विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत प्राप्त आवेदन

श्रीमती संजया मानिक, कटनी से प्राप्त आवेदन दिनांक 16.12.2013 को इस पत्र के साथ उचित कार्यवाही हेतु प्रस्तुत किया जा रहा है।

2. सूचना का अधिकार अधिनियम, 2005 की धारा 6(3) के अनुसार यदि मांगी गई सूचना का विषय अन्य सरकारी कार्यालय से जुड़ा/सम्बद्ध है तो वह अधिकारी, जिसको आवेदन भेजा गया है, ऐसे आवेदन को संबंधित सरकारी अधिकारी/कार्यालय को, आवेदन की प्राप्ति की तारीख से यथाश्रेय लेकिन 5 दिनों के भीतर स्थानांतरित कर सकेगा तथा इस बारे में आवेदक को भी सूचित करेगा।

3. आपसे अनुरोध है कि उक्त आवेदन को आर.टी.आई. ऑनलाइन पोर्टल में प्राप्ति के तीन दिनों में तुरंत प्रविष्ट करके आवेदक को पावती भेजते जाए एवं सूचना का अधिकार अधिनियम, 2005 के नियमों का पालन करते हुए उसपर निर्धारित समय में कार्यवाही की जाए।

संलग्न: FTS 18620

(राजेश शाह/राजेश शाह)
ए.सी.पी.आई.ऑ/ACPLO

श्री. स्वच्छंद चौबे, अनुभवा अधिकारी/केन्द्रीय लोक सूचना अधिकारी, राजस्थान मंत्रालय
सूचना का अधिकार अधिनियम 2005 की धारा 6 (1) के अंतर्गत आवेदन पत्र

1. आवेदक का नाम : MAMTA BHARGAVA, BHARGAVA HOUSE, NAI BASTI, KATNI (MP)
2. फूल पता / इ-मेल / फैक्स, फोन नं. जिस पर जानकारी दी जानी हो : MAMTA BHARGAVA, BHARGAVA HOUSE, NAI BASTI, KATNI (MP) Email: bhargavamineral@gmail.com
   Tele/Fax: 07622 220645, 220122 Mobile: 09425154366

3. आवेदन देने की दिनांक : 14/12/13 आवेदन पात्री की दिनांक ____________________________ प्राप्तकर्ता के हसत्तार

4. आवेदन के साथ अव का जाने वाली प्रेस सेंटर स्थल का 10/- का नुस्खा/ स्टाप / IPO/ MO संस्करण __________
   (सीएच.एस.क्लब के सस्तन स्थल को देने नहीं सीमित के पं. के दिनांक)

5. क्या आवेदक मर्ममंथ सेना के नाम हैं ज्ञात नहीं हैं या नहीं ज्ञात हैं तो नी. सी. एल. सूची का अनुकरण करें

6. क्या चाहिये है नकल/ निरीक्षण/ रिकार्ड/ का निरीक्षण/ रिकार्ड की प्रमाणित प्राप्ति/ प्रमाणित नमूना/ प्रमाणित जानकारी / रिकार्ड की प्रमाणित प्राप्ति

7. कार्यालय का नाम : माम्ता भरगवा

8. नाम सूचना प्रदान करने वाले अधिकारी/ कार्यालय : MAMTA BHARGAVA, BHARGAVA HOUSE, NAI BASTI, KATNI (MP)

9. जानकारी का विवरण - माम्ता भरगवा जानकारी का विवरण जो सूचना के प्रबंधन 2 (F) RTI Act के अंतर्गत प्रदान करा गया है :

(1) CASE for MINING lease Recommended for U/S 5(1)(b) 62
   NMDR Act 1955 in favour of MAMTA BHARGAVA, BHARGAVA HOUSE, NAI BASTI, KATNI (MP)
   File NO. 5/12/2013-MIV
   VILLAGE: MANCLI - DIST. KATNI
   AREA: 14.24 Hectares. Pl provide following:
   (1.1) Action taken on Mamta Bhargava's Representation dated 29/09/2013 and 14/12/2013 with note/letter and communication with said beneficiary by IBM.
   (2) Rebuttal received for claim made by IBM against Letter dt. 6/12/113 and IBM who conducted PDR work?

