

**PRODUCTION FIGURE OF JODA EAST IRON OF M/S. TATA STEEL LTD.**

The production figures of (Iron Ore) for the year 1994-95 to 2017-18 in respect of Joda East Iron Mine of M/S Tata Steel Limited is as follows:

Year	Iron Ore Production (MT)
1994-95	750878
1995-96	1137755
1996-97	1742556
1997-98	1836806
1998-99	1964910
1999-00	2122266
2000-01	2385326
2001-02	2590916
2002-03	3057342
2003-04	3457285
2004-05	4092336
2005-06	3557275
2006-07	3676510
2007-08	3804385
2008-09	4286733
2009-10	4984810
2010-11	5216915
2011-12	4950717
2012-13	6072062
2013-14	8285708
2014-15	7752559
2015-16	8339552
2016-17	9210609
2017-18	9132670

Memo No. <sup>3139</sup> / Mines, date 11.07.18

Copy to M/S Tata Steel Limited, Joda East Iron Mines for information and necessary action with reference to their letter No. GM/PL/132/12/18 dated 26.06.2018

  
Deputy Director Mines,  
Joda Circle: Dist:Keonjhar.



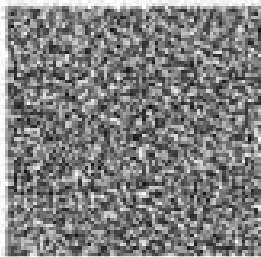
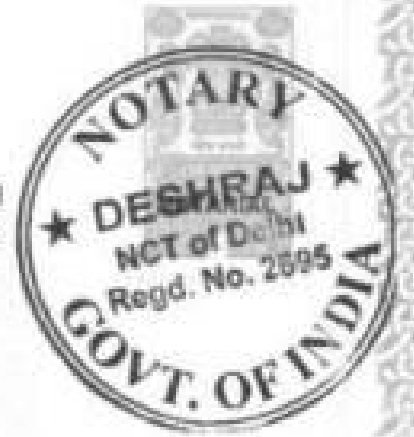
सत्यमेव जयते

## INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

### e-Stamp

Certificate No.	: IN-DL40154676167563Q
Certificate Issued Date	: 20-Jun-2018 11:04 AM
Account Reference	: IMPACC (IV)/ d1740903/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL4090384280910488754Q
Purchased by	: TATA STEEL LIMITED
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: TATA STEEL LIMITED
Second Party	: MOEF AND CC
Stamp Duty Paid By	: TATA STEEL LIMITED
Stamp Duty Amount(Rs.)	: 10 (Ten only)



.....Please write or type below this line.....

#### To whom so ever it may concern

In pursuance MoEF&CC guideline ref no .No. 3-50/2017-IA, III(Pt) dated 30<sup>th</sup> May 2018, this is to undertake that Tata Steel Limited would comply with all the statutory requirements and Judgement of Hon'ble Supreme Court dated 2<sup>nd</sup> August 2017 in the Writ Petition (Civil) No 114 of 2014 in the matter of Common Cause versus Union of Indian and Ors. with respect to Joda East Iron Mine owned and operated by it. This undertaking is without prejudice to rights and contentions of the Project Proponent with respect to the present legal proceedings and will be subject to final outcome of the proceedings and finality of the issue.

Register Sl. No. 354/18 under  
rule-11(2) of the Notaries Rules 1951.  
DESHRAJ, Notary Public

ATTESTED  
  
(DESHRAJ)  
NOTARY PUBLIC  
DELHI (INDIA)

TATA STEEL LTD,  
Jeevan Bharati Building,  
Tower-L, 10th Floor,  
124, Connaught Circle,  
New Delhi-110007

1. The authenticity of this State Certificate should be verified at [www.delhi.gov.in](http://www.delhi.gov.in) or the website mentioned therein.  
2. The onus of checking the legitimacy is on the part of the certificate.  
3. In case of any discrepancy please inform the Competent Authority.

20 JUN 2018



Annexure-I(c)  
Details of Payment done  
as per demand notice

To,  
The Deputy Director of Mines,  
Joda Circle, Keonjhar

Ref: GM/PL/ 751/225/L7  
Date: 22<sup>nd</sup> December 2017

Sub: Intimation of Payment made as per Demand Notice No. 4138 / Mines dated  
02.09.2017

Ref: Your letter vide Memo No. 4138 / Mines, dated 02.09.2017

Dear Sir,

We had been directed to pay an amount of Rs. 243, 64, 11, 380.00/- (Rupees Two hundred and forty three crores Sixty four lakhs Eleven thousand Three hundred Eighty only) being the price towards compensation under Section 21(5) of MMDR, 1957 for production without/ in excess of the environmental clearance in respect of Joda East Iron Ore Mines.


