

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

**Dated 25.01.2018**

**Revision Case No – 04/2017**

**District – Aurangabad**

**Revision Case No – 02/2018**

**District – Rohtas**

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

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**Aditya Multicom Pvt. Ltd./Mining Officer Aurangabad**

**Vs.**

**Collector, Rohtas/Collector Aurangabad**

=====

**ORDER**

25.01.2018

In this Revision matter concerning two districts of Aurangabad and Rohtas, the Revisionist is common i.e. M/s Aditya Multicom Pvt. Ltd. Hence, the 2 matters have been clubbed together. The Revisionist, it may be noted, have been given the right to undertake sand mining in the 2 districts through a common advertisement and a common arrangement under the Sand Policy 2013.

In Rohtas District, the District Administration had filed certain cases against the Revisionist for violating statutory requirements. The Learned Collector Rohtas vide Order dated 19.09.2017 cancelled the settlement of the Revisionist, in so far as the district of Rohtas is concerned. Aggrieved at this Order, the Revisionist had filed a Writ in the Hon'ble High Court CWJC No. 14638/2017. However,

later he chose to withdraw the case with the liberty to approach this Revisional forum.

The Revisionist also has agreed to withdraw another case namely CWJC No. 1103/2018.

Parallely, the Learned Collector, Aurangabad had initiated a proceeding and vide Order dated 09.12.2017 cancelled the settlement of 12 ghats for which the Petitioner could not obtain the environmental clearance. The Mining Officer Aurangabad had filed a Revision Application against the said Order of the Learned Collector, Aurangabad.

Also, another Revision Application was filed by the Settlee against the orders passed by the Learned Collector of Rohtas.

Meanwhile, the Settlee also filed a supplementary Revision Application enclosing a letter dated 08.01.2018 addressed to the Principal Secretary, Mines mentioning his willingness to sell the sand at a particular rate, pay the BSMC charges and also clear the royalty dues with interest within 2 months.

Accordingly, all the 2 matters were tagged together and a common hearing was done.

During the hearing on 16.01.2018 and 19.01.2018, the Deputy Director was directed by this Court to submit a report clearly de-lineating the exact area that were under operation by this Settlee in the district of Rohtas. It was also directed that the Deputy Director should submit the royalty

payment schedule for both the districts of Rohtas and Aurangabad.

The report of the Deputy Director has been received on the boundary demarcation and on the pending royalty. This was shared with the Revisionist during the hearing. It came to the knowledge that few of the ghats settled by the Department during the month of December 2017 and January 2018 overlapped the area operated by the Revisionist earlier.

It was clarified to the Revisionist that since these auctions were carried during the period of the cancellation of the license, the Revisionist should not create any problems for the new Settles and extend all co-operation to them in both districts of Rohtas and Aurangabad. In that view of the matter, the Deputy Director is also directed to get the demarcation done for Aurangabad district.

The Learned Advocate of the Revisionist was heard in great detail. He mentioned his commitment to stand by the letter of understanding dated 08.01.2018. He also confirmed that he has withdrawn the concerned cases, namely, CWJC No. 14638/2017, MJC No. 2924/2017 and CWJC No. 1103/2018. He has filed the order of Hon'ble High Court dated 19.01.2018.

The Learned Advocate also mentioned that some of the ghats of these 2 districts are under consideration for an environmental clearance and he requests the Department's support for an early grant of environmental clearance.

Having heard the Learned Advocate of the Revisionist and based on the papers available on record, I direct as under:-

- (a) The Settlee shall ensure that the sand (Yellow Sand) is available to the customers in Rohtas and Aurangabad district at an upper limit of Rs. 3000 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 for exceeding the environmental cap in certain Ghats, along with interest, before 28.03.2018 as per the schedule annexed with this Order.
- (d) The Settlee shall adhere to the boundaries duly earmarked by the survey conducted by the Deputy Director and his team. 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 and January 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) The Department shall consider the pending environmental cases of the Revisionist and expedite their clearance in DEIAA/SEIAA as per the guidelines.
- (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 may be allowed to resume his work in the district of Rohtas for the remaining period of his settlement.

