HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.6178 of 2018

ORDER:

The petitioner by name M/s. UBR Minerals rep. by its Managing Partner P. Udaya Bhaskar has maintained this writ petition against three Respondents viz., (1) State of Andhra Pradesh, represented by its Principal Secretary, Industries & Commerce (M.I) Department, Velagapudi, (2) the Director of Mines & Geology, and (3) the Assistant Director, Mines & Geology, Markapur, Prakasam District. The prayer in the Writ Petition reads as follows:

> "…….to issue writ, order or direction more particularly one in the nature of writ of mandamus proceedings of the Director of Mines and Geology in Lr.No.16270/R3-2/2006, dated 2.2.2018 in passing orders reducing the extent of area for grant of quarry lease to 50.000 hectares on the application dated 23.11.2004 submitted for grant of mining lease for quartz for an extent of 448.57 acres in Sy.No.1035 of Kalvapally, hamlet of Racherla Village, Racherla Mandal, Prakasam district applying G.O.Ms.No.29, Industries & Commerce (M.II) Department, dated 15.02.2017 retrospectively when the State Government has proposed to grant Mining Lease in Memo No.4423/M.II(2)/2008-1, dated 15.05.2009 and called for submission of Approved Mining Plan and Environmental Clearance granted by Government of India in F.No.J-11015/254/2010-IA-11 (M), dated 10.08.2015, consent for establishment granted by the Andhra Pradesh Pollution Control Board in Order No P-360/PCB/ZO-VJA/CFE/2015-1611, dated 01.10.2015 for an extent of 448.57 acres as per the application dated 23.11.2004 as arbitrary, illegal, unjust and unconstitutional and in violation of Mines and Minerals (Development and Regulation) Act 1957 and A.P. Minor Mineral Concession Rules 1966 and pass such other order or orders……."

2. The supporting affidavit averments of the writ petition vis-à-vis oral submissions of the learned counsel for the writ petitioner are that the petitioner submitted application for grant of mining lease for quartz over an extent of 448.57 acres in Sy.No.1035 of Kalvapally, hamlet of Racherla Village, Racherla Mandal, Prakasam District, duly following the procedure contemplated under Mineral Concession Rules 1960 and Mines and Minerals (Development & Regulation) Act 1957 (for short 'the Act') to the Assistant Director of Mines and Geology on 23.11.2004 and the same was acknowledged by him, requesting for conducting of survey and inspection and accordingly, the area was inspected and survey. During survey, area was reduced by acres 25.00 and the petitioner given consent for the same and the survey report was furnished on 02.06.2008 and the same was forwarded to the Director of Mines and Geology. The Director of Mines and Geology vide letter No.13875/R3-1/2004 dated 03.12.2008 asked the petitioner to furnish the justification particulars relating to said mine to the extent of 448.57 acres and the petitioner submitted the same that the application is within the permissible limits of the Act and A.P. Minor Mineral Concession Rules 1966. As per Section 6(1)(b) of the Act, a person shall acquire in respect of any mineral or prescribed group of associated mineral in a State one or more mining leases covering a total area more than ten (10) square kilometers of land than 10.88 KM or 2247.00 acres and that the application of the petitioner is for 448.57 acres, therefore, it is within the permissible limits of the Act along with clarification. *The petitioner received memo No.4423/M.II(2)/2008-1 dated 15.05.2009 that Government after careful examination of the proposal of Director of Mines and Geology, proposed to grant mining lease for quartz over an extent of 448.57 acres in the subject area in favour of the petitioner for a*

period of 20 years subject to submission of approved mining plan under Rule 22(4) of Mineral Concession Rules 1960 and satisfaction of all other terms and conditions of the Act and also subject to submission of Environmental clearance from Government of India under Environmental Impact Assessment as per S.O.1533, dated 14.09.2006 and consent for establishment from A.P. Pollution Control Board. On extension of time, mining plan was submitted and the same was approved by the Zonal Joint Director of Mines and Geology, Ongole, in Lr.No.9934/DMP/ONG/09 dated 12.11.2010 and the same was forwarded to the State Government in memo No.4423/M.II(2)/ 2008-2 dated 14.07.2010 by the Director of Mines and Geology requesting the Government to grant mining lease for an extent of 448.57 acres in the subject area. On such forwarding by the Director and the mining plan being approved, the Environment Impact Assessment Authority conducted public hearing under intimation to the Government and on such conclusion of the public hearing, the details furnished to the Union Ministry of Environment and Forest dated 29.11.2012. The Petitioner received Environment Certificate vide F.No.J-11015/254/ 2010-IA.II(M), dated 10.08.2015 and on receipt of this certificate, the A.P. Pollution Control Board granted consent for establishment in Order No.P-360/PCB/ZO-VJA/CFE/2015-1611,dated 21.10.2015 for undertaking the unit activity under Sec. 25 of Water (Prevention & Control of Pollution) Act, 1974 and under Sec. 21 of Air (Prevention & Control of Pollution) Act, 1981 and the Rules there under. On receipt of all clearances, a Letter was submitted to the Secretary for grant of Mining Lease along with approval on 23.10.2015 and while the same was pending, there were certain amendments vide Mines and Minerals (Development & Regulation) Act No. 2015 w.e.f. 12.01.2015 amending

Mines and Minerals (Development & Regulation) Act 1957. Government of India also had declared 31 major minerals as minor minerals vide S.O. 423 (E) dated 10.02.2015, out of which, Quartz is one of the minerals and hence from 10.02.2015 Quartz is a minor mineral within the purview of the State Government. The State Government had delegated powers to the Director as regards to the 31 minerals declared as minor minerals vide G.O.Ms.No.34, Industries and Commerce (M.I) Department, dated 14.03.2016. Petitioner had again addressed letter requesting the Director to pass orders granting Mining Lease or Quarry lease as the powers are delegated to the Director. While this was so, the State Government further amended the Rules vide in G.O.Ms.No.56, Industries & Commerce (M.II) Department, dated 30.04.2016 relating to the surveys and development of minor minerals and regulation of 31 newly declared Minor Minerals. The application fee was raised to Rs.10,000/- (non-refundable) and deposit of Rs.25,000/- for every hectare or part thereof in Bank Account notified by the Director for this purpose (refundable). Petitioner was served a letter from the office of the Director in Lr.No.16270/R3-2/2006, dated 16.05.2016 to pay the difference of application fee and deposit the amount as per G.O.Ms.No.56, Industries & Commerce (M.II) Department dated 30.04.2016. Though the Petitioner was not liable to pay as the application is dated 23.11.2004 and already the Government had issued Memo proposing to grant, for the satisfaction of the department, petitioner had deposited Rs.45,40,175/- towards deposit amount and Rs.7,500/- towards differential application fee on 28-09-2016 and had submitted the original challans to the Assistant Director of Mines and Geology by letter dt.29-09-2016. The Assistant Director forwarded the deposit along with recommendation for grant of quarry lease in Lr.No.2049/M/20054 to the Director dated 29.09.2016.

