



Read  
23.11.21

### **ABSTRACT**

Industries – Mines and Minerals - Major Mineral – Limestone – Mining lease granted to Tvl. Krishna Mines for mining Limestone – Over an extent of 31.09.0 hectares of patta lands in S.F.Nos.767 to 790 and 791/2 of Ramaiyanpatti village, Tirunelveli Taluk, Tirunelveli District – Application of Krishna Mines for extension of lease period – Orders – Issued.

### **Industries (MMA.2) Department**

**G.O.(Ms) No.302**

**Dated 17.11.2021**

பிலவ வருடம், கார்த்திகை 1  
திருவள்ளூர் ஆண்டு-2052

**Read:**

1. G.O.Ms.No.2577, Industries, Labour and Cooperation Department dated 10.05.1962
2. G.O.Ms.No.1081 Industries Department, dated 02.09.1983.
3. Proceedings of Commissioner of Geology and Mining Rc.No.8480/MM4/2002, dated 11.06.2004.
4. From the District Collector, Tirunelveli, letter Rc.No.M1/29649/2019, dated 25.8.2019
5. From the District Collector, Tirunelveli, letter Rc.No.M3/10842/2019, dated 25.08.2019.
6. From the Director of Geology and Mining, Letter Rc.No.8480/MM5/2002, dated 07.12.2019.
7. Government Letter No.14739/MMA2/2019-1, Industries Department, dated 08.01.2020.
8. From the General Manager, Krishna Mines Letter dated 11.03.2021.
9. From the Commissioner of Geology and Mining, Letter Rc.No.8485/MM3/2002, dated 30.03.2021.
10. Government Letter No.14739/MMA.2/2019, dated 01.07.2021.
11. From the Director of Geology and Mining, Letter Rc.No.8480/MM5/2002, dated 28.09.2021.

\*\*\*\*\*

### **ORDER:**

In the Government Order first read above, a mining lease was originally granted in favour of Thiru.K.S.Krishnamoorthy, proprietor of M/s. Krishna Mines for mining limestone over an extent of 76.83 acres (31.09.0 hectares) of patta land in S.F.Nos.767 to 790 and 791/2 of Ramaiyanpatti Village, Tirunelveli Taluk and District for a period of

twenty years. The lease deed was executed on 28.1.1963 and the lease period expired on 27.01.1983.

2. In the G.O. second read above, the first renewal of mining lease was granted in the above said area for period of 6 years from 28.01.1983. Subsequently, the Government modified the lease period from 6 to 20 years vide Government letter No.155/D2/86-15, Industries Department, dated 09.08.1988 and the first renewal of the mining lease expired on 27.01.2003. The 2<sup>nd</sup> renewal of mining lease was granted for mining limestone to M/s.Krishna Mines, over an extent of 31.09.0 Hectares in the said area for a period of ten years in the proceedings of the Commissioner of Geology and Mining third read above.

3. In the letter fourth read above, the District Collector, Tirunelveli has stated that the lessee, Thiru K.S. Krishnamoorthy expired on 18.11.1991 and his legal heirs continued the business as a partnership concern under the same name "Krishna Mines". Further, the District Collector, Tirunelveli has stated that Krishna Mines has submitted third renewal application in 2012 that is one year before the expiry of the mining lease and the proposal was recommended to the Commissioner of Geology and Mining, Chennai vide Letter No.M2/3239/2012, dated 13.12.2014, for 20 years from 28.01.2013. The District Collector, Tirunelveli also recommended for issuing "No Objection Certificate" for obtaining Environmental clearance in respect of the 2<sup>nd</sup> renewal of mining lease granted for mining limestone to M/s. Krishna Mines. In the letter fourth read above the District Collector, Tirunelveli has stated that M/s. Krishna Mines, Tirunelveli, in their letter dated 05.03.2019, requested for the extension of the lease period as provided under section 8(A)(5) of the Mines and Minerals (Development and Regulation) Amendment Act, 2015. Further, the District Collector, Tirunelveli has observed that the application preferred by Tvl. Krishna Mines for the extension of lease period upto 2030 under section 8(A)(5) of Mines and Minerals (Development and Regulation) Amendment Act, 2015 for mining of limestone over an extent of 31.09.0 Hectares (76.83 acres) of Patta lands in SF.No.767 to 790 and 791/2 in Ramaiyanpatti Village, Tirunelveli Taluk and District is recommended and forwarded to Government for consideration and passing suitable orders.

