

In the Court of Mines Commissioner, Bihar, Patna

Dated 14.03.2018

Miscellaneous Case No – 24/2018

District – Nalanda

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

=====

Mining Officer, Nalanda

Vs.

M/s- Mahadev Enclave Pvt. Ltd.

=====

14.03.2018

Whereas, the Mines Inspector, Nalanda has submitted his report dated 22.02.2018 regarding violation of terms & condition of Rules by the Settlee M/s-Mahadev Enclave Pvt. Ltd. for the sand ghats of Nalanda District.

Whereas, the report shows that an Inspection was done at Tetarama sand ghats, jeyar and Maulana Bigha sand ghats, in which the following discrepancies were found, which were clear violation of the Environmental Clearance conditions as well as the Sand Policy 2013-

- (A) No demarcation Pillars were established at the sand ghats which is a very serious violation as this allows the Settlee to go beyond his Mining Plan & undertake excavation of sand undetected.
- (B) No Weigh bridges were established near the sand ghats which too is a serious lapse as per the Sand Policy 2013. This indicates that the Settlee is encouraging the overloading of vehicles.

- (C) There was no facility for secondary loading which indicates that the Settlee was loading wet sands directly on to the vehicles. This is not only contrary to the environmental guidelines but also causes damage to the roads.
- (D) Adequate No. of trees & plantations were not been found as required under the EC & Mine Plan Conditions.
- (E) At sand ghats, there was no arrangement for drinking water, First Aid, lighting etc, which is clear violation of para-19(VIII) of Tender Document as well as the Sand Policy 2013.

Whereas, the report shows that the Settlee has violated terms and condition of New Sand Policy, 2013, and the conditions of the Environmental Clearance. Therefore, it is clear that the Settlee has violated Rule 21(A) of Bihar Minor Mineral Concession Rules, 1972 and Section 15 of Environmental Protection Act, 1986.

Whereas, for said violation, three FIRs under the Environment Protection Act, 1986 & the BMMC Rules, 1972 was filed against the Settlee in Manpur P.S., Sare P.S. & Asthawan Police Station on 21.02.2018.

Whereas, the Settlee has violated the EC conditions therefore, it is necessary to initiate proceedings against the said Settlee.

Whereas, the Hon'ble Supreme Court, in a recent judgment in W.P. (C) No. 202/1995 (T.N. Godavarman

Thirumulpad vs. UoI) on 23.02.2018 has come down heavily on illegal mining and observed the following:-

"The Reports of CEC dated 30.06.2005, 21.07.2010 & 03.09.2009 and Report dated nil should be placed along with these applications for consideration and final hearing on 25th April, 2018.

We may note that there are large number of cases pertaining to alleged illegal mining in the State of Odisha, Karnataka, Madhya Pradesh, Haryana, Rajasthan, Bihar, Uttar Pradesh pending in this Court. There may be allegations with regard to illegal mining in other States as well.

We would like to know on affidavit from the Union of India whether it has any policy at all with regard to the prevention of illegal mining or to take strict action against mining lease holders indulging in illegal mining. It must be noted that the mining activities pertain to the natural resources of the country and surely there must be some policy to deal with plundering of the natural resources of the country."

Therefore, the State Government needs to take all cases of illegal mining very seriously.

Since the aforesaid violations, prima facie, appear to be serious, therefore, the Lease Settlement of the said Settlee is hereby suspended with immediate effect and he is directed to file a Show Cause within 30 days as to why his lease settlement be not cancelled.

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

Put up on 16.04.2018.

Let the notice be sent to the Settlee through Mining Officer, Nalanda.

Dictated & Corrected

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

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

Memo No. - 1401 /M, Patna, Dated- 14/3/18
Copy to :- Director, Mines/S.S.P., Nalanda/Collector,
Nalanda /M/s-Mahadev Enclave Pvt. Ltd., B-37, Ayodhya
Nagar Marg, Hanuman Nagar, Jaipur, Rajsthan /Mining
Officer, Nalanda/ I.T. Manager, Mines & Geology Dept.
Patna for information and necessary action.


Under Secretary to Govt.