We wish to inform you that we have made a payment of Rs. 243, 64, 11, 380.00/- (Rupees Two hundred and forty three crores Sixty four lakhs Eleven thousand Three hundred Eighty only) through net banking against the demand, on 22<sup>nd</sup> December 2017 vide transaction reference number 425530481, 425534469, & 425537844 for Rs 836411380.00/-, Rs 800000000.00/- & Rs 800000000.00/- respectively (Total Rs 243,64,11,380.00/-) paid through HDFC Bank (Copy of the proof of payments enclosed).

The aforesaid payment has been made in compliance with the judgment of Hon'ble Supreme Court passed on 02.08.2017 in Writ Petition (Civil) No. 114 of 2014 [Common Cause v Union of India] and without prejudice to any of our rights, presently or that may accrue in the future, pursuant to developments in related statutes or any other interpretation by the Court(s). Further, the payment made by us cannot be construed to be admission of any liability on account of violation of any statute/law/regulation and cannot form the basis of any further/additional demand or any other consequence.

We request you to please acknowledge the receipt of this amount.

Thanking You,

Yours Faithfully,  
F: Tata Steel Limited

  
(Pankaj Kumar Satija)  
General Manager (OMQ)

Encl: As above

Copy to: Director of Mines, Department of Steel & Mines, Govt. of Odisha

**TATA STEEL LIMITED**

Mines Division Noamundi 833 217 India

Tel 91 9234301340 Fax 91 6596 290737

Registered Office Bombay House 24 Homi Mody Street Fort Mumbai 400 001 India

Tel 91 22 66658282 Fax 91 22 66657724

Corporate Identity Number L27100MH1907PLC000260 Website www.tatasteel.com



Regd. Post with AD/E-mail

OFFICE OF THE DEPUTY DIRECTOR OF MINES, JODA CIRCLE

No. 4138 /Mines Dt. 02.09.17DEMAND NOTICE

To

M/s Tata Steel Ltd

At/Po:- Joda

Dist:- Keonjhar

1. Whereas, it has been observed that **Tata Steel Ltd**, the mining lease holder of **Joda East Iron Ore** mines over an area of **671.093 Ha.** has undertaken production of **Iron Ore** from the above referred mining lease hold area without or in excess of the approved limit of production under Environmental Clearance during 2000-01 to 2010-11.

2. And Whereas pursuant to the interim order dt.16.05.2014 of Hon'ble Supreme Court in the matter of W.P.(C) No.114 of 2014 Common Cause vs. Union of India and others, the CEC has dealt among others, the issue of production without or in excess of EC and has submitted its final report on dt.16.10.2014 before the Hon'ble Supreme Court. In the said report the CEC under Para 34 has calculated the notional value of the total quantities of iron and manganese produced without EC / beyond EC by all the lessees in the State of Odisha during the years 2000-01 to 2010-2011. The details of year wise production of **Iron Ore** in the **Joda East Iron Ore** mining leasehold area along with the approved limit of production under EC, the excess production, price of mineral and the notional value (price of minerals) of total quantities of **Iron Ore** produced without E.C./beyond the EC by you during the years 2000-01 to 2010-11 as have been indicated in the said report is annexed herewith as Annexure I.

3. Whereas the Hon'ble Supreme Court in its judgement dated 2.8.2017 in the W.P.(C)No.114 of 2014 has observed under para 128 that

*"..... the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the ERPA, the PCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral".*

4. Whereas, the Hon'ble Supreme Court in the said judgement has further observed under Para 150 that

*"In our opinion, Section 21(5) of the MMDR Act is applicable when any person raises, without any lawful authority, any mineral from any land. In the event, the State Government is entitled to recover from such person the mineral so raised or where the mineral has already been disposed of, the price thereof as compensation. The words 'any land' are not confined to the mining lease area. As far as the mining lease area is concerned, extraction of a mineral over and above what is permissible under the mining plan or under the EC undoubtedly attracts the provisions of Section 21(5) of the MMDR Act being extraction without lawful authority: .....*"

5. Whereas, the Hon'ble Supreme Court in the said judgement has further held in Para 156 that

*"Since the recommendation made by the CEC in this regard is not totally unreasonable, we accept that the compensation should be payable from 2000-2001 onwards at 100% of the price of the mineral, as rationalized by the CEC."*

6. Whereas considering the above excess production as production without lawful authority, you are liable to pay a sum of Rs. 243,64,11,380.00/- (Two Hundred Forty Three Crore Sixty Four Lakhs Eleven Thousand Three Hundred Eighty Only), being the price thereof towards compensation under Section 21(5) of MMDR Act, 1957 for production without/in excess of the environmental clearance as rationalized by the CEC, in pursuance to the judgement dt.02.08.2017 of Hon'ble Supreme Court in the matter of W.P. (C) No.114/14 Common Cause vrs Union of India and Others.