4. Regarding the proposals received from the District Collector, Tirunelveli, the Director of Geology and Mining in his letter sixth read above has stated the following:-

- (i) M/s. Krishna Mines had been granted with a 2<sup>nd</sup> renewal of mining lease for mining limestone vide Proceedings of Director of Geology and Mining third read above and the lease period expired on 27.1.2013 and M/s.Krishna Mines have submitted third renewal application in time. i.e. one year before the expiry of mining lease.
- (ii) the Ministry of Environment, Forests and Climate Change in letter dated 4.4.2014 directed M/s. Krishna Mines to stop the mining

activities in the above lease granted area over an extent of 31.09.0 hectares with immediate effect and accordingly, the mining operations have been stopped with effect from 16.4.2014 and the lessee company surrendered the unutilized transport permits.

- (iii) for the non activity of mining operations nearing 2 years, which attracts Section 4A(4) of the MMDR Act 1957, the lessee company have remitted Rs.1,00,000/- for unable to undertake mining operations over a period of two years due to administrative reasons.
- (iv) for non-operative period from 2014-2015 to 2018-2019, M/s. Krishna Mines are liable to pay dead rent of Rs.62,534/- per year and in this connection, as per the reconciliation proceedings of the Deputy Director (G&M), Tirunelveli dated 16.8.2018, the due on dead rent and surface rent were deducted from the excess royalty available with the Government and therefore, M/s. Krishna Mines are not in arrears of dead rent for the non-operative period and this period has to be regularized by the order of the Government.
- (v) in the instant case, the mining lease granted to M/s.Krishna Mines is non-operative and discontinued the mining operations for not obtaining Environmental Clearance from the SEIAA, which comes under the category of lapse for more than two years and in this regard, they have submitted an application to District Collector for non-lapsing of lease and therefore, the Government has to pass orders to regularize the period of non-operation arose due to condition beyond the control of the applicant.

5. The Director of Geology and Mining has stated that the application dated 18.01.2012 of M/s.Krishna Mines, submitted before the MMDR Amendment Act 2015, may be considered for issue of orders of grant of extension of lease period from 28.1.2013 upto 31.03.2030 subject to certain conditions. Subsequently, the Director of Geology and Mining in his letter dated 3.1.2020, has stated that a demand notice has been issued by the District Collector, Tirunelveli to Tvl.Krishna Mines to remit the penalty amount of Rs.2,57,18,346/- towards 100% cost of the mineral for the unlawful mining and transportation of limestone from the mining lease granted area during the period from 2000-01 to 2014-15 without obtaining EC and Tvl.Krishna Mines has remitted the penalty amount of Rs.2,57,18,346/- on 20.12.2019.

6. The application for renewal of lease for mining limestone has been considered in accordance with Section 8A(5) of the Mines and Minerals (Development and Regulation) Amendment Act 2015. In the Government letter seventh read above, Tvl. Krishna Mines has been advised to produce the Environmental Clearance issued by the competent authority namely SEIAA/MoEF&CC for the said mining site for granting extension of lease as sought in their application. The Director of Geology and Mining in his letter dated 10.1.2020 addressed to

Tvl. Krishna Mines, has issued 'No Objection Certificate in favour of Tvl. Krishna Mines so as to obtain Environmental Clearance for the Limestone Mines situated over an extent of 31.09.0 hectares of patta lands in S.F.No.767 to 790 etc. of Ramaiyanpatti village, Tirunelveli Taluk and District without prejudice to any other Mining Dues that may arise in future apart from the present collection of penalty amount.

7. The General Manager, Krishna Mines, in his letter eighth read above has informed that they have obtained the Environmental Clearance from SEIAA/MoEF&CC for the above said mining lease.

8. The Commissioner of Geology and Mining in his letter 9<sup>th</sup> read above has stated that SEIAA have granted Environmental Clearance for a period co-terminous with mining lease period or limited to a period upto 31.03.2023 with production quantity of 13,47,114 tonnes of limestone from the date of issue of Environmental Clearance whichever is earlier and hence, it reveals that Environmental Clearance obtained is valid upto 31.03.2023 in respect of the subject area. The Commissioner of Geology and Mining has also observed that the proposal forwarded to Government for extension of lease period upto 31.03.2030 may be considered for issuance of orders subject to condition that Tvl.Krishna Mines have to obtain Environmental Clearance for remaining period from 01.04.2023 to 31.03.2030.

9. Pursuant to this, in the Government Letter 10<sup>th</sup> read above, the Director of Geology and Mining was requested to clarify whether Tvl.Krishna Mines has submitted the application for explaining the reasons for non-operation of mines for two years at least three months before the expiry of such period along with a fee of Rupees One Lakh as per rule 20(5) of the Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, so as to keep his lease alive.

