THE TAMIL NADU MINOR MINERAL CONCESSION RULES, 1959

(Amendments carried out up to 10-04-2018)

Compiled by the Department of Geology and Mining

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TAMIL NADU MINOR MINERAL CONCESSION RULES, 1959

[Corrected upto 10.4.2018]

(G.O.No.3757, Industries, Labour and Co-operation dated 24.9.1959)

S.R.O.No.A 1027 of 1960. In exercise of the powers conferred by Section 15 of Mines and Minerals (Regulation and Development) Act 1957 (Central Act LXVII of 1957), and in Supersession of the Tamil Nadu Minor Mineral Concession Rules, 1956, published at pages 371-387 of part-1 Rules supplement to the Tamil Nadu Government Gazette, dated 1st August 1956, the Governor of Tamil Nadu hereby makes the following rules:-

TAMIL NADU MINOR MINERAL CONCESSION RULES, 1959

SECTION I

1. Short title, extent, application and commencement :-

(1) **Preliminary :-** These rules may be called the Tamil Nadu Minor Mineral Concession Rules, 1959.

(2) They extend to the whole of the State of Tamil Nadu.

(3) They shall apply to all the lands in the State of Tamil Nadu including the lands in the estates taken by the State Government under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948).

(4) They shall come into force at once.

1**[2. Definitions:-** ***In these rules, unless the context otherwise requires :-***

(1) 2["Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);]

1Rule 2 Substituted by G.O.Ms.No.166 Industries 16.6.94 w.e.f. 22.6.94.
2Substituted vide G.O.Ms.No.86 Industries 22.2.2001.

(2) ‚Agreement' means an agreement to quarry and carry away one or more of the minor minerals specified therein;

(3) ‚Area assessment' or ‚assessment' means the assessment levied under these rules with reference to the total extent of the land granted on quarrying lease and includes land assessment;

(4) ‚Director of Geology and Mining' shall include Commissioner of Geology and Mining;

(5) ‚Form' means a form set out in the appendices to these rules;

1[(5-A) ‚Granite' Means dolerites, granite gneisses, migmatites, gabbros, anorthosites, rhyolites, syenites, leptynites, charnockites and any other igneous and orthometamorphic rock types which are -

(a)amenable to be recovered as dimensional stone;

(b)capable of taking polish; and

(c)commercially exploitable;]

2[(5-B) ‚Local body or bodies' shall mean and include a village panchayat, a town panchayat, a township, a municipality, a corporation as defined in the respective Act under which each of the above bodies is constituted and in the rules made under the respective Act;]

(6) ‚Quarry', ‚quarrying lease' and ‚quarrying operations' shall have the same meanings assigned to ‚mine', ‚mining lease' and ‚mining operations' in the Act;

(7) ,Quarrying permit' means a permit granted under these rules to extract a specified quantity of a minor mineral within the period stipulated in the permit;

(8) ,Registered holder' means a person or persons in whose name the land has been registered;

1Inserted vide G.O.Ms.No.86 Industries 22.2.2001.

2Originally introduced as 5A vide G.O.ms.No.3 Industries 2.1.98, renumbered as 5B vide G.O.Ms.No.86 Industries 22.2.2001

(9) ,Railway' and ,Railway administration' shall have the meaning respectively assigned to them in the Railways Act, 1989 (Central Act 24 of 1989) ;

(10) ,Section' means a section of the Act;

(11) ,State' and ,State Government' respectively means the ,State of Tamil Nadu' and ,Government of Tamil Nadu'.]

SECTION II

GOVERNMENT LANDS IN WHICH THE MINERALS BELONG TO THE GOVERNMENT.

1[3. Grant of Quarrying permits:-

(1) An application for grant of a quarrying permit shall be made in the form prescribed in Appendix X to these rules to the 2[District Collector]. The application shall be accompanied by the following documents failing which the application is liable for summary rejection:-

(a) an application fee of one hundred rupees and the seigniorage fee at the rates prescribed from time to time in Appendix II to these rules for the quantity of the mineral applied for. The application fee and the seigniorage fee shall be remitted through a demand draft obtained from any nationalised bank and it shall be drawn in favour of the 2[District Collector] by designation only; and

(b) a properly sworn affidavit stating that no mining dues are outstanding in the applicant's name.

(2) (a) On an application made to him as in sub-rule (1), the 2[District Collector]may grant a quarrying permit for any minor mineral other than the minor minerals covered under rules 8-A and 8-C of these rules for a quantity not exceeding 2,000 cubic feet 3[ ]to any person who is an Indian National to extract and remove from any land other than the lands covered by the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) and where quarrying can be permitted.

1Rules 3 substituted by G.O.Ms.No.166 Industries dated 16.6.94 w.e.f.22.6.94 2Substituted vide G.O.Ms.No.35 Industries dated 24.1.2000

3Omitted vide G.O.Ms.No.35 Industries 24.1.2000

(b) The 2[District Collector]may, for reasons to be recorded in writing, refuse to grant such permit.

(c) Quarrying permits shall not be granted for areas which have already b regular lease

but if such an area cannot be granted on regular lease due to any court orders after a notification is made, quarrying permits for such areas may be given if granting of quarrying permits for that area is not stayed by the court order;

(d) After the expiry of quarrying lease for an area and before notifying the area for further grant of a regular lease, quarrying permits for such areas my be granted depending upon the circumstances of each case.

(3) A quarrying permit granted under this rule shall be in the Form prescribed in Appendix XI to these rules and subject to the conditions prescribed in the quarrying permit.

(4) On no account there shall be revalidation of any quarrying permit. The quarrying permit is not transferable. There shall be no refund of the application fee and seigniorage fee already remitted on the ground that the quarrying permit obtained has not been utilised.

(5) Application fee and the seigniorage fee shall be refunded if the application for quarrying permit is rejected.

(6) A register of quarrying permit shall be maintained by the [1][District Collector].]

[2][4. Removal of sand from port limits:-

Any quarrying and removal of sand from the limits of ports under the administrative control of the State government for scrubbing docks and ballast on country crafts or for other marine purposes shall be made with the previous permission of the conservator of ports under section 30(1) of the Indian Ports Act, 1908 and it shall be allowed free of charge if the quantity does not exceed 500 kilograms and if the removal is in excess over 500 kilograms. seigniorage fee shall be charged on the excess over 500 kilograms at the rate prescribed from time to time in

[1]Substituted vide G.O.Ms.No.35 Industries dated 24.1.2000

[2]Rules 4, 5 and 6 substituted vide G.O.Ms.No.166 Industries dated 16.6.94 w.e.f. 22.6.94

Appendix II to these rules. Quarrying and removal of sand for non- marine purposes shall be made with the previous permission of the District collector in consultation with the Conservator of Ports and to the payment of seigniorage fee at the rate prescribed from time to time in Appendix II to these rules. The seigniorage fee so collected shall be credited to the Tamil Nadu Minor Ports Fund or the Landing and shipping Fund where one has been constituted for the port.

5. Quarrying in Reserve Forest:-

(1) (a) In the case of lands which have been constituted as reserved forest under section 16 of the Tamil Nadu Forests Act, 1882 (Tamil Nadu Act V of 1882) all quarrying and removal of turf and the earth by the public is prohibited except in accordance with permits granted under the said Act. The Forest Department may allow other Departments of Government and local bodies to quarry in forest areas and charge for the material quarried. When quarrying permits or regular leases are granted to the public or to the Government Departments, Gover s or Companies

and local bodies, the material quarried shall be charged at the rates specified in Appendix II to these rules or the lease amount and other charges shall be collected as the case may be, as provided in these rules. The procedures and conditions prescribed in rules 3,7 and 8 of these rules, as the case may be, shall be applied to deal with these cases.

(b) Violation of these rules shall entail prosecution under rules 13 and 15 of the Forest rules framed under section 26 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) ;

(2) Quarrying in Reserved lands :-

(a) In the case of lands which have been notified as reserved lands under the rules issued by the Government under section 26 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), the public may be allowed to quarry provided firstly that such quarrying shall not injure the growth of any tree, secondly that it may be prohibited in any area for any special reasons and thirdly the quarrying shall be subject to the payment of seigniorage fee or lease amount, as the case may be, as **13**

specified in these rules. The procedures and conditions prescribed in rules 3,7 and 8 of these rules, as the case may be, shall be applied to deal with these cases

(b) Violation of these rules shall entail prosecution under rules 13 and 15 of the Forest rules framed under section 26 of the Tamil NaduForest Act, 1882 (Tamil Nadu Act V of 1882) ;

6. Quarrying for domestic or agricultural or other specific purposes:-

1. In river beds and unreserved lands at the disposal of the Government including poramboke other than village or town sites and bunds of drinking water ponds or tanks -

(1) the public may be allowed to quarry free for bonafide domestic or agricultural purposes without obtaining permits for quarrying provided that the dwelling place or the agricultural land of the person concerned and the quarrying place shall be in the same revenue village or in the adjoining revenue village;

(2) any individual person engaged in the making of pots or bricks and any registered society as defined in the Tamil Nadu Co-operative Societies Act, 1983, (Tamil Nadu act 30 of 1983) which has as its principle object the making of pots or bricks with the help of or through its members may, if permitted to do so by the Panchayat Union Council be allowed to quarry free for bonafide pot or brick making purposes, if such purpose is certified by the Extension Officer (Industries) :

Provided that if the minerals proposed to be removed under this sub-rule by any such individual exceeds 800 cart loads of clay and sand or a mixture of both per annum, seigniorage fee at the rates specified in Appendix II to these rules shall be levied on the excess quantity of the mineral over 800 cart loads.]

[1][**7. Quarrying for public purposes:-**(1) Quarrying of minor minerals other than granite from unreserved oke other than bunds of

drinking water ponds or tanks may be permitted by the District Collector on payment of the cost of minerals and seigniorage fee as may be prescribed from time to time, in the case

[1]Substituted vide G.O.Ms.No.168 Industries, (MMC.2) dated 18.09.2012 **14**

of Department of Government of India and the State Government, Panchayat Union Councils, Panchayats and Municipalities or contractors in their employ provide that such minerals are required and used solely for bona fide public purposes and not for sale or commercial profits.

(2) An application for lease under this rule shall be made by the contractor for whom the contract has been awarded by the user department or local body in the From prescribed in Appendix III-A to these Rules along with the specific recommendation of the Officer who is empowered to sign the contract or agreement with the District Collector and the original challan for payment of Rs.1,500/- (Rupees One thousand and five hundred only) towards the non refundable application fee.

(3) All documentary evidences including the attested copy of the agreement, copy of the work order, name of the minor mineral, actual quantity required and period of lease in support of the bona fide public purpose shall be accompanied with the application form.

(4) If the application is complete in all aspects and the District collector is satisfied on the bona fide public purpose and on the documentary evidences furnished by the contractor under the employ of the user department or the local body, the District Collector may grant the quarry lease to the applicant for the bona fide public purpose, provided that the applicant shall remit the seigniorage fee and also the cost of minerals at one lumpsum for the total quantity of minor mineral permitted at the rates prescribed in Appendix II and the Appendix III-B, respectively, to these Rules.

(5) The committee consisting of Commissioner of Geology and Mining, Chief Engineer, Highways and Chief Engineer, Public Works Department shall take into consideration the prevailing market price for Earth commonly called as savudu, Gravel and Rough stone and shall arrive at the cost of the minerals at the quarry site or at pits mouth. The Commissioner of Geology and Mining shall forward a proposal to Government for revision of cost of the above said minor minerals based on the recommendations of the Committee. The Government shall issue orders fixing the cost of the above minor minerals and subsequently revise the same every year. Irrespective of the date of issue of the order of the
Government, the cost of the minerals fixed by the Government will take effect from the1st April of that year.

(6) The quarry lease may be granted in the name of the applicant for a period not exceeding one year depending upon the quantity of the minor minerals applied for. A lease deed in the Form prescribed in Appendix III to these Rules shall be executed within a period of thirty days from the date of receipt of order granting the lease, which shall be subject also to the other conditions as may be stipulated in the order.

(7) While executing the lease deed as in the Form prescribed in Appendix-III to these R ector shall taken into

consideration the revision of cost of the minor minerals every year and shall include a condition in the lease deed to the effect that the lessee shall remit the difference in the cost of the mineral whenever the cost of the mineral is revised by the Government after the execution of the lease deed.

(8) After the completion of the bonafide public purpose work for which the quarry lease is granted, the lessee shall obtain a certificate in original from the officer who is empowered to sign in the contract or agreement to the effect that the entire quantity of minor mineral removed from the area granted on lease has been fully utilized and accounted for in the bonafide public work and furnish the same to the District Collector concerned. The Officer empowered or authorized to settle the bills to the lessee under this rule shall not settle the bills to the lessee unless the lessee produces a certificate obtained from the District Collector concerned to the effect that the seigniorage fee and the cost of mineral for the quantity of the minor minerals removed and transported by the lessee for the said bonafide public purpose work has been remitted in full without any dues.

Provided that the Government may by order exempt from the payment of cost of minerals for any specific public welfare schemes, as may be implemented by the Rural Development and Panchayat Raj Department‘.]

1**[8. Leasing of lands for quarrying minor minerals other than the minerals covered under rules 8-A and 8-C of these rules:-**

District Collector shall publish a notice in the District lease of areas for quarrying minor minerals other than the minerals covered under rules 8-A and 8-C of these rules.

3[Provided that in respect of stone quarries, publication of the of leases to the special categories under sub-rule (10-A) of this rule. An area for stone quarry lease not notified in the notification under sub-rule (10-A) shall not be included in the notice to be published subsequently under this clause].

(b) The District Collector shall give further publicity to invitation of tender applications:-

(i) by advertisement in one issue of a Tamil daily newspaper having wide circulation in the district and in the State ; and

(ii) 4[by notice in the language of the district put up at the office of the District Collector, the Revenue Divisional Officer, the Tahsildar, (Joint Director/Deputy Director/Assistant Director (Geology and Mining) of the district and local bodies concerned having jurisdiction over the area.]

(c) Every notice and advertisement published under clauses (a) and (b) shall inter alia specify –

(i) Survey number, extent, village and taluk of the area offered for lease and the name of the mineral allowed for quarrying in the area ;

(ii) Last date and time for receipt of tender applications ;

(iii) Address to which the applications shall be sent ;

(iv) Amount of earnest money deposit ;

(v) Place, date and time of opening the tender application.

1Rules 8 substituted vide G.O.Ms.No.166 Industries dated 16.6.94 w.e.f. 22.6.94

2Inserted vide G.O.Ms.No.104 Ind. dt. 17.7.96

3Inserted vide G.O.Ms.No.635 Ind. dt. 3.8.99

4Substituted vide G.O.Ms.No.3 Industries 2.1.98 w.e.f.1.4.98, vide G.O.Ms.No.53 Industries 26.2.98

(d) There shall be atleast fifteen clear days between the date of publication of the notice in the District Gazette and the last date for receipt of the tender applications.

(2) (a) 1[All applications made in response to any notice or advertisement inviting tender applications shall be made in the tender application form prescribed in Appendix VI to these rules or on plain white paper and the sealed tender applications shall be directly sent to the addressee specified in the notice or advertisement in a sealed cover superscribed as "Tender application for quarrying lease-Item No<<<<<<<<.". The name and address of the applicant shall also be legibly written on the sealed cover].

(b) For each item of the area specified in the district Gazette Notification or in the newspaper advertisement separate tender application shall be made and the district collector or the Officer authorised by the District collector to receive the tender applications shall prepare and maintain a list of applications received for each area :

(c) 1[All sealed tender applications shall reach the addressee specified in the notice or advertisement within the specified time and date. Any wrongly addressed or belated application is liable to be summarily rejected].

(d) Only those persons who made applications in the manner specified in this rule and in the notice and advertisement issued for inviting applications shall be included in the list of eligible applicants for each area notified for grant of lease and shall be allowed to be present at the place of opening the tender applications.

(3) Every tender application made for grant of a quarrying lease shall be accompanied by -

(a) 2[original challan for payment of non-refundable application fee as specified by the Government from time to time. The amount can also be remitted through demand draft ;]

(b) 3[A crossed account payee demand draft for Rs.25,000/-towards earnest money deposit obtained from any Nationalised Bank and drawn in favour of the local body

1Substituted vide G.O.Ms.No.104 Industries dated 17.7.96 2Substituted vide G.O.Ms.No.195 Industries 3.10.96 3Substituted vide G.O.Ms.No.3 Ind. dt.2.1.98 w.e.f.1.4.98 **18**

in which the quarry is situated. The demand draft shall not be in any indivudual's name. In respect of quarries situated in reserved forests and reserved lands governed by the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) the demand draft shall be drawn in favour of the District Forest Officer concerned.

Provided that in the case of tender applicants, they shall enclose a demand draft for a total amount which is equivalent to Rs.25,000/- payable towards earnest money deposit and 10% of the tendered amount being the advance deposit (towards adjustment for initial payment if the tender applicant is eventually declared as successful person to obtain the lease subject to the other conditions laid down in this rule].

(c) An affidavit showing particulars of areas mineral - wise in each district of the State, which the applicant or any person jointly with him -

(i) already holds under a quarrying lease or quarrying permission.

(ii) has already applied for, but not yet granted.

(iii) is being applied for simultaneously.

(d) a valid mining dues clearance certificate obtained from the Collector of the District where the quarrying or mining lease area is situated, in the Form prescribed in appendix VIII to these rules for having paid mining dues such as royalty, seigniorage fee, lease amount, dead rent, surface rent, area assessment, Local cess and local cess surcharge and the penalty amount payable under the Act or these rules or under the lease deed or agreement already executed or entered into by the applicant.

(e) An affidavit stating that the applicant has -

(i) filed up-to-date Income Tax Returns ;

(ii) paid the Income Tax assessed on him ; and

(iii) paid the Income Tax on the basis of self-assessment, as provided in the Income Tax Act, 1961 or any other later instructions of the Central Government.

(4) (a) Where the application is delivered personally, its receipt shall be acknowledged in the

Form in Appendix IX to these Rules. Where an application is sent by post, it shall be sent by registered post with acknowledgement card and its receipt shall also be acknowledged by the addressee in the Form in Appendix IX to these rules within three days from the date of receipt of it. The acknowledgement for receipt of applications shall be signed only by the official empowered by the District Collector in this behalf.

(b) If any application is made for an area when there is no invitation of applications under clause (a) of sub-rule (1) through notice by the district Collector, it shall summarily be rejected as premature application. If any application is received after the due time or date fixed for receipt of application, it shall be rejected by the District Collector as time-barred application. The rejection order passed on the belated application, with the demand draft shall be dispatched to the applicant within seven days from the date of receipt of the application, retaining the application and the cover.

[1][(5)) (a) (i) [2][Before opening tender applications received for each area for which applications are invited through notification and advertisement an auction shall be conducted in which all eligible applicants who made payment of application fee as applicable from time to time and earnest money deposit of [3][Rs.25,000/-]along with all other documents as are required of a tender applicant can also participate. The tender applicants need not repeat this process but can participate straightway in the auction.

Applications submitted for direct participation in the auction need not contain particulars of tender/bid amount;]

(ii)[4][All persons who have made applications for participating in the auction and the tender offering shall be present during the entire auction cum tender proceedings so as to know as to who is declared as the successful person eligible to obtain the lease of the area and to make 10% of the bid or tender amount as initial payment immediately

[1]Sub rule 8(5) Substituted vide G.O.Ms.No.104 Industries dated 17.7.1996
[2]Substituted vide G.O.Ms.No.195 Ind. 3.10.96
[3]Substituted vide G.O.Ms.No.15, Industries, dated 22.01.97 [4]Substituted vide G.O.Ms.No.275, Industries, dated 13.10.97 **20**

after the declaration made by the district Collector. In the absence of the Applicant, one nominee of the applicant may be permitted to participate in the auction and allowed to be present when the tender applications are opened provided the nominee produces an authorisation letter from the applicant authorising the nominee to do so and signed before a notary public who shall attest the signature of the applicant and the nominee.]

[1][(b) **(i)** Before opening the tender applications received for each area an auction shall be conducted by the District Collector or the Officer authorised by the district Collector allowing the tender applicants as well as others to bid at the auction for making further offer of lease amount to obtain the area on lease. Immediately after the conclusion of the auction all the valid tender applications for the area shall be opened and examined by the district Collector or the authorised Officer].

(ii) [4]**[**The sealed tender applications shall be then opened in the presence of the auction bidders and the tender applicants or their nominees]who may choose to be present. Failure on the part of any tender applicant or his nominee to be present on the date and time of auctio ening of the sealed tender

applications shall not prevent the authorities concerned from conducting the auction and opening the sealed tender applications with the participation of the other tender applicants or their nominees or others.

(iii) [2][Failure to quote in the tender application specific amount which the applicant is willing to pay as one time lease amount for the area or failure to enclose the Demand Draft towards payment of Earnest Money Deposit and advance deposit of 10% of the tendered amount as stipulated in clause (b) of sub-rule (3) or failure to sign the application or failure to furnish the affidavits specified in this rule with the application shall result in rejection of the tender application by the District collector or by the officer authorised by the District Collector to conduct the auction or to open the tender application.]

(iv) [3][The authorised officer or the district Collector shall declare the total number of valid applications received for an area;

[1]Substituted vide G.O.Ms.No.104, Industries, dated 17.07.96 [2]Substituted vide G.O.Ms.No.275 Industries dated.13.10.97 [3]Substituted vide G.O.Ms.No.104 Industries dated 17.7.96 **21**

names of the applicants and tender amount offered for highest bid amount offered at the auction and declare the highest bid amount offered at the auction and the highest tender amount quoted in the tender applications and the names of the highest offerors of the bid amount and the tender amount before concluding the proceedings.]

(v) [2][In case where the highest auction amount is found to be less than the highest tender amount and where the said highest tender amount has been quoted by two or more applicants or in case where the highest auction amount and the highest tender amount are the same, the District Collector or the officer authorised by the District Collector shall call such persons alone to make their further offers so as to enable the District Collector to declare the name of the successful person who is eligible to obtain the lease of the area, subject to the other provisions of this rule.

(vi) After the name of the successful bidder or tenderer, as the case may be, is declared by the District Collector, such person shall pay 10% of the bid amount or tender amount, as the case may be, immediately. If he fails to pay the 10% of such amount immediately, he shall loose his bid/tender, as the case may be, and his Earnest Money Deposit shall be forfeited to the Government. In such case, the next below highest bidder or tenderer, as the case may be, the offer of whom is greater, shall be declared bidder or tenderer, as the case may be, person eligible to obtain the lease provided such amount is considered reasonable by the district collector such person shall be called upon to make the 10% initial payment immediately. Untill the District Collector considers the next below bid or tender amount as the case may be as reasonable in the circumstances of the case, the district Collector shall have the option to continue the above process of application of the 'next below rule' and on the contrary he shall bring the quarry for re- auction and re-tender. Excepting the forfeited Earnest Money Deposit, the Earnest Money Deposit of the bidders and tenderers other than successful bidder or tenderer, as the case may be, shall be returned after the entire process of auction, tender is over and after obtaining acknowledgement for receipt of the Demand Draft. It shall be sent by registered post in due course to those persons who are not present. A tenderer who may not be present in the place of auction, he may enclose a Demand Draft for the amount

equal to 10% of the amount quoted by him in the tender along with the Earnest Money Deposit amount in the same sealed cover.]

(vii) [1][The remaining 90 percent of the tendered amount or bid amount, deducting the earnest money deposit already made, shall be paid within a week's time thereafter. If this balance amount is not paid within the above stipulated time, 10% amount already paid immediately after the auction or tender opening along with the Earnest Money Deposit shall be forfeited to the Government.]

(6) **(a)** Where only one tender application is received for an area, [2][if there is no one to bid in the auction], the District Collector may grant the lease in favour of the single applicant if in his opinion the annual tender amount offered by the applicant is reasonable in the circumstances of the case and the grant of the lease to the applicant will be in the interests of mineral development. If the district Collector is not satisfied in the above aspects, he may reject the application communicating the reasons therefor in writing to the applicant and issue fresh notification in the District Gazette calling for retender applications for the area concerned.

(b) [3] [Where two or more applications are received for an area, the District Collector shall, ordinarily, grant the quarrying lease to the applicant who is declared as the offerer of the highest bid amount or highest tender amount whichever is greater.

Provided that where the District Collector is satisfied that the highest bid amount or tender amount fetched for an area is not reasonable in the circumstances of the case, it is open to the Collector to reject the said offer and refuse to accept the payment of 10% of the bid amount/Tender amount and the District Collector may order to bring the quarry for reauction cum Tender process. In such a case it is not necessary to pass any separate order for rejection of the highest bid/Tender Offer.

(c) On receipt of the original challan for payment of the balance 90% of the bid amount or tendered amount from the successful bidder or tenderer, the order of the district Collector granting the lease in favour of the said person shall be communicated to him accompanied with-

form in Appendix I to these rules and

1Substituted vide G.O.Ms.No.3, Industries, dated 2.1.98 w.e.f. 1.4.98 2 Substituted vide G.O.Ms.No.104, Industries, dated 17.7.96

3Substituted vide G.O.Ms.No.275, Industries, dated.13.10.97 **23**

(ii) a map of the surveyed and demarcated area granted on lease to him.

On receipt of the above order of the Collector, the grantee of the lease shall produce within the stipulated time

(i) the original challan for remittance of the balance amount indicated in the order of the District Collector towards security deposit 1[which is payable at 20% of the lease amount or Ten thousand rupees whichever is greater;]

(ii) the draft lease deed;

(iii) the map of the area granted on lease with the signature of the applicant and

(iv) required stamp papers for preparing the original lease deed.]

(d) The District Collector is empowered to make additions or modifications or deletions to the extent necessary in the lease deed in the

form in Appendix I to these rules.

(e) The lease deed shall be executed by the applicant on the appointed day and time with a map of the demarcated leased out area appended to it.

(f) No lessee is entitled to raise any dispute with reference to survey and demarcation of the area leased out to him after execution of the lease deed.

(7) Where the District Collector has granted a quarrying lease to an applicant, if the applicant fails to produce the original challan for remittance of the amounts specified in the lease granting order or fails to produce the signed copy of the demarcated map of the area or fails to produce the required stamp papers for preparing the lease deed or fails to execute the lease deed within the stipulated time, the District Collector may cancel the order granting the lease to the defaulter and [2][forfeit the earnest money deposit and all amounts paid by him to the State Government]. In the case of an area for which there are two or more applicants, after cancellation of an order granting the quarrying lease to the defaulter, the District Collector may grant the quarrying lease [2][in favour of the next below highest bidder or tenderer, subject to the provisions of sub-rule 6(b)]. If the next highest bidder or tenderer is not communicating his acceptance

[1]Substituted vide G.O.Ms.No.183, Industries(MME.1), dated.28.12.2017

[2]Substituted vide G.O.Ms.No.195, Industries, dated 03.10.96 **24**

of such an offer of the District Collector within ten days from the date of receipt of the district Collector's offer, the District Collector shall issue fresh notification in the District Gazette calling for retender applications for the area concerned.

(8) [1][The period of lease for quarrying stone in respect of the virgin areas, which have not been subjected to quarrying so far, shall be ten years. The period of lease for quarrying stone in respect of other areas shall be five years. The period of lease for quarrying sand and other minor minerals, other than the minerals covered under rules 8-A and 8-C of the said Rules, shall not exceed three years and shall not be less than one year and shall be subject to the following conditions, namely:-

(i) The date of commencement of the period of lease granted under this rule shall be the date on which the lease deed is executed;

(ii) The lease shall expire on the date specified in the lease deed and in no case extension of the period of lease shall be made].

(9) No applicant shall commence any quarrying operation in any area without remitting the amounts required to be paid towards the lease and without executing the lease deed. If any quarrying is done without complying with the above conditions it shall be treated as illicit quarrying.

(10) (a) No applicant shall be granted with more than two leases within the State at a given point of time and no area granted in one lease shall exceed five hectares in extent in the case of stone quarries and ten hectares in the case of leases for other minor minerals:

Provided that the limitation of five hectares and ten hectares respectively prescribed above shall not be applicable in cases where such sub divisioning of area is considered not possible and the District Collector or the District Forest Officer, as the case may be, shall record the reasons therefor and inform the State Government before any notification inviting applications for the area is published in the District Gazette as required under clause (a) of sub-rule (1).

[2][(b) [1][In respect of leases granted under this rule, all lessees, besides the one time payment of the bid amount][1] tender amount, which is the

[1]Substituted vide G.O.Ms.No.391, Industries, dated 17.11.2000 [2]Substituted vide G.O.Ms.No.235, Industries, (MMC1) dated 19.12.96 **25**

lease amount, shall also pay seigniorage fee or dead rent whichever is more in respect of the actual quantity of the mineral removed or consumed at the rates prescribed from time to time in Appendix II to these rules. Besides the lease amount and the seigniorage fee or dead rent the lessee shall also pay such other levies as may be prescribed by the State Government from time to time. In the event of failure to pay the seigniorage fee, the lease will be liable for cancellation on that account]

[2][(10-A)] (a) Notwithstanding anything contrary contained in this rule, the District Collector shall by notification in the District Gazette published in the month of April every year call for applications for direct grant of leases of stone quarries to the [3]*,Swarna Jayanthi Gram Swarozgar Yojana Scheme Groups (hereinafter called SGSY groups)'']registered either under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) or under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) and the Societies formed by released bonded labourers, subject to the following conditions, namely :-

(i) Separate application shall be made for each area for which applications are invited by the District Collector through a Notification in the District Gazette in the Form prescribed in appendix VI-B. A challan for Rs.500/- (Rupees Five hundred only) remitted towarads non-refundable application fee in the concerned District Treasury shall be enclosed with the application.

(ii) Any application made under this sub-rule, shall be made for an area which is located within the area of operation of the Co-operative Society or other Societies who are eligible to make applications under this sub-rule.

(iii) The area of operation of the applicant society shall be specified in the applicant society's byelaws and such area of operation of the applicant society shall be within the limits of one panchayat area only.

[1]Substituted vide G.O.Ms.No.100, Industries, dated 4.4.97
[2]Sub rule 8 (10A) substituted vide G.O.Ms.No.635, Industries, dated 3.8.99 [3]Substituted vide G.O.Ms.No.303 Industries dated 25.8.2000

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(iv) The stone quarry lease shall be granted only in the name of the applicant society and not in the name of any individual.

(v) The applicant society shall furnish along with its application besides other documents that are required to be submitted for stone quarry leases, an attested copy of the Certificate of Registration of the society either under the Tamil Nadu Co- operative Societies Act, 1983 or under the Tamil Nadu Societies Registration Act, 1975 and a copy of the bye-laws of the society; and

(vi) The period of lease for stone quarrying shall be five years. For valid reasons to be recorded in writing, before publishing

notification inviting applications for grant of lease, wherever the District Collector consider it necessary the period of a lease may be fixed for a period of less than five years.

(vii) [1][All members of the society, should have worked in any stone quarry for a period of not less than two years. The District Collector concerned is authorised to issue certificate to this effect.

(viii) Before publication of the notification of areas for direct grant of leases, the District Collector should assess the minimum viable area for optimum stone quarrying by assessing the average strength of the members of the society in the respective Panchayat Union‘]

Explanations:-

(i) For the purpose of inviting applications for grant of stone quarry leases under this clause, besides the newly identified areas, the areas for which the lease periods have already expired or due to expire within the financial year shall be taken into consideration.

(ii) For the leases granted under this sub-rule, lease deeds shall be executed only when the area is available to take possession by the lessee of the lease; and

[1]Substituted vide G.O.Ms.No.303, Industries, dated 25.8.2000

(iii) For the purpose of this sub-rule, ‚stone quarry‘ shall mean a quarry from which rough stones and size reduced stones specified in items (1)(a) and (1)(b) of Appendix-II are liable to be produced.

(b) (i) The District Collector shall examine all the applications received within the time-limit fixed in the gazette notification published under clause(a) of this sub-rule, within fifteen days from the last date fixed for receipt of applications. Where it appears that an application is not complete in all material particulars or is not accompanied by the required documents, the District Collector shall, by a notice sent through registered post with acknowledgement due (RPAD) require the applicant to supply the omission or furnish the document, as the case may be, within fifteen days from the date of receipt of the said notice by the applicant. In such a notice, the applicant shall be specifically informed that his failure to supply the omission or furnish the document within the time-limit will result in summary rejection of his application for the said default.

