

FORM OF ANNUAL QUARRY LEASE FOR SAND

(Disposed by Public Auction U/S 70 of the Maharashtra Minor Mineral Extraction
(Development & Regulation) Rules 2013 & Govt. Revenue and Forest Department Resolution
No. Gau.kha.ni/10/0512/Pra.kra.-300/Kh./ dt. 12 March 2013

This indenture made this ____ day of _____, _____ on behalf of the Collector (hereinafter called the 'Lesser' which expression shall where the context so admits is deemed to include his successor in office and assigns) on one part and Shri _____

R/o. _____ (here in after referred to as the "Lessee").

Where as the lessee has bided highest in the public auction held on _____ for recorded sand block described in the schedule herein after written as "Sand Quarry" and where as the lesser has communicated his approval to grant of this lease for the period from _____ to 30/09/2017 in consideration of Rs. _____ (Rupees in words _____ out of this Rs. _____ has been credited vide receipt No./ Challan No. _____ dated _____ and subsequently Rs. _____ (Rupees _____) being the balance amount of the highest bid vide receipt No./Challan No. _____ dated _____ and security deposit Rs.----- vide Challan No. _____ dated _____.

In witness where of these presents have been executed in manner here under appearing the day and year first above written. The schedule above referred to....

District	Tahasil	Name of Sand Ghat/ Block/ Village	Survey No./ Gat No.	Area Sq. Mtr.	Depth Mtrs.	Sanctioned Quantity of Sand (Brass)
Amravati						

Details as per the sanctioned order No. Khanij/Re.h./Kavi- /201 dated / / 201

Estimated on the demarcated plan here to annex and thereon colored red here in after referred to as the said quarry. The lesser and the lessee is hereby mutually, agreed to abide by the terms and conditions set forth at the time of auction and also as below viz :

TERMS AND CONDITIONS :-

- 1) On acceptance of the bid bidder shall execute an agreement on stamp paper (Purchase at his own cost) with surety's solvent for the amount of contract within 15 days after the sale is confirmed and earnest money is paid. If the agreement is not executed within the prescribed time the area will forthwith be forfeited. The contractor will not be put in possession of the area until he execute the agreement on due date.
- 2) The auction purchaser shall not excavate or remove and shall not permit excavation nor removal of sand from places which are in vicinity of hamlets, house or other construction so as to expose the said mineral being excavated or removed from such places. The decision of the collector as to the area from which removal of sand should be prohibited shall be final.
- 3) The sand shall not be dredged / removed / excavated within 600 mtrs. (2000 fts.) from any side of the railway bridge and 200 mtrs. from road bridge, 500 mtrs. from water sources and or as fixed by GSDA.
- 4) The collector shall have absolute powers to impose such restrictions on the use of dredger / JCB, pocklein or any excavator for the excavation of sand in any area as shall appear to him to be reasonable in the interest of free navigation and/or public convenience, protection of life and property. Lessee should take permission before using dredger/JCB/ pocklein machine and shall not excavate sand below the depth as fixed by GSDA from the surface.
- 5) The sand shall not be removed from the places lying outside the prescribed limits not from lands which are owned by the private individuals although they may be within the contractor's area and also not from the places which are used as roads or footpaths. Excavation should not be beyond the depth fixed. Excavation should be in one level.
- 6) The amount of auction money should be paid in one installment before starting the work. The amount of deposit should be adjusted at the time of making payment.
- 7) The auction purchaser shall be liable for any loss or damages to the private property which may occur by excavation or by removal of sand such loss or damages shall be estimated by the collector whose decision shall be final and the amount of such a loss as determined by the collector shall be recoverable as arrears of land revenue.
- 8) The auction purchaser shall not sue the Govt. for loss or damages in the event of Govt. Cancelling the contract during the period of its existence nor shall prohibit excavation or removal of sand / clay for Govt. Work within the area for which contract is given.
- 9) The parties intending to carry and shall not be entitled to do so until they have obtained passes from the contractor who has the right to collect the prescribed fees before issuing the passes. No sand should be transporter without the valid transit passes duly issued to the contractor by the competent officer. The pass is valid for the date of which it has been issued. Any transportation of mineral without valid or tempered passes will be consider as unauthorized excavation and will be a punishable offence under section 48 (7) & (8) of Maharashtra Land Revenue Code 1966.

10) The contractor shall not store sand for the resale purpose. On expiry of the contract all property or sand which has been excavated but not removed shall vest with the Govt. The Contractors shall not sue for the price of the excavated property of sand not removed before the expiry of the period.

11) The auction purchaser shall give preference to the cooperative societies in the matter of grant of permits and passes for removal of sand.

12) The auction purchaser shall not sublet the area or take any partner or change its status without the express previous permission of the collector.

13) The auction purchaser shall maintain a register and submit the prescribed monthly statement regarding dispatches of sand from the ghat before 10th of the following month to the collector / SDO / Tahasildar having showing quantities dispatches from the prescribed area, date, time, name and address of the purchaser, pass no., vehicle no., total quantity dispatched till date etc.

14) The auctioned sand shall be removed from the survey no./ghat no. and from the area for which the auction was held and allotted and it is the responsibility of the auction purchaser to get demarcate the assigned area from a competent authority an defect boundary pillars from all side and limits the removal of sand within the assigned area. Any removal of sand from unassigned area will be treated as illegal and liable for action under provisions of section 21 of MMRD Act 1957 and section 48(7) and (8) of MLR Code 1966.

He will also put sign board at proper places showing the name of the contractor the area lease, survey No. and the name o village and other relevant auction details.

15) The period of auction sale of right of collection and removal of sand shall be from _____ to 30.09.2018 OR till the lifting of _____ Brass quantity of sand (spot wise quantity details as per sanctioned order), the date which is earlier and shall not be extended on any account or claimed for refund for non lifting sanctioned quantity of sand.

The auction purchaser shall not excavate or transport more than the sanctioned quantity of sand Excavation / transportation of more than sanctioned quantity of sand will be treated as unauthorized excavation and will be punishable offence under the section of 48 (7) and (8) of Maharashtra Land Revenue Code 1966.

16) The auction purchaser shall transport sand from the existing roads and no separate road shall be provided for this purpose. He has to manage himself for the road if approach road to available for the ghat he has purchased Govt. will not be responsible for any financial loss due to non availability of approach land.

17) The auction purchaser shall not cause any damage to the natural resources and the environment in and around the river.

18) The auction purchaser shall not excavate sand below the depth of 5 ft. of the depth fixed / as mentioned in the sanction order. The excavation should be in a level. And shall not disturb the river or nallah bed it's to cause damage to environment.

19) The auction purchaser shall not disturb the nistar rights of the villages.

- 20) The auction purchaser shall immediately report all accidents occurred at the time of collection and removing sand from the area, to the nearest police station and Tahsil office.
- 21) The auction purchaser shall issue the transit passes, approved passes, SMATS to all of the vehicle removing and transporting sand for every trip which in turn shall maintain production and dispatch register showing particulars as to removal of sand. The books of accounts, register shall be kept open for inspection of District Mining Officer. Revenue Officer / personnel and such other inspecting authorities of Collectorate and Directorate of Geology and Mining and will be made available to the concerned officer as and when demanded. If any vehicle found carrying sand more than the quantity than the quantity of sand for which pass has been issued by the auction purchaser and the offence is repeated then the auction is liable for cancel.
- 22) The Collector may cancel the contract for breach of any condition subject to which the contract has been given to him. It shall be open for Collector to levy reasonable penalty of fine for the beach of any condition instead of cancelling he the contract.
- 23) In the event of cancellation of the contract the area shall be auctioned against and the contractor due to whose default fresh auction is necessitude shall be liable for the deficit which shall be recovered from him as arrears of land revenue but he shall not be entitled to any benefit out of it.
- 24) The auctioned sand shall be removed only during the period from 6.00 AM to 6.00 P.M. Further as per the Govt. Rev. & Forest Department, Circular No. Gaukhani-10/2001/CR-23/Kh dated 17.2.2001 and D.O. Letter No. Gaikhani-10/2002/CE 131/Kh. Dated 21.6.2002 the sand should not be transported more than the capacity of the vehicle carrying, sand as passed by RTO Further, while transporting, the sand should be covered by the Talpatri/ plastic cover otherwise necessary action will be taken against the concerned driver / owner. The sand ghat bidders will be fully responsible for repairs of pits on road from sand ghat and road from sand ghat. If the driver not having transport pass of sand while transporting the sand it will be viewed seriously and action will be taken to cancel his license and also matter will be reported to police station concerned. Beyond this action will be taken for fine as per **five** times of market value and the vehicle will remain suspended for future six month. (As per Revenue and Forest Department, Maharashtra Ordinance No. XII of 2015 Dated 12/06/2015)
- 25) As per Govt. Rev & Forest Dept. Circular Number Gaukhani-10/ 2001/CR-23/KH dated 17.2.2001, the sand should not be transported more than two brass in one Truck / Tipper and 1.5 bras in one tractor / Trailer and also while transporting the sand if should be covered by the plastic cover or as per RTO passing.
- 26) The auction purchaser shall observe all the relevant terms and conditions mentioned and such other rules mentioned under the existing Maharashtra Minor Mineral Extraction (Development & Regulation) Rules 2013 and also under Maharashtra Land Revenue Code 1966. The auction purchaser shall further observe that even the end use of that sand happens to be as minor mineral only.

- 27) The auction purchaser should deposit 20 % of upset price of sand ghat and 2 % of bid amount (Environment) as security for due observance of the terms and conditions of the contract which should be refunded to him after fulfillment of contract.
- 28) The auction purchaser shall sell sand at the reasonable rate. If it is found that the sand is selling at exorbitant rate the Collector shall be competent to fix the selling rate from time to time as deem fit to him and the same shall be binding on the contractors.
- 29) During the course of excavation of sand discovery of any new mineral shall be reported to the Collector by the contractor.
- 30) The auction purchaser shall observe all the terms and conditions mentioned in Govt. Revenue and Forest Department resolution No. Gau.kha.ni/10/0512/Pra.kra.-300/Kh./ dt. 12 March 2013, terms and conditions fixed by the Collector and all G.R. guide lines issued from time to time.
- 31) The auction purchaser has to follow all the terms and conditions mentioned in Govt. Revenue and forest Department Circular No. Gau.kha.Ni./10/0815/ Pra.Kra.-478/Kh./ Dated 16th October, 2015.
- 32) The auction purchaser has to follow all the terms and conditions mentioned in District Level Environment Impact Assessment Authority's (DEIAA) Environment Clearance Dated _____ which are as follows,

Specific Conditions:-

1. Additional District Collector and District Mining Officer, Tahasildar (Revenue), to ensure the direction given by Hon'ble National Green Tribunal, Pune in Appeal No 10/2013 (WZ) dated 1st October, 2013 as below –

"However, we direct that when further auctioning process is required to be conducted, ordinarily, the sand beds falling between the sand beds which are now already auctioned shall be avoided unless there is special certification issued by the competent authority which would indicate absence of any environmental damage, having regard to precautionary principle which is required to be adopted. We mean to say, it should not happen that presently the sand beds are auctioned by keeping distance of 1 k.m. from each other and gap is filled up subsequently under one or another pretext."
2. Distance between lease area to be marked as per actual shape and size, on Village Map or authenticated map available with Revenue Authority and ensure provisions regarding distance between two lease area and total lease area in the (O.M.) dated 24th December, 2013 issued by MoEF.
3. Proposals are recommended for environmental clearance for the period 2017-18 only.
4. Provisions stipulated in Maharashtra Minerals Extraction (development and regulation) Rules 2013 and Government Resolution of Revenue and Forest Department dated 12/03/2013, 16/10/2013 and dated 26.12.2014
5. The validity of EC to the above mentioned sand blocks satisfying stipulated conditions is up to 30th September, 2018 only.

6. Project Proponent / Lessee will be held responsible individually for non compliance of the conditions stipulated in the Environmental clearance and shall be liable for legal action under Environmental Protection Act of 1986.
7. Additional District Collector will take bank guarantee up to 2% of the total auction cost for the given auction period from project proponent to ensure the compliance of the condition stipulated. In case of violation of stipulated conditions by project proponent bank guarantee so obtained shall be forfeited and legal action under the law should initiate against such project proponent.
8. The depth of sand layer to be mined, after retaining 2 m minimum layer below, should not be more than 2 meters as per Government Resolution of Revenue Department dated 12th March 2013 e.g. if the total depth of sand is 3 m, only up to one meter of sand shall be mined.
9. It shall be ensured that excavation of minor mineral does not disturb or change the underlying soil characteristics of the river bed /basin, where mining is carried out.
10. It shall be ensured that mining does not in any way disturb the turbidity, velocity and flow pattern of the river water.
11. A siltation study should be carried out before commencement of the mining activity or within a period of one year through some expert Agency like NIO/CWPRS to determine the siltation load so that there is no over exploitation of the material at any point of time. The mineral to be removed shall be determined based on siltation load. This study shall be steered by competent authority while granting further mining lease and or renewing of the license. A copy of siltation study shall be submitted to the Environment Department, the District Mining Officer and respective Regional office of the State Pollution Control Boards.
12. It shall be ensured that there is no fauna dependant on the river bed or areas close to mining for its nesting.
13. Turtle nesting units' conservation is very important. Therefore sand mining in such areas is to be prohibited.
14. The green belt development /tree plantation will be made in an area of 20% of the total leased area either on river bank or along road side.
15. Measure for prevention & control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried-out with geo textile matting or other suitable material.
16. Project Proponent /Lessee to ensure that there is no violation of the Supreme Court order and orders of the National Green Tribunal given in the related matters.
17. Additional District Collector to ensure that conditions stipulated in the Government Resolution (G.R.) dated 12/03/2013 & 16.10.2015 issued by Revenue and Forest Department, Government of Maharashtra (GoM) and Office Memorandum (O.M) of Ministry of Environment and Forest (MoEF), dated 24/12/2013 is implemented in letter and spirit.
18. The instructions of Government conveyed in the GR dated 26th December, 2014 (regarding sand mining approval and tracking system and transport of excavated sand) should be followed.
19. It shall be ensured that ensure that vehicles transporting sand should not be overloaded beyond stated capacity.
20. Additional District Collector to ensure that every receipt given is serially scanned and registration number so generated must be written on such receipt to avoid duplication and unauthorized transportation of the sand.
21. The depth of mining shall be restricted to the recommendations of GSDA.
22. No excavation shall be come out on the river bank below the HFL.
23. No cutting of the trees shall be done while excavating the sand or while constructing the access road to sand ghat.
24. Strict vigilance shall be maintained by District Administration on sand excavation and exemplary punishment shall be mediated on unauthorized extraction of sand.

25. District Collector to ensure that the mining plan is approved by Director of Geology and Mining comprising study to show that annual replenishment of sand in the mining lease area is sufficient to sustain the mining operations at levels prescribed in the mining plan and that the transport infrastructure is adequate to transport the mined material.
26. All mining shall be carried out manually.
27. Sand excavation is allowed only for the rets having sand deposition more than 2 m. and excavation should be for layers 2 m. of sand deposit as recommendation of GSDA.
28. Transport of sand should be through vehicle which is properly covered with Tarpaulin and it should not be overloaded.
29. Mining operations shall be as per Sustainable "Sand Mining Management Guidelines" issued by MoEF & CC, Govt. of India, New Delhi time to time.
30. Underwater mining shall not be permitted without the expert sanction of the State Government only for prevention of flood and increasing the capacity of reservoir if any.
31. Underwater sand mining by means of suction pumps may be granted as per guidelines by state Government on recommendation by DEAC & DEIAA.

