

Through Speed Post/ Email

No. 510/01/2014/NA
Government of India
Ministry of Coal
Office of the Nominated Authority

Shastri Bhawan, New Delhi
Dated: 12th May, 2015

To,

Shri Satya Prakash Negi, IFS
Director(Mines)-cum-Special Secretary,
Department of Mines & Geology,
Government of Jharkhand,
Jharkhand Mantrayala, Nepal House,
Doranda, Ranchi – 834002.

Subject: Clarification regarding grant of mining lease.

Sir,

Please refer to your email dated 24.04.2015 seeking clarification whether mining lease in favour of successful bidders be executed under Rule 22 or Rule 37 of the Mineral Concession Rules, 1960 (MCR).

2. In this regard it is stated that Rule 37 of the MCR provides for transfer of mining lease by the original lessee to a third party by making an application for seeking previous consent from the State Government. It is understood that such arrangement of transfer of mining lease requiring original lessee (i.e. prior allottee) to make an application is not provided in the Coal Mines (Special Provisions) Act, 2015.

3. Sec. 8(4)(b) and 8(8) of the Coal Mines (Special Provisions) Act, 2015 reads as follows:

“Sec. 8(4) - The vesting order shall transfer and vest upon the successful bidder, the following namely:-

(a)...

(b) entitlement to a mining lease to be **granted** by the State Government;...”

“Sec. 8(8) – Upon the execution of the vesting order, the successful bidder of the Schedule I coal mine shall be **granted**

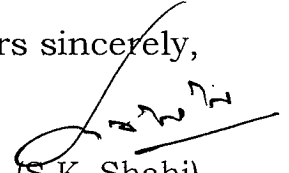
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a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development and Regulation) Act, 1957.”

4. From the reading of above provisions it appears that a fresh mining lease is to be granted to the successful bidder in accordance with the provisions of Rule 22 of the MCR. It is clarified that Rule 37 is not applicable in such cases.

5. This issues with approval of the Nominated Authority.

Yours sincerely,



(S.K. Shahi)
Director(NA)

Copy to:

1. Under Secretary(CA-III), Ministry of Coal, New Delhi.