(ii) The District Collector shall place all the applications made in response to the notification published under this sub-rule and received within the time-limit before a Special Committee. The composition of the Special Committee shall be as follows:-

(1) District Collector	Chairman
(2) President of the District Panchayat	Member
(3) Chairman of the Panchayat Union in which the quarry is located	Member
(4) Project Director incharge of Rural Development in rank of Additional Collector (Development)	Ex-Officio Member

Deputy Director of Geology and
(5) Mining / Assistant Director of Geology Ex-Officio Member
and Mining of the District

The Special Committee shall scrutinise the applications and furnish its recommendations to the District Collector within sixty days from the date of placement of the applications before the Committee:

Provided that in respect of an area for which application is made by a [1][SGSY]group, the President of the [1][SGSY]Group or his nominee may be invited as a special invitee for scrutiny of the applications for that area. In case, the President of the [1][SGSY] Group sends his nominee he shall produce the nomination letter of the President containing the specimen signature of the nominee. The President and his nominee shall affix their signatures in the nomination letter in the presence of a Notary Public. Scrutiny of the applications shall not be postponed only because of absence of any member or ex-officio member or the special invitee at the appointed time and date.

(iii) The District Collector, after obtaining the applications from the Special Committee with its recommendations, shall pass orders on the applications in accordance with the recommendations of the Committee:

Provided that in case there exists difference of opinion among the members of the Special Committee, the opinion of the majority shall prevail over in that matter:

Provided further that if only one application is received for an area, if the Special Committee is satisfied about the bonafide of the applicant, the District Collector shall grant the lease to that applicant. In cases where more than one application are received for an area, preference shall be given to the society formed by released bonded labourers over the [1][SGSY Groups].

(c) In respect of leases granted under this sub-rule, all lessees besides the one time lease amount, shall pay Seigniorage fee or dead rent whichever is more, in respect of the actual quantity of the mineral removed or consumed at the rates prescribed from time to time in Appendix-II. The one time lease amount shall be equivalent to the average of the lease amount fixed by the District Collector for the stone quarry leases granted already through tender system or tender- cum-auction system within the Panchayat Union limits and where there is no quarry within that Panchayat Union Limits, the average of the lease amounts of all the stone quarries in the District together:

Provided that where a lease is granted to a society formed by [2][SGSY Group] or released bonded labourers, they are eligible

[1]Substituted vide G.O.Ms.No.303 Industries dated 25.8.2000 [2]Substituted vide G.O.Ms.No.303 Industries dated 25.8.2000 **29**

for concession of 50 percent remission in the total one time lease amount payable by them. In such cases, the balance lease amount shall be paid in four equal installments, and amount payable under each installment shall be paid fifteen days before the date of commencement of each quarter of the first year of the lease period. In the event of failure to pay the lease amount within the stipulated period, the District Collector shall cancel the lease for the said default and in such cases, the defaulter society shall not be entitled for making application any further for grant of lease under this sub- rule.

(d) Where there is no specific provision in respect of any other matter in this sub-rule, rules that are applicable generally to stone quarry leases shall apply to the applications seeking grant of stone quarry leases and for grant of stone quarry leases under this sub-rule].

(11) No lease granted under this rule shall be renewed.

(12) In the case of a lease for quarrying of any mineral specified in this rule in any forest declared to be reserved under section 16 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) or in any land at the disposal of the State Government in respect of which rules under section 26 of the said Act have been made, the District Forest Officer concerned shall exercise the powers and discharge the duties of the District Collector under this rule;

[1][8-A. Lease of quarries to private persons in respect of [2][Granite]

(1) The State Government may grant quarry leases to any person subject to the conditions and the procedure given below for grant of lease in respect of [2][**Granite.]**

(2) (a) [3]**[(i)** The maximum period for which a quarrying lease may be granted shall not exceed thirty years and the minimum period for which any such lease may be granted shall not be less than twenty years.]

(ii) The quarrying lease shall be granted only in the name under which the industry which by cutting, polishing and by other means add value to the granites has been registered;

[1]Rule 8A was substituted vide G.O.Ms.No.103 Industries dated 13.7.96 [2]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001

[3]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001

(iii) No lease shall be granted unless the applicant is having an existing industry in Tamil Nadu or is having a distinct industrial programme to utilise the mineral in his granite cutting and polishing industry proposed to be set up in Tamil Nadu;

(b) (i) In the case of proposed industry the applicants shall be issued only with a letter of commitment assuring the applicant that the quarrying lease may be granted after receipt of information by the Government from the applicant about the setting up of the industry and after receiving the report of the technical committee and the recommendations of the Director of Geology and Mining about the satisfactory completion of the industry unit. An applicant who is issued with a letter of commitment shall set up the granite cutting and polishing industry within [1][two years]from the date of a receipt of Letter of Commitment issued by the State Government failing which the letter of commitment issued by the State Government shall be deemed to have been cancelled and the entire amount remitted by the applicant towards the grant of lease shall stand forfeited to the Government.

(ii) Where an applicant who has been issued with a letter of commitment fails to set up the industry within the prescribed time limit, makes an application to the State Government for extension of time to

set up the industry at least one month before the expiry of the said time limit, the State Government, on being satisfied that the non-commissioning of the industry within the time limit was for reasons beyond the control of holder of the letter of commitment may grant extension of time for a period not exceeding one year.

2[(c) The minimum area that may be granted or renewed under this rule shall not be less than one hectare and the maximum area shall not exceed fifty hectares.

Provided that the State Government, if it is satisfied on the basis of the installed or production capacity of the

1Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001 2Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001

existing or proposed industry, and also on the production level, geological or topographical conditions may, for the reasons to be recorded in writing, grant or renew a lease over an area more than the maximum area or less than the minimum area specified under this rule]

(3) (a) The District Collector shall publish a notice in the District Gazette and also issue an advertisement in two dailies one in Tamil and another in English having wide circulation in the State of Tamil Nadu inviting tender applications in sealed cover for 1[grant of lease of areas where the existence of granite has been established to quarry the mineral]1 specified in sub-rule (1).

(b) Every notice and advertisement published under clause (a) shall, inter alia, specify :-

(i) Survey number, extent, village and taluk of the area offered for lease and the name of the mineral allowed for quarrying in the area;

(ii) Last date and time for receipt of tender application;

(iii) Address to which the applications shall be sent;

(iv) Place, date and time and the designation of the Officer for conducting the auction and for opening of the tender applications.

(c) There shall be atleast fifteen clear days between the date of publication of the notice in the District Gazette and the last date for receipt of the tender applications.

(4) (a) All applications made in response to any notice or advertisement shall be in the form prescribed in Appendix VI-A to these rules and they shall be sent directly to the addressee specified in the notice or advertisement in a sealed cover super scribed as 'TENDER APPLICATION FOR GRANT OF QUARRYING LEASE-ITEM No<<IN THE NOTICE/ ADVERTISEMENT, DATED<<<..". The name and address of the applicant shall also be legibly written on the sealed cover. For each item of area specified in the District Gazette Notification or in the news paper advertisement separate tender application shall be made.

(b) Every tender application made for grant of quarrying lease shall be accompanied by :-

(i) Original challan for payment of a non-refundable application fee as specified by the Government from time to time remitted in a Government Treasury in the District concerned. [1][The amount can also be remitted through demand draft issued by a Nationalised Bank or Co-operative Bank].

(ii) [1][A demand draft for [2][Rs.1,00,000/-]towards Earnest Money Deposit.]

(iii) An affidavit showing the particulars of areas mineral wise in each district of the State, which the applicant or any person jointly with him :-

(i) already holds under a quarrying lease

(ii) already applied for but not yet granted

(iii) is being applied for simultaneously;

(iv) A valid mining dues clearance certificate obtained from the Collector of the District where the quarrying or mining lease area is situated in the form prescribed in Appendix-VIII to these rules for having paid the mining dues, such as royalty, seigniorage fee, lease amount, dead rent, surface rent, area assessment, penalty amount or any other dues payable under the Act or these rules or under the lease deed or agreement already executed or entered into by the applicant

(v) An affidavit stating that the applicant has :-

(i) filed upto date Income tax return.

(ii) paid the income tax assessed on him.

(iii) Paid the income tax on the basis of the self assessment as provided in the Income Tax Act, 1961 (Central Act 43 of 1961) or any other later instructions of the Central Government

[1]Substituted vide G.O.Ms.No.152 Industries dated 26.8.96 [2]Substituted vide G.O.Ms.No.273 Industries dated 13.10.97 **33**

(c) The application thus made shall contain the particulars about the maximum amount the applicant is willing to offer for getting [1][the area applied for by him on lease for quarrying purpose.]

(d) All applications shall reach the addressee specified in the notice or advertisement within the specified time and date.

(5) (a) Where the application is delivered personally, its receipt shall be acknowledged forthwith in the

form in Appendix-IX to the rules. Where an application is sent by post it shall be sent by registered post and its receipt shall also be acknowledged by the addressee in the form in Appendix-IX to these rules within three days from the date of receipt of it. The acknowledgement for receipt of application shall be signed only by the official empowered by the District Collector in this behalf. 2[The District Collector shall have no responsibility for any delay in receipt or loss in postal transit of any application or communication].

(b) The District Collector or the Officer authorised by the District Collector to receive the tender applications shall prepare and maintain a list of applications received for each area.

(c) If any application is made for an area when there is no invitation of application under sub-rule (3) it shall summarily be rejected as premature application. If any application is received after, the due time or date fixed for receipt of application, it shall be rejected by the district Collector as time barred application. 2[Failure to satisfy the conditions and to comply with the requirements specified in sub-rule (4) of this rule will result in summary rejection of an application for participation in auction or tender proceedings and the person who made such application is not entitled to participate in the auction or tender as the case may be]2 The rejection order passed on such application with the demand draft if any shall be sent through registered post to the applicant within seven days from the date of receipt of the application retaining the application and the cover.

(6) (a) 3 [(i) Before opening tender applications received for each area for which applications are invited through notification and

1Substituted vide G.O.Ms.No.273 Industries dated 13.10.97 2Substituted vide G.O.Ms.No.152 Industries dated 26.8.96 3Substituted vide G.O.Ms.No.152 Industries dated 26.8.96 **34**

advertisement, an auction shall be conducted in which all tender applicants and also others who consider themselves as eligible and pay an Earnest Money Deposit of 1[Rs.1,00,000]by a bank draft can participate. The auction bids of the non-tender applicants will be accepted subject to verification of their eligibility and subject to their submitting the application form and payment of application fee] 1[before commencement of the tender-cum-auction proceedings. For people who have already paid Earnest Money Deposit in tender, no separate fee need be levied for participating in auction.]

(ii) In the absence of the applicant one nominee of the applicant may be permitted to participate in the auction and allowed to be present when the tender applications are opened provided the nominee produces a letter from the applicant authorising the nominee to do so and signed before a Notary Public who shall attest the signature of the applicant and his nominee.

(b) 3[(i) Before opening tender applications received for each area, auction shall be conducted by the District Collector or the officer authorised by the district Collector allowing all eligible applicants to bid at the auction for making their offer of lease amount to obtain the area on lease. Immediately after conclusion of the auction, all the valid tender applications for the area shall be opened and examined by the District Collector or the authorised officer]

(ii) The sealed tender applications shall be opened in the presence of the tender applicants or their nominees who may choose to be present. Failure on the part of any tender applicant or his nominee to be present on the date and time of auction or at the time of opening of the sealed tender applications shall not prevent the authorities concerned from conducting the auction and opening of the sealed tender applications with the participation of the other tender applicants or their nominees or others.

(iii) Where only one tender application is received for an area if there is no one to bid in the auction the State Government may grant the lease in favour of the single applicant if in their opinion the tender amount offered by the applicant is

[1]Substituted vide G.O.Ms.No.273 Industries dated 13.10.97 **35**

reasonable in the circumstances of the case; the grant of the lease to the applicant will be in the interest of mineral development and the industry already setup by the applicant.

Provided that the applicant who has a distinct industrial programme for setting up of an industry in Tamil Nadu shall be issued only with a letter of commitment subject to the conditions stipulated therein. If the State Government is not satisfied in the above aspects, it may reject the application communicating the reasons therefor in writing to the applicant and may order inviting of fresh applications for the area.

iv) The authorised officer shall declare the total number of valid applications received for an area, names of the applicants and the tender amount offered for the area by each of the applicants. He shall also declare the highest bid amount offered at the auction and the highest tender amount quoted in the tender applications and the names of the highest offerors of the bid amount and the tender amount before concluding the proceedings.

(v) In a case where the highest auction amount is found to be less than the highest tender amount and where the said highest tender amount has been quoted by two or more applicants, the District Collector or the officer authorised by the District Collector shall call such applicants alone to make their further offers.

vi) After declaring the name of the highest bidder/tender applicant for an area, the EMD received from the applicant bidders other than the highest bidder/tender applicant shall be returned forthwith to the applicants/bidders present on obtaining acknowledgement for receipt of the same or sent by registered post in due course, if they are not present. [1][The Earnest Money Deposit made by the highest bid amount or tender amount offeror, as the case may be, shall be adjusted towards payment of lease amount in case he is selected for grant of the area on lease to him for quarrying purpose]

[1]Substituted vide G.O.Ms.No.273 Industries dated 13.10.97 **36**

(7) The District Collector after the conclusion of the auction-cum-tender procedures, shall forward all the applications received to the State Government through the Director of Geology and Mining. [1][He shall prepare a tabular statement for each area notified indicating the applications received in the tender and the bids given in the auction separately with the amount offered by the tenderer or bidder concerned and forward the same within a week with the original applications with the documents relating to the auction and tender proceedings and his recommendations on the reasonableness of the highest bid or tender amount fetched in the said proceedings and] specifying the conditions that should be laid down for the grant of quarry lease or issue of the Letter of Commitment, as the case may be, and with a copy of the draft lease deed in the

Form in Appendix-I to these rules or in a Form nearer thereto as circumstances of each case may require and a certified copy of the map of the surveyed and demarcated area proposed to be granted on lease. On receipt of the proposal from the District Collector, the Director of Geology and Mining will request the Technical Committee constituted by the State Government, from time to time to inspect the existing industry of the highest bidder/tender applicant; verify the industrial programme of the applicant and give its report to the Director of Geology and Mining who shall forward the same to the State Government with his recommendations.

[1][Where the highest bidder or tenderer, as the case may be, has no existing industry but proposes to set up an industry his industrial programme shall be examined by the Technical Committee giving its report on the same to the Director of Geology and Mining who shall forward the same to the State Government with his recommendations.]

(8) [(a) (i) On receipt of the recommendations of the Director of Geology and Mining for grant of lease for an area, the State Government shall communicate its decision to grant the lease or issue the letter of commitment, as the case may be, to the applicant who is declared as the successful offeror of the bid amount or tender amount, whichever is greater.

[1]Substituted vide G.O.Ms.No.273 Industries dated 13.10.97 **37**

(ii) In the case of the applicant having existing industry, the State Government shall communicate its decision to grant the lease for the precise area directing to remit the balance amount indicated in the order of the State Government in the District Treasury concerned and to submit the original challan to the State Government within one month from the date of receipt of such communication and to submit the approved mining plan as per rule 12 of the Granite Conservation and Development Rules, 1999 to the State Government within a period of three months from the date of receipt of the communication from the State Government.

(iii) In the case of the applicant who has furnished a distinct Industrial Programme to set up an industry, the State Government shall issue a letter of commitment communicating the Government's intention to grant the lease for the precise area directing the applicant to remit the balance amount indicated in the letter in the concerned District Treasury and to submit the original challan within one month and to set up the industry within two years from the date of receipt of the letter of commitment and submit a report for having set up the industry. When the applicant has remitted the balance amount within the specified period and submitted a report on the completion of the setting up of the Industry, the State Government shall place the same before the Technical Committee constituted for that purpose for scrutiny and recommendation about the satisfactory completion of the industrial unit. On receipt of the recommendation of the Technical Committee and the Director of Geology and Mining, the State Government, shall communicate its decision to grant the lease to the applicant. The applicant shall submit the approved Mining Plan as per rule 12 of the Granite Conservation and Development Rules, 1999 to the State Government within three m eipt of the communication

from the State Government. Where an applicant who has been issued with a letter of commitment fails to set up the industry within the prescribed time limit, makes an application to the State Government for the extension of time within one month before the expiry of the said time limit, the State Government on being satisfied that the non-completion of the industry within the time limit was for reasons beyond the control of the holder of the letter of

commitment, may grant extension of time for a further period not exceeding one year. In case the holder of the letter of commitment fails to set up the industry even in the extended period, the letter of commitment issued by the State Government shall be deemed to have been cancelled and the entire amount remitted by the applicant towards the grant of lease shall stand forfeited to the Government.

(iv) Where the applicants referred to in sub-clauses (ii) and (iii) fail to remit the balance amount within the stipulated period, the amount already remitted shall be forfeited and the communication or the letter of commitment issued, as the case may be, shall be deemed to be cancelled. When the said applicants have remitted the amount within the stipulated period but are not able to submit the approved mining plan within the stipulated period for reasons beyond their control, they may apply for extension of time for submission of the approved mining plan. The State Government on receipt of such request and after satisfying that the balance amount has been paid within the prescribed period, may grant extension of time for a further period not exceeding three months, if satisfied with the reasons furnished by the applicant. On receipt of the approved mining plan, the State Government shall issue the order granting the lease. In case the applicant fails to submit the approved mining plan, even in the extended period, the amounts remitted by the applicant shall be forfeited and the letter of commitment shall be deemed to be cancelled.

(b) Where the State Government is satisfied that the highest amount offered by the applicant is not reasonable in the circumstances of the case and that it will not be in the interest of mineral development to grant the lease to the said applicant, or that the applicant's existing industry or the industrial programme for setting up of the industry is not satisfactory, an order refusing to grant the lease to the applicant shall be passed by the State Government, communicating the reasons therefor to the applicant.]

(c) The lease deed shall be executed by the applicant with the district Collector concerned within one month from the date

of receipt of the order of the State Government of [1][within such further period not exceeding a period of thirty days]as the District Collector may allow in this behalf. The lease deed shall be executed by the applicant on the appointed day and time with a map of the demarcated leased out area signed by the District Collector and the lessee, appended to it.

(d) Where the State Government has granted a quarrying lease, to an applicant, if the applicant fails to produce [2][ ]the signed copy of the demarcated map of the area or fails to mp papers for preparing

the lease deed or fails to execute the lease deed within the stipulated time, the State Government may cancel the order granting the lease to the defaulter and forfeit all amounts paid by him to the State Government. In the case of an area for which there are two or more applicants, after cancellation of the order granting the quarrying lease to the defaulter the State Government may grant the quarrying lease in favour of the next below highest bidder or tender applicant subject to the provisions of clauses [1][(a) and (b)]. If the next highest bidder or tender applicant is not communicating his acceptance of such an offer of the State Government within fifteen days from the date of receipt of the State Governments offer, the State Government shall call for fresh tender applications for the area concerned.

(9) (a) The date of commencement of the period for which the quarrying lease is granted under this rule shall be the date on which the lease deed is executed.

(b) Before execution of the lease deed the successful bidder/tender applicant shall deposit as security twenty percent of the bid / tender amount for which the lease has been [3][granted by the State Government or Rs.40,000/- (Rupees Forty thousand only) whichever is higher.]

(c) All the lessees, besides the onetime payment of the bid amount / tender amount which is the lease amount, shall also pay Seigniorage fee or dead rent whichever is more in respect of the actual quantity of the mineral removed or consumed at the rates prescribed from time to time in Appendix-II to

[1]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001
[2]Deleted vide G.O.Ms.No.86 Industries dated 22.2.2001
[3]Substituted vide G.O.Ms.No.183 Industries(MME.1), dated 28.12.2017 **40**

these rules. Besides the onetime payment of lease amount and seigniorage fee or dead rent whichever is greater the lessee shall pay such other levies as may be prescribed by the State Government from time to time. [1] [In the event of failure to pay seigniorage fee or dead rent whichever is greater the lease [2][shall be cancelled.]

Provided that the lessee shall pay the dead rent for the first year of the lease before the execution of the lease deed and for the subsequent years thirty days before the date of commencement of each year of the lease period.

Provided further that the lessee is entitled to obtain transport permit and despatch slips for removal of the mineral from the leasehold area without paying seigniorage fee until the amount of dead rent already paid is got adjusted towards seigniorage fee payment.]

(d) No lessee is entitled to raise any dispute with reference to the survey and demarcation of the area leased out to him after execution of the lease deed.

(e) The lease shall expire on the date specified in the lease deed and in no case extension of the period of the lease shall be made.

(f) No lessee shall commence any quarrying operation in any area [3][ ]without executing the lease deed. No lessee shall continue quarrying in

the area after the expiry of the stipulated lease period. If any quarrying or transportation of the mineral is done without complying with or in violation of the above conditions, [2][it shall be treated as illicit quarrying and illicit transportation]and the lessee is liable to be punished for the offence without prejudice to any other actions that can be taken on the person as provided in these rules or the Act.

(g) The lessee shall remove and transport the mineral from the leasehold area only to his industry setup in Tamil Nadu after obtaining transport permit from the District Collector

[1]Substituted vide G.O.Ms.No.273 Industries dated 13.10.1997 [2]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001 [3]Deleted vide G.O.Ms.No.86 Industries dated 22.2.2001 **41**

concerned or any Officer authorised by him in this behalf and complying with the other conditions stipulated in these rules.

(h) The lessee shall not utilise the mineral in any manner other than utilising in his own industry setup in Tamil Nadu. The lessee shall keep correct accounts showing the quantity and other particulars of all minerals quarried and transported from the quarry site; obtained at the factory and despatched from the factory. The lessee shall also allow any officer authorised by the State Government of the Director of Geology and Mining or the District Collector in this behalf to inspect the industry and verify his records and accounts and furnish such information and returns as may be required by him.

(10) (a) The lessee shall carryout the quarrying operations in a skilful, scientific and systematic manner keeping in view the proper safety of the labour, conservation of minerals and preservation of the environment and ecology of the area.

(b) The lessee shall allow any officer authorised by State Government, or the Director of Geology and Mining, or the District Collector concerned to enter upon the leasehold area and inspect for the purpose mentioned in clause (a) and for any other purpose which may be required for compliance of the provisions of the Act and these rules or any other Act or Rules framed by the Central Government or the State Government.

[1][(11) (a) The lease granted under this rule may be renewed for a period not exceeding twenty years.

Provided that renewal of lease shall be subject to the satisfactory performance of the lessee in the past in fulfilling the conditions of lease].

form in Appendix XIV shall be made at least twelve months before the expiry of the lease to the District Collector concerned accompanied with a non-refundable application fee of Rs.5000/- (Rupees five thousand only) and with documents specified in the application form and in clause (b) of sub-

[1]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001 **42**

rule (4) of this rule except earnest money deposit specified in sub-clause (ii) of the said clause (b).

(c) The lessee shall submit an approved mining plan/scheme along with the application for renewal of lease valid at the time of filing the renewal application.

(d) The lease may be renewed subject to remittance of the lease amount that may be fixed by the Government, which shall not be less than 200% of the original lease amount. The lease amount for the renewal period shall be paid within thirty days from the date of receipt of communication from the State Government in this behalf.

(e) The conditions and the procedure under this rule for grant of lease shall *mutatis mutandis* apply for renewal of lease under this rule":][1]

(12) In the case of a lease for quarrying of any mineral specified in this rule in any forest declared to be reserved under Section 16 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) or in any land at the disposal of the State Government in respect of which rules under Section 16 of that Act have been made, the District Forest Officer concerned shall exercise the powers and discharge the duties of the District Collector under this rule.

8-B. [1][ ]

[2]**[8-C.** [3]**[Quarrying of granite by the State Government and granting of lease to a State Government Company or Corporation].-**

(1) Not withstanding anything contained in these rules, the State Government themselves may engage in quarrying of granite or may grant or renew lease for quarrying Granite by a State Government Company or Corporation owned or controlled by the State Government in respect of the areas where the existence of granite has been established.]

(2) (a) An application to the Government for grant of lease under this rule shall be submitted to the District Collector or the District Forest Officer, as the case may be, in the

Form in appendix VII to these rules accompanied with a non-

[1]Rule 8-B Omitted vide G.O.Ms.No.608, Industries dated 2.9.89 [2]Rule 8C substituted vide G.O.Ms.No.157 Industries dated 25.5.98 [3]Inserted vide G.O.Ms.No.86 Industries dated 22.2.2001

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refundable application fee of [3][Rs.5,000/- (Rupees Five thousand only)]and documents specified in this rule and in the application form.

(b) The application, besides the other documents shall be accompanied with-

(i) Original challan for remittance of non- refundable application fee remitted under the following head of account:-

"0853. Non-Ferrous Mining and Metallurgical Industries-102. Mineral Concession Fees, rent, royalties-A. Quarries and Minerals - D.P. Code 0853-00-102-AA-0007"

(ii) Mining dues clearance certificate issued by the District Collector or the District Forest Officer concerned in the Form prescribed in Appendix-VIII; and

(iii) Affidavit for having filed the income-tax returns.

(c) Receipt of an application made under this rule shall be acknowledged by the District Collector or the District Forest Officer as the case may be, or the Officer authorised by the District Collector or the District Forest Officer, as the case may be, in this behalf in the Form prescribed in Appendix - IX to these rules.

(3) [1][(a)]The District Collector or the District Forest Officer, as the case may be, shall forward the application to the State Government through the Director of Geology and Mining specifying the conditions those should be laid down while granting the lease for the area applied for. On receipt of the application along with the recommendation of the District Collector or the District Forest Officer, as the case may be, the Director of Geology and Mining shall forward the same along with his recommendation to the State Government. The State Government shall pass order granting or refusing to grant the quarrying lease to the applicant.

(b) Where the State Government have taken a decision to grant the lease, the State Government shall communicate the precise area that is to be granted on lease to the applicant. On receipt of the communication from the

[1]Inserted vide G.O.Ms.No.86 Industries dated 22.2.2001 **44**

State Government in this behalf, the applicant shall submit an approved mining plan within a period of three months from the date of receipt of such communication or such further period not exceeding three months as may be allowed by the State Government.

(4) [1][The maximum period for which a quarry lease may be granted shall not exceed thirty years:

Provided that the minimum period for which any such lease may be granted shall not be less than twenty years:]

(5) (a) Where a lease has been granted, a lease deed in the Form in Appendix-IA to these rules shall be executed within three months from the date of receipt of

the order or within such further period as the Director of Geology and Mining may allow in this behalf.

(b) Before executing the lease deed, a crossed account payee [2][demand draft for a sum of Rs.40,000/- (Rupees forty thousand only)] obtained from any Nationalised Bank and drawn in favour of the District Collector or the District Forest Officer, as the case may be, by designation only, shall be produced to the concerned authority towards security deposit.

(c) The date of commencement of the period for which the quarry lease is granted shall be the date on which the lease deed is executed.

(6) (a) The lease granted under this rule may be renewed for a period not exceeding twenty years.

Provided that renewal of lease shall be subject to satisfactory performance of the lessee in the past in fulfilling the conditions of lease.

(b) The application for renewal shall be made atleast twelve months before the expiry of the lease in the form specified in Appendix VII to these rules to the District Collector concerned accompanied with non-refundable application fee ofRs.5000/- (Five thousand only) and with documents specified in clause (b) of sub-rule (2) and in the application form.

[1]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001

[2]Substituted vide G.O.Ms.No.183 Industries(MME.1), dated 28.12.2017 **45**

(c) The lessee shall submit along with the application for renewal of quarrying lease, an approved mining plan/scheme valid at the time of filing the renewal application.

(d) The conditions and the procedure under this rule for grant of lease shall *mutatis mutandis* apply for renewal of a lease under this rule]

(7) The lessee, besides area assessment, shall pay seigniorage fee or dead rent whichever is greater at the rate prescribed, from time to time, in Appendix II to these rules. The lessee shall also pay such other levies as may be prescribed by the State Government, from time to time.

(8) The lessee shall remove and transport the mineral from the leasehold area after obtaining transport permits and despatch slips from the District Collector or the District Forest Officer, as the case may be or any other officer authorised by the District Collector or the District Forest Officer, as the case may be, in this behalf subject to the conditions and procedure laid down in these rules.

(9) The lessee shall carry out the quarrying operations in a skillful, scientific and systematic manner, keeping in view, the proper safety of the labourers, conservation of minerals and preservation of environment and ecology of the area.

(10) The lessee shall allow any Officer authorised by the State Government and the Director of Geology and Mining or the District Collector or the District Forest Officer, as the case may be, to enter upon the area and inspect for the purposes mentioned in sub-rule (9) and for any other purpose as may be required for implementation or adherence of the conditions of the lease or provisions or conditions stipulated in the Act or these rules or any other Act or Rules made by the Central Government or the State Government.

[1]**[8-D.][ ]**

[2][8-E.]Levy and collection of one time lease amount for granite quarries granted under the erstwhile rule 39.-

(1) (a) Notwithstanding anything contained to the contrary in the lease deed executed by the lessees, all lessees who are granted

[1]Rule 8D Struck down by High Court, Madras and the order of the H.C, upheld by S.C in civil appeals 1655 etc, (AIR 1995-S.C. pages 858 to 865)

[2]Rule 8E introduced in G.O.Ms.No.603/IND dated 17.9.1998

with leases under the provisions of the erstwhile rule 39 of these Rules for quarrying black, red, pink, grey, green, white or other coloured or multi-coloured granite or any other rock suitable for use as ornamental and decorative stones and where the leases are still in force, besides the seigniorage fee or dead rent, shall also pay a onetime lease amount. The Collectors of the Districts shall fix one time lease amount at an amount equal to the highest lease amount paid by any lessee under the tender system introduced in rule 8-A on and from the 6th September 1989 or the highest lease amount paid by any lessee under the tender-cum-auction system introduced in rule 8-A on and from the 13th July 1996 whichever is greater:

Provided that where there is no such quarry with the same or similar type of mineral referred to in clause (a) within the same taluk for such fixation of lease amount on comparative basis, the highest lease amount fetched by a quarry granted in the adjoining taluk in the same district or the adjoining taluk of an adjoining district whichever is greater shall be fixed as the lease amount of the quarry for which lease amount is to be fixed under this rule:

Provided further that where there is no such quarry in the adjoining taluk for such comparative fixation of lease amount as specified in the first proviso, any other quarry with the same or similar type of mineral as referred to in clause (a) within the same district and if there is no such quarry in the same district, any other quarry of similar description in an adjoining district shall be taken as the basis:

(b) The lease amount fixed under clause (a) shall be proportionate to the extent of the lease hold land and the period of the lease.

(2) (a) The one time lease amount fixed under this rule shall be paid by the lessee within sixty days from the date of receipt of the demand notice from the District Collector or the District Forest Officer concerned, as the case may be:

(b) Any demand notice issued to the lessee for the above purpose shall be sent by Registered Post with acknowledgement due or served in person:

(c) Where the lessee had made remittance of the lease amount demanded from him, he shall inform the particulars of the remittance to the District Collector or the District Forest Officer concerned, as the case may be, immediately and in any case such information shall be made to reach the District Collector or the District Forest Officer concerned, as the case may be, on or before the day on which the sixty days notice period for payment of the lease amount expires.

(3) (a) Where the lessee fails to pay the one time lease amount within the stipulated time in the demand notice, the lease is deemed to have been

cancelled for the said default on the day next to the day on which the sixty days notice period for payment of the lease amount expires;

(b) In the cases where the lease is deemed to have been cancelled, the District Collector or the District Forest Officer concerned, as the case may be, shall, by an order, formally declare that the quarrying lease is deemed to have been cancelled and communicated the declaration to the lessee.

[1][9. Omitted.]

[2][10. Handing Over of leasehold area and eviction of unlawful occupant:-

[3][(1) The lessee shall hand over possession of the leasehold land to the Collector or the district Forest Officer, as the case may be on the next day immediately after the expiry of the period of the lease or termination or cancellation of the lease by filing an affidavit to the above effect and the lessee shall obtain acknowledgement for handing over of the affidavit from the office of the Collector or the District Forest Officer as the case may be.

Any person in possession of the leasehold area after the expiry of the period of the lease or its premature termination or cancellation shall be deemed to be in unlawful possession of the said land and shall be liable to be punished as provided in rule 36-A(4) of these rules;]

[1]Omitted vide G.O.Ms.No.166 Industries dated 16.6.1994
[2]Rule 10 introduced vide G.O.Ms.No.964 Industries dated 9.8.1988 [3]Substituted vide G.O.Ms.No.166 Industries dated 16.6.1994

(2) (a) Any person in unlawful possession of the lease hold area shall also be liable for eviction from the lease hold area.

(b) The Collector or the District Forest Officer, as the case may be, or any person specially authorised by them in this behalf may evict such person in unlawful possession from, and take possession of, the lease hold area and may for that purpose, use such force as may be necessary.

(3) Before proceeding under sub-rules (1) and (2), the Collector or the District Forest Officer, as the case may be or the person specially authorised by them in this behalf shall cause a notice to be served on the person reported to be in unlawful possession of the lease hold area specifying the area so occupied and requiring him to show cause within fifteen days from the date of receipt of the notice why he should not be charged double the rate of the lease amount or bid amount or total seigniorage fee, as the case may be, and evicted from the lease hold area.