On receipt of the said proceedings, the Director in Memo No.16270/R3-2/2006, dated 15.10.2016 called for a further report from the Assistant Director so as to enable to process the application. The Additional Director then had requested the Petitioner to furnish certain additional information in Lr.No.2049/M/2004, dated 11.11.2016 and the petitioner had accordingly furnished the additional information whatever asked for to the Assistant Director on 01.02.2017, and the same was forwarded to the Director by the Assistant Director along with a recommendation for grant for a period of 20 years vide Lr.No.2049/M/2004, dated 8.2.2017. Petitioner was subsequently asked for latest Mineral Revenue Clearance Certificate by the Assistant Director in Lr.No.2601/M/2005, dated 10.03.2017. Accordingly, the Deputy Director of Mines and Geology had furnished the Mineral Revenue Clearance Certificate in Lr.No.993/Q4/2017, dated 14.03.2017. The Director once again requested the Assistant Director that the proposal is recommended to the Technical Scrutiny Committee and the Scrutiny Committee had made observation as regards to the traverse data to the surveyed extent, the offset data and triangulation data along with calculation sheet to ascertain the exact area recommended and the stare identity at Point No.25, 26 were not marked properly. Therefore, the Assistant Director was requested to rectify the lapses and re-submit the sketches in four sets. The sketches were re-submitted by the Assistant Director to the Director in Lr.No.2049/M/04, dated 17.04.2017, that he had enclosed the latest revised surveyed plan and complied with the requirement sought for by the Director and also recommended for grant of quarry lease. While the petitioner was awaiting grant orders, he received Lr.No.16270/R3-2/2006, dated 15.05.2017 calling for justification report that in view of the G.O.Ms.No.29, Industries & Commerce (M.II)

Department, dated 15.02.2017, the area sought in the application for grant of quarry lease is over an extent of 171.538 hectares for quartz is in excess of the maximum ceiling limit for non-captive purpose, i.e. 50.000 hectares as stipulated under Rule 12 (5) (f) of A.P. Minor Mineral Concession Rules 1966 and contrary to the said rule, the petitioner was requested to submit explanation as to why application should be considered as the said application involved was in excess of upper limit fixed under Rule 12 (5) (f) of APMMC Rules 1966 for grant of quarry lease. On receipt of the notice, Petitioner had submitted explanation in detail to the Director on 22.05.2017 specifically stating that the application was dated 23.11.2004 and that the Government had proposed for grant in Memo No.4423/M.II(2)/2008-1, dated 15.05.2009. Mining plan approved by the Zonal Joint Director of Mines and Geology dated 12.05.2010, Environment Clearance after public hearing by Government of India date 10-08-2015, Consent for Establishment issued by AP Pollution Control Board dated 21.10.2015, G.O.Ms.No.29, Industries & Commerce (M.II) Department, dated 15.02.2017 if any is prospective and cannot be made applicable to the case of the Petitioner as the proposal to grant itself is dated 15.05.2009. According to the petitioner, any amendment is prospective and not retrospective. G.O.Ms.No.29 is applicable only to the new applications submitted after amendment and cannot be made applicable retrospectively to the pending application where there was also a proposal to grant. Petitioner had submitted detailed explanation that even in terms of G.O.Ms.No.29 wherein Rule 12 (5) (f) was amended, Rule 12 (5) (f) (iv) reads as follows:

"The Government reserves the right to grant more than the prescribed limits of the area."

2(a). Therefore, according to the petitioner, the application cannot be rejected even if any ambiguity is found by the Director, and that the same shall be recommended to the State Government under Rule 12 (5)(f)(iv). The petitioner submits that, as no orders were passed, he was constrained to file W.P.No.28372/17 before this Court and this Court was pleased to dispose of the writ petition on 23.08.2017 as follows:

"1. It is contended by the learned counsel for the petitioner that without considering the explanation of the petitioner dated 22.05.2017 and the contents of the same and without passing any orders on the said explanation, the respondents are proceeding with the grant of lease.

2. On the other hand, it is submitted by the learned Government Pleader that there is no cause of action for the petitioner as on the date to file the present writ petition and the explanation submitted by the petitioner, to respond to the justification report dated 15.05.2017, is pending with the second respondent and no action has been taken on the same.

3. Having heard the learned counsel for the petitioner and the learned Government Pleader, the court deems it fit to direct the second respondent to consider the explanation/objections dated 22.05.2017 submitted by the petitioner in response to the justification report of the second respondent dated 15.05.2017 before proceeding further with grant of subject lease.

4. Accordingly, the writ petition is disposed of. Miscellaneous petitions pending if any shall stand closed. No order as to costs."

2(b). Though orders were passed by this Court, as action was not taken, petitioner also had represented to the Director to pass orders granting mining lease. Petitioner received letter No.16270/R3-2/2006, dated 22.02.2018 as follows:

"Further, it is to submit that the government through G.O.Ms.No.29, dated 15.02.2017 amended the APMMC Rules under clause (f) of sub rules (5) of Rule 12 under provision (ii) the area covered by lease for grants and 31 minerals mentioned at Sl.Nos.18 to 48 in schedule 1 of Rule 10 shall not be less than 1.000 hectare, but not exceeding 100,000 hectares in case of a lease serving as captive purpose to the processing industry and 50.00 hectares for non-captive purpose.

