

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Mines and Minerals – Expeditious disposal of Mineral Concession applications – Fixing of time limits at different levels – Orders - Issued.

Industries & Commerce (Mines-II) Department

G.O.MS.No. 163

Dated: 16-11-2017

Read the following:

1. G.O.Ms No: 122, Industries & Commerce (M.I) Dept., dated 07.04.1998.
2. G.O.Ms No: 181, Industries & Commerce (M.I) Dept., dated 28.05.1998.
3. G.O.Ms.No:2, Revenue (Assignments.I) Dept., dt. 02.01.2013.
4. G.O.Ms No: 73, Industries & Commerce (M.I) Dept., dated 07.08.2013.
5. Govt., Memo No. 5624/For.I(1)/2005-2, dt. 01.09.2005 from EF & ST Dept.
6. Govt., U.O. Note No. 4228/For.I(1)/2010, dt. 15.09.2011 from EF & ST Dept.
7. G.O.Ms No: 107, Industries & Commerce (M.II) Dept., dated 30.07.2016.
8. From the DM&G, GoAP, Lr., No. 4408/P/2014, Dt. 07.09.2017.

ORDER:

In the G.O. 1st read above, Government issued orders authorizing the Assistant Director of Mines & Geology of the concerned District to receive the mineral concession applications.

2. In the G.O. 2nd read above, the Government issued orders prescribing the procedure for disposal of mineral concessions applications for compliance by all the officers of Government at different levels.

3. In the G.O. 3rd read above, the Government in Revenue Department have issued uniform guidelines for issue of "NOCs" in respect of licenses for mining lease and quarry lease etc., in supersession of all the existing orders on the subject matter.

4. In the G.O. 4th read above, orders were issued to file mineral concession applications through online service facilitated in Andhra Pradesh - portal of Government of Andhra Pradesh (i.e., Mee-seva).

5. In the G.O. 7th read above, orders were issued fixing time limits at different levels in Government for issue of No objection Certificates for expeditious disposal of mineral concession applications, duly superseding the orders issued in G.O.Ms.No:2, Revenue (Assignments.I) Dept., dt. 02.01.2013.

6. In the reference 8th read above, the Director of Mines & Geology, Andhra Pradesh, Vijayawada has stated that a decision has been taken by Government during the review meeting held on 02.08.2017 to take measures for early disposal of Mineral Concession Applications by getting the clearances from the Revenue department (NoC), which leads to fetch additional income to the Government ex-chequer and also have a direct bearing on collection of other taxes like GST, IT etc., apart from providing employment to youth.

7. Accordingly, the Director of Mines & Geology, Andhra Pradesh, Vijayawada has sent a proposal to Government to issue modified orders on issue of NOC, issued in G.O.Ms.No.107, Ind. & Com.(M.II), Dept., dt. 30.07.2016, so as to dispose the pending mineral concession applications expeditiously and in turn to generate more Mineral Revenue to State Ex-chequer and to improve mineral production in the State, which will have a direct bearing on collection of other taxes like GST, IT etc., apart providing employment to public.

(P.T.O)

8. In furtherance to the objective of expediting disposal of Mineral concession applications and in supersession of the orders issued in the G.O. 7th read above, Government hereby issues the following instructions for strict compliance by all the officers of the Government at different levels:-

- (i) Immediately, on receipt of the application, AD shall scrutiny the application whether the application is received with relevant documents, if any deviations are noticed may call for rectification of the said omissions within 15 days from the date of intimation of the letter by the AD to the applicant. If the applicant fails to comply the omissions within the above said period, it deserves for rejection.
- (ii) Immediately, on receipt of valid application/s on an area, the AD shall send a copy of plan along with details of the area applied for, without intimating the name of the applicant/s duly mapping the existing lease areas to the Tahsildar concerned to report the classification/ category and availability of the land for grant of lease.
- (iii) In case of group of applications are received on the same area, the AD shall send the details of area applied, duly covering all the areas applied for without disclosing of the names of the applicants to the Tahsildar concerned to send report on the classification/ category and availability of the land for grant of lease.
- (iv) In case of Mineral Concession applications pending as on the date of notification of this G.O., the AD shall furnish the details of the areas covered under mineral concession applications, duly mapping on combined plan, if necessary, to the Tahsildar concerned without intimating the name of the applicants.
- (v) The Tahsildar concerned shall send his report to the AD within a period of 20 days from the date of receipt of intimation from the AD concerned in respect of the area sought for NOC.
- (vi) If no report is received from the Tahsildar concerned within the prescribed time limit of 20 days from the date of receipt of intimation from the ADM&G concerned, matter shall be referred to the Joint Collector, who inturn shall provide NoC for the area within next 10 days.
- (vii) If the District Collector is in agreement with report of Tahsildar/Joint Collector, there is no need to make any further report to the Director of Mines & Geology/ Deputy Director of Mines and Geology as the case may be. However, if the District Collector disagrees with recommendations of the Tahsildar/Joint Collector, he will send his recommendations to the Director of Mines & Geology / Deputy Director of Mines and Geology within 30 days from the date of receipt of report from Tahsildar/Joint Collector. In case no report is received from the District Collector within 30 days, it will be assumed that the Collector has no objection in grant of Mineral concessions.
- (viii) In respect of the Revenue lands adjoining or within 500 mts distance from the R.F. boundary, joint inspection of Revenue, Forest and Mining Officials shall be conducted. Then the Tahsildar shall issue NoC after obtaining no objection report from the Divisional Forest Officer concerned.
- (ix) In respect of Assigned Lands/Patta Lands, the Tahsildar shall indicate the names of the Assignees/Pattadars based on the latest land records for obtaining consent from them.

