

In the Court of Mines Commissioner, Bihar, Patna

Dated 12.03.2018

Miscellaneous Case No – 17/2018
District – Nawada

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

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Mining Officer, Nawada

Vs.

M/s-Jai Mata Di Enterprises

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12.03.2018

This is the proceeding drawn against the Settlee M/s Jai Mata Di Enterprises who was given certain sand ghats of Nawada district.

The Settlee was given the sand ghats for the period of 5 years in a public auction conducted as per the Sand Policy 2013. The settlement amount was Rs. 7.66 crores for the year 2015 and which was to be enhanced each year as per the bid conditions.

The said Settlee then submitted a mining plan which was approved by this Department on 15.05.2015 and subsequently the Environmental Clearance was given by the Ministry of Environment Forest and Climate Change on 11.08.2016. Under the conditions of the EC clearance as well as the Sand Policy 2013, the Settlee was required to undertake the Sand Mining as per the extant Rules and guidelines.

A report was received from the District Mining Officer, Nawada indicating gross irregularities committed by the said Settlee. Numerous FIRs have also been filed in the

various Police Stations of Nawada district for violations of the provisions of Environmental Protection Act, 1986, the Bihar Minor Mineral Concession Rules 1972 and the IPC.

Based on the said report, a proceeding was initiated and notices were issued to the said Settlee on 28.02.2018 and on 05.03.2018. The Settlee was absent on the first date. Accordingly the matter was posted for hearing today.

The following facts are noted with regard to the Settlee:-

- a. The said Settlee was given the sand ghats of Nawada district for the period 2015-2019.
- b. The said Settlee committed the first violation of the environmental conditions when he started mining without obtaining the mandatory clearance either from the SEIAA or the Ministry of Environment, Forest and Climate Change.
- c. *He started the mining on 01.01.2015 and continued till 09.02.2016 without having any valid environmental clearance.*
- d. The Mining Officer had conducted an inspection of all the ghats run by the Settlee on 15.02.2018. After the inspection, it was found that the Settlee has committed gross irregularities while undertaking mining operations in the area.

- e. A total of 5 FIRs were filed against the said Settlee under the provisions of Environmental Protection Act, 2015, the Bihar Minor Mineral Concession Rules 1972 and the IPC.
- f. The gross violations that were reported, inter alia, included following:-
- i. He had gone beyond the mandatory limit of 3 metres depth in the sand ghats contrary to the guidelines. The Sand Policy of 2013 had clearly stipulated that no mining can be undertaken beyond the depth of 3 metres from the river bed or the water table whichever is less.
 - ii. He had not established weigh bridges along the sand ghats in proportion to the sand ghats being operated by him. Although he had been operating 59 ghats, but he had set up only 4 weigh bridges in the ghats.
 - iii. There were no pillars established by the Settlee clearly demarcating the mining area as approved in

the Mining Plan. This is a serious irregularity which enabled the Settlee to undertake mining beyond the approved Mining Plan without getting detected.

iv. He did not execute the Agreement within 60 days as prescribed.

i. A part from the above serious irregularities, it was also found that the Settlee has not made due facilities for the labourers and had not planted enough trees and other plantations as required under the environmental guidelines.

j. For the various irregularities and violation of Environmental Laws, 5 FIRs were filed in different police station of Nawada district against the said Settlee.

From the aforementioned facts, Prima facie, it appears that the said Settlee has shown complete disregard for environmental guidelines and the mining laws.

Today, the Settlee has appeared through a representative but has filed a time petition. He has sought the time petition for 15 days on the ground that the Proprietor of the firm is out of the State on account of a marriage. I find that this is an attempt to delay the proceeding so that the Settlee may continue with their illegal ways for more time to come.

Since the aforesaid violations, prima facie, appear to be serious, therefore, the Lease Settlement of the said Settlee is hereby suspended with immediate effect till he files his reply in the next 15 days.

Let a copy of this order be served to the Learned Collector Nawada, SP Nawada and District Mining Officer Nawada for compliance.

Put up on 27.03.2018.

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.-1358/M, Patna, Dated-12.3.18

Copy to :-Collector, Nawada/S.P. Nawada/Assistant Director, Nawada/ M/s-Jai Mata Di Enterprises, Pro. Gopal Prasad, Hanuman Complex, Main Road, Nawada /I.T. Manager, Mines & Geology Dept. Patna for information and necessary action.

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Under Secretary to Govt.