour of the complainant, or not?

3. Although Mr. Dushyant Dave, the learned senior counsel for the complainant seeks a specific direction from this Court for executing the lease deed by the State, but the said request need not be entertained. For, by order dated 21.11.2016, this Court has already directed the accused to execute the lease deed provided all the requirement of law are met by the complainant.

4. The Registry is directed to mark this case as part-heard.

5. List this case on 10.09.2018.

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**IN THE HIGH COURT OF KARNATAKA AT BANGALORE
CCC (Civil) No.1829/2017**

Between:

MINERAL ENTERPRISES LIMITED

...Complainant

And:

MR. RAJENDRA KATARIA AND ORS.

...Respondents

UNDERTAKING

On behalf of the Applicant-Petitioner, it is submitted that, without prejudice to its stand that the land in question was not and is not a forest land within the meaning of the Karnataka Forest Act, 1963, the Applicant-Petitioner, upon execution of the lease deed by the State of Karnataka, undertakes not to operate the mine in any manner whatsoever till such time the issue whether the land is forest land or not is decided by the Hon'ble Supreme Court in pending proceedings, and upon such decision if it is held that it is indeed forest land, the Applicant-Petitioner further undertakes to seek necessary prior approval under Forest Conservation Act, 1980 and comply with such conditions as are currently applicable before operating its mine.

**BANGALORE
20.08.2018**

ADVOCATE FOR THE PETITIONER

ITEM NO.20

COURT NO.1

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**SPECIAL LEAVE PETITION (CIVIL) Diary No.1663/2019**

(Arising out of impugned final judgment and order dated 21-11-2016 in WP No. 43690/2016 passed by the High Court of Karnataka at Bengaluru)

STATE OF KARNATAKA & ANR.

Petitioner(s)

VERSUS

M/S MINERAL ENTERPRISES LIMITED & ANR.

Respondent(s)

(With appln.(s) for interim relief, c/delay in filing SLP, exemption from filing O.T., permission to file lengthy list of dates, permission to file additional documents/facts/Annexures)

Date : 01-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Devadatt Kamat, AAG
Mr. V. N. Raghupathy, AOR
Mr. Aditya Bhat, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, Adv.
Mr. Parikshit P. Angadi, Adv.
Mr. Ashwin G. Raj, Adv.

For Respondent(s) Mr. Dushyant Dave, Sr. Adv.
Mr. Aditya Narayan, Adv.
Mr. Rohit Sharma, Adv.
Mr. Atul Agarwal, Adv.
Mr. Rounak Nayak, Adv.
Mr. Kumar Dushyant, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The order of the High Court is based on an order of the Additional Chief Secretary to Govt., Department of Forest, Ecology & Environment, Government of Karnataka, dated

21st December, 2015, which has since been reviewed by an order dated 29th June, 2018. The said order dated 29th June, 2018 has been set aside by the High Court of Karnataka in a batch of writ petitions. It has been stated by the learned counsel appearing for the petitioner-State that the aforesaid orders of the High Court would be subjected to challenge before this Court by filing a special leave petition, which is yet to be filed. We therefore do not consider to pass any order at this stage in the present special leave petition, which shall be kept pending and be tagged with the special leave petition which may be filed at the later stage.

Learned counsel for the respondent has placed before the Court an undertaking furnished by it before the High Court that even if a lease deed would be granted, he would not operate the said lease, till the issue is decided by the Supreme Court etc. The said undertaking be kept on record for consideration at the subsequent time.

(Chetan Kumar)
A.R.-cum-P.S.

(Anand Prakash)
Court Master