

**In the Court of Mines Commissioner, Bihar, Patna**  
**Dated 26.09.2017**

File No. 03-103/84

PRESENT :- K.K. Pathak, I.A.S.,  
Mines Commissioner

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M/s Sintra Limited, Mauja Bhurwa-Birki, Rohtas

Vs.

State of Bihar

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**ORDER**

26.09.2017

This is a case of renewal of Bhurwa-Birki Mining Lease in favour of M/s Sintra Ltd. The area of the lease is approximately 200 acres. The renewal of the lease is pending with the Department for the last many years.

Earlier, the Department could not finalise a decision owing to the fact that a case was pending on the Hon'ble High Court, Patna CWJC No. 7625 /2009. The said Writ was finally disposed of by the Hon'ble High Court vide order date 10.05.2016 paving the way for this Department to finalise the issue of the renewal of the mining lease.

Accordingly, it was thought appropriate to hear the Representative of M/s Sintra Ltd before taking a view on the matter. The M/s Sintra Ltd was heard on 18.09.2017 who also filed a written submission with regard to the issue.

As per the Representative of M/s Sintra Ltd, the lease was granted for 20 years in December 1964 and they

filed a renewal Application in October 1983. They again filed another Renewal Application on 21.10.2003 for 20 years. However, the Company could not get the compliance stipulated at the under the Forest Conservation Act, 1980. As per the Representative of the company, they had sought the guidance from the Forest Department, Government of Bihar and undertaken some steps to comply with the conditions. This included enumeration of trees, meetings with Gramsabha etc.

He further mentioned that the proposed lease falls outside the Eco Sensitive Zone as notified by the Government of India.

The Representative further mentioned that they are working for obtaining Forest Clearance as well as Environmental Clearance. They are in touch with the concerned authorities in the Government of Bihar as well as the Government of India. The Representative also mentioned that their appeal is pending before the Hon'ble Union Minister on the issue with regard to the proposal submitted by their sister concern namely M/s Kalyanpur Cements.

Accordingly, the Representative has prayed that the instant proceeding for renewal of Bhurwa- Birki Mining Lease be kept in abeyance till the disposal of their appeal by the Ministry of Environment and Forest.

Having heard the Representative of the Company and having perused the papers available on records, my own findings on the instant issue are as under:-

- (a) That the said mining lease was initially granted to M/s Sintra Ltd for a period of 20 years on 19.12.1964. The Company again applied for a renewal of the lease in the year 1983 and then again, it applied for renewal in 2003.
- (b) I also note that under Section 8A(5) of the Modified Mines and Mineral (Development and Regulation) Amendment Act, 2015, where mineral is used for captive purpose, the period of lease may be deemed to be extended up to 31.03.2030 or up to a period of 50 years, whichever is later. However, the Provision of 8A(5) shall not be applicable where the renewals have been rejected or lapsed.
- (c) In the meantime, the mining operations by the Company remained an abeyance for want of various compliances which were required for M/s Sintra Ltd but which they could not fulfil. Notable amongst these were the following:-
  - i. That the Company failed to obtain the NOC under the Wild Life Protection Act which in the instant case

should not have been a big issue considering that the said mining lease lies outside the Kaimur Wild Life Sanctuary.

- ii. The Company failed to obtain the Environmental clearance under the Environmental Protection Act, 1986.
- iii. The Company did not obtain the consent letter from Bihar Pollution Control Board under AIR (Pollution Prevention and Control) Act, 1981 and Water Act.
- iv. The Company is still to get clearance under Section 2 of Forest Conservation Act, 1980.
- v. The Company discontinued mining operation for more than two years and thereafter, failed to seek an exemption within six months as required under Rule 28A

of the Mineral Concession Rule, 1960.

- vi. The company could never submit any Mining Plan with regard to the said lease.

**Conclusion:-**

From the above, it is clear that the lessee M/s Sintra Ltd has not been able to fulfil the requirements for renewal and as such it is not possible to renew the lease and in the light of the above, the request for renewal of Bhurwa-Birki Mining Lease is hereby rejected.

**Dictated & Corrected**

Sd/-  
(K.K. Pathak)  
Mines Commissioner  
Mines and Geology Department,  
Bihar

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(K.K. Pathak)  
Mines Commissioner  
Mines and Geology Department,  
Bihar

Memo No.-...29.11...../M, Patna, Dated-.....23.10.17....

Copy to :- Collector, Rotas/ Assistant Director, Rohtas /M/s-  
Shahabad Investment & Traders Ltd., Maurya  
Centre, 1-Fraser Road, Patna-800001/ I.T.V.  
Manager, Mines & Geology Dept. Patna for  
information and necessary action.

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Under Secretary to Govt.