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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

Government of West Bengal  
Commerce & Industries Department, Mines Branch  
4, Abanindra Nath Tagore Sarani (Camac Street)  
Kolkata - 700016

### NOTIFICATION

No. 809/CIO/MM/84/11 dated the 1st December 2011. In exercise of the power conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Governor is pleased hereby to make the following amendments in the West Bengal Minor Minerals Rules, 2002 (hereinafter referred to as the said rule) which will come into effect on the date of its publication in Official Gazette:

### AMENDMENTS

In the said rules,

- (1) in sub-rule (1) of rule 5, after the words 'mining lease', insert the words 'except for river-bed materials (excluding in-situ hard rock) and minerals like kankar, morrum, and brick-earth on land vested in Government';
- (2) after rule 16, insert the following rules:

~~16A. Non applicability of Rule 5 to Rule 16.~~ Rule 5 to Rule 16 will not be applicable in case of grant of mining lease in respect of river-bed materials (excluding in-situ hard rock), kankar, morrum, and brick-earth on land vested in Govt. which will be governed by rule 16B.

16B. Grant of Mining Lease by Auction.

- (i) Mining lease in respect of river-bed materials (except in-situ hard rocks), and minerals like kankar, morrum, and brick-earth on land vested in Govt. shall be granted only through public notice inviting tenders in sealed cover. Such mining lease shall be for a period of not more than two years.
- (ii) Tender shall be submitted in triplicate in form H and the mining lease in favour of successful bidder shall be granted as nearly as possible in Form I and the lessee will strictly abide by the terms and conditions of such lease.



- (iii) Tender conditions shall be specified in the Notice Inviting Tenders. Publication and issue of Notice Inviting Tenders and procedure for consideration of tenders and for grant of such mining lease are laid down in schedule VII of these rules.
- (iv) Mining lease shall be granted by the District Magistrate of the concerned district following the procedure laid down in schedule VII of this Rule.
- (3) For schedule I, substitute the following Schedule: -

## 'Schedule - I'

[See rule 20(1) (a) of the West Bengal Minor Mineral Rules, 2002]

Rates of Royalty

|    | Name of Minor Minerals                          | Rates  |
|----|---|--|
| 1. | Boulder/Pebbles/Stones/Sand Stone               | Rs. 35/- (Rupees Thirty five) per cubic metre                |
| 2. | Gravel  | Rs. 35/- (Rupees Thirty five) per cubic metre                |
| 3. | Granite<br>- Black<br>- Gray<br>- Coloured      | Rs. 1000/- (Rupees One thousand) per cubic metre             |
|    |   | Rs. 625/- (Rupees Six hundred twenty five) per cubic metre   |
|    |   | Rs. 825/- (Rupees Eight hundred twenty five) per cubic metre |
| 4. | Impure Quartz, Kankar & Morrum                  | Rs. 23/- (Rupees Twenty three) per cubic metre               |
| 5. | Laterite  | Rs. 23/- (Rupees Twenty three) per cubic metre               |
| 6. | Limeshell & Limestone used for building purpose | Rs. 62/- (Rupees Sixty two) per cubic metre                  |
| 7. | Marble  | Rs. 950/- (Rupees Nine hundred fifty) per cubic metre        |
| 8. | Other Minor Minerals                            | Rs. 23/- (Rupees Twenty three) per cubic metre               |
| 9. | Ordinary Clay/Fuller's Earth/Brick Earth        | Rs. 18/- (Rupees Eighteen) per cubic metre                   |

- (4) for schedule II, substitute the following schedule :-

## 'Schedule - II'

[See rule 20(1) (b) of the West Bengal Minor Minerals Rules 2002]

Rates of Dead Rent

|                        |                                  |
|------------------------|----------------------------------|
| First Year             | - Rs. 1250.00 per acre           |
| Second year            | - Rs. 1850.00 per acre           |
| Third year and onwards | - Rs. 3000.00 per acre per annum |

- (5) after Schedule VI, insert the following Schedule :-

## 'Schedule - VII'

(See Rule 16B of West Bengal Minor Minerals Rules, 2002 as amended)

1. Mining Lease for river-bed materials viz., Sand, Stone, Boulder, etc. (except in situ-hard rocks), kankar, morrum and brick earth on land vested in Govt. shall be granted Panchayat-wise/Block-wise by the District Magistrate for a maximum period of two years.



Each Block identified for exploitation shall be widely notified defining the boundary of the areas with reference to Plot Nos, Mouzas, P.S. etc. by publication in the National Dailies, local News Papers and also in the Notice Boards and the websites of the concerned office at least 30 days before the date of auction to be held at the office of the respective D.L. & L.R.O.

Before auction, base price of the mineral to be auctioned is to be determined. For this purpose, the District Magistrate will set up a committee comprising officers of D.L. & L.R.O., Director of Mines & Minerals and any other officer as deem fit.

Any person who intends to obtain a mining lease as notified shall submit sealed tender in the prescribed form along with the documents as required with the deposit of 500/- (Rupees five hundred only) as application and fee Rs. 10,000/- (Rupees Ten thousand only) as earnest money to the appropriate head of account.

D.L. and L.R.O. / authorized officer will act as presiding officer of the auction. On completion of the auction result will be announced by the presiding officer. Generally highest bid offered by a tenderer will be accepted. However, bid will not be treated as accepted unless confirmed by the District Magistrate. In case the highest bid amount and one or more tender amount remain the same, the accepted bid shall be decided by drawing lots.

The deposits as earnest money and application fee submitted by unsuccessful bidders will be returned within fifteen days from the date of confirmation of the bid. The provisionally selected bidder as announced in the D.L. & L.R.O. shall deposit 25% of the bid amount in Govt. Treasury under the proper Head of Account and submit a copy of chalan to the D.L. & L.R.O. on the next working day after announcement.

The District Magistrate shall confirm the accepted amount of bid and select the bidder. He may reject a tender without assigning any reason therefor. If no tender is received over and above the base price he may grant lease on base price or he may order for tender afresh.

The successful bidder on receipt of LOI / grant order from the D.M. shall deposit the remaining 75% of the bid amount in Treasury. He will submit a draft lease deed in Form-I to the D.M. for execution along with copy of chalan showing the said deposit.

If the successful bidder fails to pay 25% of the bid amount or the remaining 75% of the accepted amount before execution of the lease deed, the amount so far deposited by the bidder shall be forfeited by the government.

District Magistrate may cancel auction conducted by the D.L. & L.R.O. if he is not satisfied with the publicity, participation and the offered amount of bid.

A lease deed shall be executed in favor of successful bidder within one month from the date of issue of grant order by the DM.

The successful bidder shall be bound to observe all the provisions of the Rules and Regulations of the Mines and Minerals (Development and Regulation) Act, 1957 and West Bengal Minor Minerals Rules, 2002 as amended and related Environment Protection Rules.