

1/24/2009-RC-I  
GOVERNMENT OF INDIA  
MINISTRY OF MINES

Dated 16<sup>th</sup> December, 2009

**ORDER**

**Subject: Delegation under Section 30 of MMDR Act, 1957**

Section 30 of the MMDR Act, 1957 confers powers on the Central Government to revise any Order made by the State Government under the MMDR Act, 1957 other than in respect of a minor mineral.

2. Rule 54 and 55 of the Mineral Concession Rules, 1960 essentially laid down the following procedure:

(i) Any person aggrieved by an Order of the State Government may apply for revision to the Central Government.

(ii) The Revision application shall be in the form attached to the Rules.

(iii) Revision application can be made within 3 months of communication of the Order to him; provided that delay may be condoned for sufficient cause.

(iv) The Party to whom a PL or ML has been granted shall be an impleaded party.

*Bhupendra K. Sharma*

(v) On receipt, the application shall be examined with respect to jurisdiction and delay, if any, and in case it is proposed to refuse admission, speaking order shall be issued to the applicants.

(vi) Revision application on admission shall be sent to the State Government and impleaded parties, specifying the date on or before which he may make representation against the revision petition.

(vii) The State Government and the impleaded parties shall furnish their comments within 3 months, endorsing a copy to other parties (i.e. other impleaded parties/State Government).

(viii) The comments received shall be sent to other impleaded parties for "further comments" or counter-comments to be made within one month.

(ix) The revision application, comments and counter-comments constitute the records of the case.

(x) On consideration of the records of the case, the Central Government may, in exercise of revisionary powers, confirm, modify or set aside the impugned Order.

3. The matter has been considered with reference to the high pendency, directions of the High Courts in several cases for expeditious disposal, and complaints of delays. It has accordingly

*Pratap Khande*

been decided that the provision of Section 30 of the MMDR Act, 1957 and Rule 54 and 55 of Mineral Concession Rules, 1960 shall be strictly enforced with reference to procedure and time limits in order to obviate scope for delay.

4. Accordingly, the powers of the Central Government under Section 30 of the MMDR Act, 1957 shall be exercised by the Officer specified in Annexure A to this Order, in the following manner:

(i) Based on the records of the case as specified in Rule 55(3) of Mineral Concession Rules, 1960 the Officer concerned shall record his preliminary opinion and forward the record to the Department of Legal Affairs for concurrence. Oral hearing is not stipulated under the Rules and hence in the normal circumstances, there may not be any need to provide oral hearing. However, if the officer concerned perceives a need to conduct oral hearing, he/ she will proceed accordingly. Similarly, if any party to the Revision Application requests for oral hearing, the officer concerned will take a decision whether to conduct the oral hearing or not and then proceed accordingly. Thereafter he/she will record his /her findings, draft an order and send to DLA for concurrence.

(ii) On receiving the concurrence, except where it involves a prior approval accorded by the Ministry of Mines, the Officer

*Bhupendra Nanda*

shall finalise the Order, incorporating any observation of the Dept of Legal Affairs, and issue the Order under his signature, giving the U.O. No. and date of concurrence of the Dept of Legal Affairs.

(iii) In case the Dept of Legal Affairs prefers advice at variance with the preliminary opinion, the Officer shall incorporate such opinion in his revised Order to the extent deemed appropriate and again forward the record to the Dept of Legal Affairs for concurrence.

(iv) If the Dept of Legal Affairs still declines to concur, and the Officer is of the opinion that it is not advisable to proceed in accordance with the views of the Dept of Legal Affairs, he shall submit the record to his immediate superior giving the reasons and such Officer shall prepare a draft final opinion which shall be submitted through the Additional Secretary/ Secretary (Mines) to the Minister of Mines. On approval by the Minister of Mines, the order shall be issued by the Officer recording both U.O. No. and date of last consultation with Dept of Legal Affairs and the date of approval of the Minister of Mines.

(v) All cases involving prior approval having been accorded by the Minister of Mines should be submitted by the Officer concerned through Additional Secretary / Secretary (Mines)

*Pratap Khande*

to the Minister of Mines for approval along with a draft final opinion prepared by the Officer in case it has been concurred to by the DLA and by his immediate superior in other cases , in a manner similar to S.No.(iv) above.

5. All Orders shall be communicated to the State Government, revision-applicant and impleaded parties and posted on the website of the Ministry of Mines.
6. In respect of applications which are time barred or an issue of jurisdiction is raised, such matter shall be disposed off first , before admission, in the manner given in Para 4.
7. A monthly Report shall be submitted to the Office of the Minister in the form of Annexure B showing the exercise of delegated powers by the Officers specified in Annexure A.
8. Annexure A may be amended from time to time in accordance with the delegation approved by the Minister of Mines.

This issues with the approval of Minister of Mines in supersession of all previous orders on the subject.



(V.K. Thakral)  
Joint Secretary to the Government of India

To

All Revisional Authorities

Copy to:

1. PS to Hon'ble Minister of Mines
2. Sr. PPS to Secretary (Mines)
3. PPS to Special Secretary (Mines)

ANNEXURE - A

Name of the Officers nominated for disposing of the  
Revision Applications under Section 30 of the MMDR  
Act., 1957.

1. Smt. Ajita Bajpai Pande, Joint Secretary (M&R)
2. Mr. Vinod Thakral, Joint Secretary (M)
3. Mr. Suresh Kishnani, Director
4. Mr. Bhupal Nanda, Director
5. Mr. R. K. Malhotra, Deputy Secretary
6. Mr. Gaurav Kumar, Deputy Secretary (Except prior approval cases)

*Bhupal Nanda*

ANNEXURE B

Name of the Officer \_\_\_\_\_

Report for the month of \_\_\_\_\_

S.No.	Status	Opening Balance	Addition during the month	Disposal during the month*	Closing balance	Remarks
i	For admission					
ii	For comments					
iii	For counter comments					
iv	Pending for preliminary opinion					
v	Pending concurrence of DLA					
vi	Pending issue of final orders					

\*In case admission is refused, the case will directly be reflected in disposal in S.No. (i) and detail given in remark column, and shall then not continue into the row at S.No.(ii).