

GOVERNMENT OF KARNATAKA

Annexure - 9

(50)

No. DMG/MLS/CCA/2019-20

586A

Office of the Director  
Department of Mines and Geology  
#49, Khanija Bhavan, Race Course Road,  
Bangalore - 01, Dated: 20.12.2019.

24 DEC 2019

To,  
The Regional Controller of Mines,  
Indian Bureau of Mines,  
29, Industrial Suburb, II Stage,  
Tumkur Road, Gorguntepalya,  
Yeshwanthpur, Bengaluru-560 022.

Sir,

Sub: Implementation of approved R&R plan in respect of C category mining leases - reg.

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The Hon'ble Supreme Court vide its order dated: 13.04.2012 has made it mandatory for preparation and implementation of R&R plan in respect of A, B and C category mining leases. In respect of category A and B, lessees are providing inputs to the ICFRE and thereafter ICFRE will prepare draft R&R plan and submit the same to CEC for approval. In respect of 'C' category mines Hon'ble Supreme Court on 30.07.2015 has held as under:

*"The successful bidder/lessee will be required to implement the prescriptions/provisions of the approved R&R Plan in accordance with the guidelines approved by this Court. The cost incurred for this will be reimbursed by the State Government to the successful bidder/lessee after recovering the same from the erstwhile lessee;"*

State Government vide letter No. CI 327 MMM 2015 dated: 14.08.2015 has sought suggestion from CEC with regard to the preparation of R&R plan in respect of 'C' category mines as there is no owner to provide baseline data to FIMI/ICFRE. In response CEC vide letter dated: 20.08.2015 suggested "that with regard to the Category-C mining leases it may be appropriate that while the R&R Plans for the areas found to be under illegal mining pit/over burden

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dump etc are prepared and finalized before auction, the SEMP and MPAP may be prepared and finalized only after the auction of Category-C mining leases is held and the successful bidders/lessees provide the base line data to the FIMI/ICFRE particularly with regard to the extent and location of the area identified for over burden dumps and the infrastructure facilities such as conveyer system, railway siding and slurry pipeline that are planned to be developed. The lease wise SEMP and MPAP which are finalized without considering the inputs provided by the successful bidders/lessees may subsequently require substantial changes particularly with regard to the MPAP.

If the above procedure is acceptable to the State Government then in that case the State Government may please ensure that the lease wise details regarding Plans for R&R of areas found to be under illegal mining pit/ over burden dump etc are expeditiously prepared by the State Government through ICFRE and made available to the CEC. Needless to say, the CEC would be taking immediate action for approval of the same. The preparation and finalization of the lease wise SEMP and MPAP may be undertaken after the base line data in this regard are made available by the successful bidders/lessees to FIMI/ICFRE. However, if the State Government is desirous of holding the auction of Category-C mining leases only after preparation and approval of the complete lease wise R&R plans then in that case the State Government may please ensure that the R&R Plans are prepared expeditiously and made available to the CEC at the earliest..

Further, the Hon'ble Supreme Court in W.P No. 562/2009 issued on 13.09.2017 directed that it will be open for the State of Karnataka to auction such of the Category 'C' mines which, according to the State, are viable and can be auctioned."

As per the above orders, State auctioned 14 C category mines which are viable and in these cases, successful bidders are implementing/to implement the approved R&R plan.

Status of preparation, approved and implementation of R&R plans are as under:

No. of C category Mines	No of R&R plan prepared by ICFRE	No of R&R plan approved by CEC	Balance	No of approved R&R plan which are to be implemented by successful bidders	No of R&R plan which are to be implemented by State.
51	28	25	26	14	37

Status of R&R plan and approximate cost of implementation of R&R plans in respect of 37 C category mines is enclosed to this letter.

As you are aware that, as per Rule 29A of the MCR,1960, lessee has to submit a mine closer plan and before closing the mine, lessee has to implement the R&R measures as prescribed under the approved mining plan.

Further, as per Rule 23F of MCDR, 1988 every lease holder has to furnish a finance assurance in the form of performance security, any security or credit to the respective account of any scheduled bank and the financial assurance shall be released only after the satisfactory completion of the provisions contained in the mine closure plan and certified by the Regional Controller of Mines.

Since category C mining leases were cancelled as per Hon'ble Supreme Court order and the erstwhile owners are not in picture, the subject of implementation of R&R plan was placed before the State Empowered Committee on 27.11.2019, wherein it was decided to obtain the details like performance security/security deposit etc., available with IBM for the prupose of closing the mine or to implement R&R. Hence it is requested to provide the details of amount/security deposit/performance security etc., submitted by respective lessees to implement the approved R&R plan as per the directions of the Hon'ble Supreme Court.

Yours faithfully,

  
DIRECTOR