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

Since the Settlee is already continuing his work in Aurangabad for the ghats for which environment clearance is available, and the Learned Collector has cancelled the settlement for only such ghats for which Environmental Clearance is not available, there is no need to interfere with the Order passed by the Learned Collector, Aurangabad dated 09.12.2017 and shall be revisited only after the Settlee obtains the environmental clearance.

**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.-...528...../M, Patna, Dated-...25.1.18.....  
Copy to :-Divisional Commissioner, Patna/Gaya /Collector,  
Rohtas/Aurangabad/Director, Mines/Assistant Director,  
Rohtas/Mineral Development Officer, Aurangabad/Deputy  
Director (HQ)/ M/s-Aditya Multicom Pvt. Ltd., C/o-Shashi  
Kumar Singh, Near Hotel Vandna, Shivganga Pole Road,  
Dehri-On-Sone /I.T. Manager, Mines & Geology Dept.  
Patna for information and necessary action.

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Under Secretary to Govt.

मेसर्स आदित्य मल्टीकॉम प्रा० लि० का रोहतास जिले के लिए बकाया संबंधी प्रतिवेदन।


(क) पंचांग वर्ष 2017 के तृतीय किस्त का बकाया राशि- ₹0 23,59,00,224 /-

(ख) दिनांक 31.01.2018 तक तृतीय किस्त की सूद की राशि-2,12,31,020 /-

(ग) पंचांग वर्ष 2018 की बंदोबस्ती राशि (पंचांग वर्ष 2017 की बंदोबस्ती राशि पर 20% जोड़कर) =1,13,23,21,075/- इस प्रकार पंचांग वर्ष 2018 की प्रथम किस्त 50% यानि 56,61,60,538 रूपये।

कुल बकाया राशि= क+ख+ग= ₹82,32,91,782/-

इस प्रकार बंदोबस्तधारी मेसर्स आदित्य मल्टीकॉम प्रा० लि० का रोहतास जिला हेतु बकाया कुल राशि:- ₹82,32,91,782/-

  
24/1/18  
(विश्वजीत दाँ)  
उप निदेशक (मु०)।

  
24/1/18

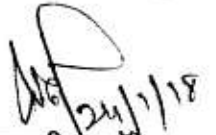
मेसर्स आदित्य मल्टीकॉम प्रा0 लि0 का औरंगाबाद जिले के लिए बकाया संबंधी प्रतिवेदन।

- (क) पूर्व का बकाया (वर्ष 2017 की सूद राशि = 53,21,394/-  
(ख) पंचांग वर्ष 2018 की बंदोबस्ती राशि (पंचांग वर्ष 2017 की बंदोबस्ती राशि पर 20% जोड़कर) = 85,14,22,925/- इस प्रकार पंचांग वर्ष 2018 की प्रथम किरस्त 50% यानि 42,57,11,463 रूपये।  
(ग) वर्ष 2017 में बालू बंदोबस्तधारी द्वारा 7 बालूघाटों से अनुमोदित खनन योजना तथा पर्यावरणीय स्वीकृति में वार्षिक उत्पादन सीमा से 1,22,82,010 घनफीट अधिक बालू का उत्पादन एवं प्रेषण अवैध रूप से किया गया है जिसके लिए बिहार लघु खनिज समनुदान नियमावली, 1972 के नियम 40(8) के तहत बालू का वसूलनीय मूल्य = 1,22,82,010 CFT x 9 = ₹11,05,38,090 Cr. (ग्यारह करोड़ पाँच लाख अड़तीस हजार नब्बे मात्र) है।

कुल बकाया—क+ख+ग= ₹54,15,70,947 /—

इस प्रकार बंदोबस्तधारी मेसर्स आदित्य मल्टीकॉम प्रा0लि0 का औरंगाबाद जिला हेतु द्वारा देय कुल राशि:— ₹54,15,70,947 /—

  
24/1/18

  
24/1/18  
(विश्वजीत दाँ)  
उप निदेशक (मु0)।