

CCO

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Clarification on approval of five numbers of Mining Plans in respect of Graphite Mineral in Arunachal Pradesh-Part-I

From : RO Guwahati <ro.guwahati@ibm.gov.in>

Mon, Nov 29, 2021 01:44 PM

Subject : Clarification on approval of five numbers of Mining Plans in respect of Graphite Mineral in Arunachal Pradesh-Part-I

2 attachments

To : CCOM Nagpur <ccom@ibm.gov.in>

Sir,

This is having reference to the telephonic discussion in respect of five numbers approved Mining Plan of Graphite Mineral in the state of Arunachal Pradesh (NE States) wherein undersigned was advised to confirm the lease status in respect of date and it's relevance and authenticity with the date of commencement of MMDR (Amendment) act, 2021 i.e 28.03.2021.

- A) a) In this regard, please refer highlighted text on MMDR Amendment Act, 2021, which clearly states that the rights of obtaining a Mining Lease in respect of pending cases of 10(A)(2)(b), shall lapse on the commencement of the act i.e 28.03.2021. (**Annexure-1**).

Please read the act along with the MCR-2016 rules 7(6).

MCR-2016 Rule 7(6) states as follows " ***The State Government shall, on being satisfied that the conditions specified in sub-clause (i) to sub-clause (iv) of clause (b) of sub-section (2) of section 10A have been complied with, within a period of sixty days from the date of receipt of the duly completed application, (a) communicate through an order its decision to grant the mining lease for any mineral other than those specified in the First Schedule to the Act, or (b) forward the application to the Central Government for its previous approval for grant of a mining lease for any mineral specified in Part C of the First Schedule to the Act.***"

- B) b) **Section 5(2)(b) of MMDR Act-1957** is applicable to minerals listed in Part-A, B & C of First schedule and Fourth schedule of MMDR Act, 1957. Graphite is a mineral which is not listed either in Part-A, B & C of First schedule of MMDR Act, 1957 or in its Fourth schedule as a notified mineral. Hence, the state government had right to Grant, execute and register mining lease deed after satisfaction in respect of Graphite Mineral which is not in violation of **Section 5 (2)(b) of MMDR Act-1957**.

Please also refer to executed and registered lease deed copy (**Annexure-2, 3, 4, 5, 6**) which clearly shows that all the five cases have been executed and registered by state govt. (Government of Arunachal Pradesh) before 28.03.2021, i.e, before the MMDR amendment act and there is no such provisional condition /provisional word used or mentioned anywhere in the executed and registered mining lease deed.

Therefore it clearly implies that the above leases were not any more pending case under 10(a)(2)(b) as on processing date.

Further, vide CCOM circular dated 13.04.2021 it has been very clearly advised to revoke the approved mining plan which had turned in fructuous after the MMDR (Amendment) Act-2021 come into force i.e from 28.03.2021, however these five Graphite Mineral

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Concession cases are in contrary to the aforesaid circular where the lease deed was executed and registered before the effective date of lapsing of right to obtain a Mining Lease.

It may be noted that the State of Arunachal Pradesh is not having the cadastral land records and all the land falls under community private land. The status of Map digitisation is attached as **Annexure-7**.

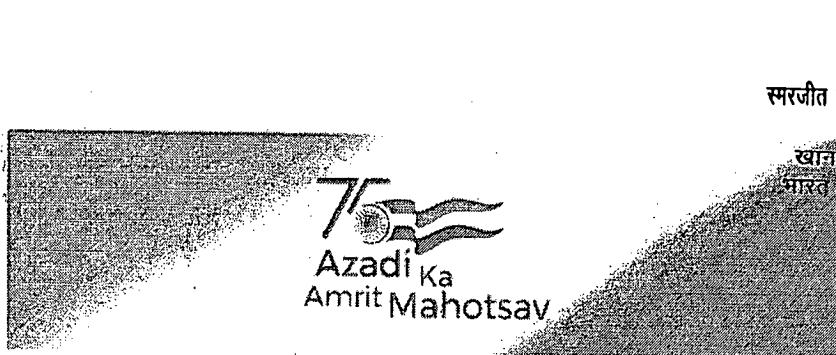
Thus the **Section 5 (2)(b) of MMDR Act-1957 is not Violated** in respect of the five cases of approval of Mining Plan in respect of Graphite Mineral in the state of Arunachal Pradesh.

It is submitted for kind information and perusal please.

Annexure-3 to 7 will be send in next three email.

Regards,

(K.K.Tardia)
Regional Controller of Mines
IBM-Guwahati



Annexure-1.pdf
982 KB

Annexure-2.pdf
15 MB