(4) Every notice under sub-rule (3) shall be sent to the person who is reported to be in unlawful possession of the lease hold area, or to his agent by registered post to the last known address or in such manner as specified in section 25 of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864)].

[1][**11. Registration of leases :-** Leases for working minor minerals granted under these rules are compulsorily registerable under section 107 of the Transfer of Property Act, 1882 (Central Act IV of 1882) and shall be got registered at the expense of lessees;]

12. Removal of sand, etc., from lands and tanks in-charge of some departments :-

(1) The preceding rules, however, do not govern the removal of sand, etc., from works and lands in-charge of the Public Works Department and tanks in-charge of Revenue Department.

[2][(2)(a) Notwithstanding anything contained in these rules, for quarrying clay, silt, savudu and gravel from the beds of tanks, channels and reservoirs in the State (except Chennai,

1 Rule 11, Substituted vide G.O.Ms.No.166 Industries dated 16.6.1994

2 Sub Rule 2of Rule 12, Substituted vide G.O.Ms.No.50 Industries(MMC1) dt 27.04.2017

Kancheepuram and Tiruvallur Districts) under the control of Public Works Department or Rural Development and Panchayat Raj Department, the Executive Engineer, Public Works Department or the Executive Engineer of the Rural Development and Panchayat Raj Department, as the case may be, shall prepare the list of tanks, channels and reservoirs and submit their proposal to the District Collector for removal of clay, silt, savudu and gravel from the beds of tanks, channels and reservoirs with demarcation of eligible areas and the estimation of quantum of such mineral to be removed in respect of each area along with the conditions to be stipulated for removal of such mineral from the tanks, channels and reservoirs. The District Collector shall notify the said list in the District Gazette.

(b) Any person engaged in the making of pots or any registered Pottery Labourers Co-operative Society registered under the Tamil Nadu Co-operative Societies Act,1983 (Tamil Nadu Act 30 of 1983) for making pots, the public for bonafide domestic purpose and the farmers for agriculture purpose be allowed to quarry clay, silt, savudu and gravel, on free of charges from the beds of tanks, channels and reservoirs under the control of the Public Works Department or Rural Development and Panchayat Raj Department which are notified by the District Collector in the District Gazette under this rule [1][after obtaining permission from the Tahsildar of the Taluk concerned] for quarrying:

Provided that the dwelling place or agricultural land of the person concerned and the quarrying place shall be in the same revenue Village or in the adjoining revenue Village. For removal of the above said minerals by any person for agricultural purpose shall produce a certificate issued by the Village Administrative Officer to the effect that they are holding lands in their name or a cultivating tenant as per Adangal Register:

Provided further that the quantity of silt and clay proposed to be removed for agricultural purpose from the beds of tanks, channels and

reservoirs shall not exceed 75 Cubic meters per acre (185 Cubic meters per Hectare) for wet lands and a quantum not exceeding 90 Cubic meters per acre

[1]Substituted vide G.O.Ms.No.74, Industries(MMC1)dept. dt 21.06.2017

(222 Cubic meters per Hectare) for dry lands once in two years. The quantity of earth, savudu and gravel proposed to be removed for other domestic purposes shall not exceed 30 cubic meters. The quantity of clay proposed to be removed for making pots shall not exceed 60 cubic metres:

Provided also that prior permission shall be obtained from [1][the Tahsildar of the Taluk concerned] for removal of such quantity of minerals from the tanks, channels and reservoirs and the period of permission shall not exceed 20 days :

Provided also that quarrying shall be permitted only in the area demarcated by the Public Works Department or Rural Development and Panchayat Raj Department, as the case may be, and the minerals shall be loaded in the Vehicles brought by the applicant by the Public Works Department or Rural Development and Panchayat Raj Department, as the case may be.

(c) Any removal of mineral from these lands shall be subject to the following restrictions, namely :—

(i) Pits shall be at a distance of at least twice the height of the bund from the toe of the bund and they shall not be more than one metre in depth (the depth shall be less, if pits one metre deep are likely to expose porous strata) ;

(ii) Clay, silt, savudu and gravel shall not be carted along the tank bund unless the bund is a recognized road or cart-track ;

(iii) Bunds shall not be cut to enable to pass ;

(iv) Clay, silt, savudu and gravel removed should not be stacked on tank beds, sluice or any other masonry works of the tanks and causeways or slopes of the bunds ; and

(v) Vehicles and carts shall not touch any portion of the revetment, sluice or any masonry works of the tanks and cause damage to them.]

(2-A) (a) If the available quantity as estimated by the Public Works Department/Rural Development and Panchayat Raj Department

[1]Substituted vide G.O.Ms.No.74, Industries(MMC1)dept. dt 21.06.2017

exceeds [1][222 cubic metres.], subject to the conditions specified in sub-rule (2), quarrying for other than bonafide domestic or agricultural purposes earth, silt, savudu, etc., from the beds of tanks under the control of the Public Works Department or Rural Development & Panchayat Raj Department which are notified by the District Collector in the District Gazette under sub-rule (2), shall be made subject to the previous permission being obtained from the District Collector concerned on payment of the cost of minerals and seigniorage fee for the quantity of the above said mineral sought to be removed at the rates specified in Appendix-II to these rules. For obtaining permission, an application shall be submitted to the District Collector in

Form in Appendix–VI-C to be accompanied with a non-refundable application fee of Rs.1,500/- remitted in the District Treasury concerned and with the following documents, namely:-

(i) An affidavit showing the details of areas mineral-wise in each district of the State, which the applicant or any person jointly with him –

(a) already holds under a quarrying lease;

(b) already applied for but not yet granted;

(c) being applied for simultaneously;

(ii) A valid mining no-dues clearance certificate obtained from the Collector of the District in

Form in Appendix-VIII to these rules or an affidavit stating that the applicant is not holding any quarry lease in the State and that there are no mining dues to be paid to the Government; and

(iii) An affidavit stating that the applicant has –

(a) filed up-to-date income tax returns;

(b) paid the income tax assessed on him;

(c) paid the income tax on the basis of the self assessment as provided in the Income Tax Act, 1961 (Central Act 58 of 1962).

1 Sub Rule 2of Rule 12, Substituted vide G.O.Ms.No.50 Industries(MMC1) dt 27.04.2017

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(b) The District Collector shall place all eligible applications before a Special Committee constituted by the District Collector consisting of the following officers, namely :-

1) District Collector — Chairman
2) Revenue Divisional Officer concerned. — Member
3) Project Director, (District Rural Development Agency) — Member
4) Executive Engineer (Public Works Department), in charge of Tanks. — Member
5) Joint Director of Agriculture of the District — Member
6) Deputy Director or Assistant Director of Geology and Mining of the District, as the case may be. — Convener

(c) The Special Committee shall scrutinize the applications and furnish its recommendations to the District Collector within thirty days from the date of placement of applications before the said Committee.

(d) For selection of eligible applicants, the Special Committee shall take into consideration the nature of proposed usage of minerals, previous experience and performance of the applicant in the field of quarrying and mineral trade and to furnish specific recommendations on the quantity of mineral to be removed and period of permission to be granted. The Special Committee shall also decide as to whether the quantity of minerals removed is granted equally among all eligible applicants or proportionately depending upon the quantity applied for by the applicants:

(e) Based on the recommendation of the Special Committee, the District Collector shall pass orders on the applications.

(f) The period of permission to be granted under this sub-rule shall not exceed three months.

(g) Permission granted under this sub-rule shall not be renewed or extended for any reason including that the person permitted could not mine or remove the mineral for whatever reason. He will not be entitled for refund of any cost or money incurred ermitted quantity is not

removed within the stipulated period, the applicant will not be entitled for removal of unutilized quantity of mineral.

(h) In the event, it is found that, the permission-holder has removed in excess of the permitted quantity or if any other violation of the conditions of grant of permission is brought to notice, the permission shall stand cancelled and damages if any to the tank, approach road, etc., will be recovered from him depending upon the excess quantity mined and the extent of damage caused to the tanks. Any cost incurred for the restoration of the tank shall also be recovered from the permission-holder].

(3) Before issuing the notification mentioned in sub-rule (2), the Collector shall consult the Executive Engineer concerned in respect of tanks in charge of Public Works Department.

(4) The village officer shall, every year, report to the Tahsildar or Deputy Tahsildar concerned, the tanks in charge of both the Public Works Department and Revenue Department from which further removal of sand, earth or silt should be prohibited temporarily. They shall also send a report about the tank in charge of the Revenue Department from which such removal may be permitted again. The Tahsildar or Deputy Tahsildar shall scrutinise the lists and submit his proposals to the Collector. On receipt of the reports from the Tahsildar or Deputy Tahsildar, the Collector shall, every year, issue a revised notification if he considers the revision necessary. Extracts from the revised notification shall be sent to the Executive Engineer whenever tanks in charge of Public Works Department are excluded from the list of tanks from which removal of sand, earth or silt had been permitted.

13. Powers to Municipal Councils and Panchayat Boards :-

Municipal Councils are competent to grant permission for the removal of sand, etc., from sources of water-supply vested in them, only so far as such removal is necessary for the purposes of maintaining them in an efficient condition. In all other cases, they shall obtain the previous permission of the Collector before they allow the removal of minor minerals from such sources. In all cases in which the Collector *suo motu* permits the removal of minor minerals from sources of water-supply vested in the Municipal Councils, the Municipal Councils shall be previously consulted so that the latter may have an opportunity of examining whether such a proposal will have the effect of interfering with the maintenance of property. Panchayats shall be similarly consulted in respect of water ways under their control Removal of sand, etc., from the water ways under the control of Municipal Councils or Panchayats may be allowed free of charge for bonafide public purposes and not for sale or commercial profit. No seigniorage fee shall be charged for the removal of sand by the public for bonafide domestic or agricultural purposes but such removal shall be subject to the previous approval of the Revenue Divisional Officer in the case of waterways under the control of Municipal Councils and the Panchayat Union Commissioner concerned in the case of waterways under the control of Panchayats. If in any case the Panchayat Union Commissioner refuses to g shall be referred to the

Revenue Divisional Officer for orders. In all other cases the seigniorage fee at the rates specified in Appendix II to these rules shall be charged.

14. Removal of sand by and for the Railway Administration :-

The Railway Administration may be allowed to remove sand free from the beds of rivers in place where it can be taken without objection and subject to such conditions as the District Collector may deem fit to impose. This concession extends to any contractor working for the Railway Administration provided that he obtains the Collector's permission and so long as the Collector is satisfied that the sand is removed only for railway purposes.

15. Quarrying or removal of sand in certain river beds :-

Quarrying or removal of sand in the State may, however, be prohibited absolutely or regulated by the Conservator of Rivers in the case of lands in river beds to which the Madras Rivers Conservancy Act, 1884 (Madras Act VI of 1884) has been extended

and no quarrying or removal shall be sanctioned by the Collector in such cases without consulting the Conservator of Rivers. Quarrying or removal of sands from beds of rivers in charge of the Public Works Department to which that Act does not apply shall not be sanctioned by the Collector without consulting the

Executive Engineer of the Division. [1][The District Collector or the District Forest Officer, as the case may be, before granting quarrying leases or forwarding applications for quarrying leases or quarrying permits to the State Government or to the Director of Geology and Mining, as the case may be, shall ensure that clearance has been obtained for quarrying in the area from the authority in whose jurisdiction and administrative control the place of quarrying in the river is situated and from the authority in whose control any of the bridges or][2][water supply sources or works are vested and shall also ensure that no objection certificate has been obtained from the Tamil Nadu Water Supply and Drainage Board in respect of an area for quarrying of sand in river beds]

16. Prohibition of under-tunneling:-

All quarrying shall be confined to the ground vertically beneath the surface in respect of which permission is granted and no under-tunneling beyond such limits shall be permitted.

SECTION III

[3][RYOTWARI LANDS IN WHICH THE MINERALS BELONG TO GOVERNMENT]

17. Quarrying by the Owner :-

A registered holder may quarry free of charge any minor mineral on a small scale for his own use for a specific bonafide domestic or agricultural purpose, provided that he has no intention of continuing quarrying operations indefinitely and provided further

[1]Inserted in G.O.Ms.No.166 Industries dated 16.6.1994
[2]Inserted vide G.O.Ms.No. 38 Industries dated 25.1.2000 w.e.f.25.1.2000 [3]Substituted vide G.O.Ms.No.130 Industries dated 8.2.1986

that the land is not in an cultivation than before.

18. [1][Quarrying on a large scale or for commercial Purposes :-

The quarrying of any mineral on a large scale or for other than bonafide domestic or agricultural purposes shall be subject to payment of] [2][seigniorage fee or dead rent whichever is more and area assessment at such rates as may be specified from time to time in Appendix II to these rules:]

Provided that this rule shall not apply to quarrying for Government or on behalf of the Government or bonafide public purposes when the compensation paid to the registered holder therefor does not exceed the amount required to restore the land to a state fit for cultivation.

[3][19. Procedure for obtaining quarrying lease in ryotwari lands :-

(1) In the cases referred to in the rule 18, a registered holder or tenant or lessee in actual possession of the land or a contractor who obtains permission of the registered holder or tenant or lessee for quarrying in the land shall make an application to the District Collector concerned in the Form prescribed in Appendix VI to these rules along with a mining dues clearance certificate issued by the District Collector concerned in the Form prescribed in appendix VIII. A map or sketch of the area shall also be submitted by the registered holders along with the application besides other enclosures referred to in the application. The applicant shall also enclose a demand draft drawn in favour of the District Collector by designation for an amount of one thousand and five hundred rupees towards application fee and for meeting preliminary expenses for granting quarrying lease. Receipt of an application made under this rule shall be acknowledged by the District Collector or the officer authorised by the District Collector in this behalf in the Form prescribed in Appendix IX to these rules.

(2) Notwithstanding anything contained in sub-rule (1), the procedure for quarrying brick earth shall be as follows:-

[1]Substituted vide G.O.Ms.No.322 Industries dated 2.3.1988 [2]Substituted vide G.O.Ms.No.1273 Industries dated 9.12.1998 [3]Substituted vide G.O.Ms.No.166 Industries dated 16.6.1994 **57**

[1][(a) Every brick manufacturing unit, whether chamber kiln or country kiln, for the purpose of obtaining permit for quarrying brick earth shall apply to the District Collector concerned for registration in

Form IV in Appendix IV-A to these rules with a registration fee for Rs. 3,000/- (Rupees three thousand only) in the case of chamber kiln and a registration fee of Rs. 300/- (Rupees three hundred only) in case of country kiln, remitted in the District Treasury by way of challan. On receipt of an application, the District Collector shall issue a certificate of registration in Form V in Appendix IV-A to these rules. The certificate of registration issued shall be valid for three years and shall be renewed once in three years on payment of fifty percent of the registration fee.

(aa) Every brick manufacturing unit shall for quarrying brick earth, apply to the District Collector concerned for quarrying permit in

Form-I in Appendix-IV-A along with a copy of certificate of registration issued by the District Collector concerned, the consent letter from the pattadar from whose land it is proposed to quarry the earth for the manufacture of bricks, a non-refundable application fee of Rs.1500/- (Rupees one thousand and five hundred only) and the brick mineral annual fee at the rate specified below remitted in the District Treasury by way of challan:

i) For kiln upto 16 chambers: Rs.60,000/-(Rupees sixty thousand only) per kiln per annum.

ii) For kiln with 17 and more chambers but not exceeding 26 chambers: Rs.75,000/- (Rupees seventy five thousand only) per Kiln per annum.

iii) For kiln with 27 and more chambers: Rs.90,000/- (Rupees ninety thousand only) per kiln per annum.

iv) For country kiln upto 15 firing vents: Rs.10,000/- (Rupees ten thousand only) per kiln per annum.

v) For Country kiln with more than 15 firing vents: Rs.12,000/- (Rupees twelve thousand only) per kiln per annum.]

[1]Substituted vide G.O.Ms.No.39 Industries(MMC2) Dept. dated 04.04.2017 **58**

(b) On receipt of an application for grant of a quarrying permit under clause (a), the District Collector if he sees no valid objection, may grant quarrying permission to the applicant. If there is any valid objection, the District Collector shall give the applicant an opportunity of hearing before rejecting the application.

(c) The permit to be granted under clause (a) shall be subject to the following conditions, namely:-

i) the permit holder shall intimate to the District Collector about the details of patta lands from which the earth for manufacture of brick is proposed to be quarried fifteen days before commencement of quarry of earth. Whenever there is a change of location (survey field) of quarrying it shall be intimated in the manner indicated above.

ii) quarrying shall be done only for an optimum depth to be specified by the District Collector so that the land shall be restored to a state fit for cultivation.

iii) quarrying shall be carried out without affecting the interest of the adjoining land owners.

iv) a safety distance of 10 Mts. from the village road, cart track and stream courses shall be left and maintained, and also a safety distance of 50 Mts. from the highways and railway lines should be left and maintained.

v) an agreement in non-judicial stamp paper, in Form till in Appendix IV-A shall be executed within fifteen days from the date of receipt of the permit from the District Collector or within such further period as may be allowed by the District Collector.

vi) the permit shall be valid for a period of one year from the date of execution of the agreement.

vii) quarried earth shall be transported to the kiln of the permit holder only with a way permit issued by the permit holder himself in

Form II in appendix-IV A.

viii) The permit holder shall keep correct accounts showing the quantity of brick earth removed and transport.

ix) In case of breach by the permit holder of any of the conditions specified above, the penal provision in the said Rules shall apply.]

[1][**19-A. Prospecting license and Quarrying lease for granite in ryotwari lands.**

(1) (a) Notwithstanding anything to the contrary contained in section III to these rules, the authority competent to grant and renew prospecting license and quarrying leases for granite in ryotwari lands shall be the State Government.

(b) ,An application to the Government for grant or renewal of prospecting license under this rule shall be submitted to the District Collector concerned in the form as prescribed in Appendix XV to these rules accompanied with a non-refundable application fee of Rs.3000/- (Rupees three thousand only) remitted in the respective District Treasury through challan. The application besides other documents specified in the application form shall be accompanied with-

(i) Original challan for remittance of non-refundable application fee.

(ii) Sworn affidavit stating the details of the prospecting license and quarry leases, already held, applied for but not granted and applied for simultaneously.

(iii) Latest Mining Dues Clearance Certificate as per Appendix VIII.

(iv) Latest Income Tax Clearance Certificate or a sworn affidavit for having filed Income Tax returns.

(v) Report on the prospecting operations so far carried out in the area (applicable to renewal of prospecting license only).

(2) The period for which a prospecting license may be granted shall not exceed two years.

[1]Rule 19A Substituted vide G.O.Ms.No. 86 Industries dated 22.2.2001 **60**

(3) Where a prospecting license has been granted by the State Government, a license deed in the

form in Appendix-XVI to these rules shall be executed by the applicant with the District Collector concerned within thirty days from the date of receipt of the orders granting the prospecting license or such further period not exceeding thirty days as the District Collector may allow in this behalf.

(4) Before the execution of the license deed, [a sum of Rs.10,000/- (Rupees ten thousand only)] shall be remitted by the applicant through challan in the respective District Treasury towards security deposit. The date of commencement of the period for which the prospecting license is granted shall be the date on which the license deed is executed.

(5) The prospecting licensee shall submit a scheme of prospecting within a period of sixty days from the date of execution of prospecting license in the manner prescribed in the rules 8 and 9 of the Granite Conservation and Development Rules, 1999.

(6) The prospecting licensee shall pay a prospecting fee at the rates prescribed, from time to time, in Appendix II to these rules.

(7) The prospecting licensee shall be permitted free of charge to transport a total quantity of 2 cu.mts. (two cubic meters only) of granite of dolerite type or 3 cu.mts (three cubic meters only) of granite of other types during the entire license period after obtaining necessary transport permit from the concerned authorities for testing and polishing purposes only and not for commercial purposes.

(8) (i) The application for the renewal of a prospecting license in the

form in Appendix XV shall be made ninety days before the date of expiry of the prospecting license.

(ii) The applicant shall submit along with the application for renewal, a scheme of prospecting proposed to be carried out in the renewal period together with a report on the prospecting carried out so far in the area applied for by him. If the applicant has not completed the prospecting work within the period for which license was originally granted, the reasons for not completing the prospecting license shall also be specified in the report.

(iii) The prospecting license may be renewed for a further period not exceeding two years subject to the satisfactory performance of the licensee in the past in fulfilling the conditions of license.

(9) The conditions and the procedure for grant of prospecting license shall, *mutatis mutandis* apply for renewal of prospecting license under this rule.

(10) An application to the Government for grant or renewal of quarrying lease under this rule shall be submitted to the District Collector in the

form in Appendix VII to be accompanied with a non-refundable application fee of Rs.5000/- (Rupees five thousand only) remitted in the District Treasury concerned and with the following documents specified below and in the application form, namely:-

(i) Original challan for remittance of non-refundable application fee.

(ii) Sworn affidavit stating the details of the prospecting license and quarry leases already held, applied for but not granted and applied for simultaneously.

(iii) Latest Mining Dues Clearance Certificate as per Appendix VIII.

(iv) Latest Income Tax Clearance Certificate or a sworn affidavit for having filed Income Tax returns.

(11)(a) The minimum area that may be granted or renewed under a lease under this rule for ensuring mining activities to optimum depth shall not be less than one hectare;

(b) The maximum area that may be granted under a quarrying lease shall not exceed fifty hectares:

Provided that the State Government, if it is satisfied on the basis of proposed production level, geological or topographical conditions may, for the reasons to be recorded in writing, grant or

renew a lease over an area more than the maximum area or less than the minimum area specified under this rule.

(12) The maximum period for which a quarrying lease granted under this rule shall not exceed thirty years:

Provided that minimum period for which any such lease may be granted shall not be less than twenty years.

(13) On receipt of the application for grant of quarry lease for granite, the State Government, shall take a decision to grant the precise area for the said purpose and communicate their decision to the applicant. On receipt of the communication from the State Government about the precise area to be granted, the applicant shall submit an approved mining plan as per rule 12 of Granite Conservation and Development Rules, 1999 within a period of three months or such further period not exceeding three months as may be allowed by the State Government.

(14) (i) Where a lease has been granted, an agreement shall be executed in the Form in Appendix IV to these rules where the registered holder of the land himself has been granted quarrying lease or in the Form in Appendix V to these rules where the lessee or consent holder of the pattadar has been granted quarrying lease, within one month from the date of receipt of the order or within such further period not exceeding thirty days as the District Collector may allow in this behalf.

(ii) Before execution of the agreement, [a sum of Rs.40,000/- (Rupees forty thousand only)] shall be remitted in the respective District Treasury by the applicant towards security deposit and the original challan shall be produced to the concerned authority.

(15) The date of commencement of the period for which the quarry lease is granted under this rule shall be the da t is executed.

(16) The lessee, besides area assessment, shall pay seigniorage fee at the rate prescribed, from time to time, in Appendix-II to these rules. The Lessee shall also pay such other levies as may be prescribed by the State Government, from time to time.

(17) The lessee shall carry out the quarrying operations in a skillful, scientific and systematic manner, keeping in view, the proper safety of the labourers, conservation of minerals and preservation of environment and ecology of the area.

(18) The lease granted under this rule may be renewed for a period not exceeding twenty years, subject to the satisfactory performance of the lessee in the past in fulfilling the conditions of lease.

(19) (a) The application for grant of renewal of lease under this rule shall be made at least twelve months before the date of expiry of the quarrying lease, already granted.

(b) The applicant shall submit an approved mining plan/scheme along with the application for renewal, which is valid at the time of filing the application for renewal.

(20) The conditions and procedure for grant of quarrying lease under this rule shall *mutatis mutandis* a apply for renewal of quarrying lease.]

[1]**[19-B.] [ ]**

[2]**[20. DISPOSAL OF APPLICATION:-**

On receipt of any application referred to in rule 19 , the district collector, if he sees no valid objection , may grant quarrying lease to the applicant subject to the conditions stipulated in these rules , but no such lease shall be granted except with the previous sanction of the state government if the minerals are to be worked by or on behalf of any person who is not a Citizen of India.][1] [3][The minimum period for grant of quarrying lease for stone shall not be less than one year and the maximum period shall not exceed 5 years and the minimum period for grant of quarrying lease for sand and other minor minerals except granite shall not be less than one year and the maximum period shall not exceed three years. Where the district collector refuses to grant quarrying lease, the reasons there for shall be communicated to the applicant in writing.]

[1]Rule 19 B struck down by High Court, Madras and the order of the High Court upheld by Supreme Court in civil appeals 1655 etc (AIR 1995-SC pages 858 to 865) [2]Substituted vide G.O.Ms.No.191 Industries dated 8.6.2000

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[1]**[21. Omitted]**

[2]**[22. Conditions to be accepted and security to be deposited for quarrying in ryotwari lands:-**

After the grant of a quarrying lease, the district collector may allow quarrying operations to be commenced by the registered holder on executing an agreement in the form set out in appendix IV to these rules binding himself to accept the conditions and stipulations set out in these rules and on his depositing as security such sum as the district collector may consider sufficient to cover either the probable cost of restoring to a state fit for cultivatio ing operations have been

carried on or which has been used for deposit of mining waste, or the probable cost of fencing or filling in the abandoned pits and excavations therein. In the event of the registered holder failing to carry out such restoration or fencing or filling in when called upon to do so, which is likely to render the area uncultivable, he shall pay thirty times the assessment of the area. He may also require the registered holder to fill in the abandoned pits and excavations in cases where he considers it less expensive than fencing or where the existence of pits and excavations will endanger public safety and health or be detrimental to drainage or irrigational channels. The amount of deposit shall not ordinarily exceed Rs.5,000. In no case, however, it shall be less than the probable cost of restoring the land to a state fit for cultivation, or the probable cost of fencing or filling in abandoned pits and excavations therein together with thirty times the assessment of the area likely to be rendered uncultivable.**]**

23. Registered holder and lessee held responsible for working mine properly :-

In all cases the registered holder and in cases where the lands are leased out, the registered holder and the lessee shall be jointly and severally responsible for working the mine in a manner which will ensure the safety of the labourers and conservation of minerals and shall also be directly liable to Government for any wrongful act or default.

[1]Omitted vide G.O.Ms.No.166 Industries dated 16.6.1994 [2]Substituted vide G.O.Ms.No.166 Industries dated 16.6.1994 **65**

[1]**[24. Omitted]**

25. Inspection of mines :-

The registered holder or the lessee shall allow the [2][Director of Geology and Mining]or the Collector of the District or the Director, Indian Bureau of Mines, or any officer authorised by the [3][State Government], [2][Director of Geology and Mining,]Collector or Director, Indian Bureau of Mines, in that behalf to enter upon the premises over which mining operations are carried on for the purpose of inspecting the same.

26. Accidents and discovery of other minerals to be reported: -

The registered holder or the lessee shall, without delay, send to the Collector of the district a report of any accident which may occur at or in the said premises and also the discovery therein of any minerals other than the mineral or minerals specified in the notice given by him under rule 19. He shall also report to the Collector the discovery of any major mineral or minerals and shall pay in respect of the quantities of such major mineral or major minerals quarried royalty at the rates specified in the [4][Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957).]

27. Assignment prohibited :-

The registered holder shall not assign, lease or part with the possession of his lands or any part thereof for the whole or any part of his term without previous intimation to the Collector in writing.

28. [5][Special Powers of the Collector :-]

(1) The collector may require registered holder to relinquish the whole or part of the land used by him for mining operations or for the deposit of mining waste or on the expiry or sooner determination of the agreement, to restore the lands so used to

1Omitted vide G.O.Ms.No.166 Industries dated 16.6.1994 2Inserted vide G.O.Ms.No.556 Industries dated 5.4.1998 3Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998 4Submitted vide G.O.Ms.No.86 Industries dated 22.2.2001 5Substituted vide G.O.Ms.No.166 Industries dated 16.6.1994 **66**

a State fit for cultivation or securely and permanently fence in abandoned pits and excavation therein, in cases in which he considers such restoration or fencing necessary. In default thereof, the Collector, at his option may carry out such work and deduct the costs thereof out of the security deposited by the lessee. If, however, the deposit be found insufficient to meet the deduction aforesaid, it shall be lawful for the Collector to recover the balance by resort to Civil Court, where restoration of the land is not insisted on, thirty times the assessment of the land so rendered uncultivable shall be deducted from the Security Deposit and carried to the credit of the State Government. 1[Notwithstanding any other penalty, if the lands are seriously damaged by quarrying, it is open to the Collector to impose enhanced rates of seigniorage fee proportionate to the damage caused to the land, subject to a maximum of five times the normal rates.]

(2) The powers vested with the Collector for restoring lands, etc., as provided under rule (1) above, is also applicable to cases of illicit quarrying of minor minerals in ryotwari lands.

29. Lands rendered unfit for cultivation not eligible for remission :-

No remission of assessment shall be granted in respect of any land rendered unfit for surface cultivation by the carrying on of quarrying operations unless thirty times the assessment thereon have already been deducted under rule 28.

2**[30. Omitted]**

2**[30-A. Omitted]**

2**[31. Omitted]**

2**[32. Omitted]**

33. Leasing out of Quarrying rights :-

If the registered holder does not intend to carry on quarrying operations himself but leases out the right to do so to another person, the registered holder and his lessee shall enter into an agreement with the Government binding themselves jointly and

1Inserted vide G.O.Ms.No.166 Industries dated 16.6.1994
2Omitted in G.O.Ms.No.166 Industries dated 16.6.1994

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severally to accept the conditions and stipulations set out 2[in these rules.]2 The agreement shall be in the form set out in Appendix V to these rules.

34. Agreement to be registered :-

The agreements executed in the forms set out in Appendices IV and V to these rules are compulsorily registerable under section 17(1) of the Indian

Registration Act, 1908 - the former at the cost of the registered holder and the latter at the cost of the registered holder and his lessee.

SECTION IV

LANDS IN WHICH THE MINERALS DO NOT BELONG TO GOVERNMENT

35. Returns :- The owner of the land and lessee shall intimate to the Collector of the District and the Government the nature of the mineral concessions granted or obtained and shall submit such other returns as the Collector may specify.

SECTION V

MISCELLANEOUS

[1]**[36. General restrictions in respect of quarrying operations :-**

(1) The quarrying permit holder or the lessee or their men shall not work or carry on or allow to be worked or carried on any mining operations at or to any point within a distance of 50 metres from any railway line except with the previous written permission of the Railway administration concerned or under or beneath any ropeway or any ropeway trestle or station except under and in accordance with the written permission of the authority owning the ropeway or from any reservoir, canal or other public works such as public roads and buildings [2][ ]except with the previous written permission of

[1]Rule 36 substituted in G.O.Ms.No.166 Industries dated 16.6.94 w.e.f.22.6.94 [2]Omitted in G.O.Ms.No.286 Industries dated 1.4.99

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the Collector of the district or any other officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions, either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be, and in case of building horizontally from the plinth thereof. In the case of village roads no working shall be carried out within a distance of 10 metres and except with the previous permission of the Collector of the District or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission:

[1][Provided that notwithstanding anything contained in any law for the time being in force or any provision in any lease deed or agreement already executed under these Rules, there shall be no quarrying of sand in any river bed or adjoining are or any other area which is located within 500 metres radial distances from the location of any bridge, water supply system, infiltration well or pumping installation of any of the local bodies or Central or State Government Department or the Tamil Nadu Water Supply and Drainage Board head works or any area identified for locating water supply schemes by any of the above-mentioned Government Departments or other bodies].

(1-A) (a) No lease shall be granted for quarrying stone within 300 metres (three hundred metres) from any inhabited site:

Provided that the exiting quarries which are subsisting under current leases shall be entitled for continuance till the expiry of the lease period. The lessees whose quarries lie within a radius of 300 metres from the inhabited site shall undertake blasting operations only after getting permission of the Director of Mines Safety, Gorgaum.

Provided further that the new and existing units of quarries shall also be required to comply with the Pollution Control Measures (i.e) dust control measures) besides

[1]Substituted vide G.O.Ms.No.38 Industries dated 25.1.2000 **69**

complying with the other conditions in regard to Pollution Control Measures.

(b) The methodology specified in column (2) of the Table shall be adopted in respect of the operational sources specified in column (1) thereof for rock quarrying operations.

Sl. No.	**Operational Sources**	**Methodology to be adopted for controlling the dust**
(1)	**(2)**	**(3)**
1.	Drilling	Liquid injection (water with a wetting agent) of capturing and venting emissions to a control device
2.	Blasting	Adoption of good blasting practices
3.	Loading (at Mines)	Water wetting
4.	Transport	Watering treatment with surface agents, soil stabilisation on paving.

(c) No new layout, building plans falling within 300 metres from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be of any quarry which is situated within 300 metres from the now layout, building sought for such ‚clearance'.