10. The Director of Geology and Mining in his letter eleventh read above, has stated that following as reported by the District Collector, Tirunelveli on the non operation of mines of M/s. Krishna Mines.

- (i). The lessee filed an application on 07.01.2016 explaining the reason for non operation of mines along with challan for amount of Rs.200/- remitted in SBI, Tirunelveli for exemption of lapse of mining lease under rule 28 of Mineral Concession Rule 1960. Since the application fees has been revised to Rupees one Lakh as per rule 20(5) of the amended Mining Concession Rule 2016, the lessee has remitted the balance amount of Rs.99,800/- as per challan No.54 dated 07.04.2016 in SBI, Tirunelveli as instructed by Commissioner of Geology and Mining, Chennai vide letter No.2365/MM4/2016, dated 05.04.2016.
- (ii). With regard to mining and transportation of limestone without obtaining the Environment Clearance from the lease granted area, the District Collector raised demand notice for a sum of Rs.2,57,18,346/- and Krishna Mines has remitted the penalty

amount to a sum of Rs.2,57,18,346/- vide challan date 20.12.2019.

11. The Director of Geology and Mining has further stated that one Dr.K.R.Ramasamy filed a writ petition W.P.No.11979/2020 before the Madras High Court alleging that Tvl.India Cements and Tvl.Krishna Mines are encroaching Government poramboke land and doing illegal mining on those encroached Government land. He has further stated that a status report has been filed before the Madras High Court stating that a Committee comprising with Sub Collector, Tirunelveli, Assistant Director (Geology and Mining) Tirunelveli, Executive Engineer, Tamil Nadu Pollution Control Board, Tirunelveli and Tahsildar, Tirunelveli has been formed and the Committee had conducted joint inspection in the subject areas on 28.02.2020 and the writ petition filed by Dr.K.R.Ramasamy is also pending.

12. The Director of Geology and Mining has also stated that, the District Collector, Tirunelveli has stated that the mining lease renewed in the proceedings of Commissioner of Geology may be considered and appropriate orders may be passed on the extension of mining lease upto 2030 under Section 8A(5) of Mines and Minerals (Development and Regulation) Amendment Act, 2015.

13. The Director of Geology and Mining has recommended that the report of the District Collector, Tirunelveli on non operation of mines by Tvl.Krishna Mines for want of Environmental Clearance is found to be acceptable and he has also recommended the proposal of the District Collector, Tirunelveli for extension of lease period upto 2030 subject to the outcome of WP.No.11979/2020 pending before Madras High Court.

14. The proposal of extension of the lease period for the mining lease granted to Tvl. Krishna Mines has been examined along with the report of the District Collector, Tirunelveli and the recommendations of the Director of Geology and Mining and the Government have decided to accept the proposal as recommended by the Director of Geology and Mining. Accordingly, the Government hereby accord sanction for grant of extension of lease period upto 31.03.2030 for the mining lease granted to Tvl. Krishna Mines for mining lime stone over an extent of 31.09.0 hectares of patta in S.F.Nos.767 to 790 and 791/2 of Ramaiyanpatti village, Tirunelveli Taluk, Tirunelveli District under Section 8A(5) of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 subject to the outcome of the W.P.No.11979/2020 pending before the Madras High Court and subject to the conditions that Tvl. Krishna Mines has to obtain Environmental Clearance for the period from 1.4.2023 to 31.3.2030 and also subject to the general / special conditions prescribed in the original mining lease conditions mentioned in the lease deed and further conditions if any to be imposed by the appropriate Government authority. The period of non-operation of the mine of Tvl.Krishna Mines is hereby regularised.

15. The terms and conditions stated in this order are subject to such further modifications, additions and alterations as may be included in the lease deed when finalised.

16. The District Collector, Tirunelveli district is directed to execute lease deed to this effect as per the provisions under the Mines and Minerals (Development and Regulation) Act, 1957 as amended on 12.1.2015 and the rules framed thereunder

**(BY ORDER OF THE GOVERNOR)**

**S.KRISHNAN  
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To  
M/s. Krishna Mines,  
23, Sreepuram,  
Tirunelveli - 627 001.

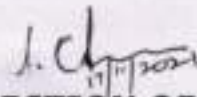
The Director of Geology and Mining,  
Guindy, Chennai - 600 032.

The District Collector, Tirunelveli

The Regional Controller of Mines,  
Indian Bureau of Mines, Chennai - 600 090.

Copy to:  
The Senior PA to Hon'ble Minister (Water Resources)  
The Industries (OP.II/GIM) Department.  
Chennai - 600 009.

**// FORWARDED / BY ORDER //**

  
**SECTION OFFICER**

DG  
14/11/2021