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Government of Goa
Directorate of Mines & Geology
Institute Menezes Braganza, Panaji-Goa

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No.: 96/51/99-Mines / 1840

Dated: 04/01/2022

To,

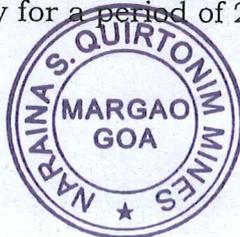
✓ Smt. Pradnya Zoivant Poi Cano,
For self and on behalf of all other heirs of
Late Shri Naraina Sinai Quirtonim as
Their duly constituted attorney,
Mathura, H. No. 1153, Near Apna Bazar,
Aquem, Alto, Margao, Goa 403 601.

ORDER

Deemed grant of Lease Bearing No. 3/FeMn/79 in terms of Sub-Section (3) to Section 8A of MMDR Act, 1957 r/w Sub-Section (6) to Section 8A of MMDR Amendment Act, 2015.

Whereas, the Lease Bearing No. 3/FeMn/79 as mentioned above was granted to Shri Naraina Sinai Quirtonim for the period of 20 years from the date of execution of lease deed on 13/12/1979 for Iron and Manganese Ore situated in Caurem Village, of Quepem Taluka, South Goa for an area of 70.28 Ha.

And whereas, being one of the legal heir, Smt. Kala N. S Quirtonim filed Form J- Application for renewal dated 10/12/1998 within the prescribed time limit as per the applicable rules on behalf of self and as Power of attorney holder for her children Priya Kirtany & Pradnya Kirtany for a period of 20 years for the whole lease area.



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And whereas, in terms of said provision of Sub-Rule (1) to Rule 24(A) of MCR 1960, such applications were required to be filed one year prior to expiry of lease i.e on or before 12/12/1978. In the instant case the same was done within the due date.

And whereas, while the renewal application remained undecided, a Notice for Lapsing dated 22/09/2009 was issued to Smt. Kala N. Quirtonim, which was replied vide letter dated 29/09/2009, however no decision was taken at that time.

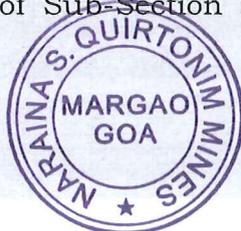
And whereas, a representation dated 08/06/2021 received from Ms Pradnya Zoivant Poi Cano (signed for self and on behalf of all other heirs of Late Mr. Naraina Quirtonim as their duly constituted attorney) requested for considering their case in terms of the provisions of Section 8A of the MMDR Act 1957 and the Common Cause Judgment of the Hon'ble Supreme Court and to execute necessary deed recognizing/treating the tenure of the said Mining Lease as subsisting till 2/6/2031.

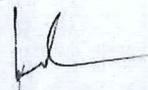
And whereas, a Notice for Hearing dated 18/06/2021 was issued to decide on the representation dated 08/06/2021 of Smt Pradnya Zoivant Poi Cano and also on the lapsing notice which had remained undecided.

And whereas, hearing was conducted on 25/06/2021 and based on the documentary evidence produced, it was ascertained that lapsing notice is not maintainable and hence was withdrawn.

And whereas, with respect to the representation dated 08/06/2021, since the renewal application dated 10/12/1998 remained undecided with the office until the enactment of the MMDR Amendment Act, 2015, the lease bearing No. 3/FeMn79 shall get benefit of Sub-Section (3) to Section 8A of MMDR Act,

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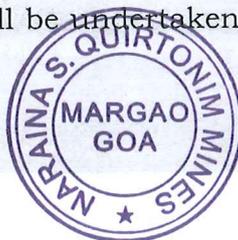
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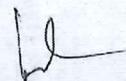
1957 r/w Sub-Section (6) to Section 8A of MMDR Amendment Act, 2015.

Now therefore, in view of the above mentioned provisions, since the lease was executed from 13/12/1979, the lease is deemed to have been granted for a period from 13/12/1979 to 12/12/2029 i.e for a term of 50 years as per Sub-Section (3) to Section 8A of MMDR Act, 1957, r/w Sub-Section (6) to Section 8A of the MMDR Amendment Act, 2015 subject to following general conditions:

- (i) The Deemed grant shall not absolve the lessee or any other person claiming through the original lessee from payment of any dues, royalty, dead rent, surface rent, fine, compounding charges etc. which are due to the State Government from such lessee or any person claiming through him or the erstwhile lessee for their acts or omissions prior to the present Order.
- (ii) The Deemed grant shall not absolve the lessee from any action under MMDR Act and Rules framed thereunder for the acts done prior to passing of this Order.
- (iii) The lessee shall have to fulfill all the statutory/regulatory requirements under MMDR Act 1957, MCR 1960, MCDR 1988, as well as other Acts and Rules & Regulations, Notification to the satisfaction of relevant authorities under such Acts, Rules etc.
- (iv) The Deemed grant Order is an administrative decision/ministerial act taken by subjective assessment of the facts and Application for First renewal, in exercise of powers under the MMDR Acts and Rules made thereunder. As such solely on basis of Deemed grant of lease, no mining operations shall be undertaken in the leasehold area unless

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all clearances, NOCs Consents, permissions etc under various Legislations, rules, regulations, Notifications, etc. are in place. So also Orders of Hon'ble Supreme Court of India, High Court of Bombay at Panaji and administrative instructions, directives etc. issued by the Government or autonomous bodies like Goa State Pollution Control Board etc. are to be scrupulously followed, to the satisfaction of the concerned Authorities under relevant Legislations etc.

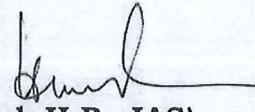
- (v) The Deemed grant is also subject to the capping of production which may be imposed by state Government irrespective of the EC limit specified for this lease or group of leases.
- (vi) This Deemed grant is subject to liberty of State Government to reduce the area of lease in the interest of Environment, Ecology, etc. which may be exercised by the State Government at any point of time.
- (vii) The DGPS survey shall be the sole basis for Deemed grant of lease and such plans shall seal the boundary of lease on the basis of latitude and longitude as far as the Applicants are concerned. The survey numbers etc. mentioned in the plan if changed or required to be changed for any reason whatsoever like change of cadastral records after readjustment of the area of any village or survey number, or resurvey of any village or survey number or for similar reason. The change in the survey records shall accordingly be noted by the Director of Mines & Geology for the purpose of his records and all such changes shall be accordingly updated at any stage from the signing of the lease deed. Director of Mines & Geology is authorized to deal with all such issues including boundary dispute of adjoining leases and shall have the final authority to do the needful.

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- (viii) The lessee shall abide by the conditions laid down in this Order and the lease deed to be executed in this behalf.
- (ix) The lessee shall obtain surface rights or obtain consent of the owner/occupier of land before entering the land for commencement of mining operation in the area.
- (x) The lessee shall not commence mining operations without having mining plan, duly approved by the Indian Bureau of Mines.
- (xi) The lessee shall execute a supplementary deed of lease on acceptance of terms and conditions mentioned herein.
- (xii) The Lessee shall comply with the provisions of the Stamp Duty Act as amended from time to time to the satisfaction of the concerned authority under the Act.
- (xiii) Similar provisions, not only limited to the above will be made applicable in case of deemed grant as per Sub-Section (3) to Section 8A of MMDR Act, 1957 r/w Sub-Section (6) to Section 8A of MMDR Amendment Act, 2015.


(Vivek H.P., IAS)
Director