Explanation:- [1]**[**For the purpose of sub rule (1) and (1-A)]

(i) **"public road"** shall mean a road which has been constructed by artificially surfaced as distinct from repeated use.

ii) **"Village road"** shall mean and include any track shown in the revenue record as village road.

2 [(ii-a) '**stone**' shall mean rough stones including khandas, boulders, size-reduced (broken or crushed) materials including metal jelly, ballasts, mill stones, hand chakais and building and road

1Inserted vide G.O.Ms.No.88 Industries MMC1 dated 18.10.2002 2Inserted vide G.O.Ms.No.647 Industries dated 6.08.1999

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construction stones other than black, red, pink, grey, green, white or other coloured or multi coloured granites or any other rocks suitable for use as ornamental and decorative stones.]

1[(iii) 'inhabited site' shall mean a village site or town site or a house site as referred to in the revenue records or a house site or layout approved by a Local Body or Town or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statute and empowered to approve such an area as a house site or layout area.]

(2) The Quarrying permit holder or the lessee shall strengthen and support to the satisfaction of the Railway Administration concerned or the State Government, as the case may be, any part of the Quarry which in the opinion of the Railway Administration or as the case may be, the State Government requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or structures.

(3) If any mineral not specified in the lease deed or agreement is discovered the quarrying permit holder or the lessee shall not win or dispose of such mineral without obtaining the permission of the authority empowered to grant permit or lease for quarrying of the discovered mineral and without payment of the seigniorage fee. If the quarrying permit holder or the lessee fails to intimate to the State Government or the District Collector or the District Forest Officer, as the case may be, of the discovery of such new minerals within a period of thirty days from the date of the discovery of the mineral, the State Government or the District Collector or the District Forest Officer, as the case may be, may levy enhanced seigniorage fee up to fifteen times of ordinary seigniorage.

(4) The lessee shall, at his own expense, erect boundary marks round the area shown in the plan annexed to the lease or agreement and in which he works minerals and at all times maintain and keep such boundary marks in good repair.

1Substituted vide G.O.Ms.No.286 Industries dated 1.04.1999

(5) (a) The quarrying permit holder or the lessee or his tenant or lessee, etc., shall keep correct accounts showing the quantity and other particulars of all minerals obtained and despatched from the Quarry. He shall also allow any Officer authorised by the 1[State Government,]1 Director of Geology and Mining, Chief Conservator of Forests, the Collector or the District Forest Officer, as the case may be, to examine such accounts and furnish him with such informations and returns as may be specified by them.

1 [(aa) Joint Director (Geology and Mining), Deputy Director (Geology and Mining), Assistant Director (Geology and Mining), Assistant Geologist, Special Tahsildar (Mines) Special Deputy Tahsildar (Mines) and Special Revenue Inspector (Mines) in the district officers of the Department of Geology and Mining and Presidents of Village Panchayats, Executive Officers of Town Panchayats or Townships and the Commissioners of Municipalities or Corporations shall exercise the powers and discharge the duties as may be required and as the circumstances of the cases warrant in respect of the provisions of clause (a) and within their respective jurisdiction:

Provided that the said powers and duties exercisable and dischargeable by the local body authorities specified above shall be exercisable and dischargeable only in respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay and within their jurisdiction relating to all lands excepting the reserved forest lands and lands reserved under the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882).]

(b) The quarrying permit-holder or the lessee shall remove, or allow removal and transportation of any mineral from the area where quarrying is permitted only after obtaining bulk transport permit and fascimiled despatch slips in the forms prescribed 1[in Appendices XII, XII-A and XIII, XIII

1Inserted in G.O.Ms.No.3 Industries dated 2.1.98 w.e.f 1.4.98 **72**

A to these rules from the Officer authorised in this behalf by the State Government, District Collector]1 or the District Forest Officer, as the case may be. The person who has been permitted to quarry in any area or his men in turn shall issue the fascimiled despatch slips to the vehicles used for removal or transportation of the mineral furnishing the particulars in the despatch slips specifically indicating the vehicle number the quantity of the mineral allowed to be transported by the vehicle by using that despatch slip and the time of issue of the despatch slip to the vehicle. All the vehicles used for transporting any mineral from any area shall be in possession of the individual despatch slips for the quantity of the minerals available in the vehicle at all the times of transportation of the mineral by the vehicles :

Provided that the vehicles used for transporting any mineral free of charge for bonafide domestic or agricultural purpose shall have a letter of authorisation from the person for whose use the mineral is intended and the vehicle driver or owner shall be responsible for establishing the bonafde transport of the mineral for such purpose when called upon to do so.

1[(bb) In respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay occurring in any land except those lands constituted as reserved forests under section 16 of the Tamil amil Nadu Act V of 1882)

and reserved lands notified under section 26 of the said Act V of 1882, the Presidents of Village Panchayats, Executive Officers of Town Panchayats and Townships and Commissioners of Municipalities and Corporations shall collect lease amount, seigniorage fee or dead rent or area assessment or any other payment as the case may be, in relation to the lessees or permit holders; sign and issue transport permits and despatch slips to the quarrying permit holders and lessees and collect penalty amount and compounding fee from the persons liable to pay the penalty or compounding fee as the case may be:

[1]Inserted G.O.Ms.No.3 Industries dated 2.1.1998 w.e.f. 1.4.1998 **73**

Provided that in the case of village panchayats the transport permit and despatch slips shall be jointly signed by the Village Panchayat President and Vice-President. In the absence of Vice-President any member authorised by the Panchayat for this purpose shall jointly sign the transport permits and despatch slips in the place of Vice-President.

Provided further that the issue and use of transport permits and despatch slips for transportation of any minor mineral shall be subject to the conditions stipulated in these rules and instructions of the State Government, Director of Geology and Mining and or the District Collector or the District Forest Officer issued from time to time.]

(c) The quarrying permit holder or the lessee shall carryout quarrying operations in a skillful, scientific and systematic manner keeping in view proper safety of the labour, structure and the public and public works located in that vicinity of the quarrying area and in a manner to preserve the environment and ecology of the area.

(d) Any Officer authorised by the Central Government, the State Government, the Director of Geology and Mining, the Chief Conservator of Forests, the District Collector or the District Forest Officer is empowered to enter upon any area where quarrying is carried on, examine the quarrying area, the adjoining areas and the quarry accounts and registers and the vehicles used for transportation of minerals from the quarrying area at any place to find out violations of these rules or the conditions of the quarrying permits or quarrying leases granted under these rules.

[1][(dd) The Joint Director (Geology and Mining), Deputy Director (Geology and Mining), Assistant Director (Geology and Mining), Assistant Geologist, Special Tahsildar (Mines), Special Deputy Tahsildar (Mines) and the Special Revenue Inspector (Mines) in the District Offices of the Department of Geology and Mining and the Presidents

[1]Inserted G.O.Ms.No.3 Industries dated 2.1.1998 w.e.f. 1.4.1998 **74**

of Village Panchayats, Executive Officers of Town Panchayats and Townships and the Commissioners of Municipalities and

Corporations shall exercise the powers and discharge the duties as may be required and as the circumstances of the cases warrant in respect of the provisions of clause (d) and within their respective jurisdiction. Provided that the said powers and duties exercisable and dischargeable by the local body authorities specified above shall be exercisable and dischargeable only in respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf, ordinary clay including silt and brick and tile clay and within their jurisdiction relating to all lands excepting the reserved forest lands and lands reserved under the Tamil Nadu Forests Act, 1882 (Tamil Nadu Act V of 1882]

(e) Any person who has been permitted to quarry under a quarrying permit or quarrying lease in any area under these rules shall use the area only for the purpose of quarrying the mineral specified in the quarrying permit or quarrying lease. If any error or wrong description of the mineral is found in the order granting the quarrying permit or lease or in the lease deed or agreement, it is liable to be corrected at any time and the permit holder or the lessee shall not claim any right whatsoever based on any such error or wrong description of the mineral found in the order granting quarrying permit or quarrying lease or in the lease deed or agreement.

(f) No person is entitled to remove any mineral from any land after expiry of the period of the quarrying permit or quarrying lease granted under these rules.

(g) The Person quarrying under a permit or lease in any area under the rules in Section II shall not keep in the land any engine, machinery, plant, articles or things whatsoever after the expiry of the period of the quarrying permit or quarrying lease and they shall be removed from the land on the last day of the quarrying permit or quarrying lease.

(h) In case of breach by the quarrying permit-holder or quarrying lease holder or his transferee or assignee of any of these rules or of the conditions of the lease, the Director of Geology and Mining or the Chief Conservator of Forests, as the case may be, or the District Collector or the District Forest Officer as the case may be without prejudice to any other penalty which may be imposed in respect of such breach, may cancel the lease after granting an opportunity of hearing to the said person.]

[1]**[36-A. Penalties:**

(1) [2] [Whenever any person contravenes the provisions of [3][sub-section (1) and (1-A) of section 4] of the Act in any land, enhanced seigniorage fee upto a maximum of fifteen times the normal rate subject to a minimum of [4][twenty five thousand rupees]shall be charged and recovered from that person by the District Collector or the District Forest O or in the

alternative, he shall liable to be punished as provided in sub- section (1) of section 21 of the Act :]

[5][Provided that in respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf, ordinary clay including silt, brick and tile clay the powers and duties exercisable and dischargeable by the District Collectors under this sub-rule shall be exercisable and dischargeable by the Revenue Divisional Officer concerned within their respective jurisdiction.]

(2) [6][Deleted]

(3) Whenever any person raises without any lawful authority any mineral from any land, the District Collector or the District Forest officer, as the case may be, may recover from such person the mineral so raised or where such mineral has already been disposed of, the price thereof, and may also recover from such person, area assessment, seigniorage fee or tax, as the case may be, for the period

[1]Rule 36A introduced vide G.O.Ms.no.166 Industries dated 16.6.1994 [2]Substituted vide G.O.Ms.No.49 Industries dated 28.2.1995
[3]Substituted vide G.O.Ms.No.13 Industries dated 20.1.2003
[4]Substituted vide G.O.Ms.No.253 Industries dated 26.6.2000
[5]Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998
[6]Deleted vide G.O.Ms.no.49 Industries dated 28.2.1995

during which the land was occupied by such person without any lawful authority.

[1][Provided that in respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf, ordinary clay including silt, brick and tile clay the powers and duties exercisable and dischargeable by the District Collectors under this sub- rule shall be exercisable and dischargeable by the Revenue Divisional Officer concerned within their respective jurisdiction.]

(4) [2][Whenever any person]contravenes the provisions of sub-rule (1) of rule 10 and in unlawful possession of any land the Director of Geology and Mining or the Chief Conservator of Forests, as the case may be, or the District Collector or the District Forest Officer, as the case maybe, shall, after giving notice, charge and recover from that person double the rate of the lease amount where the area was held under lease through public auction or its renewal or tender or double the total seigniorage fee where the area was held under lease through any other provisions of these rules, or in the alternative, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention, with additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

[3][Provided that in respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf, ordinary clay including silt, brick and tile clay the powers and duties exercisable and dischargeable by the District Collectors under this sub- rule shall be exercisable and dischargeable by the Revenue Divisional Officer concerned within their respective jurisdiction.]

(5) [2][Whenever any person contravenes any provisions, other than sub- rule (1) of rule 10 of these rules or conditio or quarrying lease

granted under these rules the Director of Geology and Mining or the Chief Conservator of Forests, as the case may be, or the District Collector or the District Forest Officer as the case may

1Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998
2Substituted vide G.O.Ms.No.49 Industries dated 28.2.1995 3Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998

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be, shall after giving notice, charge that person and recover from him enhanced seigniorage fee up to a maximum of fifteen times the normal rate subject to a minimum of 1[twenty five thousand rupees]or in the alternative, he shall be liable to be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention with additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

2[Provided that in respect of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf, ordinary clay including silt, brick and tile clay the powers and duties exercisable and dischargeable by the District Collectors under this sub- rule shall be exercisable and dischargeable by the Revenue Divisional Officer concerned within their respective jurisdiction.]

3[(6) No machinery shall be used for quarrying sand from river beds, except with the permission of the Secretary to Government, Industries Department or any other authority or Officer, as may be authorised by him in this behalf, who may grant such permission if use of such machinery will not be detrimental to ecology.]

4**[36-B. Levy of interest and recovery of arrears.-**

(1) The district collector or the District Forest Officer or any Officer authorised by them in this behalf, may, without prejudice to the provisions contained in the Act or any other rule in these rules, charge simple interest at the rate of twenty-four percent per annum on any rent, royalty, fee or other sum due to the State Government under the Act or these rules or under the terms and conditions of any quarrying permit or quarrying lease from the sixtieth day of the expiry of the date fixed by the authority concerned for payment of such rent, royalty, fee or other sum and until payment of such rent, royalty, fee or other sum is made.

1Substituted vide G.O.Ms.No.253 Industries dated 26.6.2000
2Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998
3Substituted vide G.O.Ms.No.19, Industries, (MMC.1) dated 19.4.2004 4Rule 36B inserted vide G.O.Ms.No.166 Industries dated 16.6.1994 **78**

2[Provided that in respect of minor minerals, namely, building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay, the powers and duties exercisable and dischargeable by the District Collectors under this sub-rule shall be exercisable and dischargeable by the presidents of the Village Panchayats, Executive Officers of Town panchayat and Townships and Commissioner of Municipalities and Corporations, as the case may be, with in their respective jurisdi

(2) The arrears of any amount payable under the Act or these rules may be recovered under the provisions of the Tamil Nadu Revenue Recovery Act, 1864.

[1][**36-C. Appeal and second Appeal:-**

(1) [1][Any person aggrieved by any order of the Joint Director, Deputy Director or Assistant Director (Geology and Mining) or any authority subordinate to him in the District office of the Department of Geology and Mining or Revenue Divisional Officer or Tahsildar or Deputy Tahsildar in the Revenue Department or Commissioner of Municipalities and Corporations, Executive Officers of Town panchayats and Townships and presidents of village panchayats made in exercise of the powers conferred on him by these rules or in exercise of any of the powers delegated to him under the provisions of these rules may within 30 days from the date of receipt of the order, prefer appeal to the District Collector concerned against such order. In case the aggrieved person is not satisfied with the decision of the District Collector he may prefer a second appeal to the Director of Geology and Mining within 30 days from the date of receipt of the order of the District Collector.][1]

(2) Any person aggrieved by any order made by the District Collector in exercise of the powers conferred on him by these rules, except on appeals under sub-rule (1) may, within 30 days from the date of communication of the order to him, appeal to the Director of Geology and Mining against such order. In case, the aggrieved person is not satisfied with the decision of the Director of Geology and Mining, he may prefer a second appeal to the State Government within 30 days from the date of receipt of the order of the Director of Geology and Mining.

(3) Any person aggrieved by any order made by the Director of Geology and Mining in exercise of the powers conferred on him by these rules, may, within 30 days from the date of receipt of the order, appeal to the State Government.]

[1] Rules 36 C & 36D inserted vide G.O.Ms.No.166 Industries dated 16.6.1994

[1][**36-D. Settlement of questions or disputes regarding an agreement: -**

Should any question or dispute arise regarding an agreement executed in pursuance of these rules, or any matter or thing connected therewith or the powers of the registered holders thereunder, the amount or payment of seigniorage fee or lease amount or area assessment made payable thereby, the matter in issue shall be decided by the Director of Geology and Mining. In case the registered holder or the lesssee is not satisfied with the decision of the Director of Geology and Mining, the matter shall be referred to the State Government for decision.]

36-E . Refund of lease amount, etc., in certain cases.-

Where the State Government have made premature termination of a quarrying lease or permit under the provisions of sub-section (2) of section 4-A of the Act, the District collector or the District Forest Officer, as the case may be, shall fix the amount of proportionate lease amount or seigniorage fee, etc., that may be refunded to the quarrying lessee or permit holder for the unexpired portion of the lease or permit period with the approval of the State Government and make the refund to that person concerned within a reasonable period after the premature termination of the quarrying lease or permit.

[1][**36-F. Transfer of lease :-**

(1) Notwithstanding anything contained in these rules, the lessee shall not, without the previous consent in writing of the state Government -

(a) Assign, sub-let, mortgage, or in any other manner, transfer the quarrying lease, or any right, title or interest therein; or

[1] Rule 36F introduced vide G.O.Ms.No.215 Industries dated 14.8.1997

(b) Enter into or make any arrangement, contract or understanding whereby the lessee will or may be directly financed to a substantial extent by, or under which the lessee's operation or undertakings will or may be substantially controlled by any person or body of persons other than the lessee:

Provided that where the mortgagee is an institution or a Bank or a Corporation specified in Appendix-II-A, it shall not be necessary for the lessee to obtain such consent of the State Government:

(2) A lessee of a quarrying lease shall be permitted to transfer his lease to within one industrial group only.

[1][**Explanation:-** For the purpose of this sub-rule ‚one industrial group' shall mean an individual or more than one individual or a registered firm or association of a registered company dealing with or engaged in quarrying of the same mineral.]

(3) No quarrying lease shall be transferred by means of sale from one party or company to another party or company.

(4) The State Government shall not give their consent for transfer of a quarrying lease unless the transferee has accepted all the conditions and liabilities of the transferor in respect of the quarrying lease which is proposed to be transferred.

(5) (a) The application for transfer of a quarrying shall be made to the State Government through the District Forest Officer in whose jurisdiction the area of the lease proposed to be transferred is situated, in other cases, through the District Collector having jurisdiction in that area. The application shall be made in the form prescribed in Appendix VII-A to these rules and the application shall be accompanied by -

(i) [2][Original challan in proof of the payment of a non-refundable application fee of Rs.2000(Rupees

[1]Inserted vide G.O.Ms.No.402 Industries dated 26.5.1999 [2]Substituted vide G.O.Ms.No.402 Industries dated 26.5.1999

two thousand only) remitted in Government Treasury in the District concerned]

(ii) an affidavit sworn before a Notary public by the transferor of the lease (if it is a partnership firm by all partners of the firm and if it is a private company by all the members and Directors of the company) indicating therein the intention to transfer the quarrying lease to the transferee and agreeing to handover all the documents relating to the quarrying lease like production, despatch and stock register, accounts relating to payment of Mineral revenues and mining dues to the transferee.

(iii) an affidavit sworn before a Notary public by the transferee (if it s partnership firm, by all the partners of the firm and if it is a private company by all the members and Directors of the company) declaring that he/she/they accept the transfer of the quarrying lease from the transferor with all assets and liabilities and will abide by the provisions of the Act and these rules and the terms and conditions of the lease deed already executed by the transferor in respect of the lease which is proposed to be transferred. The transferee shall also agree to execute a supplementary lease deed in the form prescribed in Appendix V-A to these rules on receipt of the order of the Government accepting the transfer of the lease;

(iv) Mining dues clearance certificate obtained from the District Collector concerned and furnished by the transferor in respect of the lease which is proposed to be transferred;

(v) income-tax clearance certificate of the transferee with other details, if any;

(vi) List furnished by the transferee of minor mineral quarries already held by him under lease and applied for grant or transfer with all details such as location, extent of the area, name of the minor mineral including granite leases.

(b) The transferee shall pay the mining dues, if any, payable by the transferor either as arrears or as future claims in respect of the lease of quarry which is proposed to be transferred.

(c) The transferor shall make available to the transferee the original or certified copies of all plans of abandoned workings in the leasehold area and in a belt 65 metres wide surrounding it. A copy of the plan shall be appended to the supplementary lease deed.

(d) The transferor shall not charge or accept from the transferee any premium in addition to the sum spent by him in obtaining the lease and for conducting all or any of the operations in or over the land leased to him.

(e) Where, an order has been made for the transfer of lease of quarrying a supplementary lease deed in the form prescribed in Appendix V-A to these rules shall be executed within sixty day s of such order and if no such lease deed is executed within the said period due to

any default on the part of the applicant, the order of the State Government for transfer of the lease shall be deemed to be revoked.

37. Savings :-

These rules shall not however, affect the leases already executed in respect of minor minerals in accordance with the rules in the Tamil Nadu Mining Manual or the Tamil Nadu Minor Mineral Concession Rules, 1956.

[1]**[38. Reservation of area for exploitation in the public sector, etc:-**

The State Government may, by notification in the Official Gazette, reserve any area for the exploitation by the Government, a Corporation established by any Central, State, or provisional Act or a Government Company within the meaning of Section 617 of the Companies Act, 1956 (Central Act I of 1956) [2][as per sub-section (2) of the Section 17 A of the Act.].

[3][**38 -A Quarrying of sand by the State Government** –

Notwithstanding anything contained in these rules, or any order made or action taken thereunder or any judgment or decree or

[1]Inserted vide G.O.Ms.No. 1080, Industries, dated 02.09.1983
[2]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001 [3] Inserted vide G.O.Ms.No. 95, Industries, dated 01.10.2003

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order of any Court, all existing leases for quarrying sand in Government lands and permissions/ leases granted in ryotwari lands shall cease to be effective on and from the date of coming into force of this rule and the right to exploit sand in the State shall vest with the State Government to the exclusion of others. The proportionate lease amount for the unexpired period of the lease and the unadjusted seigniorage fee, if any, will be refunded'.+

[1]**[38-B Transport of sand outside the State not to be made.-** No transport of sand covered under Rule 38-A of these Rules shall be made across the border to other States.]

[2]**[38-C [Storage and transportation of sand. - (**1) (a) No person shall transport sand without a valid transport permit issued by the Public Works Department or without a sale slip of license duly authenticated by the taluk headquarters Deputy Tahsildar [or Assistant Engineer / Assistant Executive Engineer(Water Resources Department), Public Works Department or Assistant Director / Deputy Director of Geology and Mining Department] of the Jurisdiction from which the sand is transported.

(b) No person shall stock sand for sale in any place without a valid licence.

(2) (a) No person shall transport sand in any vehicle from the quarry of the Public Works Department without a transport permit issued by the Public Works Department as in **Appendix – XVII**.

(b) No person shall transport sand in any vehicle from the stockyard without the sale slip issued by the licence as in **Appendix-XVIII** and duly authenticated by the taluk headquarters Deputy Tahsildar [3][or Assistant Engineer /

Assistant Executive Engineer (Water Resources Department), Public Works Department or Assistant Director / Deputy Director of Department of Geology and Mining] as in **Appendix-XIX**.

[1]Inserted vide G.O.Ms.No. 158, Industries, dated 25.08.2008
[2]Inserted vide G.O.Ms.No. 32, Industries, dated 11.02.2011
[3]Inserted vide G.O.Ms.No. 158, Industries, dated 4.10.2012

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(3) Any person who intends to store sand for scale shall make an application for grant of licence in the form in Appendix – XX to the District Collector concerned:

Provided that if any person who has stored for the purpose of sale on the date of coming into force of this rule shall apply to the District Collector in the said form for grant of licence for the purpose of this rule within sixty days from the date of coming into force of this rule.

(4) The person who makes an application as in Appendix-XX for the grant of licence, shall remit a non-refundable application fee of Rs.5000/- (Rupees Five thousand only) to the District Collector concerned.

(5) On an application made provided that where the application is not complete in all material particulars, or is not accompanied by the required documents, the District Collector shall return or by notice require the applicant to supply the omission of furnish the document as the case may be within a period of ten days from the date of receipt of such notice under sub-rule (3). The District Collector may refer the said application to the Assistant Director of the Deputy Director of Geology and Mining concerned in the district for inspection of the area and report.

(6) (a) On receipt of inspection report from the Assistant Director of Geology and Mining as the case may be, the District Collector may grant a licence in the

form in Appendix-XXI or for the reasons recorded in writing, refuse to grant such licence.

(b) The District Collector shall pass orders on the application within a period of thirty days from the date of receipt of the application;

Provided that the aforesaid period of thirty days shall be applicable only if the application for licence is complete in all respects. In respect of re-submitted applications, the said period shall be reckoned only from the date of re-submission of such application.

(7) The period of licence shall not exceed one year from the date of grant of licence.

(8) A licence may be renewed for a period of not exceeded one year from the date of expiry of licence granted under clause (a) of

sub-rule (6). The application for renewal shall be submitted thirty days before the date of expiry of licence. The procedure specified for grant of licence and fee shall apply for renewal mutatis mutandis.

(9) When the licensee sells the sand from the stockyard, the licensee shall submit the original transport permit issued by the Public Works Department to the concerned taluk headquarter Deputy Tahsildar [1][or Assistant Engineer / Assistant Executive Engineer (Water Resources Department), Public Works Department or Assistant Director / Deputy Director of Department of Geology and Mining] along with the sale slip issued by him. The taluk headquarter Deputy Tahsildar shall affix the seal as in Appendix-XIX on the quantum of sale slip which is equivalent of the quantum of sand transported with the Public Works Department transport permit slip and also make necessary endorsement on the original transport permit submitted by the licensee.

(10) Every licensee shall submit a monthly return as in Appendix-XXII to the District Collector before 10th of succeeding month.

(11) Non- possession of transport permit or sale slip for transport of the sand shall be construed as illicit transportation of sand.

(12) Whenever any person stocks the sand or transports or causes to be transported the sand without any lawful authority and for that purpose uses any tool, equipment, vehicle of any other thing, such sand, tool, equipment, vehicle or any other thing shall be liable to be seized by the competent authorities and shall also liable for confiscation of the same. For such confiscation, the competent authorities shall make a compliant in this behalf before the competent court. Before making such compliant, the competent authorities shall obtain specific sanction of the District Collector, for making such a compliant.

(13) The taluk headquarter Deputy Tahsildar who authenticates the sale slip shall maintain a day book register, indicating date wise number of authentication made by him, to whom it has been made and the quantum of sand for which sale slips are issued and such other particulars as are required.

[1]Inserted vide G.O.Ms.No. 158, Industries, dated 4.10.2012

(14) The taluk headquarter Deputy Tahsildar [1][or Assistant Engineer / Assistant Executive Engineer (Water Resources Department), Public Works Department or Assistant Director / Deputy Director of Department of Geology and Mining] at the end of each month shall prepare and submit a return on the number of sale slips authenticated, to whom it has been issued and the quantum of said covered therein to the District Collector concerned and such return shall be submitted before 10rh of succeeding month.

(15) If any violation of condition of licence is found, the District Collector concerned shall cancel the licence after affording opportunity of hearing to the licensee.

Explanation.- For the purpose of this Rule:--

(i) ‚competent authority' means the person as authorised under the Mines & Minerals (Development (Development & Regulation) Act, 1957.

(ii) ‚stockyard' shall mean a place where a license stores the sand purchased from Public Works Department.

(iii) ‚sale slip' shall mean an authenticate proof for sale of sand from the stockyard,

(iv) ‚sand' means ordinary sand used for construction purpose which includes processed and filtered sand other than industrial sands like silica sand or Garnet sand'.]

[2][38-D **Import of sand for construction purposes:-**(1) (a) No person, other than the Public Works Department of the State Government of Tamil Nadu shall have the right to sell sand which is imported from other countries or brought from other States or Union Territories for construction purposes (hereinafter referred to as ‚imported sand'), and such right shall vest only with the Public Works Department of the State Government.

(b) No person shall transport the imported sand, either for own use or sale, across the border of the State of Tamil Nadu to any other State or Union Territory or country.

[1]Inserted vide G.O.Ms.No. 158, Industries, dated 4.10.2012 [2] Inserted vide G.O.Ms.No.41, Industries,(MMC.1) dated 10.4.2018

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(2) The right to store the imported sand shall vest with the Public Works Department of the State Government of Tamil Nadu.

(3) Imported sand shall be accompanied with the documents of the origin of the sand and its legal procurement from the country or State or Union Territory, from where the sand is imported or brought, as the case may be.

(4) The imported sand shall fulfill the specifications specified by the Public Works Department. The Public Works Department shall have the power to collect samples and to verify as to whether the imported sand fulfils the specifications.

(5) The Public Works Department shall have the power to prohibit the transport of imported sand, which have not fulfilled the specifications, into the State of Tamil Nadu. The imported sand which has not fulfilled the specifications shall be evacuated out of the State of Tamil Nadu through the sea route and it shall

not be transported to any other State or Union Territory by road or by any other mode of land transport.

(6) The imported sand shall be sold only to the Public Works Department at the rate fixed by the State Government on a case to case basis, depending upon the factors like the country or State or Union Territory from where it is imported or brought, the cost of procurement, insurance, freight charges and applicable taxes or duties.

(7) No imported sand shall be transported from any Port within the State of Tamil Nadu, or from other States or Union Territories to the Depots maintained by the Public Works Department without a valid Transport Permit in the prescribed

Form in Appendix-XXIII, issued by the Public Works Department, duly authenticated by the Assistant Engineer or Assistant Executive Engineer (Water Resources Department), Public Works Department.

(8) No person shall transport imported sand from any Depot maintained by the Public Works Department without obtaining a Transit Pass in the prescribed

Form in Appendix-XXIV, issued by the Public Works Department, duly authenticated by the Assistant Engineer or Assistant Executive Engineer (Water Resources Department), Public Works Department.

(9) Any person who contravenes any of the provisions of this rule, shall be punishable with imprisonment for a term which may extend to two years or with fi ne which may extend to five lakh rupees or with both.

(10) The Public Works Department may issue instructions regarding the storage, transportation and sale of imported sand, from time to time.

Explanation:- For the purpose of this rule ‚sand' means ordinary sand used for construction purposes which includes processed and filtered sand other than industrial sands like silica sand or garnet sand.';]

39. [1]**[Omitted]**

[2]**[40. Power of revision of the State Government :-**

The state Government may, of their own motion or otherwise, for good and sufficient reasons, revise any order of any authority subordinate to them made in exercise of the powers conferred on the authority under these rules:

Provided that no order in exercise of the above power shall be passed by the State Government without giving an opportunity of being heard to the person who will be considered to be adversely affected by such an order.]

[3]**[41. Mining plan is a pre-requisite to the grant of lease and submission and approval of Mining Plan for minor minerals other than granite.**

(1)No lease shall be granted are renewed by the District Collector concerned unless there is a mining plan duly approved by the concerned Assistant Director (or) Deputy Director of Geology and Mining, as the case may be of the District concerned by way of a proceedings under rule 6, 7, 8, 8-A, 12, 17, 18, 19 and 38-A of these rules.

(2)The Assistant Director or Deputy Director of Geology and Mining, as the case may be of the district is vested with the

1Omitted vide G.O.Ms.No.91 Industries dated 27.6.1996

2 Inserted vide G.O.Ms.No.166 Industries dated 16.6.1994

3Inserted vide G.O.Ms.No.79, Industries (MMC.1), dated 6.4.2015 **89**

powers to approve the mining plan for the precise area communicated by the District Collector for the grant of lease for minor minerals except granite.

(3)Mining Plan to be prepared by a recognized person.

(i) No mining plan shall be approved unless it is prepared by a qualified person recognized in this behalf by the State Government or by a qualified person recognized by the Indian Bureau of Mines;

(ii) No person shall be granted recognition for the purpose of clause (i) by the State Government or by the Indian Bureau of Mines in respect of minor minerals unless he holds;

a) a degree in mining engineering or a post-graduate degree in Geology granted by a University established or incorporated by or under a Central Act (or) State Act or any Institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956) or any qualification equivalent thereto; and

b) Professional experience of three years of working in a supervisory capacity in the field of mining or mineral administration after obtaining a degree or qualification required under clause (a).

(4)**Approval and submission of Mining plan:-** On submission of application for grant of quarry lease under these rules, the District Collector shall take a decision on the grant of lease and communicate the precise area to the applicant if the application is in order in all respects and the area is available for grant of mining lease.

(5)On receipt of the precise area communication from the District Collector, the applicant shall submit the draft mining plan for approval to the Assistant Director or Deputy Director of **90** Geology and Mining, as the case may be of the District within a period of 90 days. The draft mining plan submitted by the applicant shall be scrutinized and accorded approval or returned to the applicant for modification and resubmission within a period of 90 days from the date of receipt of the draft mining plan.

(6)If no decision is conveyed to the applicant within the stipulated period, the draft mining plan or the modified draft mining plan furnished by the applicant shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(7)While considering the approval of mining plan, the Assistant Director or Deputy Director of Geology and Mining, as the case may be of the district concerned has to consider the (i) level of production, (ii) Level of mechanization, (iii) type of machinery used in the mining of minor mineral, (iv) quantity of diesel consumption, (v) number of trees uprooted due to mining operations, (vi) export and import of the minor mineral and (vii) storage of mine waste / dump etc.,

(8)The draft mining plan should contain the following details namely:-

(i) The plan of the precise area showing the nature and extent of the minor minerals;

(ii) Spot or spots where the excavation is to be done in the first five year plan period and its extent;

(iii)A tentative scheme of mining for the first five year of the lease;

(iv) Details of the geology and lithology of the precise area including mineral reserves of the minor mineral;

(v) The extent of manual mining or mining by the use of machinery and mechanical devices on the precise area. The plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of mining activity on forest land surface and environment including air and water pollution; details of scheme for restoration of the area by aforestation, land reclamation, use of pollution control devices and of such other measures;

(vi) Annual programme and plan for excavation on the precise area from year to year for five years;

(vii) Environmental clearance for cluster of minor mineral leases from the core area of mining for 5 kilometres radius having area less than 50 hectares must be obtained from the State Environmental Impact Assessment Authority; and

(viii) Any other conditions which are necessary to be imposed by the Government and the same should be incorporated in the mining plan.