(2) CASE FOR PL Recommended by Kumaon Town (D) Ltd.
   Village Nathgaran area 7.570 Hectars Dist Jabalpur in File NO. 5/13/2012-MIV
   Pl provide following:
   2.1 Compliance of High Court intermediate in W.P.
   NO. 15459/2011 starting first decision for kbasu
   No 5 and 33 village Nathgaran Dist Jabalpur (CPI)
   2.2 Compliance of High Court order in W.P. NO. 15621/2011
   2.3 Balance information under RTI
   Mamta Bhargava
   For Mamta Bhargava - RTI Applicant

End: IPO + Govt. & High Court Orders. Rep. dt. 15-09-2012

(लोक सूचना अधिकारी / सहा. लोक सूचना अधिकारी द्वारा प्राप्ति)

2012
Smt. Mamta Bhargava  
Bhargava Lane, Nai Basti, KATNI (MP)  
Email: bhargavamjensl@gmail.com.  
Cell 09425154366/57452, Tele: 07622 220645  

Katni, Dated: 15.09.2013  

Registered Post  

To,  
The Secretary to Government of India,  
Ministry of Mines, MINES IV  
Shastri Bhawan, NEW DELHI n  

Sir,  

Subject: 1. PL Recommendation dated 19.03.2013 in favor of M/s Kymore Iron ore Pvt Ltd, Bhopal in respect of 7.370 hectares area falling under Khasra No. 5, 10 to 21,23,37 and 38. forwarded by State govt. of MP for prior approval u/s 5(1)/11(5) of Act 57  

Refn’ce: 1. PL applications filed by Smt Mamta Bhargava on 05.10.1990 and 21.08.2007 over Khasra No 39, 3 to 7 10 to 13, 36 and 38 total 15.988 hectares in single compact Block made much prior to proposed allottee M/s Kymore Iron Ore (P) Ltd, Bhopal  
2. Hon’ble High Court Jabalpur Restraint Order dated 16.09.2011 in W/P No. 15459/2011 and Tribunal’s order on Revision covering both the PL applications  
4. Applicants representation dated 26.04.13 to SG & personal discussion concluding that Free area kh.No.14 to 23 below 4 heects, proposal dt. 19.03.2013 u/r 22D vitiolated  
5. MOM RTI communication dated 03.09.2013 with File note sheets on subject matter  

Applicant acknowledges the receipt of RTI communication dated 03.09.2013 along with some note sheets disclosing Ministry’s view after superficial examination of SG Proposal dated 19.03.2011 by concerned SO and inclination to proceed with the approval proceedings stating “... As such, there appears to be no legal infirmity in the recommendation dated 19.03.2013 of the State Government of Madhya Pradesh” is shockingly surprising. This conclusion is pre-mature and patently erroneous without referring the factual matrix properly and made in transgression/usurpation of power vested in Mines Tribunal u/s 30 and High Courts under article 226/227. It is contrary to orders dated 31.12.2010 and 05.01.2011 made by Mines Tribunal and Restraint orders of Hon’ble High Court in WP No. 15459/2011 filed by Smt. Tavinder Kaur Gujral and WP No. 15459/2011 filed by Smt. Mamta Bhargava. Copy of the petitions/notices have been served to Ministry being one of the party to the above writ petitions which needs to be confirmed from the office of Asstt. Solicitor General, High Court Jabalpur who represents the Central Govt. in MP high Court along with case status/opinion in the matter if required.  

The humble applicant, who is one of the proposed beneficiary since 1990 and 2007 under her prior PL applications dated 05.10.1990 area 5.188 heects and 21.08.2007 area 11.800 heects respectively over Khasra numbers 39, 3,4,5,6,7,70,11,12,13,36 and 38 on non notified area having legitimate  

Contd…2....  

Mamta Bhargava
expectation for allotment, is submitting the following important points/issues which escaped the attention of the authorities concerned u/s 5(1) and 11(5) while examining proposal dated 19.03.2013 leading to a manifest error on facts and law ought to be avoided at the soonest in the interest of justice and fair-play:

1. That, Applicants’ representation dated 26.04.2013 addressed to Secretary, State Government of MP makes the position amply clear that in the light of High Court’s orders and Mines tribunal directions, State Govt. has become functus officio loosing power/jurisdiction to proceed with the hearing/allotment of the area which were subject matter of Revision/High Court Orders mentioned above. Therefore, SG Proposal/decision dtd 19.03.2013 lacking of power and jurisdiction is void ab initio and non est in the eyes of law much less cannot be acted up on by Central Government for approval u/s 5(1)/11(5) of MMDR Act 1957. Free area falling under Khasra Numbers 14 to 23 total admeasuring 2.34 hectares under PL Application dated 21.04.2013 filed by Kymore Ironore Pvt Ltd being less than 4 hectares is not available under rule 22D of MCR 1960 consequently on this count alone recommendation dated 19.03.2013 u/s 5(1) and 11(5) made by State Govt of MP in their favor got vitiated. It is settled law that invalid proposal cannot be relied much less acted upon. In Lafarge Mining case Apex court has held that court should not face fait accompli situation and concerned administration must make proper base line scrutiny of proposals in the light of Procedure, Rules/Act governing the permission/grant and in Tata Cellular case it was held that material irregularity and procedural lapse vitiate the matter leading to its rejection. Honorable Apex Court Recently, While giving opinion, on presidential reference in 2 G case has held that valid procedure recognized by law, transparency and fair play must be essence in allocation of natural resources of the country.

2. That, Revision filed by Revisionist Smt. Mamta Bhargava before Mines Tribunal covers both PL applications filed on 05.10.1990 and 21.08.2007 and total area falling under Khasra Nos. 39, 3,4,5,6,7,10,11,12,13,36 and 38 as would be evident from the Form N of Revision filed on 15.11.2008. Tribunal and later High Court Orders dated 14.09.2013 16.09.2011 leaves no occasion for state govt to deal with these Khasra numbers in whole/part or after fragmentation/division to the advantage of above beneficiary applying rule 22D of MCR 1960 mischievously to the disadvantage of the Petitioners/applicants in utter disregard to Tribunal/High court order.


4. That, The Ld. Advocate General office gave its opinion on the basis of material/facts provided to them by State Government which is based on incomplete information and cannot be relied upon. SG is guilty of suppressing the facts of existence of prior PL applications dated 21.08.2007 covering Khasra Nos 3,4,5,6,7,10,11,12,13,36 & 38 and highlighted only khasra No: 39 under PL application dated 05.10.1990. In fact State Government has already arrived at conclusion in its official proceedings for grant in favor of Smt. Mamta Bhargava after a detailed probe scrutiny into the matter and grant order is to be released following due process. Therefore, direct grant relief was prayed for in the WP for Khasra No 39. Regarding area falling under Khasra numbers 3,4,5,6,7,10,11,12,13,36 and 38, Since State Govt

Contd...3....

Mamta Bhargava
has to take decision on the applications validly in the fray before cutoff date i.e. 22.08.2007 remanded by Central Govt. under order dated 05.01.11. Copy of Revision Form N in RC No. 16(46)/2008/RCII page 2 clearly covers (Enclosed) Khasra No. 39,4,5,6,7,10,11,12,13,36 & 38 total 16,988 hectors compact to be considered by State Govt on priority therefore hearing notice dated 17.08.11 inviting applicants lacking locus was impugned. SG also concealed the existence of prior claim of Smt. Tavinder Kaur Gujral over Khasra No. 3 and 39 vide her application dated 28.03.2006 and restraint order dated 14.09.2011 in her WP No. 15459/2011 by High Court. Therefore Ld. Advocate General opinion lacks bona fide in absence of complete facts of the case much less cannot be acted upon by Central Govt.

5. It is humbly submitted after exclusion of overlapping area 3,4,5,6,7,10,11,12,13,36 and 38 which are covered by prior PL application dated 21.08.2007 made by Smt. Mamta Bhargava and Smt. Tavinder Kaur Gujral under her application dated 28.03.2006 and were subject matter of Mines Tribunal and High Court orders and still pending in High Court for final decision, factually/legally and practically for all purposes, there remains only Khasra No. 14 to 23 for consideration which first being less than 4 Hectors is not available for consideration in terms of rule 22D of MCR 1960. Secondly, when a compact and contiguous block meeting zero waste, scientific mining with no barrier loss is available in favor of prior applicant on non notified area, there arises no question of dividing it into small part/fragmentation contrary to NMP 2008, State Mineral policy 2010 and above all section 18 of MMDR Act 1957 and MCDR 1988 which cast a duty on state and central mineral administration and other technical bodies for scientific development, mining and conservation of minerals. It would be in the fitness of the things to invite comments from IBM/State Directorate of Geology and Mining with a copy of map and applied area by each of the applicant showing vacant/overlapped/pre-occupied area to clarify and understand the things in the interest of Mineral development and confirm the availability of free area in light of rule 22D from scientific mining view.

