Government of India
Ministry of Mines

No. 1/24/2009-RC-I

Shastri Bhavan, New Delhi.
Dated 16th December, 2009

To

The Secretary (Mines)
Government of
(List enclosed)

D. M. G.
Government of
(List enclosed)

Sub: Procedure for dealing with revision applications under Section 30 of the Mines and Minerals (Development and Regulation) Act. {MMDR Act}, 1957

Sir,

I am directed to refer to Section 30 of the MMDR Act, 1957 which confers power of revision on the Central Government to revise (either on its own motion or on application of an aggrieved party), any order of the State Government under the Act, other than in respect of a minor mineral, and to state that the matter has been considered in depth in the context of delays taking place in disposing off revision applications, and the following guidelines/clarifications are issued to address the problem:

(i) The power of revision lies with the Central Government. The Act or Rules there-under do not refer to any “Tribunal”. Applications need, therefore,
to be made to the Central Government in the Ministry of Mines, as provided in Rule 54 of the Mineral Concession Rules, 1960 (MCR) and reference to 'Tribunal' may be avoided in order to ensure that the revision applications are taken up for expeditious processing in accordance with internal guidelines issued from time to time.

(ii) Rule 54 of the Mineral Concession Rules (MCR), 1960 deals with the procedure to be followed, and clearly states in sub-rule (2) that a party to whom a PL or ML has been granted in respect of the same area or for a part thereof shall be impleaded as a party. In the interest of justice, a person in whose favour prior approval has been granted or a letter of intent has been issued may be also considered, but no other party, e.g. other unsuccessful applicants can be impleaded since the Rule clearly excludes such persons. This may be kept in view while formulating comments under Rule 55 of Mineral Concession Rules, 1960 so that unnecessary parties are not impleaded or comments made to their prejudice, thereby delaying proceedings.

(iii) Rule 55(4) MCR, 1960 states that the Central Government may pass orders in revision on the basis of records of the case, referred to in sub-rule (3) of Rule 55. Sub-rule (3) of Rule 55, MCR, 1960 states as follows:
“(3) The revision application, the communications containing comments’ and counter-comments referred to in sub-rule (1) and (2) shall constitute the records of the case.”

The wording of the sub-rule with the words ‘shall’ clearly excludes any other record, document or information. In the past, in addition to ‘comments’ and ‘further comments’ under Rule 55(2) of MCR, 1960 or counter-comments, oral or written arguments were being taken on record. Clearly the sub-rule excludes the possibility of consideration of such additional and extraneous information. Accordingly in future, orders under sub-rule (4) shall be passed strictly in accordance with the provisions of Rule 55 of MCR, 1960.

(iv) Rule 55 (1) of MCR, 1960 allows three months for comments and Rule 55 (2) of MCR, 1960 one month for counter comments. The period runs from the date of issue of communication. In order to ensure that revisions are disposed off expeditiously, these time limits will be strictly enforced and all parties may be advised to directly endorse copy of their comments to other necessary parties in order to fully comply with the provisions of 55(2) of MCR, 1960.

(v) It is expected that comments and counter-comments will be sent by courier/speed post and accordingly a grace period of 10 days will be allowed before the record is taken up for disposal. Parties may be
advised to obtain confirmation of receipt of their comments/counter-comments.

2. I am further directed to say that these guidelines come into force with immediate effect, including cases pending for orders with the Central Government under Rule 55 of MCR, 1960.

Yours faithfully,

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