(9) **Review of mining plan:-**(i) every mining plan duly approved under these rules shall be valid for a period of five years. The lessee shall review the mining plan and submit the scheme of mining for the next five years of the lease, if any, for approval wherever mining / quarrying lease is required beyond 5 years.

(ii) If the approved mining plan requires modifications within the lease period, the lessee shall carry out such modifications and re-submit the modified mining plan to the Assistant Director or Deputy Director of Geology and Mining, as the case may be of the district concerned for approval.

(iii)The Assistant Director or Deputy Director of Geology and Mining as the case may be of the district concerned shall, within a period of ninety days from the date of receipt of the modified mining plan, convey his approval or disapproval to the lessee and in case of disapproval, he shall also convey the reasons for disapproving the said modified mining plan.

(iv) If no decision is conveyed on modified mining plan within the period stipulated, it shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(10) Quarrying operations to be in accordance with mining plan:-

(i) Every holder of a lease shall carry out the quarrying operation for minor mineral in accordance with the approved mining plan.

(ii) If the mining operations are not carried out in accordance with the mining plan, the District Collector may order suspension of all quarrying operations and permit continuance of quarrying operations, by way of rectification to restore the conditions as may be necessary in the quarry as envisaged under the said mining plan.

(iii) Where quarrying operations for minor minerals other than granites have been undertaken before the commencement of these rules without approved mining plan such existing holder of minor mineral leases shall submit the draft mining plan to the Assistant Director or Deputy Director of Geology and Mining, as case may be of the District concerned within [1][one hundred and eighty days] from the date of commencement of these rules.

(iv) The draft mining plan submitted by the applicant shall be scrutinized and accorded approval or returned to the applicant for modification and resubmission within a period of ninety days from the date of receipt of the mining plan.

(v) If no decision is conveyed to the applicant within the stipulated period, the draft mining plan or the modified draft mining plan furnished by the applicant

[1]Substituted vide G.O.Ms.No.256, Industries(MMC.1), dated 29.10.2015

shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(vi) When the existing holders of minor mineral leases other than granite failed to submit the approved mining plan within the stipulated period, the District Collector shall cancel the minor mineral leases after giving an opportunity of personnel hearing.

42. Submission of environment clearance for the grant of quarry lease for minor minerals including Granite.

(i) The approved mining plan shall be forwarded to the applicant for obtaining environment clearance from the State Level Environment Impact Assessment Authority or the Ministry of Environment and Forests, as the case may be.

(ii) On submission of approved mining plan and environment clearance from the said authorities, the Government or the District Collector, 'as the case may be shall grant the quarry lease'.

(iii) Where quarrying operations for Minor Minerals including granites have been undertaken before the commencement of these rules without environment clearance, such holder of minor mineral including granite leases shall submit the environment clearance within [1][six hundred and thirty] days from the date of commencement of the Rules.

(iv) When the existing holders of minor mineral leases including granite failed, to earance within the

stipulated period, the District Collector or the Government, as the case may be shall cancel the lease after giving an opportunity of [2][Personnel hearing.]

[1]Substituted vide G.O.Ms.No.105, Industries (MMC.1) dated 14.7.2016 [2]Substituted vide G.O.Ms.No.256, Industries (MMC.1) dated 29.10.2015 **94**

[1]**[43. Lease of lands for quarrying of the minor minerals specified in Appendix I-B.-** (1) The provisions of these rules shall apply to the minor minerals specified in Appendix I-B, to the extent they are not repugnant to or inconsistent with the following sub-rules.

(2) No prospecting licence shall be granted under this rule for the minor minerals specified in Appendix I-B.

(3) (i) The procedures laid down in rule 19-A of these rules shall apply for the grant of lease for quarrying of these minor minerals in ryotwari lands. The applications for grant of lease under this rule shall be made in the

Form in Appendix – VII-B.

(ii) The maximum period for which a quarrying lease may be granted under this rule shall not exceed ten years and the minimum period for which any quarrying lease may be granted for the said minerals shall not be less than five years.

(iii) The maximum area that may be granted for lease under this rule shall not exceed five hundred hectares and the minimum area shall not be less than one hectare.

(iv) No lease granted under this rule shall be renewed.

(4) (i) The procedures laid down in rule 8-A of these rules shall apply for grant of lease to private persons in Government poramboke lands for quarrying of these minor minerals. The applications for tender and for grant of lease under this rule shall be made in the

Form in Appendix – VI-D:

Provided that the conditions and procedure laid down under sub-rules (2)(a), (2)(b), 8(a)(ii), 8(a)(iii), 8(a)(iv), 9(g) and 9(h) and the proviso under sub - rule 6(b)(iii) of rule 8-A of these rules shall not apply for grant of lease under this rule.

(ii) The maximum period for which a quarrying lease may be granted under this rule shall not exceed ten years and the minimum period for which any quarrying lease may be granted for the said minerals shall not be less than five years.

(iii) The maximum area that may be granted for lease under this rule shall not exceed five hundred hectares and the minimum area shall not be less than one hectare.

1Inserted vide G.O.Ms.No.70, Industries (MMC.1) dated 22.4.2016 **95**

(iv) No lease granted under this rule shall be renewed.

(5) (i) Quarry lease for these minerals to a State Government company or Corporation owned or controlled by the State Government in the Government poramboke lands shall be granted as per the procedure laid down in rule 8-C of these rules and applications for grant of lease under this rule shall be made in the

Form in Appendix VII-B.

(ii) The maximum period for which a quarrying lease may be granted under this rule shall not exceed ten years and the minimum period for which any quarrying lease may be granted for the said minerals shall not be less than five years.

(iii) The maximum area that may be granted for lease under this rule shall not exceed five hundred hectares and the minimum area shall not be less than one hectare.

(iv) No lease granted under this rule shall be renewed.

(6) (i) The mining lease that may be granted under sub-rule (3), shall be executed in the

(ii) The mining lease that may be granted under sub-rule (4), shall be executed in the

(iii) The mining lease that may be granted under sub-rule (5), shall be executed in the

Form in Appendix I-A to these rules.

(7) Seigniorage fee, area assessment and dead rent for the said minerals shall be as specified in Appendix -II and the amount shall be remitted at the rate fixed by the Government, from time to time.]

APPENDIX I

1[See Rules 8 and 8-A]

FORM OF LEASE FOR QUARRYING AND CARRYING AWAY MINOR MINERALS BY PRIVATE PERSONS.

THIS INDENTURE MADE THIS_____day of 20___ between the Governor of Tamil Nadu (herein after referred to as "the lessor" which expression shall, where the context so admits include his successors in office and assigns) on the one part, and hereinafter called "the lessee" which expression shall where the context so admits include his heirs, executors, administrators, legal representatives and assigns other part).

WHEREAS the lessee has applied to/has been the successful bidder in a public auction conducted by the Government of Tamil Nadu (hereinafter referred to as "the Government")/for a lease of lands in the district for the purpose of mining for and has deposited with collector of the sum of Rs_____as security for the due and faithful performance by the lessee of the covenants and conditions on the part of the lessee hereinafter contained.

AND WHEREAS the lessor has agreed to grant the lessee, a lease of the lands and premises herein after described.

NOW THESE PRESENTS WITNESS as follows:-

1. The lessor hereby demises to the lessee all those several pieces or parcels of land situate in the village of _____ in sub-registration district of _____ in the State of Tamil Nadu _____ being more particularly described in the schedule hereunder written and delineated in map or plan hereunto annexed and therein coloured.

2. There are included in the said demise and for the purposes thereof the liberties following:-

(1) To get from the said demised pieces of land.

1 See Rules 8, 8A and 9 substituted as see rules 8 & 8A vide G.O.Ms.No.86 Industries dated 22.2.2001

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(2) For the purpose aforesaid to use any water in or under the said demised pieces of land and to divert the same and to make or construct any water courses or ponds so, however, that nothing shall be done in the exercise of this authority which shall interfere with the rights of any adjoining owners or tenants of the lessor in respect of Such water.

(3) Generally to do all things which shall be convenient or necessary for getting the _____ and materials hereby authorised to be got and for removing and disposing thereof as aforesaid..

3. There are excepted from and reserved to the lessor out of this demise--

(1) All earth minerals and other substances not hereinbefore expressly authorised to be got from the demised lands by the lessee.

(2) Liberty for the lessor or other persons authorised by him to search for, work, get, carry away and dispose of the excepted minerals and other substances and for such purposes to have the right of ingress, egress and

regress over the said demised pieces of lands and to make erect and use all pits, machinery, buildings, roads and other necessary works and conveniences provided that the rights hereby reserved shall be exercised in such a way as to cause as little obstruction as possible to the lessee in the use and enjoyment of his rights hereunder and that reasonable compensation for damages caused by any such obstruction shall be paid to the lessee the amount thereof in the case of difference to be settled by arbitration as hereinafter provided.

4. The said premises shall be held by the lessee for the term of years from the _____ day of _____ 20 to the _____day of20_____ which shall h o w e v e r b e d e t e r m i n a b l e a s hereinafter provided.

5. The lessee shall pay during the said term, the land assessment the cess and Seigniorage fee or dead rent whichever is greater, for the minerals removed or consumed at the rates prescribed from time to time in Appendix-II.

(1) The said assessment and cess amounting to Rs (Rupees_____) per year payable by **98** the lessee, shall be paid in advance before the commencement of the period of each year of the lease; and

(2) The said Seigniorage fee as prescribed in Appendix II from time to time shall be paid before the same is removed from the said demised pieces of land.

6. The lessee hereby covenants with the lessor as follows:-

(1) To pay the assessment, cess and seigniorage fee or dead rent whichever is greater, on the days and in the manner aforesaid.

(2) To bear, pay and discharge all existing and future rates, taxes, assessment, duties, impositions, outgoings and burdens whatsoever imposed or charged upon the demised premises or the produce thereof or the land assessment, the cess and the seigniorage fee hereby reserved or upon the owner or occupier in respect thereof or payable by either in respect thereof except such charges or impositions as the lessee is or may hereby be by law exempted from.

(3) Before digging or opening any part of the said demised pieces of land for <<<<<<<<<<.. carefully remove the surface soil to a depth of at least <<<<<<<<<<.. metre and lay aside and store the same in some convenient part of the said demised piece of land until the land from which it has been removed is again restored to a state, fit for cultivation as hereinafter provided.

(4) To effectually fence off the same demised pieces of land from the adjoining lands and to keep the fences in good repairs and condition.

(5) Not to assign underlet or part with the possession of the demised premises or any part thereof without the written consent of the lessor first obtained.

(6) After working out any part of the said demised pieces of land forthwith to level the same and replace the surface soil thereof and slope the edges where necessary so as to afford convenient connection with the adjoining land.

(7) That the lessee shall keep correct accounts in such form as the Collector shall from time to time require and direct showing the quantities and other particulars of the mineral obtained by the

lessee from the said lands and also the number of persons employed in carrying on the said mining operations therein and shall from time to time when so directed by the Collector prepare and maintain complete and correct plans of all mines and workings in the said lands and shall allow any officer thereunto authorised by the Government from time to time and at any time, to examine such accounts and any such plans and shall when so required supply and furnish to the Government all such information and returns regarding all or any of the matters aforesaid the Government shall from time to time require and direct.(8) That the lessor's agents, servants and workmen shall be at liberty at all reasonable times during the said term to inspect and examine the works carried on by the lessee under the liberties hereinbefore granted and the lessee shall and will from time to time and at all times during the said term hereby granted conform to and observe all orders and regulations which the lessor or his authorised agent as the result of such inspection may from time to time see fit to impose to keep the premises in good and substantial repair, order and condition or in the interest of public health and safety.

(9) That the lessee shall not without the express sanction in writing of the Collector cut down or injure any timber or trees on the said lands but he may clear away bush wood or undergrowth which interferes with any operations authorised by these presents.

(10) That if the lands shall be used for any purpose other than mining for<<<<<<<.. or if they are not under or at any time cease to be used for the said purpose the lessor shall be at liberty to terminate the lease without notice.

(11) That this lease may be terminated in respect of the whole or any part of the premises by six months notice in writing on eitherside.

(12) That on such determination the lessee shall have no right to compensation of any kind.

(13) That the land assessment, cess and seigniorage payable under these presents shall be recoverable under the provisions of Madras Act II of 1864, or any subsisting statutory modification thereof.

(14) At the determination of the lease to deliver up the demised premises in such condition as shall be in accordance with the

provisions of these presents save that the lessee shall, if so required by the lessor, restore in manner provided by the foregoing covenant in that behalf the surface of any part of the land which has been occupied by the lessee for the purpose of the works hereby authorised and has not been so restored.

(15) That the lessee shall abide by the conditions laid down in the payment of Wages Act, 1936, the Mines Act,1952 (Central Act XXXV of 1952) and the Indian Explosives Act, 1884 (Central Act IV of 1884); and

7. The lessor hereby covenants with the lessee that the lessee paying the land assessment, the cess and the seigniorage fee hereby reserved and observing and performing the several covenants and stipulations on the part of the lessee herein contained shall peacefully hold and enjoy the premises, liberties and powers hereby demised and granted during the said term without any interruption by the lessor or any persons rightfully claiming under or in trust for him.

8. It is hereby further agreed be s:-

(1) If any part of the land assessment, cess or seigniorage hereby reserved shall be unpaid for thirty days after becoming payable (whether formally demanded or not) or if the lessee which the demised premises or any part thereof remain vested in him, shall become insolvent or if any covenant on the lessee's part herein contained shall not be performed or observed, then and in any of the said cases it shall be lawful for the lessor at any time thereafter to declare the whole or any part of the said security deposit of Rs<<<<<< to be forfeited and also to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon the demise shall absolutely determine but without prejudice to the rights of action of the lessor in respect of any breach or non-observance of the lessee's covenants herein contained.

(2) At the determination of the lease, the lessee shall be at liberty to remove, carry away and dispose of all the stock of <<<<<<<<.. ready for delivery and all engines machinery and all plant, articles and things whatsoever (not being building or brick or stones), the lessee first paying any land assessment, cess and seigniorage and other sums which may be due and performing and observing the covenants on his part

hereinbefore reserved and contained and also making good any damage done by such removal but any buildings which shall be erected on the said demised pieces of lands by the lessee and left thereon at the determination of lease shall be the absolute property of the lessor who shall not be bound to pay any price for the same.

(3) If the lessee shall have paid the land assessment, cess and seigniorage due to the Government and duly observed and performed the covenants and conditions on his part herein contained, the said deposit of Rs<<<<<<<<<<<shall be returned to him at the expiration of the said term of <<<<<<<<<<..years.

(4) Should any question or dispute arise regarding an agreement executed in pursuance of these rules or any matter or thing connected therewith or the powers of the registered holders thereunder the amount or payment of the seigniorage fee or area assessment made payable thereby the matter in issue shall be decided by the 1[Director of Geology and Mining.]1 In case the registered holder/registered holders, lessee/lessees, is/are not satisfied with the decision of the

1[Director of Geology and Mining,]the matter shall be referred to the

State Government for decision.

9. If the lessee is in occupation of the lease-hold area after the expiry of the period for which the lease has been granted or renewed or after the determination of the lease, the lessee shall be deemed to be in unlawful possession of the said area and he shall be liable to eviction from the lease- hold area in addition to being liable to be charged at double the rate of the lease amount or bid amount as the case may be, for the period of such occupation.

THE SCHEDULE

Name of Taluk	Number and Name of the Village	Survey Field Number	Extent in Square Metres	Assessment Rs.	Boundaries North, South, West and East
(1)	(2)	(3)	(4)	(5)	(6)

1 Substituted vide G.O.Ms.No.556 Industries dated 5.4.1988 **102**

IN WITNESS whereof_____ acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu, and

have hereunto set their respective hands.

Signed by the above named_____ the lessor in the presence of :-

1.

2.

Signed by the above named_____ the lessee in the presence of:-

1.

2.

*****

1[APPENDIX I-A

(See Rule 8 - C)

FORM OF LEASE FOR QUARRYING AND 2[CARRYING AWAY GRANITE] BY A STATE GOVERNMENT COMPANY OR CORPORATION OWNED OR CONTROLLED BY THE STATE GOVERNMENT

THIS INDENTURE MADE THIS.....<<<<<<.day of <<<<<<<<<.20<<<<<<<<<<.between the Governor of Tamil Nadu (hereinafter referred to as ‚the lessor' which expression shall, where the context so admits include his successors in office and assigns) on the one part, and <<<<<<<<<<<<<.(hereinafter called ‚the lessee' which expression shall where the context so admits include its successors and assigns) on the other part.

WHEREAS the lessee has applied to the lessor for a lease of lands in the <<<<<<<<<. District for the purpose of mining for<<<<<<<<..and has deposited with the Collector of<<<<<<<<<<<<<the sum of Rs<<<<<<<<<<.as security for the due and faithful performance by the lessee the covenants and conditions on the part of the lessee hereinafter contained.

AND WHEREAS the lessor has agreed to grant the lessee a lease of the lands and premises hereinafter described.

NOW THESE PRESENTS WITNESS AS FOLLOWS:-

1. The lessor hereby demises to the lessee all those several pieces or parcels of land situate in the village of <<<<<<<<<<<..in the sub-registration district of <<<<<<<<<<<<<<<..in the State of Tamil Nadu<<<<<<<<<<<<<<<..being more particularly described in the

schedule hereunder written and delineated in map or plan hereunto annexed and therein coloured.

2. There are included in the said demise and for the purposes thereof the liberties following:-

1Appendix IA inserted vide G.O.Ms.No.214 Industries dated 10.6.1992 2Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001

(1) To get from the said demised pieces of land.

(2) For the purpose aforesaid to use any water in or under the said demised pieces of land and to divert the same and to make or construct any water courses or ponds so, however, that nothing shall be done in the exercise of this authority which shall interfere with the rights of any adjoining owners or tenants or the lessor in respect of such water.

(3) Generally to do all things which shall be convenient or necessary for getting the <<<<<<<<<<<<hereby authorised to be got and for removing and disposing thereof as required under rule 8-D of the Tamil Nadu Minor Mineral Concession Rules, 1959.

3. There are excepted from and reserved to the lessor out of this demise:-

(1) All earth minerals and other substances not herein before expressly authorised to be got from the demised lands by the lessee.

(2) Liberty for the lessor or other persons authorised by him to search for, work, get, carry away and dispose of the excepted mineral and other substances and for such purposes to have the right of ingress, egress and regress over the said demised pieces of land and to make, create and use all pits, machinery, buildings, roads and other necessary works and conveniences provided that the rights hereby reserved shall be exercised in such a way as to cause as little obstruction as possible to the lessee in the use and enjoyment of his rights hereunder and that reasonable compensation for damages caused by any such obstruction shall be paid to the lessee the amount thereof in case of difference to be settled by arbitration as hereinafter provided.

4. The said premises shall be held by the lessee for the term of <<<<year from the<<<<<<<<.day of <<<<<<.< 20<<<<..which shall however be determinable as hereinafter provided.

5. 1[The lessee shall pay during the said term the area assessment, and Seigniorage fee or dead rent whichever is greater

1Substituted vide G.O.Ms.No.157 Industries dated 25.5.1998

for the minerals removed or consumed at rates prescribed from time to time in Appendix II

(1) The said area assessment of Rs<<<
(Rupees<<<..<<<only) per year payable by the lessee shall be paid in advance before the commencement of the period of each year of the lease; and

(2) The said seigniorage fee for the mineral sought for removal at the rate of
Rs.<<<<(Rupees<<<<<<<<<<<<.<<only) per

<<<<<<<<<<.<shall be paid before the mineral is removed from the said demised pieces of land.]

6. The lessee hereby covenants with the lessor as follows:-

(1) [1] [To pay the area assessment, and Seigniorage fee or Dead rent whichever is greater on the days and in the manner aforesaid.]

(2) To bear, pay and discharge all existing and future rates, taxes, assessment, duties, impositions, out goings and burdens whatsoever imposed or charged upon the owner or occupier in respect thereof or payable by either in respect thereof except such charges or impositions as the lessee is or may hereby be by law exempted from.

(3) Before digging or opening any part of the said demised pieces of land for<<<<<<<<<<<<<.carefully remove the surface soil to a depth of atleast <<<<<< <<<<<.. metre and lay aside and store the same in some convenient part of the said demised piece of land until the land from which it has been removed is again restored to a state, fit for cultivation as hereinafter provided.

(4) To effectually fence off the same demised pieces of land from the adjoining lands and to keep the fences in good repair and condition.

(5) Not to assign underlet or part with the possession of the demised premises or any part thereof without first obtaining the written consent of the lessor.

(6) After working out any part of the said demised pieces of land forthwith to level the same and replace the surface soil

[1]Substituted vide G.O.Ms.No.157 Industries dated 25.5.1998 **106**

thereof and slope the edges where necessary so as to afford convenient connection with the adjoining land.

(7) That the lessee shall keep correct accounts in such form as the Collector shall from time to time require and direct showing the quantities and other particulars of the mineral obtained by the lessee from the said lands and also the number of persons employed in carrying on the said mining operations therein and shall from time to time when so directed by the Collector prepare and maintain complete and correct plan of all mines and workings in the said lands and shall allow, any officer thereunto authorized by the Government from time to time and at any time, to examine such accounts and any such plans and shall when so required supply and furnish to the Government all such information and returns regarding all or any of the matters aforesaid the Government shall from time to time require and direct.

(8) That the lessor's agents, servants and workmen shall be at liberty at all reasonable times during the said term to inspect and examine the works carried on by the lessee under the liberties herinbefore granted and the lessee shall and will from time to time and at all times during the said term hereby granted conform to and observe all orders and regulations which the lessor or his authorised agent as the result of such inspection may from time to time see fit to impose to keep the premises in good and substantial repair order and condition or in the interest of public healt

(9) That the lessee shall not without the express sanction in writing of the collector cut down or injure any timber or trees on the said lands but he may clear away bush wood or undergrowth which interferes with any operations authorised by these presents.

(10) That if the lands shall be used for any purpose other than mining for <<<<<<<<<<<or if they are not at any time used for the said purpose the lessor shall be at liberty to terminate the lease without notice.

(11) That this lease may be terminated in respect of the whole or any part of the premises by six months notice in writing on either side.

(12) That on such determination the lessee shall have no right to compensation of any kind.

(13) That the land assessment, cess and seigniorage payable under these presents shall be recoverable under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1964) or any subsisting statutory modification thereof.

(14) At the determination of the lease, to deliver up the demised premises in such condition as shall be in accordance with the provisions of these presents save that the lessee shall, if so required by the lessor, restore in manner provided by the foregoing covenant in that behalf the surface of any part of the land which has been occupied by the lessee for the purpose of the works herby authorized and has not been so restored.

(15) That the lessee shall abide by the conditions laid down in the payment of Wages Act, 1936 (Central Act IV of 1936), the Mines Act,1952 (Central Act XXXV of 1952) and Indian Explosives Act, 1884 (Central Act IV of 1884), and

(16) The lessee shall canalise the mineral quarried only as per rule 8-D of the Tamil Nadu Minor Mineral Concession Rules, 1959.

7. The lessor hereby covenants with the lessee that the lessee paying the land assessment, the cess and the seigniorage fee hereby re served and

observing and performing the several covenants and stipulations on the part of that lessee herein contained shall peacefully hold and enjoy the premises, liberties and powers hereby demised and granted during the said term without any interruption by the lessor or any persons rightfully claiming under or in trust for him.

8. It is hereby further agreed between the parties as follows:-

(1) If any part of the land assessment, cess or seigniorage hereby reserved shall be unpaid for thirty days after becoming payable (whether formally demanded or not) or if the lessee becomes insolvent or if any covenant on the lessee's part herein

contained shall not be performed or observed, then and any of the said cases it shall be lawful for the lessor at any time thereafter to declare the whole or any part of the said security deposit of Rs<<<<<<. to be forfeited and also to re-enter upon the demised premises or any part thereof and thereupon the demises shall absolutely determine but without prejudice to the right of any other action of the lessor in respect of any breach of non- observance of the lessee's covenants herein contained.

(2) At the determination of the lease, the lessee shall be at liberty to remove, carry away and dispose of all engines, machinery, plant, articles and things whatsoever (not being building or brick or stones), the lessee first paying any land assessment, cess and seigniorage and other sums which may be due and performing and observing the covenants on his part hereinbefore reserved and contained and also making good any damage done by such removal but any buildings which shall be erected on the said demised pieces of lands by the lessee and left thereon at the determination of lease shall be the absolute property of the lessor who shall not be bound to pay any price for the same.

(3) If the lessee shall have paid the land assessment, cess and seigniorage due to the Government and duly reserved and performed the covenants and conditions on his part herein contained, the said deposit of Rs<<<<<<< shall be returned to him at the expiration of the said term of <<<<<<<<<.years.

9. If the lessee is in occupation of the lease-hold area after the expiry of the period for which the lease has been granted or renewed or after the determination of the lease, the lessee shall be deemed to be in unlawful possession of the said area and he shall be liable to eviction from the lease hold area in addition to being liable to be charged at the rate to be fixed by the lessor.

THE SCHEDULE

Name of Taluk	Number and Name of the Village	Survey Field Number	Extent in Square Metres	Assessment Rs.	Boundaries North, South, West and East
(1)	(2)	(3)	(4)	(5)	(6)

IN WITNESS where of <<<<<<<<<<<< acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu, and have hereunto set their respective hands.

Signed by the above named<<<<<<<<<<<. the lessor acting for and on behalf of and by the order and the direction of the Governor of Tamil Nadu in the presence of.,

Witnesses:-

1.

2.

Signed by the above named<<<<<<<<<<<<<<<.., the lessee in the presence of:-

Witnesses:-

1.

2.

The seal of the<<<<<<<<<<<<<<<<<..is affixed in the presence of Witness:-

1.

2.

*****

[1][APPENDIX I-B

(See Rule – 43)

Sl. No.	Name of the Mineral	Sl. No.	Name of the Mineral
(1)	(2)	(1)	(2)
1.	Agate	17.	Gypsum
2.	Ball clay	18.	Jasper
3.	Barytes	19.	Kaolin
4.	Calcareous	20.	Laterite (Non-Metallurgical: sand Cement Grade, Chemical Grade) 5. Calcite
21.	Limekankar 6. Chalk	22.	Crude Mica, Waste Mica, Scrap
7.	China clay	23.	Ochre 8. Clay (others) 24. Pyrophyllite
9.	Corundum	25.	Quartz 10. Diaspore 26. Quartzite

11. Dolomite 27. Sand (others) 12. Dunite or 28. Shale Pyroxenite
13. Felsite 29. Silica sand
14. Felspar 30. Slate 15. Fireclay 31. Steatite (or) Talc (or) Soap stone
16. Fuschite Quartzite

*****

[1]Inserted vide G.O.Ms.No.70 Industries (MMC.1), dated 22.4.2016 **111**

[1][APPENDIX II

A. SEIGNIORAGE FEE

Sl. No	Name of the Minor Mineral	Rate of Seigniorage Fees Per cubic Metre (in Rupees)
(1)	**(2)**	**(3)**
1	Building and road construction stones other than granite (a) Rough stones including Khandas and boulders	46.00
	(b) Size reduced (broken or crushed) materials including metal jelly, ballast, millstone and hand chakais; and	53.00
	(c) Laterites.	33.00
2	GRANITE (a) Black Granite (b) Red, Pink, Grey, Green, White or other coloured or multi coloured granites or any other rock suitable for use as ornamental and decorative stones.	3,859.00 2,321.00
3	Ordinary sand	120.00
4	Earth and turf for raising bunds or filling purposes and ordinary clay including silt, brick earth and tile clay that can be used for brick and tile manufacture and other potteries.	26.00
5	Limestone, Limeshell and Kankar that can be used in kilns for manufacture of lime required for use as building material.	130.00
6	Pebbles and nodules of chalcedony, quartzite, flint, etc.	95.00
7	Steatite and other stones for use to make household utensils and carving.	52.00

8	All other minor minerals not herein specified	30% of the local market value of the mineral at pit mouth.]

*****

[1]Substituted vide G.O.Ms.No.183 Industries (MME.1), dated 28.12.2017

[1][AA. SEIGNIORAGE FEE

Sl. No.	Name of the Mineral	Seigniorage Fee per Tonne (in Rs.)
(1)	(2)	(3)
1.	Ball clay	70
2.	Barytes	400
3.	Calcareous sand	80
4.	Calcite	80
5.	Chalk	75
6.	China clay	70
7.	Clay (others)	20
8.	Diaspore	400
9.	Dolomite	75
10.	Dunite or Pyroxenite	30
11.	Felsite	110
12.	Felspar	100
13.	Fireclay	30
14.	Fuschite Quartzite	100
15.	Gypsum	130
16.	Jasper	170
17.	Kaolin	30
18.	Laterite (Non-Metallurgical: Cement Grade, Chemical Grade)	210
19.	Limekankar	80
20.	Crude Mica, Waste Mica, Scrap Mica	2,000
21.	Ochre	24
22.	Pyrophyllite	200
23.	Quartz	170
24.	Quartzite	75
25.	Shale	60
26.	Silica sand	120
27.	Slate	45
28.	Steatite (or) Talc (or) Soap stone	70
29.	Agate	100 per Carat
30.	Corundum	2,600 per Carat
31.	Sand (others)**	]

****

*****

[1]Inserted vide G.O.Ms.No.70 Industries (MMC.1), dated 22.4.2016

[1][B. RATE OF AREA ASSESSMENT

Sl. No.	Name of the Minor Mineral	Rate of assessment per hectare per annum
(1)	(2)	(3)
1.	For minerals specified in Sl.Nos.1 and 3 to 7 under the heading "A.Seigniorage Fee"	150.00
2.	For minerals specified in Sl.No.2 under the heading "A.Seigniorage Fee"	300.00
[2]2-A	For the minerals specified in Appendix 1-B	200.00]
3.	For all other minor minerals not here in specified	150.00].

*****

[3]**[C. DEAD RENT**

Sl. No.	**Name of the Minor Mineral**	**Rate of Dead rent per hectare per annum (in Rupees)**
(1)	**(2)**	**(3)**
1.	For minerals specified in Sl.No.2(a) under the heading "A.Seigniorage Fee"	22,500.00
2.	For minerals specified in Sl.No.2(b) under the heading "A.Seigniorage Fee"	15,000.00
3.	For minerals specified in Sl.nos.1,3 and 5 under the heading "A.Seigniorage Fee"	3,000.00
4.	For minerals specified in Sl.nos.4,6 and 7 under the heading "A.Seigniorage Fee"	1,500.00
5.	For all other minor minerals not herein specified	1,500.00]

*****

[1]Substituted vide G.O.Ms.No.183 Industries (MME.1), dated 28.12.2017 [2]Inserted vide G.O.Ms.No.70 Industries (MMC.1), dated 22.4.2016 ** As applicable to the ordinary sand.
[3]Substituted vide G.O.Ms.No.183 Industries (MME.1), dated 28.12.2017 **114**

[1]**[CC. DEAD RENT** Rates of Dead Rent in Rupees per hectare per annum

Minnor Mineral	**From 2nd year of Lease**	**3rd and 4th year of Lease**	**5th year of Lease**
(1)	**(2)**	**(3)**	**(4)**
For the minerals specified in	**400.00**		

1,000.00	**2,000.00]**

*****

[2]**[D. PROSPECTING FEE FOR GRANITE**

Sl. No.	Name of the Granite	Rate of Prospecting fee/ hectare / per annum (in Rupees)
(1)	**(2)**	**(3)**
1.	Dolerite type	13,000.00
2.	Other types of Granite	6,500.00]

*****

[1]Substituted vide G.O.Ms.No.183 Industries (MME.1), dated 28.12.2017

[2]Substituted vide G.O.Ms.No.183 Industries (MME.1), dated 28.12.2017

[1][APPENDIX II-A

(See rule 36-F of the Tamil Nadu Minor Mineral Concession Rules, 1959)

List of Institutions/Banks/Corporation :

(1) A Scheduled Bank as defined in clause (c) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934)

(2) A Bank specified in column 2 of the First Schedule to the Banking Companies Acquisition and Transfer of Undertakings Act, 1970 (5 of 1970)

(3) A Finance Corporation owned and controlled by a State Government. (4) A state Industrial Development Corporation.