Further, it is to submit that the applicant M/s. UBR Minerals has not submitted any evidence to establish that the mineral is going to be utilized for captive purpose. Therefore he is eligible to an extent of 50.00 hectares. However the Government is vested with the powers to grant beyond the limitation on consideration of the circumstances. In this regard, the matter has been referred to Government for examination and issue necessary orders on the application.

The Government informed that as per Supreme Court judgment in the case of State of Kerala & Another Vs. Six Holidat Resorts (P) Ltd., & etc. in C.A.Nos.983-990 of 2003 and Ors. Etc. dated 13th January, 2010 observed that "Having regard to the fact that the State has exclusive privilege of manufacture and sale of liquor, and no citizen has fundamental right to get a licence, where there is no vested right, the application for licence requires verification, inspection and processing. In such circumstances it has to be held that the consideration of application of FL-3 licence should be only with reference to the rules/law prevailing or in force on the day of consideration of the application by the excise authorities, with reference to the law and not as on the date of application. Consequently the direction by the High Court that the application for licence should be considered with reference to the Rules as they existed on the date of application cannot be sustained".

2(c). In the light of the above said decision, the prevailing law as on date of consideration for grant of mining lease shall apply i.e., G.O.Ms.No.29 I & C Department, dated 15.02.2017, but not the law in existence as on the date of submission of application by depositing the amount for grant of licence by the applicant. In view of instruction of the Government, the applicant is eligible to get a lease over an extent of 50.000 hectares only as the law of prevailing on the date of grant of order.

2(d). The petitioner herein earlier filed W.P.No.28372/2017 before this High Court and the said writ petition was disposed of on 23.08.2017 directing to dispose the representation dated 22.05.2017 filed by the applicant as per rules. In view of the circumstances stated above, the application of the petitioner, dated 22.11.2004 is eligible to get a lease over an extent of 50.000 hectares, since not submitted any proof for considering the mineral is going to be used as captive source for existing Industry as per the prevailing Rule 12 (5)(f) under provision (ii) of APMMC Rules, 1966, therefore, he was requested to give a consent for reduced area of 50.00 hectares as against his application dated 22.11.2004 over an extent of 181.000 hectares to issue a grant order for Quartz in Sy.No.1035 for Kalvapally Village, H/o Racherla village, Racherla Mandal, Prakasam District as per amended provision of APMMC Rules, 1966.

2(e). From the above, he was asked to give consent for reduction of extent of 50.000 hectares as against his application for 448.57 acres (181 hectares) for issuing grant orders granting quarry on the application dated 22.11.2004 and he was put to much loss and hardship in view of the arbitrary orders of the Director of Mines and Geology and he submit that G.O.Ms.No.29, Industries & commerce (M.II) Department, dated 15.02.2017 cannot be made prospective and is not applicable to the applications filed only on and from 15.02.2017. In the present case, the

Government has also proposed vide memo No.4423/M.II(2)/2008-1, dated 15.05.2009 for the entire extent. Accordingly, he has complied with mining plan and also environmental clearance is issued by Government of India, Ministry of Environment, Forest by its letter dated F.No.J-11015/254/2010-IA.II(M), dated 10.08.2015 and also consent for establishment by AP Pollution Control Board in its order No.P-360/PCB/ZO-VJA/CFE/2015-1611, dated ---10-2015. It was only a formality of passing of orders granting quarry lease in view of the amendment. G.O.Ms.No.29, Industries & Commerce (M.II) Department, dated 15.02.2017 which cannot be made a retrospective application and the application where already a proposal is issued and complied. The fact also is being brought to the notice of Director of Mines and Geology in all the justification reports, the Hon'ble Court also directed the Director to consider the same.

2(f). He submits that the State Government's is a subordinate legislation and in the form of rules or regulations or notification, can only be prospective and it cannot be given retrospective effect. Section 15 of the Act empower the State Government to make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor mineral and for purposes connected therewith. Quartz was declared as minor mineral vide notification No.S.O.423 (E), dated 10.02.2015. Section 15 does not specifically or by necessary implication empower the State Government to frame any rule with retrospective effect also, the Act does not confer any special power on the State Government to frame any rule retrospectively. Any rule can be made operational only from the date of their issuance and publication. He further submits that in the absence of anything in the enactment to show that the rule made retrospective operation, no construction can be placed on the amended rules to give it retrospective operation. Therefore, the proceedings of the Director to the extent of ineligibility for the remaining extent of 131 hectares need to be set aside. The judgment cited by the Director, State of Kerala supra has no application to the case on hand. In the case on hand, he was proposed to grant way back in the year 2009 and also complied with all the statutory requirements. Therefore, he has accrued right for grant of quarry lease as per the proceedings in Memo No.4423/M.II(2)/2008-1, dated 15.05.2009 and was put to much loss and hardship in view of the orders of the Director and invested huge amounts till date and obtained all the approvals. As he has no other alternative, effective or efficacious remedy except to invoke the extraordinary jurisdiction of this Court, filed this writ petition.

3. The submissions made by the learned Government pleader for mines are the following:

3(a). The writ petition won't lie and the remedy is misconceived from the reason of amendment made to Rule 12(1) of the A.P.M.M.C. Rules, 1966 through G.O.Ms.No.81, Industries & Commerce (Mines-II) Department, dated 01.06.2017 issued by the Government of Andhra Pradesh, represented by the Secretary, Industries & Commerce Department, though Rule 12(1) and Rule 12(5)(f) deals with completely different situations having different objects and the petitioner's attempt to place the operation of the two rules on the same footing is with no legal base and the same is liable to be dismissed.