Now therefore, you are hereby directed that you shall pay the compensation of Rs. 243,64,11,380.00/- (Two Hundred Forty Three Crore Sixty Four Lakhs Eleven Thousand Three Hundred Eighty Only) as detailed in Annexure I on or before 31.12.2017 in pursuance to the para 225 of the Order dt.02.08.2017 of Hon'ble Supreme Court, following the mode of payment as detailed out under Annexure II.

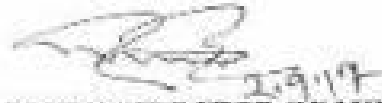
It is also made clear that the aforesaid demand is relatable to recovery of price of minerals produced without/beyond the EC alone under Section 21(5) of MMDR Act, 1957 as adjudicated vide para 156 of the judgement as referred above and does not include recoveries under Section 21(5) of the said act for violation of mining plan, consent requirements under Air/Water Act and Forest violations, for which the demands, if any would be raised separately.

  
2.9.17  
DEPUTY DIRECTOR OF MINES  
JODA CIRCLE, DIST.-KEONJHAR

Memo No. 4139 /Mines

dt. 02.09.17

Copy forwarded Director of Mines (O), Bhubaneswar for favour of kind information and necessary action.



DEPUTY DIRECTOR OF MINES  
JODA CIRCLE, DIST.-KEONJHAR

## Annexure - I

Name of the Lease : M/s TISCO Ltd. (Joda East)

Sl. No.	Mineral	Year of Production	Production in MT	Approved limit of production in MT under EC as considered by CEC	Excess Production in MT as assessed by CEC	Price of Minerals as considered by CEC (in Rs/Tonne)	Cost of excess minerals produced in Rs. to be recovered towards compensation
1	2	3	4	5	6	7	8
1	Iron	2000-01	2181134	2000000	181134	230.41	41739270.94
2	Iron	2001-02	2166914	2000000	166914	241.80	40340501.80
3	Iron	2002-03	2057310	2000000	57310	340.51	19529453.81
4	Iron	2003-04	2451280	2000000	451280	241.80	109188155.80
5	Iron	2004-05	4292224	2000000	2292224	167.41	383762400
6	Iron	2005-06	353273	4000000		590.91	0
7	Iron	2006-07	305110	4000000		749	0
8	Iron	2007-08	3801381	4000000		6281.81	0
9	Iron	2008-09	436731	5700000		1217.21	0
10	Iron	2009-10	488410	6000000		1184.20	0
11	Iron	2010-11	5236911	6000000		180.74	0
<b>Total</b>			<b>41109833</b>	<b>41250000</b>	<b>5583205</b>	<b>8828.7</b>	<b>2436411380</b>

  
 2.9.17  
 Deputy Director Mines  
 Joda Dist. Keonjhar

### Mode of Payment of compensation under section 21(5) of MMDR Act, 1957

1. The payment is to be made through the online portal of Directorate of Steel & Mines (DSMS) and the Treasury Application (IFMS, Odisha) into the designated banking account in the Public Account of the State Government under the Account Head "8443 Civil Deposits -00- 106-Personal Deposits-3275- Banking Account of Odisha Mineral Bearing Areas Development Corporation(OMBADC) - 91328- Compensation under Section-21(5) of MMDR Act and other provisions of MMDR Act as per orders of Hon'ble Supreme Court".
  2. The Lessee will log into the portal of Directorate of Mines i.e. [www.orissaminerals.gov.in](http://www.orissaminerals.gov.in) and access the link to DSMS. The lessee may register him / herself to make the online payment of Compensation under Section-21(5) of MMDR Act, if not registered earlier.
  3. The Lessee will access the "compensation" payment link in the login page and click the make payment option. The personal details of the lessee will be auto populated in the payment screen of DSMS. Along with the amount due to be paid in pursuance to the demand notice, s/he will provide the details about the amount of payment to be made by him/her in the current transaction.
  4. The Lessee will then be redirected to IFMS, Odisha ([www.odishatreasury.gov.in](http://www.odishatreasury.gov.in)) where s/he will choose the Bank through which he/she wants to make the payment and the mode of payment.
  5. The payment can be made through the following modes: Net Banking, Debit Card or Over the Counter. In case of Net Banking and Debit Card, the system will be redirected to the portal of the concerned Bank, wherein he/she will authenticate the payment request using the credentials of the Bank. Response of successful payment will be received from the Bank in the Treasury Portal and DSMS instantaneously. In case the payment is made using Over the Counter mode, a pre-populated challan will be generated in the online portal of IFMS, Odisha. The payer will take the printout of the challan and visit the designated Bank branch to make the remittance.
  6. The authorised Banks will report the receipt of the remittances to the Reserve Bank of India on T+1 or T+2 working day, as the case may be. The RBI, PAD, Bhubaneswar will report the receipt of the remittances to the Cyber Treasury electronically using the e-Kuber platform.
  7. The Cyber Treasury will import the credit information from the RBI and account for the receipt in their books. The challan no. generated will be made available in the login page of the lessee in DSMS.
- B. In case of any difficulty in making the online payment, the lessee may contact the Project Management Unit of Directorate of Mines through mail ID: [itpmu@orissaminerals.gov.in](mailto:itpmu@orissaminerals.gov.in) or the Help Desk of IFMS, Odisha Tollfree No. 18003456739 or email ID: [helpdesk@orissatreasury.gov.in](mailto:helpdesk@orissatreasury.gov.in)



Deputy Director Mines  
Joda, Dist.-Keonjhar



OFFICE OF THE DEPUTY DIRECTOR OF MINES, JODA CIRCLE

No. 5190 /Mines, Dt. 23/10/2017

DEMAND NOTICE

To

M/s Tata Steel Ltd,  
APPo Joda, Dist: Keonjhar,

1. Whereas, it has been observed that, M/s Tata Steel Ltd the mining lease holder Joda East Iron mines over an area of 671.093Ha. has undertaken production of Iron Ore from the above referred mining lease hold area in excess of the lower of the approved limits of production under Mining Plan and Consent to Operate during 2000-01 to 2010-11.
2. And Whereas pursuant to the interim order dt.16.05.2014 of Hon'ble Supreme Court in the matter of W.P.(C) No 114 of 2014 Common Cause vrs. Union of India and others, the CEC has submitted its final report on dt.16.10.2014 before the Hon'ble Supreme Court. In the said report the CEC under Para 24 has indicated that the annual production of iron and manganese during the years 2000-01 to 2010-2011 has been reconciled with the concerned lessees. The details of year wise production of Iron Ore (Mineral) in the Joda East Iron mining leasehold area along with the approved limits of production under Mining Plan and Consent to Operate, the excess production there in without lawful authority (excluding the production in respect of violation of Forest Conservation Act, 1980 and that in respect of production without / beyond the approved limit under Environmental Clearance), price of mineral and the notional value of total quantities of Iron Ore produced without / beyond the lower of the above approved limits of production by you during the years 2000-01 to 2010-11 is annexed herewith. The price of minerals per tonne is as rationalized by the CEC in the calculation of production without / in excess of EC and as taken into consideration by the Hon'ble Supreme Court in the judgment dt.02.08.2017 in the matter of W.P. (C) 114/2014.
3. And Whereas the Hon'ble Supreme Court in its judgment dated 2.8.2017 in the W.P.(C)No.114 of 2014 has observed under para 128 that  
*"..... the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the ERPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral".*
4. And Whereas, the Hon'ble Supreme Court in the said judgment has further observed under Para 150 that  
*"In our opinion, Section 21(5) of the MMDR Act is applicable when any person raises, without*

Continued

any lawful authority, any mineral from any land. In the event, the State Government is entitled to recover from such person the mineral so raised or where the mineral has already been disposed of, the price thereof as compensation. The words 'any land' are not confined to the mining leaser area. As far as the mining lease area is concerned, extraction of a mineral over and above what is permissible under the mining plan or under the EC undoubtedly attracts the provisions of Section 21(5) of the MMDR Act being extraction without lawful authority. . . . .

5. And whereas show cause notice has been issued vide this office letter No. 4622/Mines Dt. 26.09.2017 and you have been heard on dated: 10.10.2017. Your reply to the show cause & submissions thereof during the hearing has been duly considered as per law.
  
6. And whereas considering the above excess production as production without lawful authority, you are liable to pay a sum of **₹246976000/- (Rupees Twenty Four Crore Sixty Nine Lakh(s) Seventy Six Thousand Only)**, being the price thereof towards compensation under Section 21(5) of MMDR Act, 1957 for production without/in excess of the Mining Plan & CTO as rationalized by the CEC, in pursuance to the judgement dt.02.08.2017 of Hon'ble Supreme Court in the matter of W.P. (C) No.114/14 Common Cause vs Union of India and Others.

Now therefore, you are hereby directed that you shall pay the compensation of **₹246976000/- (Rupees Twenty Four Crore Sixty Nine Lakh(s) Seventy Six Thousand Only)** as detailed in Annexure I on or before 31.12.2017 in pursuance to the para 225 of the Order dt.02.08.2017 of Hon'ble Supreme Court, following the mode of payment as detailed out under Annexure II.

It is also made clear that the aforesaid demand is relatable to recovery of price of minerals produced without/beyond the MP & CTO alone under Section 21(5) of MMDR Act, 1957 and does not include recoveries under Section 21(5) of the said act for violation of EC & FC.

Encl: As above

Memo No. 5191/Mines, Dt. 23/10/2017

Copy forwarded to the Director of Mines, Odisha, Bhubaneswar for favour of kind information and necessary action.

  
DEPUTY DIRECTOR OF MINES,  
JODA CIRCLE, DIST:KEONJHAR.

  
DEPUTY DIRECTOR OF MINES,  
JODA CIRCLE, DIST:KEONJHAR.

Name of the Lessee: Jyoti Steels Ltd.			Name of the Lease: Jyoti East Iron Ore Mines			Area in Hect: 671.803						
Sl. No.	Mineral	Year of Production	Production in MT	Permissible production under EC as per CEC in MT	Excess Production under EC as per CEC in MT	Production in violation of FC Act, 1980	Permissible limit under Mining Regulation Act, 1957 in MT	Permissible limit under Consent to operate in MT	Lower of the Permissible limit under MP & CTO in MT	Extra Excess Prod in violation of MP/CTO	Rate as per 88M (2/ M. 1)	Computation Assessed (R)- MP/CTO
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Iron	2000-04	2385126	2000000	385126	0	2430000	1580000	1680000	30000	295.48	13735600.00
2	Iron	2001-02	2398916	2000000	398916	0	2430000	1680000	1680000	370000	241.06	77198000.00
3	Iron	2002-08	3057342	2000000	1057342	0	2430000	1680000	1680000	370000	308.37	96150400.00
4	Iron	2003-08	3657285	2000000	1657285	0	4010000	2430000	2430000	0	487.81	0.00
5	Iron	2004-05	4092156	2000000	2092156	0	4400000	2430000	2430000	0	562.4	0.00
6	Iron	2005-08	3537075	4500000	0	0	5180000	4900000	4900000	0	695.83	0.00
7	Iron	2006-07	3076319	4500000	0	0	5180000	4900000	4900000	0	748	0.00
8	Iron	2007-08	2804385	4500000	0	0	5180000	4900000	4900000	0	1082.91	0.00
9	Iron	2008-09	4286732	5790000	0	0	5680000	4900000	4900000	0	1317.21	0.00
10	Iron	2009-10	4984819	6000000	0	0	7000000	6000000	6000000	0	1184.33	0.00
11	Iron	2010-11	2116612	6000000	0	0	4000000	6000000	6000000	0	1282.29	0.00
Total												246970000.00

  
 Deputy Director Mines  
 Jyoti, Dibrugarh



Government of India  
Ministry of Mines  
(Revision Cell)

Annexure-1(e)  
Details of RA stay order  
as compliance of  
supreme court order and  
details of payment done  
is attached as  
Annexure-1(c)

SPEED POST

Shastri Bhawan,  
Dr. Rajendra Prasad Road,  
New Delhi, the 28<sup>th</sup> December, 2017

Revision Application No.22/(53)/2017/RC-I & 25 others (list enclosed).

To


The Secretary,  
Department of Steel and Mines,  
Government of Odisha,  
Bhubaneswar-751001,  
Odisha

Sub- Revision Applications under Rule 35 of the Minerals (other than Atomic & Hydro Carbons Energy Minerals) Concession Rules, 2016.

Sir,

I am directed to refer to the above subject and to forward herewith certify copy of the proceeding dated 27.12.2017 passed by Revisionary Authority in the Central Government u/s 30 of MMDR Act, 1957 in this regard for the Revision Applications filed by various Revisionists against the orders of the State Government of Odisha. The list of the Revisionists is enclosed.

Yours faithfully

  
(Sandeep Kumar)  
Section Officer  
Tel:-011-23384070

Back Copy of the Proceeding (pp:01-06)

Copy to:- (As per list enclosed).

Annexure-

S.No	RA No.	Name of the Revisionist	Revisionists Address
1	22/53/2017/RC-I	M/s Rungta Sons Pvt. Ltd.	R/O 8a, Express Tower, 42a Shakespeare Sarani, Kolkata-700017, West Bengal,
2	22/54/2017/RC-I	M/s Rungta Sons Pvt. Ltd.	R/O 8a, Express Tower, 42a Shakespeare Sarani, Kolkata-700017, West Bengal,
3	22/55/2017/RC-I	M/s Mangilall Rungta	Rungta House, Chaibasa, Distt. West Singhbhum, Jharkhand,
4	22/56/2017/RC-I	M/s M G Mohanty	2/A, Forest Park, Bhubaneswar-751009, Odisha,
5	22/58/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
6	22/59/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
7	22/60/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
8	22/61/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
9	22/62/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
10	22/63/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
11	22/64/2017/RC-I	M/s Tata Steel Limited	Office At Bombay House, 24 Homi Modi Street, Mumbai- 400001, Maharashtra,
12	22/65/2017/RC-I	M/s Essel Mining & Industries Ltd.	18 <sup>th</sup> Floor, Industry House,10- Camac Street, Kolkata-17, West Bengal,
13	22/66/2017/RC-I	M/s Essel Mining & Industries Ltd.	18 <sup>th</sup> Floor, Industry House,10- Camac Street, Kolkata-17, West Bengal,
14	22/67/2017/RC-I	M/s Essel Mining & Industries Ltd.	18 <sup>th</sup> Floor, Industry House,10- Camac Street, Kolkata-17, West

			Bengal,
15	22/68/2017/RC-I	M/s Aryan Mining & Trading Corporation Pvt. Ltd.	Aryan House, P-1, Hide Lane, 8th Floor, Kolkata-700073, West Bengal,
16	22/69/2017/RC-I	M/s Kalinga Mining Corporation	At-Samanta Niwas Sheikh Bazar, Cuttack-753008, Odisha,
17	22/71/2017/RC-I	Shri Satyajit Pradhan	Ga-75a, Niladri Vihar, Bhubaneswar, Odisha,
18	22/72/2017/RC-I	Shri Sunandan Pradhan	Tala Telenga Bazar, Cuttack, Odisha-753009
19	22/73/2017/RC-I	Sri Pawan Kumar Ahluwalia	P.B.No.3, Near MMTC Weigh Bridge, At/P.O. Barbil, Distt. Keonjhar-758035, Odisha,
20	22/74/2017/RC-I	Sri Kamaljeet Singh Ahluwalia	P.B.No.3, Near MMTC Weigh Bridge, At/P.O. Barbil, Distt. Keonjhar-758035, Odisha,
21	22/75/2017/RC-I	M/s Kaypee Enterprises	P.B.No.3, Near MMTC Weigh Bridge, At/P.O. Barbil, Distt. Keonjhar-758035, Odisha,
22	22/76/2017/RC-I	Sri Kamaljeet Singh Ahluwalia	P.B.No.3, Near MMTC Weigh Bridge, At/P.O. Barbil, Distt. Keonjhar-758035, Odisha,
23	22/77/2017/RC-I	Shri C.P.Sharma	Amla Tola, Chaibasa-833201, Distt. Singhbhum West, Jharkhand,
24	22/78/2017/RC-I	M/s Kanakihara Mining & Minerals Pvt. Ltd.	Main Road, Barbil, Keonjhar, Odisha,
25	22/79/2017/RC-I	M/s Lal Traders & Agencies (P) Ltd.	7th Waterloo Street, 2nd Floor, Kolkata-700069, West Bengal,
26	22/80/2017/RC-I	M/s Ghanashyam Mishra & Sons(P) Ltd.	7th Waterloo Street, 2nd Floor, Kolkata-700069, West Bengal,
27	22/81/2017/RC-I	M/s Kalinga Mining Corporation.	At-Samanta Niwas Sheikh Bazar, Cuttack-753008, Odisha,

Date of Hearing: 27.12.2017

These Revision Applications have been filed challenging the orders passed by the State Government seeking to recover price of the mineral stated to have been produced without or in excess of the lower approved limit under the Mining Plan/Consent to Operate (CTO). The said demand has been sought to be levied under the provisions of Section 21 (5) of the Mines & Minerals (Development & Regulation) Act, 1957 in pursuance to the judgment dated 02.08.2017 of the Hon'ble Supreme Court in Writ Petition No. 114/2014 in Common Cause Vs. Union of India & Ors.