6. It is submitted that section 11(2) of MMDR Act 1957 in case of non-notified area prior/after 20.12.1999 amendments confers a right offering guarantee for preferential consideration and treatment of prior applications. Simultaneous consideration is only possible when applications fall under section 11(3) and 11(4) zonal of consideration which is not the case here. Therefore, under rule 22D of MCR 1960 read with section 18 of MMDR Act 1957 for scientific and systematic mining, State Government ought to plot, compute and ensure the available area of minimum 4 hectors first on the prior applications dated 05.10.1990 and 21.08.2007 filed by Smt. Mamta Bhargava and remanded by Central Government under its order dated 05.01.2011. Thereafter, on remaining area should see the availability of area under rule 22D of MCR 1960. In the present case, more than 4 hectors area is available under PL applications dated 05.10.1990 and on adjacent and adjoining area under another PL application dated 21.08.2007 despite that mischievously State Govt picked later application for consideration for computation of area under rule 22D to the advantage of Kymore Iron Ore Private Ltd, on their PL application dated 03/04/08 filed much later. It is deceptive approach making mockery of the provisions and justifying recommendation dated 19.03.2013 for obtaining approval u/s 5(1) and 11(5) duping the Central Government without much explanation on prior applicant’s rights.

7. Pertinent to mention that in addition to Central Government’s Orders dated 31.12.2010 and 05.01.2011, State Govt. also purposely concealed and suppressed the injunction orders dated 14.09.2011 and 16.09.2011 passed by Honorable High Court Jabalpur, MP in WP No. 15459/2011 and 15621/2011 filed by Smt. Tavinder Kaur Gujral and Smt. Mamta Bhargava respectively restraining the respondents to pass any order in the matter till final disposal of these petition. Both the petition cover major portion falling under Khasra No. 39, 5, 3,4,5,6,7,10,11,12,13,36 & 38 and remaining free area not affected by Contd...4...
Prior validly pending PL applications dated 05.10.1990, 28.03.2006 and 21.08.2007 also not covered by Central Government Hon’ble High Court Orders remains a small portion falling under Khasra No. 14 to 23 total admeasuring 2.240 ha. Part of proposal dated 19.03.2013 and that being less than 4 hectares is not available to M/s Kymore Iron ore Private Limited in terms of Rule 22D of MCR 1960. Map/schedule and size of the area under Khasra No. 14 to 23 and copy of letter dated 26.04.2013 makes it amply clear that free area under recommendation dated 19.03.2013 under Khasra Number 14 to 23 is less than 4 hectares and not available/fit for scientific mining as also in contravention to rule 22D. It is also not conducive to any beneficiation project requiring 1000 tons per day material fulfilling condition under rule 27(3) of MCR 1960 read with section 11(5) for long term captive use in a business-like manner achieving object of running a1000/1500 tons per day capacity beneficiation plant.

8. It is submitted that without examining the proposal and proper scrutiny in the light of provisions of MMDR Act 1957 read with NMP 2008 and draft guidelines 24.06.2009, Central Government is processing the case disowning it own parameters/norms. In case of Non notified areas, para 8.13 of draft guidelines 24.06.2009 states: "Accordingly, the first-time Principal must be the norm and the Central Government would normally not favour an exception to this principal." In case of 11(5) invocation, again para 8.14 states that "Special reasons should be in the public interest and for economic development and must be capable of withstanding legal scrutiny." These vital norms for transparency and fair play in allotment natural resources of the country of and duty cast upon State/Central Government under a notified policy NMP 2008 read with section 4(2) and 18 of MMDR Act 1957 are being defied/ignored and apparently being violated to the advantage of a undeserving beneficiary who is in the fray as a later applicant, investor the land and eying the grant in collusion and connivance with the State Mineral administration. Nepotism vitiates and invalidates the allocation.