3(b). It is contended that <u>pursuant to the application of petitioner to the Assistant Director of Mines and Geology on 23.11.2004 for grant of mining lease for quartz over an extent of 448.57 acres in Sy.No.1035 of Kalvapally, hamlet of Racherla Village</u>, Racherla Mandal, Prakasam

District, made as per the procedure contemplated under the Mineral Concession Rules 1960 and Mines and Minerals (Development & Regulation) Act 1957 (for short 'the Act'), the area was cause inspected and surveyed and as per the survey report furnished on 02.06.2008 and forwarded to the Director of Mines and Geology, the area was reduced by acres 25.00 and the petitioner given consent for the same. The Director of Mines and Geology vide letter No.13875/R3-1/2004 dated 03.12.2008 asked the petitioner to furnish the justification particulars relating to said mine to the extent of 448.57 acres and the petitioner submitted the same as within the permissible limits of the Act and A.P. Minor Mineral Concession Rules 1966. The Government memo No.4423/ M.II(2)/2008-1 dated 15.05.2009 was tentative and there is no contract therefrom to enforce by any acceptance unconditionally for the proposed grant of mining lease for quartz over an extent of 448.57 acres for 20 years, that too when same was subject to submission of approved mining plan under Rule 22(4) of Mineral Concession Rules 1960 and satisfaction of all other terms and conditions of the Act and also subject to submission of Environmental clearance from Government of India under Environmental Impact Assessment as per S.O.1533, dated 14.09.2006 and consent for establishment from A.P. Pollution Control Board, leave about the mining plan was later submitted and the same was approved and forwarded to the State Government in memo No.4423/M.II(2) /2008-2 dated 14.07.2010 by the Director of Mines and Geology and the Environment Impact Assessment was conducted in 2012.

3(c). Later the Government of India amended the MMDR Act with effect from 12.01.2015 and in pursuance of the notification of the Government of India S.O.423(E) dated 10.02.2015, the Government of Andhra Pradesh vide G.O.Ms.No.34, Industries & Commerce Department, dated 14.03.2016 by delegated the powers to the Director of Mines & Geology-respondent No.2 for granting mining lease in respect of the proposed 31 minor minerals which were converted from the category of major minerals to minor minerals by the Government of India vide its S.O.423 supra. The Government of Andhra Pradesh vide G.O.Ms.No.56, Industries & Commerce Department, dated 30.04.2016 issued amendments to the A.P.M.M.C. Rules for regulation of Mineral Concession for 31 minerals and conduct of quarry operations with the approved mining plan. Based on environment clearance and from consent of the A.P. Pollution Control Board for establishment issued in Order No.P-360/PCB/ZO-VJA/CFE/2015-1611,dated 21.10.2015 for undertaking the unit activity under Sec. 25 of Water (Prevention & Control of Pollution) Act, 1974 and under Sec. 21 of Air (Prevention & Control of Pollution) Act, 1981 and the Rules there under. On receipt of all clearances, a Letter was submitted to the Secretary for grant of Mining Lease along with approval on 23.10.2015 and the amendments to the Mines and Minerals (Development & Regulation) Act No. 2015 came in to force w.e.f. 12.01.2015 by amending the Mines and Minerals (Development & Regulation) Act 1957. Government of India also had declared 31 major minerals as minor minerals vide S.O. 423 (E) dated 10.02.2015, out of which, Quartz is one of the minerals and hence from 10.02.2015 Quartz is a minor mineral within the purview of the State Government. The State Government had delegated powers to the Director as regards to the 31 minerals declared as minor minerals vide G.O.Ms.No.34, Industries and Commerce (M.I) Department, dated 14.03.2016. The State Government further amended the Rules vide in G.O.Ms.No.56, Industries & Commerce (M.II) Department, dated 30.04.2016 relating to the surveys and development of minor minerals and regulation of 31 newly declared Minor Minerals and consequently the petitioner was asked on 16.05.2016 to pay the difference of application fee and deposit the amount as per said G.O.Ms.No.56 supra and complied with letter dt.29-09-2016 and therefrom the Director in Memo No.16270/R3-2/2006, dated 15.10.2016 called for a further report from the Assistant Director and the petitioner had furnished the additional information whatever asked and the Assistant Director on 01.02.2017, forwarded to the Director and the Deputy Director of Mines and Geology had also furnished the Mineral Revenue Clearance Certificate in Lr.No.993/Q4/2017, dated 14.03.2017. As required the sketches were re-submitted by the Assistant Director to the Director in Lr.No.2049/M/04, dated 17.04.2017. In view of the G.O.Ms.No.29, Industries & Commerce (M.II) Department, dated 15.02.2017, the area sought in the application for grant of quarry lease is in excess of the maximum ceiling limit for non-captive purpose, i.e. 50.000 hectares as stipulated under Rule 12 (5) (f) of A.P. Minor Mineral Concession Rules 1966, the petitioner was requested to submit explanation as said application involved was in excess of upper limit thereunder so that to restrict it for an extent of 50.00 hectares only, since it is for the non-captive purpose, as is permissible under the amended Rule supra. The petitioner thus has no vested right for the claim for grant of mining lease much less as per the old rule.

3(d). The Apex Court in this regard in State of Tamilnadu v. M/s. Hind Stone[1], laid law that was followed in later similar cases, that the Rules existing as on the date of consideration of the application has to be followed. <u>It is also contended that grant of a letter of intent in favour of the petitioner respectively does not amount to crystallized right in his favour and at best the petitioner can be said to have an</u>

[1] 1981 (2) SCC 205

Inchoate Right and such a proposition of law is laid down by the Apex Court in the judgment dated 07.11.2016 in Civil Appeal No.4702/2006 in M/s. Pallava Granite Industries (India) Private Limited v. Union of India[2] and the petitioner having an Inchoate Right thereby cannot as a matter of right seek for issuance of a mandamus from the Hon'ble Court. The State by virtue of its sovereign power can change policy in public interest and pursuant to that mandate can issue orders or carry out amendments to rules from time-to-time, which are applicable as on the date of consideration of the grant from G.O.Ms.No.29 dated 15.02.2017 supra since applicable. Thereby that ought to apply from which no any accrued right of the petitioner taken away, but for the State Government is intending to reduce the area of mining to 50.00 hectares for the non-captive purpose for the said minor mineral in question and sought for dismissal of the writ petition.

4. Heard both sides and perused the material on record with reference to the legal provisions and propositions in relation thereto.

5. The relevant provision for consideration mainly is the amendment to Section 10 of the Mines and Minerals (Development and Regulation) Amendment Act, 25 of 2016 and the respective rules concerned to it.

5(a). Section 10 of the amended Act relevant portion is extracted as under:

> 10. Application for prospecting licences or mining leases.—(1) An application for [a reconnaissance permit, prospecting licence or mining lease] in respect of any land in which the minerals vest in the Government shall be made to the State Government concerned in the prescribed form and shall be accompanied by the prescribed fee.
>
> (2) Where an application is received under sub-section (1), there shall be sent to the applicant an acknowledgment of its receipt within the prescribed time and in the prescribed form.
>
> (3) On receipt of an application under this section, the State Government may, having regard to the provisions of this Act and any rules made thereunder, grant or refuse to grant the [permit, licence or lease].

[2] 2007 (15) SCC 30

[10A. Rights of existing concession-holders and applicants—(1) All applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall become ineligible.

(2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015:—

(a) applications received under section 11A of this Act;

(b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit-holder or the licensee, as the case may be,—

(i) has undertaken reconnaissance operations or prospecting operations, as the case may be, to establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government;

(ii) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence;

(iii) has not become ineligible under the provisions of this Act; and

(iv) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government;

(c) where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfillment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act:

Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this sub-section except with the previous approval of the Central Government.]

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5(b). The G.O.Ms.No.56, Industries & Commerce (M.II) Department, dated 30.04.2016, reads as under:

"In the GSR 2nd read above, Government of India have notified 31 Major Minerals as Minor Minerals in addition to the minerals already declared by the notification under section 3 (e) of Mines & Minerals (Development & Regulation) Act, 1957. Therefore, suitable provisions for granting of mineral concessions and regulation of mining operations in respect of these 31 minerals have to be created under Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. In the G.O 3rd read above, Government have amended Rule 10 of Andhra Pradesh Minor Mineral Concession Rules, 1966 thereby incorporating the 31 minerals in Schedule-I to rule 10.

3. In the reference 4th read above, the Government of India notified guidelines for constitution of District Level Environmental Impact Assessment Authorities and other guidelines for issue of Environmental Clearances for Minor Mineral leases for an extent of less than 5.000 Hectares etc. Accordingly, Mining Plan has become a pre-requisite for obtaining Environmental Clearance. Hence, a provision to the effect that quarry operations for Minor Minerals shall be conducted in accordance with the Approved Mining Plan has to be incorporated.

4. In the G.O. 5th read above, the Government while Rechristening of DMRTUF Trust as MERIT, and ordered to collect 2% on seigniorage fee on all Minor Minerals as contribution to MERIT. As such, Andhra Pradesh Minor Mineral Concession Rules, 1966 has to be amended to enable the department to collect 2% on seigniorage fee from the Lease holders.

5. In the G.O. 6th read above, orders were issued delegating the powers to the Director of Mines and Geology, A.P., Hyderabad for grant of mining leases in respect of newly declared (31) minor minerals.

6. In the G.O. 7th read above, the Government have announced the Manufactured Sand Policy – 2016.

7. In the letter 8th read above, the Director of Mines and Geology has proposed certain amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966 for providing for grant and regulation of mineral concession for 31 minerals and conduct of quarry operations of the all Minor Minerals other than Granite and Marble in accordance with the Approved Mining Plan.

8. The Government after careful examination of the proposal have decided to amend the Andhra Pradesh Minor Mineral Concession Rules, 1966.

9. Accordingly, the following notification will be published in an Extra-ordinary issue of the Andhra Pradesh Gazette dated.30-04-2016.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 15 of the Mines & Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1172, Industries and Commerce (M.I) Department, dated.04-09-1967 as subsequently amended from time to time.

AMENDMENTS

In the said rules, -

1. after sub-rule (f) of rule 4, the following shall be added, namely,-

"(g) 'Mining Plan' means a Mining Plan prepared under rule 7-A and scrutinized by Deputy Director of Mines and Geology for the development of mineral deposits in the area concerned.

(h) 'Recognized Qualified Person' means a person or an agency granted recognition by the Director of Mines and Geology or Indian Bureau of Mines (IBM) accredited person or consultancy to prepare Mining Plan."

2. for the words 'Granite and Marble' wherever occur, the words 'Granite, Marble and 31 Minerals mentioned at Sl.Nos.18 to 48 in Schedule – I of rule 10,' shall be substituted.

3. after rule 5 , the following shall be added namely,-

" 5 A (i) All the Mining Leases granted for the 31 Major Minerals that are declared as Minor Minerals and incorporated at Sl.Nos. from 18 to 48 in Schedule-I of rule 10 shall be regulated in accordance with the Andhra Pradesh Minor Mineral Concession Rules, 1966.

(ii) The provisions of rule 9 (iii) and rule 12 (5) (a) (ii) shall not be applicable in respect of 31 minerals mentioned at Sl.Nos. from 18 to 48 in Schedule-I of rule 10".

4. after rule 7, the following rule shall be added namely, -

"7 A(i) For systematic and scientific development of minor mineral deposits, quarry operations shall be under taken in accordance with the Mining Plan approved by the competent authority.

(ii) Mining Plan shall be prepared by a Recognized Qualified Person (RQP) in accordance with in Form –T for Minor Minerals other than Granite and Marble and submit to the authority authorized in this behalf for approval duly paying an amount of Rs.1,000/- towards processing fee.

(iii) Every Mining Plan duly approved under these rules shall be valid for the entire duration of the lease. The lessee shall review the mining plan and submit the scheme of mining for the next five years of the lease, 120 days before the expiry of the every five years period, for approval wherever quarry lease is required beyond 5 years.

(iv) 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 officer duly authorized in this behalf for approval".

5. after sub-rule (5) of rule 10, the following shall be added, namely,-

(6) When the quarry lease is granted, the lessee shall pay an amount equal to 2% on Seigniorage Fee towards contribution fund for Mineral Exploration, Research and Innovation Trust (MERIT)".