2. After receipt of the Revision Applications, Notices were issued to the State Government asking to submit their replies and to attend the hearing on 27.12.2017 at 11:00 hrs. No one appeared on behalf of the State Government. However, a written communication was received from the State Government of Odisha bearing No.10529/LC-05/2016 (Pt.) dated 23.12.2017 requesting two month time so as to enable the State Government to file the required replies in all the cases.

2.1 The State Government has further stated that they have not received copies of the Revision Applications as yet and no advocate has been engaged to conduct the case on behalf of the State Govt.

3. These Revision Applications were taken up and heard together as similar issue is involved in all 27 cases. The Counsels appearing on behalf of the Revisionists who were heard individually submitted that the Impugned Orders are illegal and contrary to the provisions of MMDR Act, 1957, the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the judgement dated 02.08.2017 of the Hon'ble Supreme Court in the WP (C) No. 114/2017.

3.1 The learned Counsels appearing on behalf of the Revisionists submitted that the Revision Applications should be admitted as there is no delay in filing the Revision Applications and there is adequate merit in the revision applications which requires adjudication by the Revisionary Authority under section 30 of MMDR Act, 1957.

3.2 The learned Counsels further submitted that the consent to operate in any event is merely a consequential clearance to the Environmental Clearance. This is evident because in the absence of an Environmental Clearance, the consent to operate cannot be granted.



3.3 The learned Counsels further submitted that the impugned Orders are in violation of the principles of natural justice and is therefore void ab initio and a nullity in the eye of law from its very beginning. The learned Counsels stated that both the show cause notices and the impugned Orders are in a standard proforma and are therefore reflective of complete non-application of mind. The demands raised through the Impugned Orders are for alleged violations of MP/CTO pertaining to period more than 17 years old but the Revisionists were given barely 10 days to defend their position.

3.4 The learned counsels further pointed out that even the preliminary submissions raised by the lessees in their reply to the show-cause notice have not been considered and the Deputy Director of Mines has mechanically chosen to confirm the demand raised in the show-cause notices. It was further stated that the concerned DDW heard all the cases on a single day and disposed off the same which clearly establishes that it was only an empty formality.

4. The learned Counsels also referred to and relied upon the following observations of the Hon'ble Supreme Court made on 13.12.2017 in WP (C) No. 114/2017 (Common Cause vs. UOI & Ors.) :-

(i) However, we make it clear that if there is any demand raised by the State of Odisha with regard to non-compliance of consent to operate or mining plan threshold, the mining lease holders are at liberty to challenge the demand in an appropriate forum.

(ii) In case, the demands raised by the State of Odisha are paid by 31<sup>st</sup> December, 2017, the mining operations will not be stopped because of a challenge to non-compliance of the consent to operate/mining plan threshold.

5. I have carefully taken into consideration the submissions made by the learned Counsels appeared on behalf of the Revisionists. I have also taken into consideration the impugned Orders wherein it is stipulated that the demand raised through the impugned Order is required to be paid on or before 31.12.2017. The learned Counsels appearing on behalf of the Revisionists have submitted that the impugned orders of the State Government are illegal and are in complete violation of the principles of natural justice, therefore, the Impugned Orders are required to be stayed till disposal of these RAs.

6. Having considered the submissions of the ld. Counsels, the Revision Applications are admitted. I have also considered the submissions of the learned Counsels regarding stay and in view of the fact that the State Government is also seeking one month's time to submit their reply, it would be in the interest of justice to stay the operation of this Impugned Order till the next date of hearing.



7. All these Revision Applications are listed for hearing on 22.01.2018 at 2:30 P.M. Issue notices accordingly. The State Government is directed to submit their response/comments well in advance of the date of hearing with a copy to Revisionists so as to enable them to submit counter-reply, if any. In the meanwhile, the State Government shall not take any coercive measures to recover the amounts specified in the Impugned orders.

*Attested  
Sharma  
22/1/2018*  
श्री श्री श्री श्री DEEP KUMAR  
ज्येष्ठ अधिकारी/Junior Officer  
श्री. मंत्रालय / Ministry of Mines  
श्री. भारत / Govt. of India  
श्री श्री शिव / Shri Shri Sharma  
नई दिल्ली / New Delhi

