

In the Court of Mines Commissioner, Bihar, Patna

Dated 19.02.2018

Revision Case No – 05/2018
District – Kishanganj

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

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Md. Israil

v/s

The District Magistrate-cum-Collector, Kishanganj

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ORDER

19.02.2018

This is a Revision application filed by the Revisionist M/s Md. Israil against the Order passed by the Learned Collector Kishanganj on 16.12.2017.

Accordingly, the matter was admitted and notices were issued.

The Revisionist also filed an undertaking that he would sell the sand at the pit head at Rs. 650 per 100 CFT including all taxes. He has also agrees to pay 5% BSMC commission. He will also pay the pending royalty along with the interest.



The Settlee has also agreed to withdraw the case pending in the Hon'ble High Court CWJC No. – 283/2018 challenging the Order of the Learned Collector Kishanganj.

The copy of the order of the Hon'ble High Court 12.02.2018 is available on record dismissing the writ petition as withdrawn.

The Learned Advocate of the Settlee was heard on the issue of cancellation in detail. The report of the Deputy Director Mines was also obtained with regard to the pending royalty.

I have also perused the order of the Learned Collector Kishanganj dated 16.12.2017. It appears that the Settlee had indeed committed irregularities with regard to the challans. Therefore, there is need to impose a financial penalty for such a regularities.

After having heard the Learned Advocate of the Settlee as well as Deputy Director Mines and having perused the papers available on record, I am of the view that since the Settlee wants a reconciliation and is willing to abide by departmental guidelines and sell the sand at reasonable rates and given the fact that he has also withdrawn the case pending in the Hon'ble High Court, I am inclined to allow the Settlee to resume mining in his settled areas for the remaining period of his lease but with following conditions:-



- (a) The Settlee (Revisionist) shall ensure that the sand (White Sand - Construction Grade) is available to the customers in Kishanganj district at an upper limit of Rs. 1100 per 100 CFT (inclusive of all taxes and BSMC charges). He shall ensure that this upper limit of the price is maintained throughout the rest of the period of the settlement, i.e. 31.12.2019.
- (b) The Settlee shall pay the BSMC charges at the prevailing rates for all the sand sold by him.
- (c) The Settlee shall also pay the pending royalty as well as the penalty, along with interest before 20.03.2018 as per the Schedule annexed with this Order.
- (d) The Settlee (Revisionist) shall adhere to the boundaries duly earmarked by the Mines Department. The Revisionist, therefore, shall not cause any obstruction to any of the existing Settlees, who were awarded ghats in the recent auction conducted by the Department in the month of December 2017, January 2018 and February 2018. Wherever, in a few



cases, the boundaries of the new Settlees overlap with the Revisionist, the Revisionist shall make way to that extent.

(e) The Revisionist shall also supply sand to the BSMC and to its buffer stocks in various districts on payment.

(f) Given the fact that the Settlee earlier used to sell the sand to West Bengal but without proper permission of the Department, it is stipulated that he should now validly sell the sand to West Bengal but, with due permission of the Department. To that end, it is also stipulated that he will at least sell 50% of his monthly production to West Bengal and pay such additional royalty for such dispatches as fixed by the Department from time to time.

(g) Needless to mention, he shall abide by all the extant guidelines and Rules of the Department and pay such dues of the Department from time to time.

Subject to the aforesaid conditions, I hold that the Settlee (Revisionist) may be allowed to resume his work for



the remaining period of his settlement in the district of Kishanganj.

I direct the Learned Collector of Kishanganj to issue the work Order to the Settlee after he submits a small Affidavit to the Learned Collector that he is agreeable to all the above conditions mentioned in this Order.

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.-.....968...../M, Patna, Dated-.....20.2.18.....
Copy to :-Collector, Kishanganj/ Director, Mines/D.D.(HQ)/
Mines Inspector, Kishanganj/Md. Israil, S/o-Late Haji
Wasimuddin, Vill-Tupamari, Post-Belwa, District-
Kishanganj (Bihar) / I.T. Manager, Mines & Geology Dept.
Patna for information and necessary action.

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Under Secretary to Govt.



मो0 इजराइल का किशनगंज जिले के बालूघाटों के लिए बकाया संबंधी प्रतिवेदन।

- (क) पूर्व का बकाया (खान निरीक्षक, किशनगंज से प्राप्त प्रतिवेदन पत्रांक 74/एम0 दिनांक 16.02.18 के अनुसार = 12,86,760/-
- (ख) बंदोबस्तधारी द्वारा पूर्व में बरती गई अनियमितताओं के लिए जुर्माना- 15,00,000/-
- (ग) पंचांग वर्ष 2018 की बंदोबस्ती राशि (पंचांग वर्ष 2017 की बंदोबस्ती राशि पर 20% जोड़कर) = 31,44,96,000/- इस प्रकार पंचांग वर्ष 2018 की प्रथम किस्त 50% यानि 1,57,24,800/- रुपये।
- (घ) दिनांक 20.02.18 तक प्रथम किस्त की बंदोबस्ती राशि के बावत कुल 67 दिनों का 10340/-रुपये की दर से सूद-6,92,780/-
- कुल बकाया-क+ख+ग+घ= 1,92,04,340/-

इस प्रकार तत्कालीन बंदोबस्तधारी मो0 इजराइल का किशनगंज जिला हेतु देय कुल राशि:- 1,92,04,340/- (एक करोड़ नानवे लाख चार हजार तीन सौ चालीस) रुपये मात्र।


(विश्वजीत दाँ)
उप निदेशक (मु0)।


19/2/18
डी. व. भायूधर
बिहार सरकार

