



**Government of Jammu and Kashmir (UT)
Directorate of Geology and Mining, Jammu.**

Subject:- Grant of Mining Lease of Minor Mineral Block No- 5/33 over an area of 9.66 hectares at Khour Wali Khad Downstream Khour Bridge District, Jammu.

Reference:- Government Order No. 76-JK (FST) of 2020 dated 29-07-2020.

Order No : 44-DGM of 2021

Dated : 27.01.2021

Whereas, the Mineral Block No- 5/33 over an area of 9.66 hectares at Khour Wali Khad Downstream Khour Bridge District, Jammu was open auctioned during the year 2017-18;

Whereas, the Adm. Department (I&C) scrapped the open auction process vide communication No. IND/Legal/239/2018 dated 26.02.2019 & subsequently various Writ Petitions challenging the said scrapping were dismissed by the Hon'ble High court in its judgment dated 01.05.2020 and 30.09.2020;

Whereas, subsequently Adm. Department (I&C) vide its communication Order No. IND/Legal-103/2019 dated 11.05.2020 & 12.05.2020 instructed the department to conduct e-auction of these Minor Mineral blocks and accordingly, the said block was re-auctioned on 01.07.2020 (e-auction mode) by the District level auction committee after approval from the Adm. Department vide No. IND/MNG-32/2020 dated 20.05.2020;

Whereas, on the recommendations of Deputy Commissioner, Jammu vide letter No. DCJ/PS/20-21/879-881 Dated 08-07-2020, Letter of Intent was issued to the successful bidder with the directions to submit Approved Mining Plan, Environmental Clearance, Consent to Operate and deposit remaining 50% bid amount within a period of six months;

Whereas, taking note of the fact that the UT of J&K is grappling with acute paucity of raw material like sand/aggregate/RBM materials for developmental works, consequent upon banning to mining of minor minerals without Environmental Clearance and Consent to operate in November, 2019 in compliance to the directions of Hon'ble National Green Tribunal and Hon'ble Supreme Court, the matter for grant of Mining Leases has been examined in detail at various levels in the Government to explore the possibilities of Fast Tracking the mining operation in view of huge scarcity of key construction material in the UT and COVID-19 Pandemic, the Government felt necessary to make some facilitation where e-auction has been successfully conducted and previous allottee of the various minor mineral blocks had reached various stages of appraisal process and felt repeating every process de-novo would consume lot of time. As such, Government ordered vide No. 76-JK(FST) of 2020 dated 29-07-2020 that the Term of Reference(ToR), Public Consultation and Environmental Clearance shall be deemed to have been transferred in favour of new allottees of E-auction process on the same terms and conditions of ToR, Public Consultation and Environmental Clearance. The new allottee shall commence Mining Operation only after completion of the due procedure of the remaining elements of EC & CTO;

Whereas, the successful bidder submitted Environmental Clearance issued by J&K Environment Impact Assessment Authority vide No. JKEIAA/2020/299/1121-34 dated 03.11.2020 read with Corrigendum No.1621-23 dated 09.12.2020 and No.1736-45 dated 23.12.2020;

Whereas, the successful bidder submitted Consent to Operate issued by J&K Pollution Control Board vide No. PCB/digital /20041748201 of 2020 dated 24.11.2020;

Whereas, the successful bidder submitted NOC/distance Certificate from the Forest Department issued by DFO vide No. DFO-J/2895 dated 30.09.2020, NOC from Irrigation Division Akhnoor vide No. ID/AKH/3311-13 dated 23.01.2021, Flood Control Division Akhnoor vide No.FCDA/1104-05 dated 5.10.2020 and NOC from Fisheries Department issued vide No. DOF/TECH/2021/73-82 dated 11.01.2021 for grant of Mining Lease;

Whereas, the successful bidder submitted an Undertaking, inter-alia, that he shall abide by all the terms and conditions connected to the transferred document including Mining Plan and the liability, if any, that arises with regard to transfer of any document pertaining to the grant of this Mining Lease shall be borne by him;

Whereas, the successful bidder submitted remaining 50% bid amount vide CDR No. 477059 dated 06.01.2021 amounting to Rs. 21.505 Lacs and 02% Income tax vide DD No. 282290 dated 06.01.2021 amounting to Rs. 0.4301 Lacs, Security Deposit vide CDR No.477057 dated 06.01.2021 amounting Rs. 10.00 lacs, Quarterly Dead Rent vide CDR No. 477055 dated 06.01.2021 amounting Rs.11,500/-;