General Conditions:-

1. Precise mining area will be jointly demarcated at site by officials of Mining/Revenue department prior to mining operations for all proposals under consideration. Such site plan, duly verified by competent authority shall be submitted to Environment Department.
2. All necessary statutory clearances shall be submitted to Environment Department.
3. No mining shall be carried out in the safety zone of any bridge and/or embankment
4. No mining shall be carried out in the streams.
5. No mining shall be carried out in the vicinity of natural/ manmade archaeological sites.
6. Mining shall be limited to day hours time only. The loading shall not be done during night hours.
7. The lease holder shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if required for the project.
8. Waste water, if any, shall be properly collected and treated so as to conform to the standards prescribed by MoEF/CPCB.
9. No wildlife habitat will be infringed.
10. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
11. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.
12. Parking of vehicles should not be made on public places.
13. Transportation of materials shall be done by covering the trucks / tractors with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
14. Appropriate mitigation measures shall be taken to prevent any kind of pollution in consultation with the Maharashtra Pollution Control Board. It shall be ensured that there is no leakage of oil and grease from the vehicles used for transportation.
15. Vehicular emissions shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicles carrying the mineral shall not be overloaded.
16. Special Measures shall be adopted to prevent the nearby settlements from the impacts of mining activities. Maintenance of roads through which transportation of minor minerals is to be undertaken, shall be carried-out regularly.

17. Dispensary facilities for first-aid shall be provided at site.
18. Occupational health surveillance program of the workers should be undertaken periodically.
19. Provision shall be made for housing the workers at site, if required, with all necessary infrastructure and facilities such as fuel for cooking, safe drinking water, medical health care and sanitation etc.
20. Ambient air quality will be monitored at the site and the nearest habitation in the months of January, April and November. Ambient air quality at the boundary of the precise mining area shall conform to the norms prescribed by MoEF&CC, GOI.
21. Measures shall be taken for control of noise level to the limits prescribed by CPCB.
22. An Environmental Audit shall be annually carried out during the operational phase and be submitted to the Environment Department.
23. Digital processing of the entire lease area in the district using remote sensing technique shall be done regularly once in three years for monitoring and report submitted to the Environment Department.
24. The Revenue authorities shall submit three months their policy address (i) standard operating process / procedure to bring in to focus any infringement / violation of environmental norms / condition, (ii) hierarchical system or administrative order to deal with environmental issues and ensuring compliance of EC conditions and (iii) system of reporting of non compliance /violation of environmental norms to the district collector.
25. The project Proponent / Lessee shall submit six monthly reports in hard and soft copy on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the Environment department and the District Collector, the respective Regional Office of the Maharashtra Pollution Control Board.
26. Any change in mining area, khasra /Gat numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per provisions of EIA Notification, 2006 (as amended).
27. DEAC appraised the proposals on the basis of information submitted by concerned Tahsildar (Revenue). The list of blocks and conditions stipulated above shall be made available in public domain. It should be published in two local language newspapers and display at each block where mining operation is proposed. Tahsildar should ensure this and submit compliance report to Environment department with approval from Additional Collector.
28. The environmental Clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
29. In case submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
30. The DEIAA/ Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.
31. In case of any deviation or alteration in the project proposal from the one submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of condition (s) imposed and incorporate additional environmental protection required, if any.

32. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
33. DEIAA have supervisory jurisdiction over DEIAA and decision of DEIAA shall be reviewed by the DEIAA without prejudice to any provisions under existing laws. Any appeal against this environmental clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D-, Wing, Opposite Council Hall, Pane, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

In witness where of these resents have been executed in the manner here under appearing the day and year first above written and signed by the auction purchaser/ lessee.

Lesser

Signature of auction purchaser/Lessee

Additional Collector, Amravati

Witnesses –

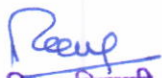
1) _____

2) _____

Date : / / 201 .

Place : Amravati.

"मंजूरा"


अपर जिल्हाधिकारी,
अमरावती