(5) The Unit Trust of India

(6) The Industrial Finance Corporation of India.

(7) The State Trading Corporation of India.

(8) The Industrial Credit and Investment Corporation of India.

(9) The life Insurance Corporation of India.

(10) The Industrial Development Bank of India.

(11) The Industrial Reconstruction Corporation of India Limited, Calcutta.

(12) The state Industrial Corporation of Maharashtra

(13) **The General Insurance Corporation of India and its four subsidiaries, namely :** (1)Oriental Insurance Company, New Delhi, (2) New India Assurance Company, Bombay, (3) National Insurance Company, Calcutta and (4) United Insurance company, Madras.

(14) The Export and Import Bank of India.

(15) The National Bank for Agriculture and Rural Development.]

*****

[1]Inserted vide G.O.Ms.No.215 Industries, dated 14.8.1997

APPENDIX III

(See rule 7)

FORM OF LEASE FOR QUARRYING AND CARRYING AWAY MINOR MINEARLS BY THE DEPARTMENTS OF THE GOVERNMENT, PANCHAYT UNION COUNCILS, PANCHAYTS OR MUNICIPALITIES.

THIS INDENTURE MADE THIS _____day of 20 _____between

the Governor of Tamil Nadu (hereinafter referred as "the lessor" which expression shall, where the context so admits include his successors in office and assigns) of the one part, and the Panchayat Union Council / Panchayat / Municipality (hereinafter referred to as "the lessee" which expression shall where the context so admits include its successors in office) of the other part.

WHEREAS the lessee has applied to Government of Tamil Nadu (hereinafter referred as "the Government") for the lease of lands in the district for the purpose of digging and excavating metal and gravel in them and whereas the lessor has agreed to grant to the lessee and the lessee has agreed to accept a lease of the premises hereinafter demised hereunder upon the terms and conditions hereinafter contained.

NOW THIS INDENTURE WITNESS AS FOLLOWS:-

That in consideration of the rent hereby reserved and of the covenants and agreements of the lessee hereinafter contained the lessor doth hereby demise into the lessee all these several pieces or parcels of land situate in the village in the sub-registration district of _____ and being respectively more particularly mentioned and described in the schedule hereunder written and delineated in the plans hereto appended to have and to hold subject to the provisions hereinafter appearing the said lands upto the lessee for the terms of _____years beginning on the day of and ending on the _____ day of paying therefor during the said terms theyearly assessment of Rs _____ and cessess as may from time totime be imposed by the Government, such rent and cess to be paid on the _____day of in each year the said rent and cess to be paid clear of all deductions and subject to the lessee's covenants and other conditions and payments hereinafter appearing and the lessee doth hereby covenant with the lessor.

2. The lessee covenants with the lessor as follows:-

(1) That the lessee will pay during the said terms the said rent and cess at the time and in the manner above said.

(2) That the lands shall be used only for quarrying and excavating metal and gravel for the legitimate needs of the panchayat Union Council, Panchayat Board/Municipality.(3) That the lessee will at all times during the said terms keep the premises in good and substantial repair and deliver upto the lessor at the expiration or sooner determination of the said term subject only to such damages as may have been caused to premises by the quarrying above said conducted in a fair and workman like manner.

(4) That the lessor's agents, servants and workmen shall be at liberty at all reasonable times during the said term to inspect and examine the works carried on by the lessee under the liberties hereinbefore granted and the lessee shall and will from time to time and at all times during the said term hereby granted conform to and observe all orders and regulations which the lessor or his authorised agent as the result of such inspection may from time to time see fit to impose to keep the premises in good and substantial repair or in the interests of public health and safety.

3. It is further agreed between the parties hereto

(1) That if the lands should be used for any purpose other than the quarrying above said or if they are not used or at any time cease to be used for the said purpose the lessor shall be at liberty to terminate the lease without notice.

(2) That the lease may be terminated in respect of the whole or part of the premises at three month's notice on either side.

(3) That on such determination the lessee shall have no right to compensation of any kind.

(4) That if there should be any breach or non-observance of the lessee's covenants hereinbefore contained it shall be lawful for the lessor at any time thereafter to enter upon the said premises and re-possesses and enjoy the same in his former estate.

4. The lessor doth hereby covenant with the lessee that save as is hereinbefore provided the lessee performing and observing the several; covenants and agreements hereinbefore contained may peacefully hold and enjoy the said premises during the said term without any interruption by the lessor or any person lawfully claiming through him.

THE SCHEDULE

Name of Taluk	Number and Name of the Village	Survey field Number	Extent in Square meters	Assessment	Boundaries North, South, West and East
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**

IN WITNESS whereof_____ acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu, and acting for and on behalf of the said_____have set their hands and the seal of the _____has also been affixed to this instrument.

Signed by the above named_____in the presence of:-

1.

2.

Signed by the above named_____in the presence of:-

1.

2.

The seal of the_____ is affixed in the presence of:-

1.

2.

*****

[1][APPENDIX III-A.

(See Rule 7)

APPLICATION FOR GRANT OF QUARRY LEASE (to be submitted in triplicate)

From:

<<<<<<<<

<<<<<<<<

To:

The District Collector,

<<<<<. District.

Sir,

I / We <<<<<<<. Submit this application for the grant of quarry lease under rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959 for execution of work for bonafide public purpose of <<<<<<<<

1.Name and address of the applicant (Enclose 2 Attested copy of passport size photo) :

2.Name of the user Department / Local Body :

3.Name of the public work under taken :

4.Payment details of application fee : Amount:

(Enclose Original remitted challan)

: Challan No:

: Date:

: Bank:

5.Name of the minor mineral applied for :

6.Quantity of mineral required for the work with The certificate by the competent authority : Of the user Department / Local Body

7.The tentative date of commencement of : Project work and expected date of completion

8. Period of Lease Required :

[1]Inserted vide G.O.Ms.No.168 Industries(MMC.2), dated 18.9.2012 **120**

9.Work Order details (enclose the copy of the Work order attested by the recommending : Authority)

10.Terms and conditions of the contract (enclose : the copy of the contract attested by the recommending authority)

11.Whether the contractor is willing to remit : the cost of the mineral and the seigniorage fee in one lumpsum as per rules

12.Whether the contractor is willing to remit : the difference in the cost of proportionate Mineral after execution of the lease deed as And when such revision of cost of the mineral is notified

I request that quarry lease under rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959 may be granted.

Place:

Date: Signature of the Applicant

RECOMMENDATION OF THE USER DEPARTMENT / LOCAL BODY

Certified that the above information is correct to the best of my knowledge and belief. I do hereby undertake to recover and remit the same to the District Collector concerned, if any amount is later found to be recoverable from the said contractor on account of if any violation of rules, orders or terms and conditions with respect to the quarry permit granted to the said contractor.

Office Seal Signature of the Issuing Authority:

Name:

Designation:]

*****

APPENDIX IV

[1] **[See Rule 19A and 22]**

[2][FORM OF AGREEMENT FOR QUARRYING AND CARRYING AWAY MINOR MINERALS FROM RYOTWARI LANDS IN WHICH THE MINERALS BELONGS TO GOVERNMENT.]

AGREEMENT made this_____day of _____20 between (hereinafter referred to as "the registered holder" which term shall include in these presents where the context so admits include also his heirs, executors, administrators, legal representatives and assigns) of the one part and the Governor of Tamil Nadu (hereinafter called "the Government" which term shall where the context so admits, include also his successors in office and assigns) of the other part.

WHEREAS the registered holder holds (amongst others) the lands described in the schedule hereunder written (hereinafter referred to as the said lands).

[3][**AND, WHEREAS**, the registered holder has made application to the collector of the district of _____ (hereinafter referred to as "the collector") seeking grant of quarrying lease for quarrying in the said lands and to deposit mining waste in the said lands and has lodged with the collector an accurate map or sketch of the said lands;

AND, WHEREAS, the Collector, acting for and on behalf of the Government, has granted a quarrying lease to the registered holder and allowed him to commence quarrying operations for _____ in the said lands and to deposit mining waste thereon by the registered holder;]

AND WHEREAS the registered holder has deposited with the collector, the sum of Rs._____as security against any loss or damage which may be incurred by the Government by reason of any of the said lands being rendered unfit for cultivation by any mining operations therein of the registered holder or by the deposit of mining waste thereon by the registered holder.

[1]Substituted vide G.O.Ms.No.86 Industries, dated 22.2.2001 [2]Substituted vide G.O.Ms.No.130 Industries, dated 2.9.1999 [3]Substituted vide G.O.Ms.No.166 Industries, dated 16.6.1994

NOW THESE PRESENTS WITNESS and the registered holder doth hereby agree with the Government in the manner following, that is to say :-

1. The registered holder shall be at liberty at all times during the period of the lease to carry on mining operations for in the said lands in a proper and workman like manner and to deposit mining waste on the said lands and shall at all times be answerable and accountable to the Government for all acts and defaults by any of his nominees, servants or agents in carrying on such operations or in making such deposit.

2. The registered holder shall and will on the day of _____next and on the day of _____every succeeding year during so long as he shall have carried on any such mining operations as aforesaid pay to the Collector for and on behalf of the Government in addition to the land assessment for the time being payable in respect of the said lands, seigniorage on the minor minerals at the rate specified in Appendix II to the Tamil Nadu Minor Minerals Concession Rules, 1959.

3. The registered holder shall and will keep correct accounts in such form as the Collector shall from time to time required and direct showing the quantities and other particulars of all minerals obtained by the registered holder from the said lands and also the number of persons employed in carrying on the said mining operations therein and shall from time to time when so directed by the Collector prepare and maintain complete and correct plans of all mines and working in the said lands and shall allow any officer hereunto authorised by the Director of Geology and Mining, Tamil Nadu from time to time and at any time to examine such accounts and any such plans and shall when so required supply and furnish all such information and returns regarding all or any of the matter aforesaid as the government shall, from time to time, require and direct.4. The registered holder shall and will at all times allow any officer authorised by the Director of Geology and Mining, Tamil Nadu in that behalf to enter upon any part of the said lands where any mining operations may be carried on for the purpose of inspecting the same.

5. The registered holder shall forthwith send to the District Collector a report of any accident which may occur at or in the said lands and also of the discovery of any mineral other than (here enter the mineral already specified in the notice given by the registered holder).

6. It shall be lawful for the registered holder at any time to cease mining operations under these present provided he shall pay to collector for and on behalf of the government land assessment, cess and seigniorage due to the government and shall restore the said lands or fence or fill in abandoned pits and excavations therein if required by the collector and upon his so doing these presents shall cease and determine.

7. In case the registered holder shall relinquish the whole or any part of the said lands or in case of the expiry or sooner determination of this agreement then and in any such case, he shall restore the lands so relinquished or so much thereof as the collector shall require to be restored to a state fit for cultivation or shall securely and permanently fence or fill in all such abandoned pits and excavations there in as the collector shall require to be so fenced or filled in, and in case the registered holder shall fail or neglect to restore any such land which he shall be required to restore to a state fit for cultivation or to so fence or fill in any such abandoned pit, or excavation which he shall be required to so fence, or fill in them and in any such case, it shall be lawful for the Collector to so restore any such lands, or as the case may be to so fence or fill any such pits or excavation at the expense of the registered holder and to apply the said sum of Rs so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain on behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation. If however, the amount of deposit is not sufficient to cover the cost of such restoration of fencing or filling in or to meet

thirty times the assessment on the area rendered uncultivable, it shall be lawful for the Government to recover the balance by resort to civil court.

8. The registered holder shall not be entitled to any remission of assessment in respect of any of the said lands which shall be rendered unfit for surface cultivation by the carrying on of any mining operations or by the deposit of mining waste, unless **124**

thirty times the assessment thereon has already been deducted under the preceding clause.

9. The registered holder shall not assign, lease or part with the possession of the said lands or any part thereof for the whole or any part of the said term without previous intimation in writing to the collector.

10. If the registered holder does not intend to carry on mining operations himself, but intends to lease out the right to do so to another person the registered holder and his lessee shall enter into an agreement with Government binding themselves jointly and severally to accept the conditions and stipulations herein contained which agreement shall be in the form set out in Appendix V to the Tamil Nadu Minor Mineral Concession Rules, 1959.

11. All land assessment, cess and seigniorage payable under these presents shall be recoverable under the provisions of the Madras Revenue Recovery Act, 1864, as if they were arrears of land revenue.

12. In the event of any breach by the registered holder by any of the conditions of this agreement, it shall be lawful for the Government to levy enhanced seigniorage or for the Collector to give notice in writing to the registered holder of his intention to cancel these presents whereupon the same shall stand cancelled but without prejudice to any rights which the Government may have against the pattadar in respect of any antecedent claim or breach of covenant or condition.

13. Any notice to be given to the registered holder may be addressed to his last known place of abode and where a notice has been so addressed it shall be deemed to have been duly served for the purpose of these presents.

14. Should any question or dispute arise regarding the agreement executed in pursuance of these rules or any matter or thing connected therewith or the powers of the registered holder thereunder, the amount or payment of the seigniorage fee or area assessment made payable thereby, the matter in issue shall be decided by the Director of Geology and Mining. In case the registered holder/registered holders, lessee/lesses is/are not

satisfied with the decision of the Director of Geology and Mining, the matter shall be referred to the State Government, for decision.

15. The registered holder shall abide by the conditions laid down in the payment of wages Act, 1936 (central Act Iv of 1936), the mines Act, 1952 (Central Act XXXV of 1952) and the Indian Explosives Act, 1884 (Central Act IV of 1884)

THE SCHEDULE

(Here enter description of the lands as given in the notice to the Collector).

IN WITNESS whereof_____the registered holder and acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu have hereunto set their hands.

Signed by this above name_____ in the presence of:-

1.

2.

Signed by the above named_____ in the presence of :-

1.

2.

The seal of the _____ is affixed in the presence of :-

1.

2.

*****

FORM-I

[See Rule 19(2)]

APPLICATION FOR PERMISSION TO QUARRY BRICK EARTH

From

To

The District Collector,

<<<<<<<<<<<<<<.

Sir,

I/We submit this application under Rule 19(2) of Tamil Nadu MinorMineral concession Rules, 1959.

2. I/We request that a quarrying permission for removal of brick earth from patta lands to which consent has been obtained, may be granted.

3. The required particulars are given below:

(1) Name of the applicant with full address :

(2) Particulars of registration of Kiln (copy of certificate to be enclosed) :

(3) a) Particulars of challan for remittance of application fee :

b) Particulars of challan for payment of Brick mineral annual fee :

(4) Has the applicant filed an affidavit stating that the applicant has paid all the mining dues to the Government. :

[1]Inserted vide G.O.Ms.No.106 Industries, dated 24.12.2002

(5) Particulars of quarrying permission obtaining for brick earth in other Districts. :

(6) Location of the Kiln for which quarry permission requested :

Taluk	Village	SF.No.

(7) Any other information the applicant wants to furnish :

I/We do hereby declare that the particulars furnished above are correct and am /are ready to furnish any other details as may be required by the Government or the District Collector.

Yours faithfully,

Place:

Date :]

*****

FORM-II

[See Rule 19(2)]

WAY PERMIT FOR BRICK EARTH

(1) Serial No. :

(2) Name and address of permit holder :

(3) Order No. and date of grant of quarry permit issued by the Collector :

(4) Period of validity of quarry permit :

From<<<<.

To<<<<..

(5) Location of the quarry :

Taluk	Village	S.F.No.	Extent in Hectares.	Name of the Pattadars

(6) Address to which the brick earth is transported :

(7) a) Mode of transportation :

b) Registration No. of lorries /Tractors :

(8) Route of transport and approximate distance to the destination :

(9) a) Date and time at which the vehicle left the place of quarrying :

b) Approximate time expected for transport :

10) a) Signature of the permit holder with seal

b) Signature and date of the Driver of the vehicle

c) Signature & date of authorised person to issue this permit at the quarry site.

*****

FORM III

[See Rule 19(2)]

FORM OF AGREEMENT FOR QUARRYING AND CARRYING AWAY BRICK EARTH FROM PATTA LANDS

AGREEMENT <<<<<<<. Made <<<..this <<<<. Day of <<<<<<<<.20 <<<<<<<.. between <..<<..

<<<<<..<<<<<<<<<<<<<<<<<<<<<..

<<<<<<<<<<<<<<<<<<<<<<<<<<<<< (hereinafter referred to as "the permit holder" which term shall include where the context so admits his heirs, executors, administrators, legal representatives and assigns) of the ONE PART and the Governor of Tamil Nadu (hereinafter called "the Government" which term shall where the context so admits, include also his successors in office and assigns) of the OTHER PART.

WHEREAS, the permit holder has made application to the Collator of the district of (hereinafter referred to as "the Collector") seeking grant of quarrying lease for quarrying brick earth.

AND, WHEREAS, the Collector, acting for and on behalf of the Government, has granted a quarrying lease to the permit holder and allowed him to commence quarrying operations for brick earth in the patta lands for which consent has been obtained by the permit holder from the pattadars.

AND WHEREAS, the permit holder has deposited with the Collector, the sum of Rs. (Rupees) as security against any loss or damage which may be incurred by the Government by reason of any mining/ quarrying operations therein, or by the deposit of mining waste thereon by the permit holder.

NOW, THESE PRESENTS WITNESS and the permit holder both hereby agrees with the Government in the manner following, that is to say:-

1. The permit holder shall be at liberty at all times during the period of the lease to carry on mining operations for brick earth in the said lands consented by the pattadars in a proper and workman like manner and to deposit mining waste on the said lands and shall at all times be answerable and accountable to the Government for all acts and defaults by any of his and accountable to the Government for all acts and defaults by any of his nominees, servants or against in carrying on such operations or in making such deposit.

2. The permit holder had paid brick mineral annual fee vide challan dated<<<< in at<<<<<<<<for the period from<<<<... to<<<<<<.. and in addition to this the permit holder undertakes to pay the land assessment in respect of the lands from which the permit holder intends to remove brick earth during this tenure and calculated at the end of permit period.

3. The permit holder shall and will keep correct accounts in such form as the Collector shall from time to time require showing the quantities and other particulars of all minerals obtained by the permit ;holder from the said lands and shall allow any officer authorised by the Director of Geology and Mining, Tamil Nadu from time to time to examine such accounts and shall when so required supply and furnish all such information and returns regarding all or any of the matter aforesaid as the Government shall, from time to time, require and direct.

4. The permit holder shall and will at all times allow any officer authorised by the Director of Geology and Mining, Tamil Nadu in that behalf to enter upon any part of the said lands where any mining/quarrying operations may be carried on, for the purpose of inspecting the same.

5. The permit holder shall forthwith send to the District Collector a report of any accident which may occur at or in the said lands and also of the discovery of any mineral other than the mineral already specified in the permit.

6. It shall be lawful for the permit holder at any time to cease mining operations under these presents provided he shall pay to the Collector land assessment, due to the Government and shall restore the said lands or fence or fill in abandoned pits and excavations there in if so required by the Collector and upon his so doing these presents shall cease and determine

7. In case, the pattadars of the land shall relinquish the whole or any part of the said lands or in case of the expiry or sooner determination of this agreement then and in any such case, he shall restore the lands so relinquished or so much thereof as the Collector shall require to be restored to a State fit for cultivation or shall security and permanently fence or till in all such abandoned pits and excavations therein as the Collector shall require to be so fenced or filled in, and in case the permit holder shall fail or neglect to restore any such land which he shall be required to restore to a state fit for cultivation or to so fence or fill in any such abandoned pit, or excavation which he shall be required to so fence, or fill in them and in any such case, it shall be lawful for the Collector to so restore any such lands, or as the case may be to so fence or fill any such pits or excavation at the expense of the permit holder and to apply the said sum of Rs<<<<< (Rupees<<<<<<<<<<<<<<..) so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain or behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation. If however, the amount of deposit is not sufficient to cover the cost of such restoration of fencing or filling in or

to meet thirty times the assessment on the area rendered uncultivable, it shall be lawful for the Collector to recover the balance by resort to civil court.

8. The permit holder shall not be entitled to any remission of assessment in respect of any of the said lands which shall be rendered unfit for surface cultivation by carrying on any mining operations or by the deposit of mining waste, unless thirty times the assessment thereon has already been deducted under the preceding clause.

9. All land assessment payable under these presents shall be recoverable under the provisions of the Tamil Nadu Revenue Recovery Act, 1864, as if they were arrears of land revenue.

10. In the event of any breach by the permit holder, of any of the conditions of this agreement, it shall be lawful for the authorities to invoke penal clauses enumerated in Tamil Nadu Minor Mineral concession Rules, 1959.

11. Should any question or dispute arise regarding this agreement executed in pursuance of these rules or any matter or thing connected therewith or the powers of the permit holder thereunder, the amount or payment of the brick mineral annual fee, area assessment made payable thereby, the matter in issue shall be decided by the Director of Geology and Mining, in case, the permit holder is not satisfied with the decision of the Director of Geology and Mining, the matter shall be referred to the State Government, whose decision shall be final.

12. The registered holder shall abide by the conditions laid down in the payment of wages Act, 1936 (Central Act IV of 1936), the Mines Act, 1952 (Central Act XXXV of 1952) and the Indian Explosives Act, 1884 (Central Act IV of 1884) and the rules made thereunder.

13. The permit holder shall intimate in writing, fifteen days in advance, to the District Collector about the details of lands from which the minerals is to be quarried and removed, whenever the permit holder intends quarry brick earth from a new patta land, the procedure said above shall be followed.

14. In case if the permit holder discontinue the quarrying operation the permit holder shall not be entitled for any remission of fees or any other compensation for such period during which he discontinues the quarrying operation.

IN WITNESS Where of <<<<<<<<<<<<<<<<< <<<<<<<<<<<<<<<<

<<<<<<<<<...

Sir,

I / We request this application under clause (a) of sub-rule (2) of rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959.

2) I / We request that a Registration Certificate for Brick Kiln may be granted to me /us.

3) The required particulars are given below:

(i) Name of the applicant with full address:

(ii) Particulars of challan for remittance of fee for registration:

(iii) Location of kiln for which registration certificate is requested:

Taluk	Village	Survey No.

(iv) Number of chambers/ firing vents in the brick kiln:

(v) Any other information the applicant desires to furnish:

I / We do hereby declare that the particulars furnished above are correct and I am / We are ready to furnish any other details as may be required by the District Collector.

Place: Yours faithfully,

Date :

(Signature of the applicant)]

1 Inserted vide G.O. Ms.No. 39, Industries (MMC2) Dept. dated 04.04.2017

1[FORM V

[See Rule 19(2)(a)]

REGISTRATION CERTIFICATE FOR BRICK KILN.

Roc. No<<<<<<<<<<.

District: <<<<<<<<<<.

Date :<<<<<<<<<.....

This is to certify that the brick kiln owned by Thiru / Tvl. / Tmt. <<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<.. ..... has been registered / renewed for the purpose of obtaining permission for quarrying brick earth from patta lands only.

1)The details of Kiln are furnished below:

a)Location of Chamber /Kiln : (i) Taluk :
(ii) Village :
(iii) S.F.No. :

b)Number of Chambers / firing vent:

2)The registration / renewal made now is valid for a period of three years from the date of issue.

DISTRICT COLLECTOR

Place :

Date :

(Office Seal)]

1 Inserted vide G.O. Ms.No. 39, Industries (MMC2) Dept. dated 04.04.2017

APPENDIX V

[1][See Rules 19A and 33]

FORM OF JOINT AGREEMENT FOR QUARRYING AND CARRYING AWAY MINOR MINERALS BY LESSEES IN RYOTWARI LANDS IN WHICH THE MINERALS BELONG TO GOVERNMENT.

THIS AGREEMENT MADE THE _____day of of 20_____between _____son of residing at _____(hereinafter referred to as "the registered holder" which expression shall where the context so admits include his heirs, executors, administrators, legal representatives and assigns) of the first part and_____son of residing at _____ (hereinafter referred to as ‚the lessee' which expression shall where the context so admits shall include his heirs, executors, administrators, legal representatives and assigns) of the second part and the Governor of Tamil Nadu (hereinafter referred to as the Government which expression shall where the context so admits shall include his successors in office and assigns) of the third part.

[2]**[WHEREAS**, the registered holder holds the lands described in the schedule hereto and intended to lease out to the lessee of the said lands for the purpose of quarrying in the said lands and to deposit mining waste in the said lands and has lodged with Collector the lease and accurate map or sketch of the said lands .**AND, WHEREAS,** the lessee or tenant of the registered holder has made application to the Collector of the district of (hereinafter referred to as "the Collector") seeking grant of quarrying lease for quarrying _____ in the said lands and to deposit mining waste in the said lands and has lodged with the Collector an accurate map or sketch of the said lands;

AND WHEREAS, the Collector, acting for and on behalf of the Government has granted a quarrying lease to the lessee or tenant of the registered holder and allowed him to commence quarrying operations for _____in the said lands and to deposit mining waste thereon by the lessee or tenant of the registered holder;]

[1]Substituted vide G.O.Ms.No.86 Industries dated 22.2.2001 [2]Substituted vide G.O.Ms.No.166 Industries dated 16.6.1994 **137**

AND WHEREAS, the Collector is prepared to allow the said registered holder or lessee to commence mining operations and to deposit mining waste in or on the said lands described in the schedule for a term of<<<. years beginning on day of 20_____upon the registered holder and the lessee entering into the agreement here in contained.

AND WHEREAS, the registered holder has deposited with the collector, the sum of Rs_____ as security for the due performance of the covenants, agreements and provisos or damage which may be incurred by the Government by reason of any of the said lands described in the schedule hereto being rendered unfit for cultivation by the mining operations therein or by the deposit of mining waste thereon by either the registered holder or the lessee.

AND WHEREAS, the lessee has at the request of the registered holder and in consideration of such approval by the Collector of the mining operations as hereinbefore recited agreed to join in these presents for the purpose of entering into

covenants, agreements and provisos hereinafter contained as surety for the registered holder.

NOW THESE PRESENTS WITNESS and registered holder and the lessee do hereby jointly and severally and each of them doth individually hereby covenant and agree with the Government as follows:-

1. To carry on mining operations during the said term in a proper and workman like manner and to deposit mining waste on the lands described in the schedule hereto and to answer and to account at all reasonable times to Government for all acts and defaults committed by any servants, agents or workmen employed by the registered holder or lessee in carrying on such operations or in making such deposits.

2. To pay on the _____ day of _____ 20 Next and on the _____day of _____of every succeeding year so long as the operations aforesaid are carried on, into the Treasury/State Bank of India at to the credit of the Government in addition to the land assessment for the time being payable in respect of the said lands seigniorage on the minerals mined at the rates prescribed by the Government from time to time.

3. To abide by the rules prescribed by the Government from time to time regarding quarrying of minor minerals.

4. To keep correct accounts in such form as the collector shall from time to time required and direct showing the quantities and other particulars of all minerals obtained by the registered holder or the lessee from the said lands and also the number of persons employed in carrying on the said mining operations therein and to prepare and maintain from time to time when so directed by the said collector complete and correct plans of all mines and working in the said lands and to allow any officer thereunto authorised by the Director of Geology and Mining, Tamil Nadu, from time to time and at all times to examine such accounts and any such plans and to supply and furnish when so required all such information and returns regarding all or any of the matters aforesaid as the Government may from time to time required and direct.

5. To allow any officer authorized by the Director of Geology and Mining, Tamil Nadu in that behalf from time to time and at all times to enter upon any part of the said lands where mining operations may be carried on for the purpose of inspecting the same.

6. To forthwith send to the Collector a report of any accident which may occur at or in the said land and also of the discovery therein of any minerals other than (here enter the minerals already specified in the notice given by the registered holder).

7. Not to claim any remission of assessment in respect of any of the said lands which shall be rendered unfit for surface cultivation by the carrying on of any mining operations or by the deposit of mining waste unless thirty times of the assessment thereon has been deducted under proviso 2 here under.

PROVIDED ALWAYS and it is hereby further agreed by and between the parties as follows:-

1. That it shall be lawful for the registered holder or lessee as the case may be at any time to cease mining operations under these presents provided the registered holder or lessee shall pay the Government or the Collector the land assessment, cess and seigniorage payable by the registered holder or the lessee under these presents upto to the end of the year in which the registered holder or the lessee shall cease such mining operations and shall restore the said lands fence or fill in abandoned pits and excavations therein if required by the collector as next hereinafter provided and upon, the registered holder or the lessee so doing these presents shall cease and determine.

2. That in case the registered holder shall relinquish the whole or part of the said lands in case of the expiry or sooner determination of this agreement then and in any such case, the registered holder in the case of relinquishment and the registered holder and the lessee in other cases shall restore said lands or the area relinquished or so much thereof as the collector shall required to be restored to a state fit for cultivation and shall securely and permanently fence or fill in all abandoned pits and excavation therein as the Collector shall require to be so fenced or filled in and incase the registered holder or the lessee shall fail, or neglect any such lands with the registered holder or the lessee be required to restore to a state fit for cultivation or to so fence or fill in any such abandoned pit or excavation which the registered holder or the lessee shall be required to so fence or fill them and in any such case it shall be lawful for the collector to so restore any such lands or as the case may be so fence or fill in any pit or excavation at the expense of the registered holder or lessee and to apply the said sum of Rs_____so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain on behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation. If, however the amount of deposit is not sufficient to cover the cost of such restoration or fencing or filling as the case may be or to meet thirty times the assessment of the area rendered uncultivable, it shall be lawful for the Government to recover the balance by resort to Civil Court.

3. That all land assessment, cess and seigniorage payable under these presents shall be recoverable under the provisions of the Tamil Nadu Revenue Recovery Act, 1864, or any subsisting statutory modification thereof, as if the same were arrear of land revenue.

4. That in the event of any breach of the registered holder of any of the conditions of these presents, it shall be lawful for the Government to levy enhanced seigniorage subject to the maximum of five times the normal rate or for the collector to give notice in writing to the registered holder of his intention to cancel these presents whereupon the same shall stand cancelled but without prejudice to any rights which the Government

may have against the registered holder in respect of any antecedent claim or breach of covenant or condition.

5. That any notice to be given to registered holder may be addressed to his last known place of abode and where a notice has been so addressed it shall be deemed to have been duly served for the purpose of these presents.

6. Should any question or dispute arise regarding an agreement executed in pursuance of these rules or any matter or thing connected therewith or the powers of the registered holders thereunder, the amount or payment of the seigniorage fee or area assessment made payable thereby, the matter in issue shall be decided by the Director of Geology and Mining. In case the registered holder/registered holders, lessee/lessees, is/are not satisfied with decision of the Director of Geology and Mining, the matter shall be referred to the State government.

THE SCHEDULE

(Here enter description of lands as given in the notice to the Collector)

IN WITNESS whereof _____ the registered holder and the lessee_____ acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu have hereunto set their hands.

Signed by the above name_____in the presence of:- 1.

2.

Signed by the above name_____in the presence of:- 1.

2.

The seal of the _____is affixed in the the presence of:- 1.

2.

*****

[1][APPENDIX V-A]

(See rule 36-F).

Form of Transfer of quarrying lease

When the transferor is an individual: -

The Indenture made this <<<<<<<<.. day of <<<<<< 20 between <<<<<<<<.. (name of the person with address and occupation) hereinafter referred to as the ‚transferor' which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the transferor is a registered firm:-

(Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of <<<<<<<< (Name of the firm) registered under the Indian Partnership Act, 1932 (Central Act 9 of 1932) and having their registered office at<<<<<. (herein after referred to as ‚transferor' which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns) of the FIRST PART.

When the transferor is a registered company:-

(Name of company) a company registered under <<<<.. (Act under which incorporated) and having its registered office at <<<<<<<<<< (Address) (hereinafter referred to as the ‚transferor' which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the FIRST PART; and

When the transferee is an individual:-

<<<<<<<<<< (Name of person with address and occupation) (hereinafter referred to as the ‚transferee' which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

[1]Appendix V-A inserted vide G.O. Ms. No. 215 Industries dated 14.8.1997 **142**

When the transferees are more than one individual:-

<<<<<<<<<. (Name of person with address and occupation and <<<<<<<<<<.. (Name of person with address and occupation) (hereinafter referred to as the

‚transferee' which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

When the transferee is a registered firm:-

<<<<<<<<< (Name and address of all the partners where all carrying on business in partnership under the firm name and style of) <<<<<<<<<<<< (Name of the firm) registered under the Indian Partnership Act, 1932) and having their registered office at<<<< (hereinafter referred to as the ‚transferee' which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferee is a registered company:-

<<<<<<<<<<. (Name of company) a company registered under (Act under which incorporated) and having its registered office at <<<<<<<< (Address) (hereinafter referred to as the ‚transferee' which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the SECOND PART, and

The Governor of <<<<<<<<<< (hereinafter referred to as the ‚State Government' which expression shall where the context so admits be deemed to include the successors and assigns) of the THIRD PART.

WHEREAS By virtue of an indenture of lease, dated the <<<<<<<< and registered as No <<<<<<< on <<<<<<. (date) in the Office of the Sub Registrar of <<<<<<<. (place) (herein after referred to as lease) the original whereof is attached hereto and marked ‚A' entered into between State Government (therein called the lessor) and the transferor (therein called the lessee) the transferor is entitled to search for, win and work the quarries and minerals in respect of <<<<<<<<< <<<. *Name of mineral(s)] in the lands described in the Schedule thereto and also in the Schedule annexed hereto for the term and **143** subject to the payment of rents and royalties and observance and performance of the lessee's covenant and conditions in the said deed of lease reserved and contained including a covenant not to assign the lease or any interest thereunder without the previous written consent of the lessor. And whereas, the transferor is now desirous of transferring and assigning the lease to the transferee and the State Government, has at the request of the transferor, granted permission to the transferor vide-order No <<<<< dated <<<<<< to such a transfer and assignment of the lease upon the condition of the transferees entering into an agreement is and containing the terms and conditions hereinafter set forth.

Now this Deed Witnesseth as follows:-

1. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in the said herein before cited lease in the same manner in all respects as if the lease had been granted to the transferee as the lessee thereunder and he had originally executed it as such.

2. It is further hereby agreed and declared by the transferor of the one part and the transferee on the other part tha

(i) The transferor and the transferee declare that they have ensured that the mineral rights over the area for which the quarrying lease is being transferred vest in the State Government

(ii) The transferor hereby declares that the he has not assigned sublet, mortgaged or in any other manner transferred the quarrying lease now being transferred that no other person or persons has any right, title or interest whereunder in the present quarrying lease being transferred.

(iii) The transferor further declares that he has not entered into or made any agreements, contracted or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the transferors operation or understandings were or are being substantially controlled by any person or body of persons other than the transferor.

(iv) The transferee hereby declares that he/she has accepted all the conditions and liabilities which the transferor was having in respect of such quarrying lease.

(v) The transferee further declares that he is financially capable of and will directly undertake quarrying operations.

(vi) The transferee further declares that he has filed an affidavit stating that he has filed upto date income tax returns, paid the income-tax assessed on him and paid the income tax on the basis of self- assessment as provided in the Income Tax Act, 1961 (43 of 1961).

(vii) The transferor has supplied to the transferee the original/or certified copies of all plans of abandoned workings in the area and in a belt of 65 metres wide surrounding it.

(viii) The transferee hereby further declares that as a consequence of this transfer, the total area while held by him under mineral concessions are not in contravention of any of the provisions of the Act or with Tamil Nadu Minor Mineral Concession Rules, 1959.

(ix) The transferor has paid all the rent, royalties and other dues towards Government till this date in respect of this lease.

In Witness whereof the parties hereto have signed on the date and year first above written.

SCHEDULE- I

Location and area of the lease:

All that tract of lands situated at <<<<<<<<<<.

(Description of area or areas) <<<<<<< in the registration

District <<<<<<.. Sub- District <<<<<<<. and District

<<<<<<.. bearing cadastral Survey Nos <<<<<<<<<..

containing an area of <<<<<<.. or thereabouts delineated on the plan hereto annexed and thereon coloured <<<<.. and bounded as follows:-

On the North by:
On the South by:
On the East by: and
On the West by:
Signed by <<<<<<<<<<<<<.
For and on behalf of the State Government in the presence of 1.
2.
Signature of the transferor in the presence of witnesses.
1.
2.
Signature of transferee in the presence of witnesses.
1.
2.

*****

[1][APPENDIX - VI

(See Rules 8 and 19)

TENDER APPLICATION/ APPLICATION FOR GRANT OF QUARRYING LEASE

(To be submitted in triplicate)

Dated <<<<<<<<< day of <<<<<<<<<< 20<<..

From

To

Sir,

I/We submit this application under rule 8 of Tamil Nadu Minor Notification No<<<<.. dated<<<<<<<<. or newspaper advertisement dated <<<<<<.

I/We request that a quarrying lease under rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959 may be granted to me/us.

(Strike out whichever is not applicable).

The required particulars are given below:

1. Name of the applicant with full address

[1] Appendix VI inserted vide G.O.Ms.No.166 Industries dated 16.6.94 w.e.f. 22.6.94

2. (a) Is the applicant an i

Company/firm or association;

(b) If the applicant is an individual, specify his Nationality;

c) If the applicant is a private company, firm or Association, name of Directors, Partners, Members and their Nationality (Document evidence should be produced)

3. [1][Particulars or remittance of Deposit. Furnish the number and date of demand draft. (Enclose the demand draft).]

4. Has the applicant filed an affidavit stating that the applicant: (a) has filed up-to-date income tax returns:

(b) has paid the income tax assessed on him; and

(c) has paid the income tax on the basis of self-assessment as prescribed in the Income Tax Act, 1961.

5. Minor mineral which the applicant intends to quarry with description.

6. Period for which quarrying lease is required.

7. Total extent of the area applied for.

8. Details of the area for which tender application/application is made.

District	Taluk	Village	Survey No	Area in Hectare
1	2	3	4	5

9. Maximum tender amount the applicant is willing to offer for getting the quarrying lease (Specify both in figures and words). (Not applicable to application made under rule 19).

10. Particulars of the areas already held under quarrying lease in Tamil Nadu.

[1]Substituted vide G.O.Ms.No.104 Industries dated 17.7.1996

11. (a) Whether mining dues clearance certificate towards payment of quarrying dues, if any enclosed.

(b) If on the date of application the applicant does not hold any quarrying lease or mining lease whether an affidavit to this effect is furnished.

12. Any other particulars which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security deposit as may be required by the Government or District Collector or District Forest Officer. I hereby swear and state that I know very well about the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of granting of quarry lease applied for and other conditions stipulated in

connection with the quarrying operations. I also swear and state that on no circumstances I will produce any rough blocks or slabs or any other form of stone from the area applied for lease either for export purpose in the form of raw blocks, slab, etc., or for using them in a cutting and polishing industry.

Yours faithfully,

PLACE:

DATE :

(Signature of Applicant)]

*****

[1][APPENDIX VI – A

(See Rule 8 – A)

TENDER APPLICATION FOR GRANT OF QUARRYING LEASE FOR GRANITES

(To be submitted in triplicate)

Dated Day of 20 .

From

To

Sir,

I. I/We submit this application under Rule 8 – A of Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of item No<<<.. . in District Gazette Notification No<<<<< Dated <<<<<. or in newspaper advertisement dated <<<<<, I/We request that a quarrying lease under rule 8 – A of the Tamil Nadu Minor Mineral Concession rules, 1959 may be granted to me/us as per the procedure laid down in the above rule.

II. A sum of Rs<<<<../-. (<<<<<<<<<<<<<..) being the non-refundable application fee has been remitted under the following head of account.

"0853 Non-ferrous Mining and Metallurgical Industries-102. Mineral Concession Fees, Rent and Royalties-A. Quarries and Minerals – D.P. Code 0855.00 102AA0007"

III. The required particulars are given below:

[1] Appendix VIA inserted vide G.O.Ms.No.103 Industries dated 13.7.1996

1. Name of the applicant industry in which the quarry lease is required to be granted with full address.

2. (a) Is the applicant industry owned by an individual or private Company, firm or association?

(b) If the applicant industry is owned by individuals, specify his name, nationality, and address.

(c) If the applicant industry is owned by private company, firm or association, specify name of Directors, Partners, Members and their Nationality (Documentary evidence should be produced)

3. (a) Particulars of remittance of application fee (furnish challan No. and date. Enclose the original challan.)

(b) [1][ ]

4. Has the applicant filed an affidavit stating that the applicant:- (a) has filed up-to-date Income-Tax return.

(b) Has paid the Income-Tax assessed on him and

(c) Has paid the Income-Tax on the basis of self-assessment as prescribed in the Income-Tax Act,1961?.

5. (a) Whether Mining Dues Clearance Certificate towards payment of quarrying dues, if any, enclosed?

(b) If on the date of application the applicant does not hold any quarrying lease/mining lease whether an affidavit to this effect is furnished.

6. Is the applicant having an existing industry or industrial programme for proposed industry? Specify and enclose the industrial programme and furnish the following:-

(a) Category of the existing/proposed Industry (e.g. 100 per cent E.O.U/D.G.T.D./S.S.I)

(b) License No. and date

(c) Installed capacity/production capacity per annum in Sq. Mts.

(d) Total investment in the industry.

(e) Date of commencement of the Industry.

[1]Deleted vide G.O.Ms.No.273 Industries dated 13.10.1997

(f) Nature of products manufactured [Specifying quantities of individual items (e.g. building slabs/monuments/tiles etc.)] per annum in Sq. Mts.

(g) Annual requirement of raw materials per annum in cubic metres.

(h) Expansion details, if any (furnish documentary evidence)

(Furnish above details for proposed industry also excepting Sl. No.6 (b) if license is not yet obtained, 6(e) and 6(h).

7. Minor Mineral which the applicant intends to quarry with description.

8. Period for which quarrying lease is required.

9. Total extent of the area applied for.

10. Details of the area for which the tender application is made.

District	Taluk	Village	Survey	Area in
(1)	(2)	(3)	(4)	(5)

11. Maximum tender amount the applicant is willing to offer for getting quarrying lease (Specify both in figures and words)

12. Particulars of areas already held under quarrying lease in Tamil Nadu (Enclose an affidavit showing the particulars of areas mineral wise in each District of the State which the applicant or any other person jointly with him already holds under a quarry lease; already applied for but not yet granted; or being applied for simultaneously.

13. Any other particulars which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security

deposit as may be required by the Government or District Collector or District Forest Officer. I hereby swear and state that I know very well about the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of granting of quarrying lease applied for and other conditions stipulated in connection with the quarrying and other operations.

Yours faithfully,
(Signature of the Applicant)

PLACE:

DATE:

*****

[1][APPENDIX VI-B

(See rule 8(10-A)

APPLAICATION FOR GRANT OF QUARRYING LEASE FOR STONE TO THE RELEASED BONDED LABOUR / [2][SGSY CO-OPERATIVE SOCIETIES]

(To be submitted in Triplicate)

Dated date of 20

From

To

The District Collector,

Sir,

I/We<<<<<<<<<<<<. submit this application under rule 8(10-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959 in response to the District Gazette Notification No<<<<< dated<<<<<<. or newspaper advertisement dated<<<<<<<<..

I/We request that a quarrying lease under rule 8(10-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959 may be granted to us.

The required particulars are given below:-

1. Name of the Society formed by the released bonded labourer / [1][SGSY][1]

2. (a) Registration No. under the Tamil Nadu Co-operative Societies Act,1983. [Tamil Nadu Act, 30 of 1983 or Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu

1 Appendix VI B inserted vide G.O.Ms.No.635 Industries dated 3.8.99
2Substituted vide G.O.Ms.No.303 Industries dated 25.8.2000

Act, 27 of 1975) (Enclose attested copy of the Certificate of Registration)]

(b) Name of the individual members with Address.

(Enclose list separately showing the status of members with membership No.)

(c) Area of operation of the Society Panchayat area<<<<<<

3. Particulars of Application fee paid (furnish the number and date of challan).

4. Minor Mineral, which the applicant Society intends to quarry with description.

5. Period for which quarrying lease is required.

6. Total extent of the area applied for.

7. Details of area for which the application is made.

District	Taluk	Village	Panchayat area	Survey Number	Extent in hectares
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**

8. Particulars of areas already held under Quarrying lease in Tamil Nadu

9. Has the applicant Society filed an affidavit stating that the society-

(a) have filed upto-date income tax returns. have paid the income

(b) tax assessed on them.

(c) have paid income tax on the basis of self-assessment as prescribed in the Income Tax Act, 1961.

10. (a) Whether mining dues clearance certificate towards payment o f quarrying dues if any enclosed.

(b) If on the date of application, the applicant society does not quarrying lease, whether an affidavit to this effect furnished.

11. Any other particulars which the applicant Society wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct to the best of our knowledge and are ready to furnish any other details and security deposit as may be required by the Government or District Collector. I/We hereby state and affirm that we are aware of the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959 in respect of granting of quarry lease applied for and other conditions stipulated in connection with the quarrying operations. We also state and firm that on no circumstances we will produce any rough blocks or slabs or any other form of stone from the area applied for lease either for export purpose in the form of raw blocks, slabs, etc., or for using them in a cutting and polishing industry within the country.

Yours faithfully,

Authorised signature of
the Society

*****

[1][APPENDIX – VI-C

(See rule 12)

APPLICATION FOR GRANT OF QUARRYING PERMISSION FOR EARTH, SILT, SAVUDU, ETC., IN TANKS (To be submitted in triplicate)

Dated _____day of _____20 _____

From

To

Sir,

I/We submit this application under rule 12 (2-A) of the Tamil Nadu Minor

No._____, Dated _____

The required particulars are given below:-

1. Name of the applicant with full address
2. a) Is the applicant an individual or a Private Company or Firm or Association
   b) If the applicant is an individual, specify his Nationality
   c) If the applicant is a private company, Firm or Association, name of Directors, Partners, Members and their Nationality (Documentary evidence should be produced).
3. Particulars of remittance of application fee Furnish the number and date of demand draft. (Enclose the demand draft).
4. Residential proof of the applicant.
5. Has the applicant filed an affidavit stating that the applicant -
   a) has filed up-to-date income tax returns;
   b) has paid the income tax assessed on him; and
   c) has paid the income tax on the basis of self-assessment as prescribed in the Income Tax Act, 1961.

[1]Inserted vide G.O.Ms.No.233 Industries (MMC.2) dated 23.09.2015 **157**

6. Particulars of area already held under quarrying lease in Tamil Nadu
7. a) Whether Mining Dues Clearance Certificate towards payment of quarrying dues, if any, enclosed?
   b) If on the date of application the applicant does not hold any quarrying lease / mining lease whether an affidavit to this effect is furnished?
8. Minor, mineral which the applicant intends to quarry
9. Purpose of which mineral is required
10. Period for which quarrying permission is required.
11. Quantity of mineral required.

12. Total extent of area applied for.

13. Details of area for which the quarry permission application is made

District	Taluk	Village	Survey No.	Area in Hectares
(1)	(2)	(3)	(4)	(5)

I/We do hereby declare that the particulars furnished above are correct and am/ are ready to furnish any other details as may be required by the District Collector. I / We know very well about the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of granting of quarry permission applied for and other conditions stipulated in connection with the quarrying operations.

Yours faithfully,

Place:

Date: (Signature of applicant)]

*****

[1][APPENDIX VI – D

(*See* sub-rule (4) of rule 43)

TENDER APPLICATION FOR GRANT OF QUARRYING LEASE FOR MINOR MINERALS

(To be submitted in triplicate)

Dated ——————————Day of ——————————20.. .

From

To

Sir,

A. I/We submit this application under sub rule 4 of rule 43 of the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of item No<<<.. . in District Gazette Notification No<<<<< Dated <<<<<. or in newspaper advertisement dated <<<<<,

B. A sum of Rs<<<<../-. (<<<<<<<<<<<<<..) being the non-refundable application fee has been remitted under the following head of account.

,0853 Non-ferrous Mining and Metallurgical Industries-102. Mineral Concession Fees, Rent and Royalties-A. Quarries and Minerals – D.P. Code 0853-00- 102-AA-007"

C. The required particulars are given below:

3. Has the applicant filed an affidavit stating that the applicant (a) has filed up-to-date income-tax returns.

(b) has paid the income-tax assessed on him and

(c) has paid the income-tax on the basis of self-assessment as

copy of recent Passport size Photo of the applicant shall be affixed

1. Name of the applicant with full address. A 2.
Particulars of remittance of application fee (furnish challan No. and date. Enclose the original challan.)

prescribed in the Income-Tax Act,1961?.

4. (a) Whether Mining Dues Clearance Certificate towards payment of quarrying dues, if any, enclosed?

[1]Inserted vide G.O.Ms.No.70 Industries (MMC1) dated 22.04.2016 **159**

(b) If on the date of application, the applicant does not hold any quarrying lease/mining lease whether an affidavit to this effect is furnished.

5. Minor mineral which the applicant intends to quarry with description:

6. Period for which quarrying lease is required:

7. Total extent of the area applied for:

8. Details of the area for which the tender application is made:

District	Taluk	Village	Survey No.	Area in Hectares
(1)	(2)	(3)	(4)	(5)

9. Maximum tender amount the applicant is willing to offer for getting quarrying lease (Specify both in figures and words)

10. Particulars of areas already held under quarrying lease in Tamil Nadu (Enclose an affidavit showing the particulars of areas mineral wise in each District of the State, which the applicant or any other person jointly with him already holds under a quarry lease;) already applied for but not yet granted; or being applied for simultaneously.

11. Any other particulars which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security deposit as may be required by the Government or District Collector or District Forest Officer. I/We hereby swear and state that I/We know very well about the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of granting of quarrying lease applied for and other conditions stipulated in connection with the quarrying and other operations.

Yours faithfully,

Place:

Date :

(Signature of the Applicant)]

*****

[1][APPENDIX VII

(See rules 8-C and 19 - A)

APPLICATION FOR GRANT / RENEWAL OF QUARRYING LEASE

(To be submitted in triplicate)

Dated day of 20 To

The Secretary to Government

Industries Department,
Fort St.George, Chennai-600 009.

Through : The District Collector /

District Forest Officer

I. I/We request that a quarrying lease or renewal of quarrying lease under rules 8-C/19-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 may be granted to me /us.

II. A sum of Rs.5000/- (Rupees Five thousand only) being non refundable application fee for fresh grant or renewal of quarrying lease has been remitted under the following Head of Account:-

"0853 Non Ferrous Mining and Metallurgical Industries - 102 Mineral Concession Fees, rent, royalties-A. Quarries and Minerals- D.P.Code No.0853-00-102-AA-007."

III. The required particulars are given below:-

1. Name of the applicant with full address
2. Is the applicant a Government company or Private firm or association?
3. Names of the Directors/Partners/Members and their Nationality

(Documentary evidence should be produced)

4. Profession or nature of business of the applicant.
5. Is the application for fresh grant or for renewal?
6. Particulars of remittance of non refundable application fee

[1] Appendix VII Substituted vide G.O.Ms.No.86 Industries dated 22.2.20018.

7. Has the applicant filed the latest Income Tax Clearance Certificate.

If not whether the applicant has filed a sworn affidavit stating that the applicant:-

(a) has filed up-to-date income tax returns.

(b) has paid the income tax assessed on him; and

(c) has paid the income-tax on the basis of self-assessment as prescribed in the Income Tax Act 1961.

8 . Type of Granite, which the applicant intends to quarry.

9. Periods for which quarrying lease/renewal of lease is required.

10. Total extent of area applied for.

11. Details of the area for which the *quarrying lease or renewal of lease is required.

District	Taluk	Village	Survey No	Area in Classification Hectares

* Score out whichever is not applicable.

11(a) In case of patta lands whether documents in proof of having surface rights or consent of the registered holder have been enclosed.

12. Whether the F.M.B sketch and the topo-sketch showing the area applied for have been enclosed.

13. Financial resources of the applicant (enclose copy of the latest solvency certificate).

14. A sworn affidavit furnishing the particulars of areas already held under prospecting license and quarrying lease for granite in each District of Tamil Nadu, already applied for but not granted and being applied for simultaneously.

15. (a) Latest Mining Dues Clearance Certificate as per

Appendix-VIII (b) If on the date of application, the application does not hold any prospecting license and quarrying lease whether a sworn affidavit to this effect is furnished.

16. If the applicant intends to supervise the works, his previous experience of prospecting or mining should be explained. If he intends to appoint a manager, his qualification and the nature of his previous experience should be specified and his consent letter should be furnished.

17. In case of renewal whether approved mining plan / scheme valid at the time of filing renewal application has been furnished.

18. Whether any penal action taken/initiated against the lessee for violation of lease conditions.

If so, furnish details and enclose supporting documents.

19. Any other particulars which the applicant desires to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security deposit as may be required by the Government.

Yours faithfully,

(Signature of applicant)

Place:

Date:

Note:

Delete whichever is not applicable

Serial No.III (13) is applicable only for applicants coming under Rule 19A",]

*****

[1][APPENDIX VII – A

(See rule 36-F of T N M M C R 1959)

APPLICATION FOR TRANSFER OF QUARRYING LEASE

(To be submitted in Triplicate).

Dated the <<<<<<<. day of <<<<.. 20<<<..

To

The Secretary to Government,
Industries Department,
Fort St. George, Chennai-600 009.

Through:
The District Collector/ District Forest Officer,
<<<<<<<<<
<<<<<<<<<

Sir,

(1) I/We request for transfer of my/our quarrying lease as per rule 36-F of the Tamil Nadu Minor Mineral Concession Rules, 1959.

(2) A sum of Rs<<<<<<<<<< being the non-refundable application fee payable under sub-rule (5) (a) (i) of rule 36-F of the said Rules has been deposited.

(3) The required particulars are given below:-

(i) Name of the lessee applicant with complete address.

(ii) Is the applicant a private individual; private company/public company/firm or association?

(iii) In case the applicant is :-

(a) an individual, his nationality;

1Appendix VIIA inserted vide G.O.Ms.No.215 Industries dated 14.8.97 **164**

(b) a Company, an attested copy of the Certificate of Registration of the Company shall be enclosed.

(c) a firm or association, the nationality of all the partners of the firm.

(4) Name of the proposed transferee with complete address; (5) Is the proposed transferee a private individual/private company/public company/firm or association?

(6) In case the proposed transferee is :- (a) an individual, his nationality;

(b) a company, attested copy of the Certificate of Registration of the Company shall be enclosed;

(c) a firm or association, the nationality of all the partners of the firm.

(7) No. and date of Valid Clearance Certificate of payment of mining dues:-

(a) obtained and furnished by the lessee applicant.

(b) obtained and furnished by the proposed transferee.

(8) Whether an affidavit that the upto-date Income Tax Return, as prescribed under the Income Tax Act, 1961 has been filed and the tax due including the tax on account of self-assessment has been paid is enclosed.

(a) by the lessee applicant;

(b) by the proposed transferee.

(9) Whether the affidavit specified in sub-rule (5) (a) (ii) and (iii) of rule 36-F of the transferor and the proposed transferee are enclosed?

(10) Whether list of minor mineral quarries already held by the proposed transferee under lease and applied for grant/transfer with complete details enclosed?

(11) No. and date of the challan for payment of the application fee (enclose original challan).

(12) (a) Government Order No. and date or District Collector/District Forest Officer's Proceeding No. and Date whereby the lease sought for transfer was originally granted or renewed.(b) Details of the lease hold area;

District	Taluk	Village	S.F.No.	Area in Hects
1	**2**	**3**	**4**	**5**

(c) Whether copy of the lease deed is enclosed?

(13) Any other particulars the applicant may wish to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including accurate plans, as may be required by you.

Yours faithfully,

PLACE:

DATE:

Signature and Designation of the applicant.]

*****

[1][APPENDIX VII –B

(*See* sub rules (3) and (5) of rule 43)

APPLICATION FOR GRANT OF QUARRYING LEASE

(To be submitted in triplicate)

Dated ——————————day of ——————————— 20 .

To

The Secretary to Government

Industries Department,

Fort St.George, Chennai-600 009.

Through:

The District Collector /

District Forest Officer

———————

Sir,

A. I/We request that a quarrying lease under sub-rule (3) /sub-rule (5) of rule 43 of the Tamil Nadu Minor Mineral Concession Rules, 1959 may be granted to me /us.

B. A sum of Rs.5,000/- (Rupees Five thousand only) being non-refundable application fee for fresh grant or renewal of quarrying lease has been remitted under the following Head of Account:-

,0853 Non Ferrous Mining and Metallurgical Industries - 102 Mineral Concession Fees, rent, royalties-A. Quarries and Minerals- D.P.Code No.0853-00-102-AA-007.[1]

C. The required particulars are given below:-

1. Name of the applicant with full address: 2. Is the applicant a Government Company or Private Firm or Association? 3. Names of the Directors/Partners/Members and their Nationality: (Documentary evidence should be produced) 4. Profession or nature of business of the applicant: 5. Particulars of remittance of non refundable application fee:	A copy of recent Passport size Photo of the applicant shall be affixed

1 Appendix VII B inserted vide G.O.Ms.No.70 Industries (MMC.1) dated 22.4.2016

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6. Has the applicant filed the latest income tax clearance certificate.

If not whether the applicant has filed a sworn affidavit stating that the applicant:-

(a) has filed up-to-date income tax returns:

(b) has paid the income tax assessed on him; and

(c) has paid the income-tax on the basis of self-assessment as prescribed in the Income Tax Act 1961:

7. Minor mineral which the applicant intends to quarry with description:

8. Periods for which quarrying lease is required:

9. Total extent of area applied for:

10. Details of the area for which the quarrying lease is required:

District	Taluk	Village	S.F.No.	Extent in Hects	Classification
1	2	3	4	5	6

(a) In case of patta lands whether documents in proof of having surface rights or consent of the registered holder have been enclosed?

11. Whether the F.M.B sketch and the topo sketch showing the area applied for

have been enclosed?

12. Financial resources of the applicant: (enclose copy of the latest solvency certificate).

13. A sworn affidavit furnishing the particulars of areas already held

under quarrying lease for minor minerals in each District of Tamil Nadu, already applied for but not granted and being applied for simultaneously:

14. (a) Latest Mining Dues Clearance Certificate as per Appendix-VIII:

(b) If on the date of application, the application does not hold any prospecting license and quarrying lease whether a sworn affidavit to this effect is furnished?

15. Whether any penal action taken/initiated against the lessee for violation of lease conditions. If so, furnish details and enclose supporting documents?

16. Any other particulars which the applicant desires to furnish:

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security deposit as may be required by the Government.

Place:

Yours faithfully,

Date:

(Signature of applicant).]

*****

[1][APPENDIX VIII

(See rules 8, 8-C, 19, and 19-A)

MINING DUES CLEARANCE CERTIFICATE

1. Name and address of the applicant.

2. The details of the quarrying lease or mining lease or permit obtained by the applicant and penalty, if any, levied on the applicant in the State of Tamil Nadu.

Location of the mining area.			Order No. and date by which mining right was obtained by the applicant and penalty, if any levied on the	Name of the mineral(s)
District				
1	**2**	**3**	**4**	**5**

3. The district(s) in which the applicant is assessed for mining dues and/or payments are made.

4. Particulars concerning royalty and other payments for preceding five financial years.

5. (a) Total mineral revenue assessed/liable to be paid by the applicant. Rs.

(b)Mineral revenue paid. Rs.

(c) Unpaid mineral revenu Rs.

INSTRUCTIONS

(1) Separate statements for different leaseholds and district should be attached.

(2) If any dues remain unpaid the reasons should be explained in an attached statement.

(3) It must be declared whether any attachment or court proceeding is pending in respect of arrears (Furnish full particulars).

1 Appendix VIII Inserted vide G.O.Ms.No.166 Industries dated 16.6.1996

I declare that the above informations are correct and complete to the best of my information and belief.

DATE: Signature of Applicant

The certificate is valid for one year from the date of issue.

Signature of the Issuing Authority.

PLACE: SEAL]

DATE:

*****

1[APPENDIX IX

(See rules 8, 8-C,19 and 19-A)

ACKNOWLEDGEMENT FOR RECEIPT OF APPLICATION FOR GRANT/RENEWAL OF QUARRYING LEASE

Received one cover/sealed cover from Thiru<<<<<<<<<<..
<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<
<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<
.<<<<.on.....
<<<<<<<<<<<<<<<<<<<

To

[2][The District Collector,]

<<<<<<<<<<<<<<..

Sir,

1. I/We request that a quarrying permits under rule 3 of the Tamil Nadu Minor Mineral Concession Rules, 1959 be granted to me/us.

2. The required particulars are given below:-

(i) Name of the applicant with complete address.

(ii) Whether the applicant is an individual or firm or company.

(iii) Nationality of the applicant or place of registration or incorporation of firm or company.

(iv) Profession or nature of business of the applicant.

(v) (a) Whether the demand draft is enclosed for payment of application fee and seigniorage fee.

(b) Furnish the following particulars of the demand draft enclosed.

[1] Appendix X inserted vide G.O.Ms.No.166 Industries 16.6.94 [2] Substituted vide G.O.Ms.No.35 Industries dated 25.1.2000

1) Number
2) Date
3) Name of the Bank on which it is drawn.
4) Application fee Rs.
5) Seigniorage fee Rs.

(vi) Has the applicant any quarrying lease or quarrying permit in force? If so give particulars.

(vii) Whether affidavit towards no mining dues is enclosed?

(viii) Minor Mineral the applicant intends to quarry.

(ix) Details of the land from which the mineral is to be quarried (enclose plan of the area)

a) Taluk
b) Village
c) Survey No.
d) Whether a quarry exists there.
e) Whether the applicant worked the mineral in the area previously.

(x) Quantity of minor mineral sought to be removed under this application.

(xi) Period within which t h e minor mineral will be quarried and transported.

(xii) Purpose for which the mineral is to be used. Give full

details.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you. I/We do hereby further declare that I/We shall adhere to the terms and conditions as indicated in the Tamil Nadu Minor Mineral Concession Rules, 1959 and other conditions imposed by the quarrying permit issuing authority.

Yours faithfully,

PLACE:

DATE: Signature of the applicant.

(TO BE FILLED IN THE OFFICE OF THE OFFICER GRANTING THE PERMIT)

1. Date of grant/refusal of permit

2. Period of grant: From To

3. Quantity for which the permit is valid

4. Seigniorage fee paid.

5. Details of entry in the quarrying Permit Register.

Signature and Designation of the Officer.]

PLACE:

DATE:

*****

[1][APPENDIX XI

(See rule 3)

GOVERNMENT OF TAMIL NADU QUARRYING PERMIT

Permit No<<<<<<<<.. Date <<<<<<.

WHEREAS, Thiru<<<<<<<<<<<.. applied for grant of quarrying permit for excavation and removal of <<<<<<<<. Cubic feet of <<<<.<.. (minor mineral) from Survey No<<<<<<<<<<<.. of Village<<<<<<<<. Taluk <<<<<<<<.. District<<<<<<< under Rule 3 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and has paid seigniorage fee amounting to Rupees <<<<<< permission is hereby granted to the above applicant to quarry, win and remove <<<<<<<<. Cubic feet of <<<.. (minor mineral) from the aforesaid area more fully described below on the following conditions:-

VILLAGE

Bounded on the North by

Bounded on the South by

Bounded on the East by

Bounded on the West by

S.NO.	AREA

(as shown in the detailed plan annexed with the application.)

(1) This permit shall be valid for <<<<<<<.. days only from<<<<<<. to <<<<<<

1 Appendix XI inserted vide G.O.Ms.No.166 Industries 16.6.94

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(2) The depth of the pit below the surface shall not exceed <<<<<<.

(3) This permit is non-transferable.

(4) No other mineral except that for which the permit is granted shall be excavated or removed without proper sanction being obtained from the competent authority concerned. No quarrying permit holder shall quarry any stone in blocks or slab for export purpose or decorative stones with or without cutting and polishing within the country or for export.

(5) If any other minor or major minerals is found during quarrying operations, it shall be reported to the permit issuing authority within a week's time after such discovery.

(6) The permit holder shall maintain complete and correct accounts of the mineral excavated, quantity removed from the permit area, the sale vouchers, register of labour employed and wages paid, etc., and seigniorage fee and other charges leviable for this purpose.

(7) The permit holder shall immediately report all accidents to the Assistant Director or Deputy Director of the Department of Geology and Mining in the district and the District Magistrate and the District Superintendent of Police of the District in which the area is situated.

(8) The permit holder shall have no right over the quarried mineral and other property lying in permit area after the expiry of the permit.

(9) The permit holder shall not cut or damage any trees in the quarrying area.

(10) The permit holder shall not carryout quarrying operations within a distance of 50 metres from any public roads, public building, temples, reservoirs, burial ground and railway track etc and cause any damage to any public or private properties.

(11) The permit holder shall allow any Officer authorised by the 1[Director of Geology and Mining the District Collector the Revenue Divisional Officer, the Deputy Director or the

1Substituted vide G.O.Ms.No.35 Industries dated 24.1.2000

Assistant Director of the department of Geology and Mining in the District and the local revenue and Panchayat authorities]in whose jurisdiction the land is situated to enter into and inspect at any time the quarrying operations and check up the accounts and verify the details of despatches, sales, etc., from the account books maintained by the permit holder as per condition (6) above at or near the area under permit;

(12) If any excess quantity of mineral covered by this permit is found to be removed, the mineral if traceable shall be seized and the permit holder shall be liable for punishment for unauthorised quarrying and removal under the provisions of the act and these rules.

(13) If any breach of these conditions or of the Tamil Nadu Minor Mineral Concession Rules, 1959 is detected, this permit shall be cancelled and the material lying on the site will be seized.

Signature of the issuing Authority

DATE:

To

(The Permit holder)

Thiru.

<<<<<<<<<<..

<<<<<<<<<<..]

*****

[1][APPENDIX XII

(See Rule 36)

BULK TRANSPORT PERMIT

For Transportation of Minor Minerals From Quarries [2][Other than minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay.]

Serial number: Date:

1. Name and address of quarrying lease/permit holder

2. Proceedings number and date under which quarrying lease/permit was granted.

3. Period of lease/validity of quarrying permit from.....To.....

4. Location of the quarry:-

DISTRICT	TALUK	VILLAGE	S.F.No.

5. (a) Name of the mineral permitted to be transported from the quarry and its quantity (to be given in cubic metres if the mineral to be transported relates to rules 8-A, 8-C, and 19-A and for other minerals in cubic feet.)

(b) The details of seignorage fee and other taxes paid in respect of the minerals to be transported from the quarry.	:Amount Rs. :Challan No :Date

6. Number of despatch slips issued for the mineral permitted to be transported in the bulk transport permit	:Total No<<<<< :Sl.No. :From<<<..To<<.

1 Appendix-XII Inserted vide G.O.Ms.No.166 Industries dated 16.6.1994

2 Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998

7. Period of validity of bulk transport permit From.....To.....

Other details:

Signature.

Name and Designation of the Authorised

Officer granting the Bulk Transport permit

DATE:

OFFICE SEAL

CONDITIONS

1. This permit is not transferable, but this permit holder may if needed, authorise his buyer to indent for rail wagons, for despatch of the quantity of the mineral covered by this permit.

2. A copy of the bulk permit should be kept in the quarry site with the lessee/permit holder or with the person authorised by the lessee in this behalf (prior information of any such authorisation should have been given to the lessor).

3. For any mineral mined under a lease granted under rule 8-A, 8-C, and 19-A when transported the number assigned to individual blocks allowed to be transported and measurement with volume of each block should be specifically written on the transport permit and the despatch slips issued for the said transport permit.

4. The quantity of the mineral specified in this permit alone should be allowed to be transported along with the valid despatch slips and the authorised officers of the Department of Geology and Mining and other departments should be allowed to inspect the minerals being transported by any means and check the stock of the minerals and accounts relating to the mined minerals, etc., in all stages of movement of the quantities covered under any transport permit

5. If the bulk permit and despatch slips issued are found to be misused in violation of the rule, the quarry lease or the permit may be cancelled apart from other penalties under the Act and the Tamil Nadu Minor Mineral Concession Rules, 1959].

*****

1[APPENDIX XII-A

(See rule 36)

TRANSPORT PERMIT

For transportation of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf, ordinary clay including slit, brick and tile clay only.

Book No. Permit No.

Date:

1. (i) Name and address of quarrying lessee/permit holder.

(ii) Order number and date in which quarrying lease/permit is granted.

(iii) Date of expiry of quarrying lease/permit.

2. (i) Name of the village pachayat / Townpanchayat Township / Municipality / Corporation in which the quarry is located

(ii) Name of the revenue village in which the quarry is located.

(iii) Field survey Number.

3. (i) Name of the mineral

(ii) Quantity of the mineral for transportation

(iii) Seigniorage fee remittance

Receipt No.:

Date :

Amount Rs :

4. Signature of quarrying lessee/permit holder or his power agent

5. (i) Validity period of this permit.

From<<<<<<<<<<. To<<<<<<<<<<<.

(Should be restricted to a maximum of seven days only)

(ii) Signature of panchayat president/Executive Officer of Town Panchayat/Township/Muncipal/Corporation Commissioner as the case may be.

1 Appendix XII-A Inserted vide G.O.Ms.No.3 Industries dated 2.1.1998

(iii) In case of village panchayat, Signature of the panchayat Vice- Perseident or authorised member.

Office seal.

CONDITIONS

1. Particulars upto and signature in column (4) should be first filled up. Column (5) should be filled up and signed only after column (1) to (4) are duly filled up.

2. The Office seal of the village panchayat / town pachayat / township / municipality / corporation as the case may be shall be imposed only in the space indicated in the space indicated in the permit.

3. This permit is intended for transportation of building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay.

4. This permit is not transferable.

5. The permit is valid for a maximum period of seven (7) days only from the date of issue.

6. No refund of the amount remitted for obtaining this transport permit shall be claimed contending that this permit is not utilised.

7. A copy of this permit should be kept in the quarry site with the lessee/permit authroised by the

lessee in this behalf (Prior information of any such authorisation should have been given to the lessor).

8. The first copy of this permit should be issued to the lessee/permit holder and the second copy shall be retained by the local body authority issuing the transport permit.

9. This permit is issued subject to the compliance of the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959 and any other special conditions imposed by the authorities concerned from time to time.]

*****

[1][APPERDIX XIII

(See rule 36)

DESPATCH SLIP

[2][For Despatch of Minor Minerals other than building and road construction stones, including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay.]

Serial No. Time of Issue: Date:

1. (a) Name and address of the quarrying lease/permit holder

(b) Proceedings number and date under which quarrying lease/permit is granted.

(c) Bulk transport permit particulars:-

No.	Date	Validity
		From.....To.....

2. Quarry location:-

Village Name	Survey No.

3. Name of the mineral Transported

4. Quantity of the mineral (if the mineral quarried under rule 8-A, 8-C and 19- A are transported number assigned to the blocks with their individual measurement with volumes should be specifically written and a Xerox copy of the bulk transport permit should be attached with each despatch slip)

(a) Destination

[1]Appendix XIII inserted vide G.O.Ms.No.166 Industries dated 16.6.94 w.e.f. 22.6.94

[2] Inserted vide G.O.Ms.No 3 Industries dated 2.1.98 w.e.f. 1.4.98 vide G.O.Ms.No.53 Industries dated 26.2.98

(b) Mode of Transportation (If by lorry or truck its Registration Number)

(c) Time at which the vehicle left the quarry with the mineral

(d) Approximate time at which the vehicle may reach the place of destination.

5. Signature or fascimile signa it holder or

his power agent.

6. Signature of the driver of the vehicle transporting the mineral

(Should be signed before the vehicle leaves the quarry)

Signature of the authorised person issuing the despatch slip in the quarry.

Fascimile signature of the Officer issuing the despatch slip with his designation and Office seal.

INSTRUCTIONS

1. Copy of the bulk transport permit and despatch slip should be kept in the quarry.
2. Xerox Copies of the despatch slip should not be used.
3. Driver of the vehicle should be in possession of the despatch slip based on which the mineral is transported in the vehicle. The despatch slip should be shown to any authorised officer when checking the vehicle transporting the mineral.]

*****

[1][APPENDIX XIII-A

(See rule 36)

DESPATCH SLIP

(For Despatch of minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay)

Book No. Slip No.:

Date :

1. (i) Name of the Village Panchayat /Town Panchayat / Township / Municipality / Corporation in which the quarry is located.

(ii) Name of the Revenue Village in which the quarry is located.

(iii) Field Survey number.

2. (i) Particulars of transport permit under which this despatch slip is issued

Book No. :

Permit No. :

Date :

Validity Period :

(ii) Name of the Mineral being despatched

(iii) Quantity of the mineral being despatched using this despatch slip.

(i) Name of the Quarrying lease / permit holder.

3.

(ii) Signature of the quarr or his power

4. (i) Signature of the Panchayat President / Executive Officer of Town Panchayat/Township/ Municipal Corporation Commissioner as the case may be.

(ii) In case of Village Panchayat, Signature of Panchayat Vice- or authorised member. Office Seal.

[1] Appendix XIII A inserted vide G.O.Ms.No.3 Industries dated 2.1.98w.e.f.1.4.98 vide G.O.Ms.No.53 Industries dated 26.2.1998

5. (i) Signature of the person authorised to issue despatch slip in the quarry.

(ii) Date and time of issue of this despatch slip in the quarry to the driver of the vehicle. Date : / / Time :

6. (i) Registration Number of the Vehicle transporting the mineral.

(ii) Departure time of the vehicle from the quarry.

(iii) Name of the place to which the mineral is transported.

(iv) Approximate time at which the vehicle can reach the destination.

(v) Signature of the driver of the vehicle transporting the mineral.

CONDITIONS

1. All particulars should be filled upto column(3) of this despatch slip and signed before column (4) is filled up and signed by the authority of the local body.

2. Only after all the particulars are filled up and signed as required in column (5) this despatch slip can be handed over to the driver of the vehicle.

3. Before the vehicle with the mineral leaves the quarry all particulars in column (6) should be filled up and signed by the vehicle driver.

4. The Office seal of the village panchayat / town panchayat / township / municipality / corporation as the case may be shall be imposed only in the space indicated in the despatch slip.

5. This despatch slip is intended for transportation of the minor minerals namely, building and road construction stones including gravel, ordinary sand, earth and turf and ordinary clay including silt, brick and tile clay.

6. This despatch slip is not transferable.

7. Xerox copy of the despatch slip should not be used for transporting the mineral. This despatch slip cannot be

revalidated.

8. The Quarrying lessee / permit holder shall issue a copy of this despatch slip to the vehicle driver retaining one copy with him.

The third copy shall be returned to the local body authority issuing the transport permit immediately.

9. The driver of the vehicle should be in possession of the despatch slip. The despatch slip should be shown to any authorised officer checking the vehicle in which the mineral is despatched.

10. This despatch slip is issued subject to the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959 and any other conditions imposed by the authorities concerned from time to time.]

*****

[1][APPENDIX XIV

(See rule 8-A)

APPLICATION FOR RENEWAL OF QUARRYING LEASE FOR GRANITES

(To be submitted in triplicate)

Dated day of 20

To

The Secretary to Government,

Industries Department,

Fort. St. George, Chennai-9.

Through:

The District Collector/

District Forest Officer.

Sir,

I. I/We submit this application under Rule 8-A of the Tamil Nadu Minor Mineral Concession Rules, 1959, for the renewal of the quarrying lease under rule 8-A of the Tamil Nadu Minor Mineral Concession Rules, 1959. I/We request that the renewal of quarrying lease may be granted to me/us as per the procedure laid down in the above rule

II. A sum of Rs.5000/- (Rupees five thousand only) being the non-refundable application fee has been remitted under the following Head of Account :

0853. Non Ferrous Mining and Metallurgical Industries - 102. Mineral Concession Fees, rent, royalties - A Quarries and Minerals - D.P.Code No.0853-00-102-AA-0007".

III. The required particulars are given below:

1. Name of the industry with full address on which the original lease was granted:

2 . (a) The status of the applicant industry; whether a private individual company, firm or association, specify name of Directors, Partners, Members a mentary evidence

[1] Appendix XIV inserted vide G.O.Ms.No.86 Industries dated 22.2.2001

should be produced) when the original lease was granted.

(b) If the applicant industry is owned by individual, specify the name, nationality, and address.

(c) Whether any change in the name of the industry or in the Directors, Partners, Members and their nationality taken place during the original lease period

If there is change :

(i) details of changes in the names of Directors, Partners, Members and their nationality and the date on which such changes taken place.

(ii) whether the change has been intimated to Government

(iii) furnish Documentary evidence for all the above.

3. Particulars of remittance of application fee (furnish challan.No. Amount, date and enclose the original challan).

4. Has the applicant filed latest Income Tax Certificate. If not, whether the applicant has filed sworn affidavit stating that the applicant-

(a) has filed up-to-date Income-Tax return.

(b) has paid the Income-Tax assessed on him and

(c) has paid the Income -Tax on the basis of self-assessment as prescribed in the Income-Tax Act, 1961?

5. Whether latest Mining Dues Clearance Certificate is enclosed as per Appendix-VIII.

6. Details of the industry owned by the applicant:-

(a) Category of the existing industry (e.g.100 per cent E.O.U/D.G.T.D/S.S.I.)

(b) Licence No.and date

(c) Installed capacity/production capacity per annum in Sq.Mts.

(d) Date of commencement of the Industry.

(e) Nature of products manufactured (Specify quantities of individual items (e.g. building slabs/monuments/tiles etc. per annum in square metres.) during the original lease period.

(f) If the industry is expanded subsequently, the expansion details, such as increase in the installed capacity per annum in sq.mts. nature of additional machinery installed, and their capacity etc., (furnish documentary evidence)

(g) Nature of new products that are manufactured after expansion of the industry.

(h) Total investment in the industry including any subsequent investment made for expans

(i) Annual requirement of raw materials per annum in cubic metres for the industry and after expansion if any made.

7. The details of the lease granted for the area applied for renewal such as G.O.No. and date, date of execution, type of granite, S.No., Village, Taluk and District and extent (in hectares).

8. Period for which renewal of quarrying lease is required

9. Total extent of the area applied for renewal.

10. Details of the area for which the renewal of lease is required.

District	Taluk	Village	Survey No.	Area in Hectares
1	**2**	**3**	**4**	**5**

11. Has the applicant furnished the approved mining plan/scheme valid at the time of applying for renewal.

12. Whether the applicant willing to remit the lease amount as fixed by the Government.

13. A sworn in affidavit furnishing the particulars of areas already held under quarrying lease in Tamil Nadu for granite in each District which the applicant or any other person jointly with him already holds under a quarry lease; already applied for but not yet granted and for being applied for simultaneously:

14. (i) A resume on the development of the quarry and the investment made by the lessee/applicant.

(ii) Whether the quarrying was carried out as per approved mining plan and any deviation was pointed out by the concerned authorities at any time.

(iii) Whether any penal action taken/initiated against the lessee for violation of lease conditions.

15. Any other particulars which the applicant desires to furnish.

I / We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security deposit as may be required by the Government or District Collector or District Forest Officer.

I /We hereby swear and state that I know very well about the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, and Granite Conservation and Development Rules, 1999, in respect of renewal of quarrying lease applied for and other conditions stipulated in connection with the quarrying and other operations.

Place:

Date:

Yours faithfully,

Signature of the Applicant.]

*****

[1][APPENDIX XV

(See rule 19-A)

APPLICATION FOR GRANT/RENEWAL OF PROSPECTINGLICENCE

(To be submitted in triplicate)

Dated..... 20

To

The Secretary to Government,
Industries Department,
Fort St.George, Chennai-600 009.
Through: The District Collector/
District Forest Officer.

I. I/We request that a prospecting license or renewal of prospecting license under 19-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 may be granted to me/us.

II. A sum of Rs.3000/- (Rupees three thousand only) being non refundable application fee for fresh grant or renewal of prospecting license has been remitted under the following Head of Account:-

"0853. Non Ferrous Mining and Metallurgical Industries - 102. Mineral Concesion Fees, rent, royalties-A. Quarries and Minerals- D.P.Code No.0853-00-102-AA-0007".

III. The required particulars are given below:

1. Nature of the applicant with full address
2. Is the applicant a Government Company/Private firm or association?
3. Names of the Directors/Partners/members and their Nationality
   (Documentary evidence should be produced)
4. Profession or nature of business of the applicant.

[1]Appendix XV inserted vide G.O.Ms.No.86 Industries dated 22.2.2001

5. Is the application for fresh grant or for renewal?
6. Particulars of remittance of non refundable application fee
7. Has the applicant filed the latest Income Tax Clearance Certificate.

   If not whether the applicant has filed a sworn affidavit stating that the applicant

   (a) has filed up-to-date income tax returns

   (b) has paid the income tax assessed on him; and

   (c) has paid the income tax on the basis of self-assessment as prescribed in the Income-Tax Act, 1961.

8. Type of Granite, which the applicant intends to prospect.
9. Period for which prospecting license/renewal of license is required.
10. Total extent of area applied for.

District	Taluk	Village	Survey No.	Area in Hectares
(1)	(2)	(3)	(4)	(5)

11. Details of the area for which the *prospecting license or renewal of license is required.

11(a) In case of patta lands whether documents in proof of having surface rights or consent of the pattadar have been enclosed.

12. Whether the FMB sketch and toposketch showing the area applied for have been enclosed.

13. Financial resources of the applicant (enclose copy of solvency certificate).

14. A sworn affidavit furnishing the particulars of the areas already held under prospecting license and quarrying lease for granite in each District of Tamil Nadu already applied for but not granted and being applied for simultaneously.

15. (a) Latest Mining Dues Clearance Certificate as per Appendix - VIII.

(b) If on the date of application, the applicant does not hold any prospecting license and quarrying lease whether a

sworn affidavit to this effect is furnished (in which case the Mining Dues Clearance Certificate is not necessary).

16. If the applicant intends to supervise the works, his previous experience of prospecting on mining should be explained. If he intends to appoint a manager, his qualification and the nature of his previous experience should be specified and his consent letter should be furnished.

16.A In case of renewal, whether a report on the prospecting work carried out already is furnished.16.B Whether the copy of scheme of prospecting has been enclosed for the prospecting work to be carried out in the renewal period.

17. Any other particulars which the applicant wishes to furnish.

18. Whether any penal action taken/initiated against the licensee for violation of lease/license conditions.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details and security deposit as may be required by the Government.

Yours faithfully,

(Signature of applicant)

Place:

Date:

NOTE: Delete whichever is not applicable.]

*****

[1][APPENDIX XVI

(See rule 19-A (3)

MODEL FORM OF DEED FOR PROSPECTING GRANITE FROM RYOTWARI LANDS IN WHICH MINERALS BELONG TO GOVERNMENT

THIS INDENTURE MADE THIS. day of 20 between the (herein after referred to as ‚the licensee' which term shall include in these presents where the context so admits) the registered holder of the land or consent holder or lessee of the registered

holder of the land and also his heirs, executors, administrators legal representatives and assignees of the one part, and the Governor of Tamil Nadu (herein after called "the Government" which term shall where the context so admits, include also his successors in office and assignees of the other part;

1. WHEREAS the licensee/licensees has /have applied to the State Government for prospecting license in accordance with the Tamil Nadu Minor Mineral Concession Rules, 1959.

2. In consideration of the prospecting fee, covenants and agreements hereinafter reserved and contained and on the part of the licensee/licensees to be paid observed and performed, the Government hereby grants and demises upto the licensee/licensees the sole right and license to prospect for Granite in G.O. dated for a period of years in the lands specified in schedule "A" here under written and delineated in the plan herewith annexed.

3. The said demised pieces of land shall be held by the licensees for the term of<<.. years from the 20 to the day of 20.

Now these present witness as follows.

THE LICENSEE HEREBY COVENANTS WITH THE GOVERNMENT AS FOLLOWS.

1. To pay annually in advance a prospecting fee in respect of ensuing year or part of the ensuring year at such rates as are specified in appendix II to Tamil Nadu Minor Mineral Concession Rules, 1959 from time to time.

1 Appendix XVI inserted vide G.O.Ms.No.86 Industries dated 22.2.2001

2. Before digging or opening any part of the said demised pieces of land for ..... carefully to remove the surface soil to depth of at least ..... meters and lay aside and store the same in some convenient part of the said demised pieces of land until the land from which it has been removed is again restored to a state fit for cultivation as herein after provided.

3. After working out any part of the said demised pieces of land forthwith to level the same and replace the surface soil thereof and slope the edges, where necessary, so as to afford convenient connection with the adjoining land.

4. To keep correct accounts in such form as the Collector shall from time to time require and direct showing the quantities and other particulars of all Granites obtained by the licensee from the said lands and also the number of persons employed in carrying on the said prospecting operations therein and shall from time to time when so directed by the Collector prepare and maintain complete and correct plans of all working in the said lands and shall allow any officer hereunto authorized by the Director of Geology and Mining, or the District Collector from time to time and at any time for the purp mination of

work carried out thereon and also to examine such accounts and any such plans and shall when so required supply and furnish all such information and returns as per Granite Conservation and Development Rules, 1999 regarding all or any of the matter aforesaid as the Government shall, from time to time, require and direct.

5. The licensee shall report to the State Government the discovery of any mineral not specified in the license within a period of sixty days from the date of such discovery and shall not undertake any prospecting operation in respect of such mineral unless such mineral is included in the license.

6. To enter upon the lands and to search for by trenching, boring, digging or otherwise for granite lying or being within under or throughout the said lands.

7. To win and carry away for testing and polishing purposes only but not for commercial purposes for a quantity of 2 cub.m. Dolerite or 3 cub.m. other type of Granite.

8. To submit a scheme of prospecting prepared by a recognised person within sixty days from the date of execution of prospecting license to the Director of Geology and Mining indicating the manner in which he proposes to carry out the prospecting operations covered by this license as per the guidelines stipulated in Rule 8 (1) of Granite Conservation and Development Rules, 1999.

9. To carry out prospecting operations in accordance with the scheme of prospecting or with such modifications if any intimated or as directed by Director of Geology and Mining.

10. To submit to the Director of Geology and Mining, District Collector concerned and the Controller General of Indian Bureau of Mines an annual report in Form A of Granite Conservation and Development Rules, 1999 so as to reach them by 30th April of the succeeding previous year.

11. To submit a report within a period of three months after the abandonment of the prospecting operation or termination or the expiry of prospecting license whichever is earlier.

12. To take all possible precautions for the protection of environment and control of pollution while conducting prospecting in the area for which such license is granted.

13. To work and carry on the operation hereby licensed in a fair orderly skillful and a workmen-like manner and with as little damage as may be to the surface of the lands and to trees, crops, buildings, structures and other property thereon.

14. Not to assign, lease or part with the possession of the said lands or any part thereof for the whole or any part of the said term.

15. To make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him in exercise, of the powers gra ense and to indemnify

fully and completely to the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

16. To pay wages not less than the minimum wages prescribed by the Central or State Government from time to time.

17. To comply with the provisions of the Mines Act, 1952. **196**

18. To abide by the conditions laid down in the Explosives Act, 1884 (Central Act IV of 1884).

19. To abide by Granite Conservation and Development Rules, 1999 and shall not carry on prospecting or other operations under the said license in any way other than as prescribed under these rules.

20. To plug bore holes, fencing etc., and restoring the surface of land after determination or abandoned.

The Government hereby covenants with the licensee as follows:

1. Without prejudice to any other conditions, the Government reserves the right

(a) To cancel the prospecting licence granted and executed under these rules after giving a previous notice.

(b) To prohibit prospecting operations in part or the whole of the area under license with recorded reasons.

2. In case of breach by the license or his transferor or assignee of any of the rules of Tamil Nadu Minor Mineral Concession Rules, 1959 and Granite Conservation and Development Rules, 1999 or of the conditions of the license, the Director of Geology and Mining or the District Collector concerned as the case may be without prejudice to any other penalty which may be imposed in respect of such breach may determine the license after granting an opportunity of hearing to the said person and forfeit the security deposit.3. If the licensee have paid the fee and other levies and performed the covenants on his parts herein contained the said deposit of Rs.5, 000/- shall be returned to him at the expiration of the said term of <<..years.

GENERAL PROVISIONS

1. (a) That the license may be determined in respect of the whole or any part of the premises by six months notice in writing on either side.

(b) That on such determination the licensee shall have no right to compensation of any kind.

(c) That on such determination the licensee stop forthwith all operations with respect to prospecting of the area and immediately hand over all details of all works carried out and results obtained from such prospecting operations to Government.

2**.** The licensee shall stop all the prospecting operations

immediately on the expiry of the license period.

3. In the event of the orders of the State Government or the authority specified by the State Government are revised, reviewed or cancelled in pursuance of proceedings of the Tamil Nadu Minor Mineral Concession Rules, 1959 the licensee/licensees shall not be entitled to compensation for any loss sustained by the licensee/licensees in exercise of the powers and privileges upon him/them by these presents.

4. If any question of difference or dispute shall arise between the parties concerning any clause herein contained or the rights duties or liabilities of the parties hereunder or in any other way touching or arising out of these presents the same shall be referred to Government whose decision thereon shall be final and binding on the parties thereto.

5. All assessment, fees payable under these presents shall be recoverable under the provisions of Madras Revenue Recovery Act 1864 as if they were arrears of land revenue.

THE SCHEDULE

Number & Name of Taluk	Name of the Village	Survey Field Number	Extent in Square Metres	Assessment	Bounded by
1	**2**	**3**	**4**	**5**	**6**

IN WITNESS whereof ..... the registered holder and .....
the lessee of the registered holder acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu have hereunto set their hands.

Signed by the above named ..... in the presence of :-

1.

Signed by the above named ..... in the presence of :-

1.

2.

Signed by the above named ..... in the presence of:-]

1.

2.

*****

APPENDIX-XVII

[See rule 38-C(2)(a)]

TRANSPORT PERMIT FOR SAND ISSUED BY PUBLIC WORKS DEPARTMENT

Book Number: Permit Number: Date:

1.Government order No. and date / the District Collectors Proceedings No. and date in which sand quarry permit is granted.

2.Location of the Public Works Department sand quarrying point.

(i) Name of the Village Panchayat / Town Panchayat / Township / Municipality / Corporation in which the quarry is located. :

(ii) Name of the revenue village in which the quarry is located :

(iii) Field Survey Number :

3.Quantity of sand permitted for transportation :

4.(i) Details of value of sand :

(ii) Receipt Number :

(iii) Date and time of issue of permit :

(iv)Amount remitted :

5.(i) Transport permit (Bill Number) : (ii) Vehicle Number : (iii) Date of issue of transport permit : (iv) Destination : 6.Name and Signature of permit holder or his power agent:

7.Validity period of this permit

From

To

(should be restricted to a maximum of seven days only)

200

8.(i) Signature of the Driver

(ii) Office seal

Signature of the Issuing Authority

Office Seal: Name:

Designation:

CONDITIONS

1.Particulars upto Serial No. 5 and signature in Serial No.6 should be first filled up and thereafter Serial No.7 and 8 should be filled up, then only the issuing authority should be signed.

2.This office seal shall be imposed only in the space indicated in the permit.

3.This permit is non transferable.

4.This permit is valid for a maximum period of seven days only firm the date of issue. The licenses should maintain a Register containing the particulars on the quantity of sand purchased from the Public Works Department Quarry, the quantity of sand sold to the

individual customers from the stockyard and the balance stock of sand available at the stockyard. The Register should be in the following format:-

Serial Number	**Date**	**Quantum purchased from Public Works Department (Number of Lorry loads / Cubic meters).**	**Quantum sold from the stockyard (Number of lorry loads / Cubic meters).**	**Balance Quantum of sand (Number of Lorry loads / Cubic meters) stored at the Stockyard.**
(1)	**(2)**	**(3)**	**(4)**	(5)

5.The stockyard should not be near the quarry site or in the river bank.

6.A copy of the permit should be kept in the quarry site with the permit holder.

7.The first copy of this permit should be issued to the permit holder and the second copy shall be retained by the authority issuing the transport permit.

8.This permit is issued subject to the compliance of the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959 and any other special conditions imposed by the authorities concerned from time to time.

*****

APPENDIX-XVIII

[See rule 38 – C (2) (b)]

SALE SLIP ISSUED BY THE LICENSEE AT THE STOCKYARD

Book No. Permit Slip Number:

Date:

Name and address of the licensee :

Licence Number and date :

Expiry date

Office who authenticates the sale slip :

1. (i) Name of the person to whom the sand is sold :
   (ii) Place to which sand is transported :
   (iii) Quantum of sand transported (Number of units/ cubic meters) from the stockyard :
   (iv) Balance Quantum of sand at the stockyard :
   :
   (v) Approximate time to be taken to reach Destination
   (vi) Registration Number of the vehicle transporting the sand
   (vii) Departure time of the vehicle from the stockyard
   (viii) Name and signature of the driver of the vehicle transporting the sand
2. (i) Signature of the licensee or person authorized by the licensee at the stockyard of licensee.
   (ii) Date and time of issue of sale slip to the driver of the vehicle.

*****

APPENDIX-XIX

[See rule 38- C (2) (b)]

FORM OF THE SEAL OF TALUK HEADQUARTERS DEPUTY TAHSILDAR TO BE AFFIXED AT THE BACK OF THE SALE SLIP ISSUED BY LICENSEE

1. Name of the Licensee :
2. Licence Number and date :
3. Validity period :
4. Permit Number and Date :
5. Signature with Office seal :
6. Date of issue :

*****

APPENDIX-XX

[See rule 38- C (3)]

APPLICATION FOR GRANT / RENEWAL OF LICENCE FOR STORAGE AND TRANSPORTATION OF SAND

Photo

From

<<<<<<<<<<<<..

<<<<<<<<<<<<..

To

The District Collector,

<<<<<<<District

Sir,

I/ We request that a licence or renewal of licence under rule 38-C of the Tamil Nadu Minor Mineral Concession Rules, 1959, may be granted to me / us for storage and transportation of sand purchased from the Public Works Department quarries.

2. A sum of Rs. 5,000/- (Rupees five thousand only) being non-refundable application fee for Licence / renewal of licence has been remitted under the following head of account__

0853 – Non Ferrous Mining and Metallurgical Industries – 102. Mineral Concession Fees, Renet and Royalities-A Quarries and Minerals – D.P.Code 0853-00-102-AA.0007.

3.I / we enclose the original challan No. <<<<<<<<<Dt<<<<<<

4.I/ we submit that in the area furnished herein is the place where I / we would keep the sand purchased from the Public Works Department.

Name of Taluk	Number and Name of the Village	Survey Field No.	Area in Hec., with boundaries (North, South West and East)
(1)	(2)	(3)	(4)

5.If in chase of application of Renewal (details of previous licence granted, to be enclosed).

6.I / We do hereby declare that the particulars furnished above are correct to the best of my / our knowledge and ready to furnish any other details and ready to remit any other fees as may be required by the Government or District Collector. I / We hereby swear and state that I / we am/ are aware of the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of granting of licence applied for and other conditions stipulated in connection with the storage and transportation of sand purchased from Public Works Department.

Yours faithfully,

Place:

Date: (Signature of the applicant/s)

*****

APPENDIX-XXI

[See rule 38- C (6) (a)]

LICENCE GRANTED FOR STORAGE AND TRANSPORTATION OF SAND

Photo

Licence No. Date:

WHEREAS, Thiru / Tvl. <<<<<<<<<<.(with address) has / have applied for grant of licence under rule 38-C of the Tamil Nadu Minor Mineral Concession Rules, 1959 for storage and transportation of sand from his /their place.

Where sand purchased from Public Works Department is stored at Survey Field No<<<<<<<in <<<<<village, <<<<<<<.taluk, <<<<<<..district and has / have remitted the licence fee amounting to Rs. 5,000/- (Rupees five thousand only) vide challan No. <<<<<<dt. <<<<< for keeping the sand. Licence is hereby granted to the above applicant store the sand in the aforesaid area move fully described below and for transportation of sand from the said area on the following conditions.

	VILLAGE	***S.NO.***	***AREA***
Bounded on the North by			
Bounded on the South by			
Bounded on the East by			
Bounded on the West by			

CONDITIONS

1.This licence shall be valid for <<<<. Days only from <<<<.to <<<..

2.The licence is non-transferable.

3.No mineral except sand shall be permitted to be kept in the place under licence.

4.If any other mineral is found to be in the place under licence, the District Collector shall be at liberty to cancel the licence.

5.If the district administration finds any discrepancy or any evidence to show that sand is kept illegally and / or subjected to illicit storing and transportation, this licence shall be cancelled by the District Collector.

6.The licensee has to quote the licence number and data, in each of the sale slip issued to the purchaser of sand from him.

7.If any excess quantity of sand is found and if it is not relatable to the permit issued by the Public Works Department, the same shall be seized and the licence shall be cancelled.

8.If any violation of the above conditions or any of the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959 is found. This licence shall be cancelled and material lying on the site will be seized.

Signature of the Issuing Authority

Date:

To

(The licence holder)

Thiru / Tvl<<<<<<<.

<<<<<<<<<<<..

<<<<<<<<<<<..

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APPENDIX-XXII

[See rule 38- C (10)]

FORM OF MONTHLY RETURN FOR STRONG AND SELLING OF SAND FROM THE STOCKYARD OF THE LICENSEE

Return for the month of _____

(To be submitted to the concerned District Collector before 10th of every month)

Name of the licensee :

Address of licensee :

Licence Number and Date :

Expiry date :

Location of stockyard :

(a) Opening stock _____ (in lorry loads / cubic meters)

(b) Quantity purchased _____ (in lorry loads / cubic meters)

(c) Total stock in the stockyard _____ (in lorry loads / cubic meters)

(d) Quantity sold _____ (in lorry loads / cubic meters)

(e) Sale slips used during the month of _____

Book No. Serial No. From To

(a) Balance of stock at the end of the month _____ (in lorry loads / Cubic meters)

Date: Signature of the licensee:

Place:

*****

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