Now, therefore, in exercise of the powers vested with Director Geology & Mining under Rule 42 of the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 sanction is hereby accorded to Grant of Mining Lease of Minor Mineral Block No- 5/33 over an area of 9.66 hectares at Khour Wali Khad Downstream Khour Bridge District, Jammu in favour of Sh. Rahil Choudhary S/o Sh. Rakesh Kumar R/o 51 B/D, Gandhi Nagar, Jammu for a period of 05 years subject to the following terms and conditions that :-

- 1.) The lessee shall have no objection to the conducting of exploration in the leased area as and when required by the Department.
- 2.) The lessee shall abide by the provisions of Mines & Minerals (Development & Regulation) Act 1957, Rules made there under and the Mines Act 1952, rules and regulations there under and regulations there under, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010 & J&K State Fisheries Act, 1960 and the rules made thereunder.
- 3.) The lessee shall execute, register the lease deed as per Rule, 40 of the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 with the conditions laid down in Rule 38 of the said Rules.
- 4.) The lessee shall commence the mining operation only after demarcation of the lease area by the Department.
- 5.) The Lessee shall work strictly as per approved Mining Plan and guidelines/ Conditions of Environmental Clearance/CTO/NOCs of Stake Holding Departments etc.
- 6.) The Extraction limits of minor minerals shall be restricted to the approved quantity in the Mining Plan/Environmental Clearance/Consent to operate, whichever is lesser.
- 7.) The lessee shall adhere the instructions/orders/guidelines of MoEF&CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.



- 8.) The Lessee as per Environmental Clearance issued by J&K Environment Impact Assessment Authority vide No.JKEIAA/2020/299/1121-34 dated 03.11.2020 read with Corrigendum No.1621-23 dated 09.12.2020 and No.1736-45 dated 23.12.2020 shall submit the Bank Guarantee pledged to the Director, Geology and Mining Department for amount as mentioned under C.S.R/E.M.P of the projects till they open Bank Account within a period of three months.
- 9.) The lessee under Rule-9 of SRO -105 shall furnish Financial Assurance in the shape of Bank Guarantee favoring Director, Geology & Mining for restoration/ reclamation works.
- 10.) The Lessee shall indemnify the department against any revision/ modification of any document connected to the said Mining Lease.
- 11.) The lessee shall update/revise the Mining Plan in respect of the said Minor Mineral Block within the stipulated time period
- 12.) The Lease shall be further subject to outcome of any Writ Petition pending before Hon'ble Court of J&K or any other Court of Law if any, as may be applicable to this Mineral Concession.
- 13.) The Lessee shall be personally responsible for any adverse decision by any Court of Competent Jurisdiction/Tribunal in this regard besides, any third party dispute in the matter.

No. 827/MCC/DGM/B-5/33/JMU/20/ 9542-53

Dated: 28.1.2021

Copy to the:-


Director
Geology & Mining
J&K, Jammu

27/01/2021

- 1.) The Commissioner/Secretary to Govt., Department of Mining, Civil Secretariat, Jammu for kind information.
- 2.) The Commissioner/Secretary to Govt. Department of Forest, Ecology & Environment, Civil Secretariat, Jammu for kind information.
- 3.) The Chairman, J&K Pollution Control Board, Jammu for kind information.
- 4.) The Director Ecology, Environment & Remote Sensing Department/Member Secretary (JKEIAA) Jammu for information.
- 5.) The Deputy Commissioner, Jammu for information.
- 6.) The Joint Director (J), Geology & Mining Deptt; Jammu for inf. & n/a.
- 7.) The Executive Engineer, Irrigation Division, Akhnoor for information and n/a.
- 8.) The Executive Engineer, Flood Control Division, Akhnoor for information and n/a.
- 9.) The Officer I/C Website, Geology & Mining Deptt; Jammu for inf. & n/a.
- 10.) The Accounts Officer(C) Geology & Mining Deptt; Jammu alongwith remaining 50% bid amount vide CDR No. 477059 dated 06.01.2021 amounting to Rs. 21.505 Lacs and 02% Income tax vide DD No. 282290 dated 06.01.2021 amounting to Rs. 0.4301 Lacs, Security Deposit vide CDR No.477057 dated 06.01.2021 amounting Rs. 10.00 lacs, Quarterly Dead Rent vide CDR No. 477055 dated 06.01.2021 amounting Rs.11,500/ for information, necessary action and safe custody.
- 11.) The District Mineral Officer, Geology & Mining Deptt. Jammu for inf. & n/a.
- 12.) Sh. Rahil Choudhary S/o Sh. Rakesh Kumar R/o 51 B/D, Gandhi Nagar, Jammu for information & n/a . He shall also submit a CDR amounting Rs. 575/- (Less amount of Quarterly Dead Rent).