  
(Niraj K. Singh)  
Joint Secretary &  
Revisionary Authority

Annexure:-

S.No	RA No.	Revisionist	Advocate(s)/representative of Revisionists	Advocate(s)/representatives of the State Govt.	Impugned Order No./Date
1	22/53/2017/RC-I	M/s Rungta Sons Pvt. Ltd	Shri Naveen Kumar, Advocate, Shri R.R.Swain, Advocate & Shri Nishi Kant Singh, Advocate	None	5256/Mines dated 23.10.2017
2	22/54/2017/RC-I	M/s Rungta Sons Pvt. Ltd.	Shri Naveen Kumar, Advocate, Shri R.R.Swain, Advocate & Shri Nishi Kant Singh, Advocate	None	5927/Mines dated 24.10.2017
3	22/55/2017/RC-I	M/s Mangilal Rungta	Shri Naveen Kumar, Advocate, Shri R.R.Swain, Advocate & Shri Nishi Kant Singh, Advocate	None	5222/Mines dated 23.10.2017
4	22/56/2017/RC-I	M/s M.G Mohanty	Shri Biswajit Das, Advocate & Shri Mohit Sharma, Advocate	None	5974/Mines dated 24.10.2017
5	22/58/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5186/Mines dated 23.10.2017
6	22/59/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5182/Mines dated 23.10.2017
7	22/60/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5184/Mines dated 23.10.2017
8	22/61/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5190/Mines dated 23.10.2017

9	22/62/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5953/Mines dated 24.10.2017
10	22/63/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5188/Mines dated 23.10.2017
11	22/64/2017/RC-I	M/s Tata Steel Limited	Shri Ashok Parija, Sr. Advocate, Ms. Nandini Gore, Advocate, Ms. Tahira Kananjawala, Advocate, Ms. Sonia Nigam, Advocate & Shri Naveen Kumar, Advocate	None	5192/Mines dated 23.10.2017
12	22/65/2017/RC-I	M/s Essel Mining & Industries Ltd.	Shri Naveen Kumar, Advocate, Shri R.R. Swain, Advocate & Shri Nishi Kant Singh, Advocate	None	5228/Mines dated 23.10.2017
13	22/66/2017/RC-I	M/s Essel Mining & Industries Ltd.	Shri Naveen Kumar, Advocate, Shri R.R. Swain, Advocate & Shri Nishi Kant Singh, Advocate	None	5939/Mines dated 24.10.2017
14	22/67/2017/RC-I	M/s Essel Mining & Industries Ltd.	Shri Naveen Kumar, Advocate, Shri R.R. Swain, Advocate & Shri Nishi Kant Singh, Advocate	None	5230/Mines dated 23.10.2017
15	22/68/2017/RC-I	M/s Aryan Mining & Trading Corporation Pvt. Ltd.	Shri Naveen Kumar, Advocate & Shri Nishi Kant Singh, Advocate	None	6015/Mines dated 24.10.2017
16	22/69/2017/RC-I	M/s Kalinga Mining Corporation	Shri Naveen Kumar, Advocate & Shri Nishi Kant Singh, Advocate	None	5216/Mines dated 23.10.2017
17	22/71/2017/RC-I	Shri Satyajit Pradhan	Shri Naveen Kumar, Advocate & Shri Nishi Kant Singh, Advocate	None	5166/Mines dated 23.10.2017
18	22/72/2017/RC-I	Shri Sunandan Pradhan	Shri Naveen Kumar, Advocate & Shri Nishi Kant Singh, Advocate	None	5160/Mines dated 23.10.2017
19	22/73/2017/RC-I	Sri Pawan Kumar Ahirwalia	Shri L. Mahapatra, Advocate	None	6012/Mines dated 24.10.2017
20	22/74/2017/RC-I	Sri Kamaljeet Singh	Shri L. Mahapatra, Advocate	None	5238/Mines





Date of Hearing: 08.03.2018

These cases were listed for hearing today. The names of the counsels/representatives appearing on behalf of the Revisionists & the State Govt. have been indicated in the list annexed. The learned counsel appearing on behalf of the State Govt. requested for adjournment and submitted that the prayers of the Revisionists in all the 56 Revision Applications are similar and as such, the State Govt. has filed their common legal submission in RA No. 22/(32)/2017/RC-I but the facts of each case are different. Therefore, the learned counsel for the State Govt. requested Six Weeks time for filing counter-comments in each case. The learned counsels appearing on behalf of the Revisionists agreed for adjournment and requested for two weeks time to file their rejoinder after receiving the counter-comments of the State Govt.

2. Considering the request of the State Govt. and consent given by the Counsels/Representatives of the Revisionists, hearing of all the cases listed for hearing today is adjourned and fixed for hearing on 10.05.2018 at 2:30 PM. The State Govt. is directed not to take any coercive action in pursuance of the impugned orders till the next date of hearing i.e., 10.05.2018.

  
(Niranjana K. Singh)  
Joint Secretary &  
Revisionary Authority