6. in rule 12, -

(i) for sub-rule (3) of the following shall be substituted, namely, -

"(3) The quarry lease applications for minor minerals under [items at Sl.No.1 to 3(a)] of Schedule-I to rule 10 shall be disposed off by the Deputy Director in order specified below:

(i) Application filed by Manufactured Sand Units (Existing units without quarry and green field units).

(ii) Crusher owners who do not have quarries.

(iii) Applications of Societies of Professional/(local) Traditional stone cutters (Waddaras).

(iv) Others.

Provided that the above priorities shall prevail if the subsequent applications are received within 30 days of the receipt of the first application, otherwise the applications shall be disposed off in the order of their receipt.

Provided further that the Deputy Director may with the prior approval of the Government grant a quarry lease overlooking the above priorities for any special reasons to be recorded in writing.

Provided also that whenever more than one application falling under category (1) above are received for grant of quarry lease and have to be considered, the Deputy Director shall refer the matter to the Government with his recommendations for a direction".

(ii) sub-rule (4) shall be omitted.

(iii) in item (a) of sub-rule (5) for sub item (i), the following shall be substituted, namely,-

"(i) A Prospecting License or a quarry lease for Granite useful for cutting and polishing, Marble and the 31 minerals mentioned at Sl.No.18 to 48 in schedule I of rule 10 shall be granted by the Director on an application made to the Assistant Director of Mines and Geology concerned in Form "N" or "P" and each application shall be accompanied by a sketch drawn to the scale demarcating the boundaries duly signed by the applicant and by a qualified surveyor and by a treasury challan for Rs.10,000/- (Rupees Ten Thousand) towards non refundable application fee and deposit of Rs.25,000/- (Rupees Twenty Five Thousand) for every hectare or part thereof in a bank account notified by the Director for this purpose. The deposit amount shall be refundable when the application is rejected on technical grounds like non availability of area, rejection of No Objection Certificate (NOC). The deposit amount shall be forfeited when the applicant fails to attend survey and inspection, withdrawal of the application by the applicant and non execution of the lease, and any other lapse on the part of the applicant.

Provided that the Andhra Pradesh Mineral Development Corporation Limited, (a wholly owned State Government Undertaking) is exempted from payment of deposit".

7. in sub-rule (2) of rule 13,

(a) for the words "at least ninety days before", the words "before ninety days" shall be substituted.

(b) after the words ".... it shall be disposed off before expiry of the lease period", the words "the Director of Mines & Geology may condone the delay in filing the application for renewal of quarry lease after the time limit prescribed and such application is received before expiry of the lease period".

8. in the Note available under Second renewal of Condition (xiv) of rule 31, for item (3), the following shall be substituted, namely,-

"(3) In case of leases for Minor Minerals useful for Road Metal, Ballast and Manufacture Sand serving as captive source for crushing unit/Manufactured Sand unit, the renewal may be granted as long as crushing/manufactured sand unit is in operation".

5(c). The G.O.Ms.No.29, Industries & Commerce (Mines-II) Department, dated 15.02.2017 reads as under:

" The Director of Mines & Geology, Government of Andhra Pradesh in the letter read above has submitted proposal to make certain amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. After careful examination of the said proposal, the Government hereby decided to make amendments to the said Rules, 1966.

3. Accordingly, the following notification is published in the Extraordinary issue of the Andhra Pradesh Gazette dt.15.02.2017.

4. This order issues with the concurrence of the Finance Department vide their U.O.N 45027/469/2016, dt. 02.01.2017 in the e-file of this Department.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 as amended from time to time, the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Minor Mineral Concession Rules for Regulation of grant of Mining Leases in respect of Minor Minerals in the State.

AMENDMENTS

1. In the said Rules, for the clause (f) of sub-rule (5) of rule 12, the following shall be substituted, namely:-

"*(f) Period and Extent to be granted for Prospecting Licence or Quarry Lease:*-

(i) A prospecting license for granite, marble and 31 minerals mentioned at Sl.Nos.18 to 48 in Schedule-I of Rule 10 shall be granted for a period not exceeding two years. The area covered by prospecting license for granite and 31 minerals mentioned at Sl.Nos.18 to 48 in Schedule-I of Rule 10 shall not be less than one hectare, but not exceeding hundred hectares in case of leases serving as captive purpose to a processing industry and fifty hectares for non-captive purpose. The minimum area covered by prospecting license for marble shall not be less than four hectares with a restriction that the dimensions of any one side of such area shall not be less than two hundred meters and the maximum area covered by Prospecting License shall be on par with granite and 31 minerals mentioned at Sl.Nos.18 to 48 in Schedule-I of rule 10.

(ii) The period for which a quarry lease for granite, marble and 31 minerals mentioned at Sl.Nos.18 to 48 in Schedule-I of rule 10 shall be thirty years in case of leases serving as captive purpose to a processing industry and twenty years for non-captive purpose:

The area covered by lease for granite and 31 minerals mentioned at Sl.Nos. 18 to 48 in Schedule-I of Rule 10 shall not be less than one hectare, but not exceeding hundred hectares in case of leases serving as captive purpose to a processing industry and fifty hectares for non-captive purpose. The area covered by quarry lease for marble shall not be less than four hectares with the restriction that the dimension on any one side of such area shall not be less than two hundred metres and the maximum area covered by Quarry lease shall be on par with granite and 31 minerals mentioned at Sl.Nos. 18 to 48 in Schedule-I of rule 10.

(iii) The Director Mines and Geology on his satisfaction after due consideration of production level, Geographical or Topographical condition may for reasons to be recorded in writing, grant or renew a license or lease over an area less than the minimum area specified under this rule.

(iv) The Government reserves the right to grant more than the prescribed limits of the area".

2. for the sub clause (viii) of clause (h) of sub-rule (5) of rule 12, the following shall be substituted, namely:-

"(viii) The prospecting licenses and quarry leases granted for the purpose of non-captive consumption are not transferable.

The prospecting licenses and quarry leases granted for captive consumption to a processing industry are transferable provided that the licensee or lessee shall transfer the lease alongwith the processing industry.

However, the licensee or lessee shall not assign, sublet, transfer or otherwise dispose of the license or lease that was granted for captive consumption along with processing industry, without obtaining the previous sanction in writing from the Director.

The transfer application shall be made to the Assistant Director of the District concerned in Form R along with nonrefundable application fee of Rs.10,000 (Rupees Ten Thousand only). The license or lease deed shall be executed as per the provision under clause (e):

The permission for transfer of lease along with processing industry shall be accorded on payment of an amount equivalent to ten times of annual dead rent per hectare or the amount equivalent to the dead rent per hectare for the unexpired period of lease, whichever is higher.

Provided further that the transferor and the transferee shall not be in arrears of any mineral revenue to the Government".

3. after sub-clause (xvi) of clause (h) of sub rule (5) of rule 12, the following shall be added; namely:-

"(xvii) Right of pre-emption:-

The State Government shall have the right of preemption to direct the lease holder of the said minerals lying in or upon the said lands hereby demised shall with all possible expedition deliver minerals to the processing industries in the State on fair market price or through e-auction with industry having first right of refusal under the power conferred by this provision."

4. for condition (ix) under rule 31, the following shall be substituted, namely:-

"(ix) The quarry leases for minor minerals except Sand, Granite, marble and 31 minor minerals mentioned at Sl.Nos.18 to 48 in Schedule-I of rule 10 are not transferable.

However, the quarry leases granted for minor minerals such as Road Metal, Ballast and Manufactured Sand serving as captive source for crusher unit are transferable if the lessee transfers the lease along with crusher unit, operating unit or as the case may be.

The lessee shall not assign, sub-let, transfer or otherwise dispose of the lease that was granted for captive consumption along with processing industry, without obtaining the previous sanction in writing of the Deputy Director concerned.

The permission for transfer of lease along with processing industry shall be accorded on payment of an amount equivalent to ten times of annual dead rent per hectare or the amount equivalent to the dead rent per hectare for the unexpired period of lease, whichever is higher.

Provided further that the transferor and the transferee shall not be in arrears of any mineral revenue to the Government."

5. In the Forms appended to the rules, prescribed under rule 12(5)(h)(viii) in MODEL FORM-R, in para 2, for the words and figures "Rs.5000/- (Rupees five thousand only)" the words and figures "Rs.10,000/- (Rupees Ten thousand only)" shall be substituted."

5(d). The G.O.Ms.No.34, Industries & Commerce (M.II) Department, dated 14.03.2016 reads as under:

"1. In the reference 1st read above, the Government of India enacted Mines & Minerals (D&R) Amendment Act 2015 and the same has come into force w.e.f. 12th January, 2015. Accordingly, certain minerals are eligible for grant of mining leases, under sub-section (2) of Section 10A, where a letter of intent has been issued before commencement of the Mines & Minerals (Development and Regulation) Amendment Act, 2015.

2. In the reference 2nd read above, the Ministry of Mines, Government of India, have issued a Notification in the Gazette of India, New Delhi declaring the following (31) minerals as minor minerals, by exercising the powers conferred under clause (e) of section 3 of the Mines & Minerals (Development and Regulation) Act, 1957:

1.Agate, 2. Ball Clay, 3. Barytes, 4. Calcareous Sand, 5. Calcite, 6. Chalk, 7. China Clay, 8. Clay (Others), 9. Corundum, 10. Diaspore, 11. Dolomite, 12. Dunite/Pyroxenite, 13. Felsite, 14. Felspar, 15. Fireclay, 16. Fuschite quartzite, 17. Gypsum, 18. Jasper, 19. Kaolin, 20. Laterite, 21. Limekankar, 22. Mica, 23. Ochre, 24. Pyrophillite, 25. Quartz, 26. Quartzite, 27. Sand (others), 28. Shale, 29. Silica Sand, 30. Slate, 31. Steatite or Talc or Soap stone.

Accordingly, the State Government has got the powers to make rules for these 31 minerals to regulate the grant of leases under Section 15(2) of Mines & Minerals (D&R) Amendment Act, 2015.

3. After careful examination of the matter, Government hereby delegate the powers to the Director of Mines & Geology, A.P., Hyderabad to take further action for granting of mining leases in respect of the proposals relate to the newly declared (31) minor Minerals, in which letter of intent was issued as per sub-section (2) of Section 10A of Mines & Minerals (D&R) Amendment Act, 2015 and any arising applications under the relevant provisions of A.P. Minor Mineral Concession Rules, 1966.

4. The Director of Mines & Geology, A.P., Hyderabad shall take necessary action accordingly."

6. From the above, Section 10A(1) of the amended Act 10 of 2015 clearly speaks that all applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall become ineligible. However, Section 10A(2) speaks without prejudice to sub-section (1) the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, of which as per Section 10A(2)(c), part of which we are now concerned, it speaks if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the amended Act, the mining lease shall be granted subject to fulfillment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of

the said Act. G.O.Ms.No.34, Industries & Commerce Department, dated 14.03.2016 also speaks the same as reference No.1 therein.

6(a). *The sum and substance of Section 10A(2)(c), we are now concerned as referred supra, thereby speaks the eligibility even from the date of commencement of the amended Act; it indicates if a letter of intent has been issued by the State Government to grant a mining lease before the commencement of the amended Act, such mining lease shall be granted subject to fulfillment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the amended Act.*

6(b). The above provision says in unequivocal terms with all emphasis of if a letter of intent (by what ever name called expressing the intention or aim for granting) has been issued by the competent authority (Central or State Govt. as the case maybe) who can grant such mining lease before the commencement of the amended Act 10 of 2015, certain right in equity can be taken as accrued to the applicant to seek protection therefrom to get the lease, in such a situation the mining lease shall be granted.

7. Now coming to facts, the undisputed facts are that: it was pursuant to the application of petitioner to the Assistant Director of Mines and Geology on 23.11.2004 for grant of mining lease for quartz over an extent of 448.57 acres in Sy.No.1035 of Kalvapally, hamlet of Racherla Village, made as per the procedure contemplated under the Mineral Concession Rules 1960 and the Act, the area was cause inspected and surveyed and found the area was reduced by acres 25.00 and the petitioner has given consent for the same and the Director of Mines and Geology vide letter No.13875/R3-1/2004 dated 03.12.2008 asked the petitioner to furnish the justification particulars relating to said mine to

the extent of 448.57 acres and the petitioner submitted the same as within the permissible limits of the Act and the A.P. Minor Mineral Concession Rules 1966 and it was therefrom the State Government issued memo No.4423/M.II(2)/2008-1 dated 15.05.2009 having proposed to grant the mining lease for quartz over the extent of 448.57 acres for 20 years, no doubt same was subject to submission of approved mining plan under Rule 22(4) of Mineral Concession Rules 1960 and satisfaction of all other terms and conditions of the Act and also subject to submission of Environmental clearance from Government of India under Environmental Impact Assessment as per S.O.1533, dated 14.09.2006 and consent for establishment from A.P. Pollution Control Board. Leave about the mining plan was later submitted and the same was approved and forwarded to the State Government in memo No.4423/M.II(2)/2008-2 dated 14.07.2010 by the Director of Mines and Geology and the Environment Impact Assessment was conducted in 2012, which are all prior to the coming into force of the amended MMDR Act with effect from 12.01.2015.

7(a). The only thing now to consider is whether the State Government issued memo No.4423/M.II(2)/2008-1 dated 15.05.2009 having proposed to grant the mining lease for quartz over the extent of 448.57 acres for 20 years, subject to submission of approved mining plan under Rule 22(4) of Mineral Concession Rules 1960 and satisfaction of all other terms and conditions of the Act and also subject to submission of Environmental clearance from Government of India under Environmental Impact Assessment as per S.O.1533, dated 14.09.2006 and consent for establishment from A.P. Pollution Control Board is an enforceable one being a letter of intent as per the amended Act Section 10A(2)(c)?

8. In this regard in answering same issue on similar but different facts, this Court in the Writ petition Nos.4122 & 4246 of 2018, dt.02-04-2018 between VUSB Bhushan Kumar Vs. the State of Andhra Pradesh rep. by its Principal Secretary, Mining Department and 2 others in this regard referring to several expressions including the one in Bhushan Power and Steel Limited v. S.L.Seal, Additional Secretary (Steel & Mines), State of Odisha[3], particularly referring to Section 10A(2)(c) of the amended Act 10 of 2015 supra, held that the applicants to be saved by Section 10A(2)(a), 10A(2)(b) and 10A(2)(c) of the amended Act in essence for attracting protection is letter of intent where issued from which some kind of right in law must have vested in the applicants concerned as per the unamended provisions.

8(a). The operative portion of VUSB Bhushan Kumar supra speaks:

> "30. Accordingly and in the result, both the W.P.Nos.4122 & 4246 of 2018 are allowed holding that the Government vide Memo Nos.14636 & 14325/M1(I)/2012, dated 17.10.2012, issued notice to the petitioner to submit approved mining plan, EC and CFE within six months and the petitioner submitted the approved mining plan under Rule 22(4) of the Mineral Concession Rules, 1960 vide letters, dated 18.05.2013, bearing Nos.1688 & 1691/MP-KNL/2013, EC dated 18.09.2014 and CFE dated 08.10.2014, is the letters of intent for all practical purposes to grant the mining lease to the petitioner under Section 10A(2)(c) of the amended Act No.10 of 2015 and that the amendment made to clause (f) of Sub-rule (5) of Rule 12 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 vide G.O.Ms.No.29, Industries & Commerce (Mines-II) Department, dated 15.02.2017, issued by respondent No.1 will no way effect said letters of intent for the proposed mining lease issued to the petitioner by the respondents and thus the Memo No.14636/M.II(1)/2012, Industries & Commerce (Mines-II) Department dated 24.03.2016 as contrary to law and without jurisdiction and accordingly set aside the same to grant the lease respectively to the petitioner as per the letters of intent pursuant to Section 10A(2)(c) of the amended Act. No order as to costs.

[3] (2017) 2 SCC 125

8(b). Having regard to the above, once it unequivocally indicates that if a letter of intent (by what ever name called expressing the intention or aim for granting) has been issued by the State Government to grant a mining lease before the commencement of the amended Act, such mining lease shall be granted subject to fulfillment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the amended Act as certain right in equity can be taken as accrued to the applicant to seek protection therefrom to get the mining lease, from the facts supra, as it was pursuant to the application of petitioner dt.23.11.2004 for grant of mining lease for quartz over the extent of 448.57 acres in Sy.No.1035 of Kalvapally, after the area was cause inspected and surveyed and the Director of Mines and Geology vide letter No.13875/R3-1/2004 dated 03.12.2008 asked the petitioner to furnish the justification particulars relating to said mine to the extent of 448.57 acres and it was therefrom the State Government issued memo No.4423/M.II(2)/2008-1 dated 15.05.2009 having proposed to grant the mining lease for quartz over the extent of 448.57 acres for 20 years, it was the letter of intent to bind the respondents to grant the lease for said extent therefrom.

9. Accordingly and in the result, the Writ Petition is allowed and while setting aside the proceedings of the Director of Mines and Geology in Lr.No.16270/R3-2/2006, dated 2.2.2018 in passing orders in reducing the extent of area for grant of quarry lease to 50.000 hectares by applying G.O.Ms.No.29, Industries & Commerce (M.II) Department, dated 15.02.2017 retrospectively, by holding that the applicant's right to claim pursuant to his application dated 23.11.2004 submitted for grant of mining lease for quartz for an extent of 448.57 acres in Sy.No.1035 of Kalvapally, hamlet of Racherla Village, Racherla Mandal, Prakasam

district is saved by Section 10A(2)(a), 10A(2)(b) and 10A(2)(c) of the amended Act from the letter of intent covered by the later proceedings of inspection and survey and letter No.13875/R3-1/2004 dated 03.12.2008 of the Director of Mines and Geology whereunder the petitioner was asked to furnish the justification particulars relating to said mine to said extent and it was therefrom the State Government issued memo No.4423/M.II(2)/2008-1 dated 15.05.2009 having proposed to grant the mining lease for quartz over said extent of 448.57 acres for 20 years so to bind the respondents to grant the lease for said extent therefrom. There is no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO

Date: 25.04.2018
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