

GOVERNMENT OF KARNATAKA

No: CI 287 MMM 2015

Karnataka Government Secretariat,
Vikasa Soudha,
Bengaluru, Dated: 26.04.2016.

From:

The Principal Secretary to Government,
(MSME & Mines),
Commerce & Industries Department,
Bengaluru- 560001.

To:

The Commissioner,
Department of Mines and Geology,
Khanija Bhavan, Race Course Road,
Bengaluru-560 001.

Sir,

Sub: Extension of Mining lease period of ML No. 2649 in terms of Section 8A (6) of the MMDR (Amendment) Act, 1957.

- Ref:
1. MMDR (Amendment) Act, 2015, dated 27.03.2015 (with effect from 12.01.2015).
 2. Government of India D.O. letter No.1/1/2014-M.VI(ptIII) dated:05.02.2015.
 3. The Commissioner, Mines & Geology Department Letter No: DMG/MLS/ML-2649/2015-16 Dt. 15.03.2016.
 4. Hon'ble Supreme Court Order dated 04.04.2016

With reference to the above subject, the mining lease bearing ML No. 2649, situated in Aiholi, Sulibhavi and Herimagi village, Hunagunda Taluk, Bagalkot District has been granted in favor of M/s. Doddanavar Brothers for Iron Ore mineral over an extent of 43.30 hectares and the lease period is valid upto 05.06.2020. The original mining lease deed was executed on 05.06.1980 for a period of 20 years. First renewal was granted on 26.11.2002 for a period of 10 years w.e.f 06.06.2000 which was then modified on 05.05.2008 for a period of 20 years w.e.f 06.06.2000 taking the validity of lease up to 05.06.2020.

The Government of India amended the MMDR Act, 1957, vide reference (1) above. Section 8A(5) and (6) of the Act, are quoted below.

8A(5) Notwithstanding anything contained in sub-sections(2),(3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Mineral (Development and Regulation) Amendment Act, 2015, where mineral is used for captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2030 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

8A(6) Notwithstanding anything contained in sub-sections(2),(3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Mineral (Development and Regulation) Amendment Act, 2015, where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

On 05.02.2015 the Ministry of Mines, Government of India vide letter at reference (2) above, has issued directions to the State Government on effecting the provisions of Section 8A(5) and (6) of the Ordinance, by issuing necessary orders. Since Section 8A(5) and 8A(6) of the MMDR Act, 1957 impose some condition that need to be complied before the deemed extension is given the State Government issued a Standard Operating Procedure (SOP) on 17.12.2015 for building up proposal to give deemed extension as per Section 8A (5) and (6) of the MMDR Act, 1957. Accordingly, the Commissioner, Department of Mines & Geology vide letter at reference (3) above, has submitted report as per the Standard Operating Procedure along with the prescribed check list duly signing on each of the pages and recommended for Deemed Extension up to 05.06.2030 under Section 8A(6) of MMDR Act, 1957.

Further, the Hon'ble Supreme Court of India in its Order dated 04.04.2016 cited under reference (4) clarified certain aspects pertaining to first renewal and second and subsequent renewal cases for benefit under Section 8A(5) and 8A(6) of the MMDR Act, 1957.

The case of the applicant is found eligible as per 8A (6) of the MMDR Act, 1957. Therefore, I am directed to inform you that as per the provision of Section 8A (6) of MMDR Act, 1957, the period of mining lease bearing ML No: 2649, should be extended upto **05.06.2030**.

The deemed extension of above said mining lease is subject to the following additional conditions;

1. The deemed extension shall not absolve the lessee or any other person claiming through the original concessionaire 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 concessionaire/lessee for their acts or omissions prior to this letter.
2. The deemed extension shall not absolve the lessee from any action under MMDR Act and Rules framed there under for the acts done prior to this letter.
3. No mining operations shall be undertaken in the leasehold area unless all statutory clearances such as Forest clearance under Forest (Conservation) Act, 1980, Environmental clearance under Environmental (Protection) Act, 1986, KSPCB Consents, permissions etc. under various legislations, Acts, Rules, Regulations, Notifications as amended from time to time to the satisfaction of concerned authorities under such Acts, Rules etc., are in place.
4. The lessee shall execute a supplementary/rectification mining lease deed on acceptance of terms and conditions mentioned herein.
5. The lessee shall comply with the provisions of the Stamp Duty and Registration Fee as applicable under the Karnataka Stamp Act, 1957, and as amended from time to time to the satisfaction of the concerned authority under the Act.
6. This deemed extension is subject to any independent proceedings under MMDR Act, including proceedings for violation of any provisions of the Rules made there under.

Yours faithfully,

Anvar Basha 26/4/16
(ANVAR BASHA)

Under Secretary to Government,
Commerce and Industries Department
(Mines)

26/4

Copy to:

1. Secretary to Government of India, Ministry of Mines, New Delhi-110 001.
2. The Additional Chief Secretary to Government, Forest, Ecology and Environment Department, M.S. Building, Bengaluru.
3. Regional Controller of Mines, Indian Bureau of Mines, 4th Main, 2nd Stage, Industrial Suburb, Tumkur Road, Raja Industrial Estate, Yeshwanthpur, Bengaluru - 560022.