9. That, the Hon’ble High Court’s Restrain Order dated 16.09.2011 passed in WP No. 15621/2011 reading as "Till the next date of hearing final orders on the basis of remand made by Central Government shall not be passed by the State Government." as also another Restrain Order dated 14.09.2011 in WP No. 15499/2011 by High Court Jabalpur leaves no occasion for State and Central Government who are duty bound to obey/comply with, it or allow them to deal/proceed with the matter in any manner on any court except free area under Khasra No. 14 to 23 which being less than 4 hectares contrary to Rule 22D of MCR 1960 vitiates the recommendation dated 19.03.2013. It would also be subversive to judicial discipline considering contempt in-case State/Central Government accords approval/grant based on a patently illegal and vitiated recommendation dated 19.03.2013 sent by State Government acted upon by oblique motives.

Under the facts and circumstances stated here-in-above and earlier representations disclosing fraudulent conduct of SG and host of material irregularity, procedural lapse, lack of jurisdiction, courts orders restraining the State/Central Govt to proceed with the grant/approval proceedings, It is requested that a show-cause notice be issued to SG of MP on willful suppression of facts & adopitions of deceptive practices and reject the recommendation dated 19.03.2013 in the interest of justice and fair-play.

Thanking you,

Yours truly,

Mamta Bhargava
(Mamta Bhargava - Applicant)

Encl: as above

Copy to: 1. Shri CK Ravat, Dy Secretary, MOM, MINES IV/GOI New Delhi for k.inf & n.a please
2. Shri AK Mullick, Under Secretary, Shri Amit Chobe, SO - MOM, MINES IV/GOI for Action plz.
IN THE HIGH COURT OF MADHA PRADESH
PRINCIPAL SEAT AT JABALPUR

PETITIONER:
Tavinder Gujral, wife of Shri Shambhunath, aged about 50 years, R/o House No. 1119, Post: Bihari, Village-Tilhari, Fourth Mile Stone, Jabalpur (M.P.)

VERSUS

RESPONDENTS:

1. Union of India, Ministry of Mines through its Secretary, A-Wing, Shashtri Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001
2. State of M.P. Through its Secretary, Mineral Resources Department, Vallabh Bhawan, Bhopal, M.P.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:

i) Date of order : 25.08.2011
iii) Passed by : Deputy Director, (Mines) Government of Madhya Pradesh.
<table>
<thead>
<tr>
<th>DATE OF THE ORDER</th>
<th>ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/09/11</td>
<td>W. P. No. 15459/11</td>
</tr>
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</table>

Shri Nikhil Tiwari, learned counsel for the petitioner.

Issue notice to the respondents on payment of P. P. within one week, returnable in four weeks.

In the meanwhile, finalization of the mining lease shall be subject to final decision of this writ petition.

(Rajendra Menon)
Judge
IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

Writ Petition No. 211/2011

Petitioner:- Mamta Bhargava aged about 45 years wife of Shri B.K. Bhargava, R/o Bhargava House, Nai Basti, Katni, (MP), through Holder of Power of Attorney Brij Kishore Bhargava S/o Shri P.K. Bhargava, aged about 52 years, R/o Bhargava House, Nai Basti, Katni, (MP)

Respondents:
1. Union of India,
   Through Secretary,
   Ministry of Mines,
   to Govt. of India,
   Shastri Bhawan, New Delhi

2. The State of M.P. through Secretary,
   Mineral Resources Department,
   Vallabh Bhawan, Bhopal (M.P.)
   Director,
   Geology and Mining, Govt. Of MP
   Khanij Bhawan, Jafri Road,
   Bhopal (M.P.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the cause/order against which the petition is made:
   (1) Date of orders: - Order dt: 05/01/2011 (Annex P/10) and Hearing Notice dated 17.8.2011 (Annex P/12)

(2) Passed in (File No.): File No. 16(46)/2008-RC
ORDER SHEET

CASE No. .............................................. 201

Vs. ........................................................

DATE OF THE ORDER

ORDER

Writ Petition No. 15621 / 2011

16.9.2011:

Shri Anil Khiare, learned counsel for the petitioner

Issue notice to the respondents on payment of P.F. within one week, returnable by 18.10.2011.

Till the next date of listing, final orders on the basis of the remand made by the Central Government shall not be passed by the State Government.

List the matter on 18.10.2011.

Certified copy as per rules.

(Rajendra Monot)
Judge

http://70.0.0.92/copying/head_copiest_nev
PAY TO: Ministry of Finance

THE SUM OF RUPEES TEN ONLY

RUPEE 10.00 Rs.

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AT THE POST OFFICE AT

New Delhi

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