(Cont...)

- (x) The Assistant Director will submit his report along with recommendations of the Tahsildar to the Director of Mines & Geology/ Deputy Director of Mines and Geology, as the case may be, within 15 days from the date of receipt of report from the Tahsildar. The Assistant Director shall send his recommendations directly to the Director of Mines & Geology in respect of the leases to be granted by the Director of Mines and Geology/Deputy Director of Mines and Geology, as the case may be.
- (xi) In order to ensure that the Officers at field level i.e., Assistant Director and the Tahsildar concerned take action and send their reports within the stipulated time, the Government issued orders in G.O.Ms No. 220, Industries & Commerce (IP) Department, dated 01.09.1997 to include Assistant Director of the District as a member in the District Industrial Promotion Committee and review of pending mineral concession applications as one of the items in the monthly meeting of the District Industrial Promotion Committee. If there are delays in receipt of report from the Tahsildar, the Assistant Director concerned will bring such cases to the notice of Collector at the monthly District Industrial Promotion committee meeting. The District Collector will ensure that Tahsildar send their reports within the specific time.
- (xii) The Deputy Director shall inspect the Assistant Director of Mines & Geology offices quarterly in his jurisdiction, in order to ensure that the directions of the Government for timely disposal of applications, are complied and the proposals being processed in accordance with the rules and regulations.
- (xiii) In respect of areas falling in the Forest, the Assistant Director will submit proposals to the Director of Mines & Geology with technical observations of the area applied for, with 9 sets of application as per the Forest Conservation Act 1980, duly filled in, by the respective applicants. The Director of Mines & Geology in turn will forward the statutory proformas to the Principal Chief Conservator of Forest, so as to enable the applicant to obtain the forest clearance under the said Act. The Principal Chief Conservator of Forest (PCCF) will make his recommendations to the Government within a period of 30 days. The Government in the Environment Forests Science & Technology Department (EFS&T) will in turn make recommendations to the Chief Conservator of Forest (Central), at Bangalore or Government of India, as the case may be, in consultation with the Department of Industries & Commerce (Mines) Dept., within a period of 30 days.
- (xiv) On receipt of report from the Assistant Director concerned, the Director of Mines & Geology/Deputy Director shall either pass orders granting lease or make recommendations to the State Government/Director of Mines & Geology depending upon the delegation of powers within the period of 30 days. While passing orders or making recommendations to the Government, the Director of Mines & Geology / Deputy Director will take note of the opinion of the Collector on the recommendations of the Tahsildar, if any such opinion is received. If no opinion of the Collector is received, the Director/the Deputy Director will pass orders or make his recommendations to the Government, as the case may be, on the basis of report of the Tahsildar.
- (xv) The Government will scrutinize the proposals and pass final orders within a period of 30 days.
- (xvi) No fresh NoC is required for the renewal of leases.

9. All the District Collectors are instructed to refer the mineral concession applications pending for issuance of NOC to the Tahsildar concerned for taking further action.

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10. This order issues with the concurrence of Revenue Department through e-office file bearing C.No.8165/M.II(1)/2017, dt. 03.10.207 and Environment, Forest, Science and Technology Department while issuing G.O.Ms.No.181, Ind & Comm (M.I) Dept., dt. 28.05.1998 and in accordance with instructions issued by the Environment, Forest, Science and Technology Department vide references 5th & 6th read above.

11. The above instructions shall be followed meticulously by all the concerned.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SREEDHAR
SECRETARY TO GOVERNMENT (MINES)

To
The Director of Mines & Geology, GoAP., Ibrahimpatnam,
Vijayawada.
The Principal Chief Conservator of Forest, A.P.
All the District Collectors in the State
The Revenue Department / E.F.S.& T Dept.,

Copy to:

The P.S. to Minister for Mines & Geology
The P.S. to Secretary to Government (Mines)
Ind. & Com.(M-I/M-III) Dept.,
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER