

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
323	10-11-2009	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	58	1200	2916518.4	2430.43	CHINA	35
324	09-12-2009	PEC LIMITED, NEW DELHI	55	56000	88120032	1573.57	CHINA	35
325	16-12-2009	PEC LIMITED, NEW DELHI	55	48700	76632956.4	1573.57	CHINA	35
326	17-12-2009	PEC LIMITED, NEW DELHI	55	54600	85917031.2	1573.57	CHINA	35
327	30-03-2010	M/s Frost International Ltd, Kanpur.	54	55700	102455973	1839.43	CHINA	35
328	27-01-2010	CHOWGULE & CO. PRIVATE LIMITED	62	72800	141865182	1948.70	JAPAN	35
329	26-11-2009	SESA GOA LIMITED	56	112500	259017653	2302.38	CHINA	35
330	07-11-2009	CHOWGULE & CO. PRIVATE LIMITED	62	85700	167718383	1957.04	JAPAN	34
331	31-03-2010	M/s Frost International Ltd, Kanpur.	54	56800	105180195	1851.76	CHINA	34
332	12-11-2009	BGH EXIM LIMITED	55	53700	85215456	1586.88	CHINA	34
333	01-12-2009	M/s KLA India Public Ltd, Uttarakhand	54	10000	18569250	1856.93	CHINA	34
334	05-11-2009	PEC LIMITED, NEW DELHI	55	51700	82329561.6	1592.45	CHINA	34
335	02-01-2010	M/s Karishma Global Mineral Exports P. Ltd, Panaji	56	50950	118362072	2323.10	CHINA	34

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
336	07-11-2009	M/s General Nice Mineral Resources (I) P. Ltd, Chennai	51	49900	48900403	979.97	CHINA	34
337	28-10-2009	V.M. SALGAOCAR & BROTHER PVT. LTD.	53	45900	69623173.3	1516.84	CHINA	34
338	11-12-2009	M/s MSPL Ltd. Karnataka.	52	147600	199843094	1353.95	CHINA	34
339	15-12-2009	DINAR TARCAR RESOURCES [INDIA] PVT. LTD, GOA	58	51000	126270900	2475.90	CHINA	34
340	04-12-2009	SESA GOA LIMITED	61	86500	224849821	2599.42	CHINA	34
341	12-10-2009	SESA GOA LIMITED	58	64750	160661741	2481.26	CHINA	34
342	12-10-2009	SESA GOA LIMITED	58	64750	160661741	2481.26	CHINA	34
343	26-03-2010	M/s Timblo Pvt Ltd, Margao	60	31218	80891510	2591.18	CHINA	33
344	18-03-2010	TIMBLO ENTERPRISES	60	63000	163244970	2591.19	CHINA	33
345	22-03-2010	M/s Timblo Pvt Ltd, Margao	60	35782	92718220	2591.20	CHINA	33
346	09-11-2009	DAMODAR MANGALJI & CO.LTD.	54	54050	101570760	1879.20	CHINA	33
347	17-11-2009	DAMODAR MANGALJI & CO.LTD.	54	51564	96899068.8	1879.20	CHINA	33
348	21-12-2009	CHOWGULE & CO. PRIVATE LIMITED	58	51150	127516117	2492.98	CHINA	33
349	15-12-2009	CHOWGULE & CO. PRIVATE LIMITED	58	54100	134870419	2492.98	CHINA	33

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
350	15-01-2010	PEC LIMITED, NEW DELHI	55	49200	79273008	1611.24	CHINA	33
351	29-01-2010	PEC LIMITED, NEW DELHI	55	52100	83945604	1611.24	CHINA	33
352	08-01-2010	CHOWGULE & CO. PRIVATE LIMITED	58	51950	129997957	2502.37	CHINA	33
353	24-11-2009	DINAR TARCAR RESOURCES [INDIA] PVT. LTD, GOA	58	25000	62640000	2505.60	CHINA	33
354	30-11-2009	DINAR TARCAR RESOURCES [INDIA] PVT. LTD, GOA	58	1100	2756160	2505.60	CHINA	33
355	11-11-2009	V.S.DEMPO & CO. PVT.LTD.	61	129000	339916837	2635.01	CHINA	33
356	26-12-2009	M/s D.B.Bandodkar & Sons Pvt.Ltd. Panaji.	54	54500	103351402	1896.36	CHINA	33
357	15-03-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	50	49050	49230810.8	1003.69	CHINA	33
358	27-11-2009	M/s Shri Bhavani Minerals Panaji.	54	51870	98484947	1898.69	CHINA	33
359	27-10-2009	M/s Chowgule & Co Pvt. Ltd, Panaji	62	12000	24142458	2011.87	JAPAN	33
360	23-10-2009	CHOWGULE & CO. PRIVATE LIMITED	62	76000	152902236	2011.87	JAPAN	33
361	09-11-2009	SESA GOA LIMITED	56	64500	153111887	2373.83	CHINA	33
362	17-03-2010	SESA GOA LIMITED	58	52300	132166247	2527.08	CHINA	32

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
363	24-11-2009	CHOWGULE & CO. PRIVATE LIMITED	51	33000	33126287	1003.83	JAPAN	32
364	25-03-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	50	45170	45595573.7	1009.42	CHINA	32
365	30-03-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	50	51600	52086154.6	1009.42	CHINA	32
366	07-12-2009	DINAR TARCAR RESOURCES [INDIA] PVT. LTD, GOA	58	53800	136533506	2537.80	CHINA	32
367	24-10-2009	GHOTAGE LOGISTICS PVT.LTD	57	49500	97751610	1974.78	CHINA	32
368	27-02-2010	MAGNUM MINERALS PVT.LTD.,13 BABAR LANEN NEW DELHI	53	9220	14410306.8	1562.94	CHINA	32
369	16-01-2010	CHOWGULE & CO. PRIVATE LIMITED	58	55600	141450765	2544.08	CHINA	32
370	22-01-2010	CHOWGULE & CO. PRIVATE LIMITED	58	50500	128475965	2544.08	CHINA	32
371	13-03-2010	SESA GOA LIMITED	53	47600	74501805.8	1565.16	CHINA	32
372	06-02-2010	PRIME MINERAL EXPORTS PVT. LTD	52	53200	74395944	1398.42	CHINA	32
373	20-02-2010	PEC LIMITED, NEW DELHI	54	50750	98105332.5	1933.11	CHINA	31
374	23-11-2009	V.S.DEMPO & CO. PVT.LTD.	58	137000	351680361	2567.01	CHINA	31

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
375	22-12-2009	M/s Cauvery Coffee Traders, Mangalore	54	2612	5065856	1939.45	CHINA	31
376	25-11-2009	SHANTADURGA TRANSPORT CO. PVT.LTD.	56	52500	127159200	2422.08	CHINA	31
377	25-11-2009	DAMODAR MANGALJI & CO.LTD.	54	49450	96023988	1941.84	CHINA	31
378	09-12-2009	V.G.M. EXPORTS, GOA	49	55000	49880215	906.91	CHINA	31
379	19-01-2010	M/s Karishma Exports, Panaji	52	51379	72792740	1416.78	CHINA	31
380	14-11-2009	PEC LIMITED, NEW DELHI	55	25000	41760000	1670.40	CHINA	31
381	24-11-2009	MUKTAR MINERALS PVT.LTD	55	55030	91922112	1670.40	CHINA	31
382	28-10-2009	SESA GOA LIMITED	61	32000	86880818.2	2715.03	CHINA	31
383	28-10-2009	SESA GOA LIMITED	61	32000	86880818.2	2715.03	CHINA	31
384	17-11-2009	V.S.DEMPO & CO. PVT.LTD.	56	80000	195207955	2440.10	CHINA	31
385	10-02-2010	CHOWGULE & CO. PRIVATE LIMITED	58	51453	133438777	2593.41	CHINA	31
386	29-12-2009	M/s Shiv Shipping Services, Ghandhidham.	51	25000	25767700	1030.71	CHINA	31
387	31-12-2009	M/s Shiv Shipping Services, Ghandhidham.	51	26500	27313762	1030.71	CHINA	31
388	12-10-2009	SESA GOA LIMITED	61	24750	67404799.9	2723.43	CHINA	31
389	19-10-2009	SESA GOA LIMITED	61	24750	67404799.9	2723.43	CHINA	31

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
390	19-10-2009	SESA GOA LIMITED	61	5500	14978844.6	2723.43	CHINA	31
391	15-01-2010	RAWMIN MINING AND INDUSTRIES PVT. LTD.	58	44000	114592500	2604.38	CHINA	30
392	07-01-2010	M/s Model Infra Corporation Pvt. Ltd.	52	46000	65810820	1430.67	CHINA	30
393	27-11-2009	M/s V.M.Salgaocar & Bro Pvt Ltd, Vasco	56	68610	168688529	2458.66	CHINA	30
394	16-11-2009	V.G.M. EXPORTS, GOA	51	50620	52518452.5	1037.50	CHINA	30
395	07-11-2009	M/s MSPL Ltd. Karnataka.	52	128000	183461888	1433.30	CHINA	30
396	26-03-2010	M/s PEC Ltd, New Delhi.	54	41671	82268555	1974.24	CHINA	30
397	30-03-2010	M/s Frost International Ltd, Kanpur.	54	54500	107695706	1976.07	CHINA	30
398	06-02-2010	PRIME MINERAL EXPORTS PVT. LTD	52	27100	39011805	1439.55	CHINA	30
399	31-03-2010	BEML LIMITED,INTERNATINAL DIVISION,	52	30700	44194185	1439.55	CHINA	30
400	31-03-2010	STAR PVG EXPORTS	52	20000	28791000	1439.55	CHINA	30
401	17-12-2009	M/s SSTA Logistics (I) Pvt.Ltd.,Goa.	54	48900	96857208	1980.72	CHINA	30
402	24-12-2009	M/s SSTA Logistics (I) Pvt.Ltd.,Goa.	54	2700	5347944	1980.72	CHINA	30
403	01-10-2009	M/s Shree Mallikarjun Shipping P.Ltd, Vasco	55	67000	113614245	1695.74	CHINA	30
404	30-09-2009	SESA GOA LIMITED	61	30840	85060434.2	2758.12	CHINA	30

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
405	30-09-2009	SESA GOA LIMITED	61	20560	56706956.2	2758.12	CHINA	30
406	18-12-2009	PEC LIMITED, NEW DELHI	52	71500	103265663	1444.28	CHINA	30
407	10-02-2010	V.S.DEMPO & CO. PVT.LTD.	56	35750	88685277	2480.71	CHINA	30
2010-2011 (Fine)								
1	19-04-2010	CHOWGULE & CO. PRIVATE LIMITED	60	10000	19829772	1982.98	JAPAN	62
2	27-11-2010	M/s Panduranga Timblo Industrials, Margao ,Goa	48	96800	85226592	880.44	CHINA	62
3	07-05-2010	V.S.DEMPO & CO. PVT.LTD.	61	77000	161604551	2098.76	JAPAN	61
4	02-12-2010	M/s Panduranga Timblo Industrials, Margao ,Goa	48	40000	36218100	905.45	CHINA	61
5	27-05-2010	MSPL LIMITED	54	51800	71612464	1382.48	CHINA	61
6	20-04-2010	M/s V.M.Salgaocar & Bro Pvt Ltd, Vasco	61	41500	88933390	2142.97	JAPAN	60
7	14-05-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	57	66500	120083040	1805.76	CHINA	58
8	13-04-2010	M/s Shree Mallikarjun Shipping P.Ltd, Vasco	52	28250	35976375	1273.50	CHINA	58
9	29-05-2010	CHOWGULE & CO. PRIVATE LIMITED	62	1700	3148219.8	1851.89	JAPAN	57
10	05-05-2010	CHOWGULE & CO. PRIVATE LIMITED	62	15000	27778410	1851.89	JAPAN	57

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
11	15-05-2010	CHOWGULE & CO. PRIVATE LIMITED	62	46500	86113071	1851.89	JAPAN	57
12	17-05-2010	CHOWGULE & CO. PRIVATE LIMITED	62	5000	9259470	1851.89	JAPAN	57
13	07-04-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	57	72000	132969600	1846.80	CHINA	57
14	13-04-2010	M/s Tungabhadra Minerals Pvt Ltd, Margao, Goa	57	300	554040	1846.80	CHINA	57
15	23-04-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	57	63500	117271800	1846.80	CHINA	57
16	23-04-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	57	105000	193914000	1846.80	CHINA	57
17	23-04-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	57	142000	262245600	1846.80	CHINA	57
18	09-04-2010	CHOWGULE & CO. PRIVATE LIMITED	62	74390	140893358	1893.98	JAPAN	57
19	19-04-2010	CHOWGULE & CO. PRIVATE LIMITED	62	63100	119510296	1893.98	JAPAN	57
20	12-04-2010	CHOWGULE & CO. PRIVATE LIMITED	62	43450	82293539.9	1893.98	JAPAN	57
21	14-03-2011	M/s Ashapura Minechem Ltd Mumbai, India	49	25300	27896792	1102.64	U.A.U.	55
22	06-04-2010	M/s Mudra Exports, Ghaziabad, U.P.	53	36854	58210893	1579.50	CHINA	55
23	10-06-2010	PRASANNA V.GHOTAGE	54	8000	12732840	1591.61	CHINA	55

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
24	09-04-2010	SESA GOA LIMITED	62	36500	75035477.3	2055.77	JAPAN	53
25	09-04-2010	SESA GOA LIMITED	62	36500	75035477.3	2055.77	JAPAN	53
26	10-10-2010	PRIME MINERAL EXPORTS PVT. LTD	52	200	287910	1439.55	CHINA	52
27	29-04-2010	TWENTY FIRST CENTURY WIRE RODS LTD.	54	41000	68634000	1674.00	CHINA	52
28	12-04-2010	PRIME MINERAL EXPORTS PVT. LTD	52	55600	82190700	1478.25	CHINA	51
29	27-04-2010	M/s Timblo Enterprises, Margao.	50	71500	69498000	972.00	CHINA	51
30	16-04-2010	PANDURONGA TIMBLO INDUSTRIAS	52	63500	94468950	1487.70	CHINA	51
31	03-11-2010	M/s Salitho Ores Pvt Ltd, Margao, Goa	55	143500	238366128	1661.09	CHINA	50
32	22-11-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	165000	274079520	1661.09	CHINA	50
33	15-04-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	50	50360	49771417.5	988.31	CHINA	50
34	05-04-2010	DINAR TARCAR RESOURCES [INDIA] PVT. LTD, GOA	52	55000	83704500	1521.90	CHINA	50
35	05-04-2010	MINESCAPE MINERALS PVT. LTD	52	41800	63615420	1521.90	CHINA	50
36	24-04-2010	DINAR TARCAR RESOURCES [INDIA] PVT. LTD, GOA	52	200	304380	1521.90	CHINA	50

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
37	14-01-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	138000	232876987	1687.51	CHINA	49
38	01-10-2010	M/s Balaji Mines & Minerals. Margao	55	105000	177189012	1687.51	CHINA	49
39	05-01-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	30000	50625432	1687.51	CHINA	49
40	12-10-2010	M/s Balaji Mines & Minerals, Margao	55	142000	239627045	1687.51	CHINA	49
41	25-01-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	141500	238783288	1687.51	CHINA	49
42	05-01-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	200	337503	1687.52	CHINA	49
43	26-03-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	52	170200	259787970	1526.37	CHINA	49
44	17-05-2010	PANDURONGA TIMBLO INDUSTRIAS	52	59000	90340800	1531.20	CHINA	49
45	04-05-2010	M/s Frost International Ltd, Kanpur.	54	200	356576	1782.88	CHINA	49
46	07-02-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	700	1190509	1700.73	CHINA	49
47	15-02-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	149800	254768994	1700.73	CHINA	49
48	01-02-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	75400	128234861	1700.73	CHINA	49
49	23-02-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	145900	248136157	1700.73	CHINA	49

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
50	14-02-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	104700	178066180	1700.73	CHINA	49
51	02-12-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	91500	156307437	1708.28	CHINA	49
52	06-12-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	91500	156307437	1708.28	CHINA	49
53	20-12-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	86000	146911908	1708.28	CHINA	49
54	24-12-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	70000	119579460	1708.28	CHINA	49
55	14-12-2010	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	2870	4902758	1708.28	CHINA	49
56	30-10-2010	M/s PEC Ltd, New Delhi.	52	25000	40230000	1609.20	CHINA	47
57	09-04-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	50	55291	59353605.9	1073.48	CHINA	46
58	09-04-2010	M/s Karishma Impex, Panaji, Goa	52	74200	121706550	1640.25	CHINA	46
59	18-05-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	53	56000	108205328	1932.24	CHINA	45
60	29-03-2011	M/s S.S.MARITIME MANGALORE, INDIA	52	50000	82563750	1651.28	CHINA	45
61	07-05-2010	M/s Ashok Alco Chem Ltd, Mumbai	50	300	330000	1100.00	UAE	44
62	09-04-2010	BANDEKAR BROTHERS PVT.LTD.	51	55055	78672218.9	1428.98	CHINA	44
63	15-05-2010	SESA GOA LIMITED	53	54600	108267231	1982.92	CHINA	44

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
64	21-04-2010	M/s Sesa Goa Limited, Panaji.(EOU - AMONA)	61	75000	227929680	3039.06	NETHERLAND	43
65	17-04-2010	M/s Ashok Alco Chem Ltd, Mumbai	50	26000	29250000	1125.00	UAE	43
66	15-04-2010	TIMBLO PVT. LTD	60	90000	269730000	2997.00	CHINA	43
67	16-04-2010	M/s Timblo Pvt Ltd, Margao	60	56833	170328501	2997.00	CHINA	43
68	19-11-2010	M/s Panduranga Timblo Industrials, Margao ,Goa	52	30000	51678000	1722.60	CHINA	43
69	29-05-2010	SESA GOA LIMITED	57	85300	210357252	2466.09	CHINA	43
70	21-04-2010	M/s Sesa Goa Limited, Panaji.	61	87500	267425235	3056.29	NETHERLAND	43
71	17-04-2010	RAMACANTA VELINGKAR MINERALS NAVELCAR TRADE CENTERS, GOA	51	51700	75750840	1465.20	CHINA	43
72	14-12-2010	M/s Prathyusha Power uen Pvt. Ltd. Chennai, India	53	25000	50906250	2036.25	CHINA	42
73	14-12-2010	M/s Prathyusha A.shipping Pvt. Ltd. Uishakhapatnam	53	25000	50906250	2036.25	CHINA	42
74	12-04-2010	BANDEKAR BROTHERS PVT.LTD.	51	57400	84412440	1470.60	CHINA	42
75	10-05-2010	PRIME MINERAL EXPORTS PVT. LTD	52	524	913017.6	1742.40	CHINA	42

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
76	27-04-2010	M/s Sesa Goa Limited, Panaji.	61	101200	316305539	3125.55	SOUTH KOREA	41
77	01-04-2010	PANDURONGA TIMBLO INDUSTRIAS	55	63000	123322500	1957.50	CHINA	41
78	21-04-2010	PANDURONGA TIMBLO INDUSTRIAS	55	62500	122343750	1957.50	CHINA	41
79	16-03-2011	M/s Upsurge Multitrade Pvt. Ltd. Karnataka, India	53	10000	20842312	2084.23	CHINA	41
80	22-03-2011	M/s Upsurge Multitrade Pvt. Ltd. Karnataka, India	53	10000	20842312	2084.23	CHINA	41
81	31-03-2011	M/s Upsurge Multitrade Pvt. Ltd. Karnataka, India	53	30000	62526937	2084.23	CHINA	41
82	25-03-2011	M/s Upsurge Multitrade Pvt. Ltd. Karnataka, India	53	30000	62526938	2084.23	CHINA	41
83	10-04-2010	PRIME MINERAL EXPORTS PVT. LTD	52	65046	115911972	1782.00	CHINA	41
84	17-04-2010	ESMERALDA INTERNATIONAL (EXPORTS)	57	48550	123875325	2551.50	CHINA	41
85	20-04-2010	BANDEKAR BROTHERS PVT.LTD.	51	56800	85728240	1509.30	CHINA	41
86	22-04-2010	GANGADHAR NARSINGDAS AGRAWALANAND BHUVAN, GOA	58	50600	151989750	3003.75	CHINA	41

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
87	02-04-2010	KARISHMA GLOBAL MINERAL EXPORT PRIVATE LIMITED.	56	54550	148021425	2713.50	CHINA	40
88	04-01-2011	M/s PEC Ltd, New Delhi-India.	54	26900	56273724	2091.96	CHINA	40
89	27-04-2010	M/s V.M.Salgaocar & Bro Pvt Ltd, Vasco	61	204764	658205665	3214.46	SOUTH KOREA	40
90	06-05-2010	GANGADHAR NARSINGDAS AGRAWALANAND BHUVAN, GOA	58	49130	150066602	3054.48	CHINA	40
91	13-04-2010	M/s PEC Ltd, New Delhi.	52	92500	168581250	1822.50	CHINA	40
92	27-04-2010	M/s PEC Ltd, New Delhi.	52	20000	36450000	1822.50	CHINA	40
93	22-12-2010	M/s PEC Ltd, New Delhi.	54	30000	63531000	2117.70	CHINA	39
94	11-05-2010	PRATHYUSHA ASSOCIATES SHIPPING PRIVATE LIMITED	55	22500	45441000	2019.60	CHINA	39
95	12-05-2010	PRATHYUSHA POWER PRIVATE LIMITE	55	22500	45441000	2019.60	CHINA	39
96	05-04-2010	RAJARAM, N.S. BANDEKAR & CO. PVT.LTD.	58	25000	77096250	3083.85	CHINA	39
97	01-10-2010	M/s V.S.Dempo And Co. Ltd, Panaji.	52	72000	134179602	1863.61	CHINA	38
98	08-12-2010	M/s Ashapura Minechem Ltd Mumbai, India	54	47400	102631073	2165.21	CHINA	38

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
99	19-11-2010	M/s Frost International Ltd, Kanpur.	53	60500	132320034	2187.11	CHINA	38
100	30-11-2010	M/s Rotomac Exports Pvt Ltd, Kanpur.	53	59500	130132926	2187.11	CHINA	38
101	04-11-2010	M/s G.N.Agarwal, Margao, Goa	58	57000	178569600	3132.80	CHINA	38
102	13-05-2010	M/s PEC Ltd, New Delhi.	51	45150	71517600	1584.00	CHINA	38
103	29-04-2010	BANDEKAR BROTHERS PVT.LTD.	51	54040	85745268	1586.70	CHINA	38
104	03-11-2010	M/s V.M. Salgacar & Bro Pvt Ltd, Vasco	53	140	308394	2202.81	CHINA	38
105	01-11-2010	M/s V.M. Salgacar & Bro Pvt Ltd, Vasco	53	66760	147059996	2202.82	CHINA	38
106	23-04-2010	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	58	135700	428383188	3156.84	LUXEMBOURG	38
107	23-04-2010	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	58	25000	78921000	3156.84	LUXEMBOURG	38
108	03-04-2010	MUKTAR MINERALS PVT.LTD	55	49000	103194000	2106.00	CHINA	37
109	31-12-2010	M/s S.S.Metals Pecycleing Industries, U.P. India	53	43100	96538612	2239.87	CHINA	37
110	29-04-2010	M/s PEC Ltd, New Delhi.	51	100000	162000000	1620.00	CHINA	36
111	19-12-2010	M/s Frost International Ltd, Kanpur.	53	86500	194559411	2249.24	CHINA	36

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
112	22-03-2011	M/s Magnum Minerals Pvt. Ltd. Goa.	58	15000	48330000	3222.00	CHINA	36
113	29-03-2011	M/s Upsurge Multitrade Pvt. Ltd. Karnataka, India	53	10000	22554000	2255.40	CHINA	36
114	14-05-2010	M/s Sesa Goa Limited, Panaji.	53	72500	163600012	2256.55	CHINA	36
115	15-04-2010	PEC LIMITED, NEW DELHI	54	56850	128935800	2268.00	CHINA	35
116	17-11-2010	M/s Rotomac Global Pvt Ltd, Kanpur.	52	35000	68530000	1958.00	CHINA	35
117	29-12-2010	M/s Panduranga Timblo Industrials, Margao ,Goa	55	13000	28147762	2165.21	CHINA	35
118	06-04-2010	M/s PEC Ltd, New Delhi.	55	54720	119672640	2187.00	CHINA	34
119	11-05-2010	V.S.DEMPO & CO. PVT.LTD.	52	54350	107510528	1978.11	CHINA	34
120	13-04-2010	BGH EXIM LIMITED	54	15000	34452000	2296.80	CHINA	34
121	29-04-2010	CHOWGULE & CO. PRIVATE LIMITED	54	54840	126010804	2297.79	CHINA	34
122	22-11-2010	M/s PEC Ltd, New Delhi.	52	27200	53856000	1980.00	CHINA	34
123	06-04-2010	CHOWGULE & CO. PRIVATE LIMITED	54	45094	104196293	2310.65	CHINA	34
124	25-03-2011	M/s PEC Ltd, New Delhi-India.	48	40000	61039000	1525.98	CHINA	34
125	30-03-2011	M/s PEC Ltd, New Delhi-India.	48	50300	76756543	1525.98	CHINA	34

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
126	19-01-2011	M/s A.L. International Trading Nizamabad, India	52	500	999045	1998.09	CHINA	34
127	28-01-2011	M/s Bagadiy Brothers Pvt. Ltd. Riapur, India	52	40510	80942626	1998.09	CHINA	34
128	24-03-2011	M/s Magnum Minerals Pvt. Ltd. Goa.	59	35710	115057620	3222.00	CHINA	34
129	04-03-2011	M/s PEC Ltd, New Delhi-India.	48	25000	38261250	1530.45	CHINA	34
130	05-03-2011	M/s PEC Ltd, New Delhi-India.	48	23946	36648156	1530.45	CHINA	34
131	20-04-2010	CHOWGULE & CO. PRIVATE LIMITED	56	54150	164079293	3030.09	CHINA	34
132	12-05-2010	MAGNUM MINERALS PVT.LTD.	58	44000	148104000	3366.00	CHINA	33
133	17-04-2010	M/s Frost International Ltd, Kanpur.	56	145000	440437500	3037.50	CHINA	33
134	14-05-2010	TIMBLO PVT. LTD	60	69100	243536040	3524.40	CHINA	33
135	31-12-2010	M/s A.L. International Trading A.p. , India	52	27000	54612225	2022.68	CHINA	33
136	08-04-2010	M/s V.M.Salgaocar Sales International, Vasco	53	35000	82998956	2371.40	CHINA	33
137	11-10-2010	M/s Alpine Minmetals India Pvt Ltd, Haryana.	52	52275	106202674	2031.61	CHINA	33
138	07-04-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	53	1000	2384949.6	2384.95	CHINA	32

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
139	30-11-2010	S.S. Metal Recycling Industries Moradabad, UP, India	52	18100	36857392	2036.32	CHINA	32
140	14-05-2010	V.G.M. EXPORTS, GOA	51	50470	86939622	1722.60	CHINA	32
141	24-05-2010	TIMBLO ENTERPRISES	60	67500	240570000	3564.00	CHINA	32
142	17-05-2010	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	60	62500	222799500	3564.79	JAPAN	32
143	17-05-2010	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	60	20000	71295840	3564.79	JAPAN	32
144	24-12-2010	M/s Panduranga Timblo Industrials, Margao ,Goa	52	63400	129786774	2047.11	CHINA	32
145	23-04-2010	Billion Wealth Minerals Pvt Ltd, Mumbai	51	124500	215556188	1731.38	CHINA	32
146	19-05-2010	MAGNUM MINERALS PVT.LTD.	58	50	172040	3440.80	CHINA	32
147	15-02-2011	M/s Panduranga Timblo Industrials, Margao ,Goa	48	79900	125262426	1567.74	CHINA	32
148	09-04-2010	SHANTADURGA TRANSPORT CO. PVT.LTD.	54	56440	136006290	2409.75	CHINA	31
149	13-05-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	53	57350	139627923	2434.66	CHINA	31
150	04-01-2011	M/s PEC Ltd, New Delhi-India.	52	30000	62758800	2091.96	CHINA	31

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
151	21-01-2011	M/s PEC Ltd, New Delhi-India.	52	25000	52299000	2091.96	CHINA	31
152	07-04-2010	DAMODAR MANGALJI & CO.LTD.	54	51300	124659000	2430.00	CHINA	31
153	12-04-2010	DAMODAR MANGALJI & CO.LTD.	54	45000	109350000	2430.00	CHINA	31
154	16-04-2010	DAMODAR MANGALJI & CO.LTD.	54	3600	8748000	2430.00	CHINA	31
155	16-04-2010	DAMODAR MANGALJI & CO.LTD.	54	51500	125145000	2430.00	CHINA	31
156	24-04-2010	MAGNUM MINERALS PVT.LTD.	58	53600	188618400	3519.00	CHINA	30
157	04-05-2010	D.B.BANDODKAR & SONS PVT.LTD.	52	54000	113335200	2098.80	CHINA	30
158	20-10-2010	M/s Alpine Minmetals India Pvt Ltd, Haryana.	52	49045	103148256	2103.13	CHINA	30
159	19-12-2010	M/s Frost International Ltd, Kanpur.	54	60000	146610000	2443.50	CHINA	30
160	18-10-2010	M/s V.S.Dempo And Co. Ltd, Panaji.	52	77000	162530579	2110.79	CHINA	30
161	07-05-2010	PEC LIMITED, NEW DELHI	50	16790	23270940	1386.00	CHINA	30
162	07-05-2010	PEC LIMITED, NEW DELHI	50	110	152460	1386.00	CHINA	30
163	13-12-2010	M/s Emars minning & constructions Pvt. Ltd.	51	31600	56624040	1791.90	CHINA	30

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
164	12-10-2010	SESA GOA LIMITED	58	36300	129268488	3561.12	CHINA	30
165	07-04-2010	M/s HLL Lifecare Ltd., Tiruvanthapuram, Kerala	55	120	281880	2349.00	CHINA	30
2010-2011 (Lump)								
1	03-06-2010	PRIME MINERAL EXPORTS PVT. LTD	54	53400	78974595	1478.93	CHINA	67
2	20-04-2010	M/s V.M.Salgaocar & Bro Pvt Ltd, Vasco	59	33400	64904791	1943.26	JAPAN	61
3	17-06-2010	TIMBLO PVT. LTD	60	2300	4214265.8	1832.29	JAPAN	56
4	10-06-2010	TIMBLO PVT. LTD	60	65900	120747877	1832.29	JAPAN	56
5	16-04-2010	M/s PEC Ltd, New Delhi.	54	40000	84240000	2106.00	CHINA	54
6	22-04-2010	M/s PEC Ltd, New Delhi.	54	20000	42120000	2106.00	CHINA	54
7	22-10-2010	M/s Mana corporation, Bangalore	54	46000	98080740	2132.19	CHINA	53
8	12-04-2010	CHOWGULE & CO. PRIVATE LIMITED	60	30400	60282506.7	1982.98	JAPAN	52
9	20-01-2011	M/s Salgaocar Mining Ind. Pvt. Ltd, Margao.	55	71600	120826031	1687.51	CHINA	48
10	31-05-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	52	30000	35364384	1178.81	CHINA	46
11	29-05-2010	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	55	47300	86161680	1821.60	CHINA	43
12	29-05-2010	SOCIEDADE DE FOMENTO INDUSTRIAL PVT. LTD.	55	18000	32788800	1821.60	CHINA	43

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
13	10-06-2010	V.S.DEMPO & CO. PVT.LTD.	56	51000	131508246	2578.59	CHINA	42
14	03-02-2011	M/s Ashapura Minechem Ltd Mumbai, India	54	51300	136260392	2656.15	CHINA	41
15	14-02-2011	M/s Ashapura Minechem Ltd Mumbai, India	54	200	531230	2656.15	CHINA	41
16	24-04-2010	PRIME MINERAL EXPORTS PVT. LTD	54	68100	183257100	2691.00	CHINA	41
17	18-10-2010	M/s Frost International Ltd, Kanpur.	56	67500	184194061	2728.80	CHINA	38
18	31-05-2010	V.M. SALGAOCAR & BROTHER PVT. LTD.	58	32000	99181209.6	3099.41	CHINA	38
19	15-06-2010	SESA GOA LIMITED	57	62300	167052709	2681.42	CHINA	37
20	06-04-2010	PRIME MINERAL EXPORTS PVT. LTD	54	76700	222276600	2898.00	CHINA	36
21	06-04-2010	PRIME MINERAL EXPORTS PVT. LTD	54	63800	184892400	2898.00	CHINA	36
22	06-11-2010	M/s PEC Ltd, New Delhi.	57	10000	27720000	2772.00	CHINA	34
23	22-11-2010	M/s PEC Ltd, New Delhi.	57	20000	55440000	2772.00	CHINA	34
24	27-04-2010	M/s Tumblo Enterprises, Margao.	56	57500	166635000	2898.00	CHINA	34
25	22-10-2010	M/s PEC Ltd, New Delhi.	57	10000	28161000	2816.10	CHINA	33
26	29-10-2010	M/s PEC Ltd, New Delhi.	57	10000	28161000	2816.10	CHINA	33
27	03-12-2010	M/s PEC Ltd, New Delhi.	57	17600	50173200	2850.75	CHINA	33

Sr. No.	SHIPPING BILL DATE	NAME & ADDRESS OF EXPORTER	FE CONTENT %	QUANTITY EXPORTED (WMT)	FOB VAUE (RS.)	FOB Rate per WMT (Rs.)	Country to which exported	% of under invoicing as compare to average sale FOB price for same grade and period (Rs.)
28	27-04-2010	M/s Sesa Goa , Limited, Panaji.(EOU - KARNATAKA)	61	30000	101442436	3381.41	SOUTH KOREA	32
29	27-04-2010	M/s Sesa Goa Limited, Panaji.(EOU - CODLI)	61	24000	81153949	3381.41	SOUTH KOREA	32
30	29-04-2010	M/s PEC Ltd, New Delhi.	56	28369	87319782	3078.00	CHINA	30
31	31-05-2010	SESA GOA LIMITED	59	33600	117847226	3507.36	CHINA	30
32	31-05-2010	SESA GOA LIMITED	59	50400	176770839	3507.36	CHINA	30

PART - I
ILLEGAL TRANSFER OF MINING LEASE
IN VIOLATION OF RULE 37 OF THE MCR, 1960

SCHEDULE : I

Iron Ore and Manganese Ore are placed at Sr. Nos.6 and 9 of Part 'C' under metallic and non-metallic minerals of Schedule I of Mines and Minerals (D & R), Act 1957.

Rule 37 of MCR, 1960 provides for Transfer of Lease with a view to regulate transfers of leasehold interest of a mining area.

In case of minerals specified in Part A and Part B of First Schedule of MM(DR) Act, 1957, the lessee is placed under obligation to get previous consent / approval in writing by the Central Government before entering into any understanding, agreement, contract or otherwise any manner for transfer his rights and / or interest in the lease.

The Iron and Manganese Ores presently falls in Part C of Schedule I. So, before assigning, subletting or mortgaging or creating interest in any other manner whatsoever or transferring the mining lease or any right, title or interest therein, it is obligatory on the part of a lessee **to get previous letter of consent from the State Government and enter into a transfer lease deed.**

Rule 37 & 37A of MCR, 1960 reads as under :-

“37. Transfer of lease.

(1) These lessee shall not, without the previous consent in writing of the State Government ¹[and in the case of mining lease in respect of any mineral specified in ²[Part A and Part B of] the First Schedule to the Act, without the previous approval of the Central Government]—

- (a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or
- (b) enter into or make any ³[bona fide] arrangement, contract, or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee :

³[* * *]

⁴[PROVIDED FURTHER that where the mortgagee is an institution or a Bank or a Corporation specified in Schedule V, it shall not be necessary for the lessee to obtain any such

consent of the State Government.]

-
1. Inserted by GSR 129(E), dt. 20.2.1991
 2. Inserted by GSR 56(E), dt. 18.1.2000, w.e.f. 18.1.2000
 3. Proviso omitted by GSR 724(E), dt. 27.9.1994
 4. Inserted by GSR 345(E), dt. 13.3.1973

¹[(1A) *The State Government shall not give its consent to transfer of mining lease unless the transferee has accepted all the conditions and liabilities which the transferor was having in respect of such mining lease.]*

(2) *Without prejudice to the provisions of sub-rule (1), the lessee may, ²[**] transfer his lease or any right, title or interest therein to person ³[who has filed an affidavit stating that he has filed an up-to-date income-tax returns, paid the income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961, on payment of a fee of five hundred rupees] to the State Government :*

PROVIDED that the lessee shall make available to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it :

⁴[*PROVIDED FURTHER that where the mortgagee is an institution or a Bank or an Corporation specified in Schedule V, it shall not be necessary for any such institution or Bank or Corporation ⁵[to meet with the*

requirement relating to income tax] :]

1. **Substituted by GSR 724(E), dt. 27.9.1994**
2. **The words “subject to the conditions specified in the proviso to rule 35” omitted by GSR 743(E), dt. 25.9.2000**
3. **Substituted by GSR 449(E), dt. 13.4.1988**
4. **Substituted by GSR 1333, dt. 13.4.1988**
5. **Substituted by GSR 449(E), dt. 13.4.1988**

¹*[PROVIDED FURTHER that the lessee shall not charge or accept from the transferee any premium in addition to the sum spent by him, in obtaining the lease, and for conducting all or any of the operations referred to in rule 30 in or over the land leased to him:]*

²*[* * *]*

- (3) *The State Government may, by order in writing determine any lease at any time if the lessee has, in the opinion of the State Government, committed a breach of any of the provisions of sub-rule (1) ³[or sub-rule (1A)] or has transferred any lease or any right, title or interest therein otherwise than in accordance with sub-rule (2) :*

PROVIDED that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

- ⁴**[37A. Transfer of lease to be executed within three months.**

Where on an application for transfer of

mining lease under rule 37, the State Government have given consent for transfer of such lease, a transfer lease deed in Form O or a form as near thereto, as possible, shall be executed within three months of the date of the consent, or within such further period as the State Government may allow in this behalf.]

-
1. **Inserted by GSR 805, dt. 30.4.1963**
 2. **Proviso omitted by GSR 56(E), dt. 18.1.2000, w.e.f. 18.1.2000**
 3. **Inserted by GSR 877, dt. 21.9.1985**
 4. **Inserted by GSR 804, dt. 22.5.1979**

The aforesaid Sub-rule (1) of Rule 37 provide that the lessee shall not,

- (a)
 1. "assign",
 2. "sublet",
 3. "mortgage", or
 4. "in any other manner transfer the mining",
 - or
 5. "lease", or
 6. "any right",
 7. "title", or
 8. "interest therein",

without the previous consent in writing by the Government.

Clause (b) of Sub-rule (1) of Rule 37 provides that a lessee shall not,

- (i) enter into or

- (ii) make any [*bona fide*] arrangement,
- (iii) contract or
- (iv) understanding,

whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than lessee.

Aforesaid Clause (a) prohibits transfer of leasehold rights in any manner without previous **consent in writing of the State Government** and in case of mineral specified in Part A and B without previous approval of the Central Government.

Clause (b) thereof specifically provides that lessee can not enter into bonafide arrangement whereby lease operation would directly or indirectly go under control of a person who has directly or indirectly financed substantially to lessee.

The insertion of words "*bona fide*" by GSR 56(E) dated 17/01/2000 has placed a lessee under restriction/prohibition that he cannot enter, without previous consent/approval of the State Government into even *bona fide* arrangement, or a contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under

which the **lessee's mining operations would go under control of such person/s or a company or institution.**

The proviso made under sub-rule (1) carves out only one exception which says that the mortgagee is an institution or a bank or a corporation specified in Schedule V (of MCR, 1960). It would not be necessary for the lessee to obtain any previous consent / approval of the State Government.

The breach of sub-rule (1), in other words, non-compliance of the regulatory scheme of sub-rule (1) of Rule 37 of MCR, 1960 may lead to determination of leasehold rights.

Rule 37 sub rule 2 specifically empowers the State Govt. to determine the lease at any time in case there is a breach of sub rule 1 or sub rule 1A. In case where there is a transfer of the lease hold rights in any manner as stated above.

Finally, in case of transfer which is permitted, the transferor is required to execute a lease deed as far as possible within 3 months or within the extended period allowed by the State Government.

The harmonious reading of entire Rule 37 puts an embargo on the State Government that before granting any permission / approval requested by a lessee, it

should not be accepted unless there is a compliance of scheme of sub-rule (1A) and sub-rule (2) of Rule 37 of MCR, 1960.

At this stage, it would be worthwhile to refer to relevant part of **Sections 4 and 5 of the MM(DR) Act, 1957.**

“4. Reconnaissance or Prospecting or mining operations to be under licence or lease

(1) ¹[No person shall undertake any reconnaissance, prospecting or **mining operations in any area, except under and in accordance with the terms and conditions of reconnaissance permit or of a prospecting licence or, as the case may be, a mining lease, granted under this Act and the rules made thereunder**]:

... ..

1. Subs. by Act 38 of 1999, Sec. 5, for certain words (w.e.f. 18-12-1999)

¹[5. Restrictions on the grant of prospecting licences or mining leases :-

²[(1) A State Government shall not grant a ³[reconnaissance permit, prospecting

licence or mining lease] to any person unless such person—

- (a) is an **Indian national**, or a Company as defined in sub-section (1) of Section 3 of the Companies Act, 1956; and
- (b) satisfies such conditions as may be prescribed :

*Provided that in respect of any mineral specified in the First Schedule, no ⁴[reconnaissance permit, prospecting licence or mining lease] shall be granted except with the **previous approval of the Central Government.***

Explanation – For the purposes of this sub-section, a person shall be deemed to be an Indian national, -

-
- 1. Subs. by Act 37 of 1986, sec. 4, for Section 5 (w.e.f. 10-2-1987)
 - 2. Subs. by Act 25 of 1994, sec. 3, for sub-section (1) (w.r.e.f. 25-1-1994)
 - 3. Subs. by Act 38 of 1999, sec. 7, for “prospecting licence or mining lease” (w.e.f. 18-12-1999)
 - 4. Subs. by Act 38 of 1999, sec. 7, for “prospecting licence or mining lease” (w.e.f. 18-12-1999)

- (a) in the case of a firm or other association of individuals,

only if all the members of the firm or members of the association are citizens of India; and

(b) in the case of an individual, only if he is a citizen of India;]]”

After inquiry by this Commission, it appears that the State Government has not taken note or any step in controlling violation of Rule 37 nor it has determined such leases as provided under Rule 37(3) of MCR, 1960.

**LAW ON THE SUBJECT
AS INTERPRETED BY THE APEX COURT**

The Hon'ble Supreme Court interpreted the similar rules permitting transfer of mines and strongly condemned shady transactions done in collaborations and collusions with the concerned officers for illegal gratifications which results depletion of assets of the state for the personal benefit of the vested interest. The interpretation of the Apex Court is equally applicable to Rule 37 of MCR, 1960.

The judgment of the Apex Court is reproduced as under:

"1996 (5) Suppl. SCR 692 = 1996 (10) SCC 665 = 1996 (7) SCALE 342 = JT 1996 (9) S.C. 303

M/s. Victoria Granites v. P. Rama Rao & Ors.

Subject

A.P. Mines & Mineral Concession Rules, 1966.

Rule 31-Leasehold rights-Original Lessee transferring to another firm- Prohibition contained in clause (8) of Appendix to the lease and clause (ix) of Rule 31 against transfer or assignment or sub-lease except with prior permission of competent authority after two years- Next day Deputy Director ordering transfer- No publicity

Headnotes

Held:

There is a facade of compliance of law, but it is only a subterfuge to comply with the law and an attempt by a private company to secure unjustifiable enrichment-The entire transaction is smacked of mala fides and would defeat constitutional objectives-Government had rightly set aside the assignment of leases granted to petitioner and sub-lease in favour of another firm- Restructuring of Rules and contractual clauses consistent with constitutional philosophy-Suggestion to Government-Constitution of India, Art. 39(b).

CIVIL APPELLATE JURISDICTION :

Civil Appeal No. 12368 of 1996.

*1996 (5) Suppl. SCR 692, 1996 (10) SCC 665,
1996 (7) SCALE 342, 1996(9) JT 303*

PETITIONER: M/S. VICTORIAN GRANITES (P) LTD.

Vs.

RESPONDENT: P. RAMA RAO & ORS.

DATE OF JUDGMENT: 09-09-1996

BENCH: RAMASWAMY, K.; G. B. PATTANAIK (J)

JUDGMENT:

ORDER

Leave granted.

This appeal by special leave arises from the judgment and order of the Division Bench of the Andhra Pradesh High Court made on December 14, 1995 in W.P. 6592/94. The appellant had filed a revision under Section 35-A of the A.P. Mines & Mineral Concession Rules, 1966 (for short, the "Rules"). The Government after issuance of notice, set aside the transfer of the leasehold rights had by the first respondent, P.Rama Rao, who was the original lessee, to M/s. Magam Inc. in respect of the leasehold interests in the four leases granted in various G.Os. for about 103 acres which facts are not in dispute. When the matter came up for hearing, this Court issued notice as to how and under what circumstances P. Rama Rao came to transfer these leasehold interests to the second respondent, and whether they are sustainable in law? The respondents have filed their counter-affidavits. We have heard the learned counsel on both sides.

It is not in dispute that P. Rama Rao had applied for and obtained leases on various dates for quarrying granite in R.L.Puram in Chimokurthy Mandalam of Prakasam District for a period of ten years on October 7, 1989. Subsequently, on October 8, 1990, he had executed the lease deed. He transferred the leases in favour of Magam Inc. on October 8, 1992. The question is: whether the transfer of the leasehold rights is valid and sustainable in law? It is true, as contended by Shri K.R. Chowdhary,

learned counsel for the respondents, that clause (8) of Appendix to the Lease and clause (ix) of Rule 31 of the Rules, prohibit transfer or assignment or sub-lease of the leasehold interests in the mining lease, granted in favour of the lessee, except with prior permission by the competent authority after expiry of two years. At the relevant time, the competent authority was the Deputy Director. Exactly on expiry of 2 years from the date of the grant of the lease, P. Rama Rao had applied on October 7, 1992 for assignment of the lease in favour of Magam Inc. and the next day, viz., October 8, 1992, the Deputy Director, promptly and willingly had ordered transfer to Magam Inc. of the leasehold rights had by P. Rama Rao. It does not appear that any publicity was given inviting objections from others. The question, therefore, is: whether the action taken by the Deputy Director is valid in law? It is true that a facade of compliance of law has been done by P. Rama Rao and Magam Inc. for having the transfer of the leasehold interests had by P. Rama Rao made in favour of the latter. The best of the legal brains will be available to escape the clutches of law and transactions would be so shown to be in compliance of semblance of law. In that pursuit, payment of royalty and permits remained in the name of P. Rama Rao. The court has to pierce through the process, lift the veil and reach the genesis and effect. Article 39 (b) of the Constitution envisages that the State shall, in particular, direct its policies towards securing that the ownership and control

of the material resources of the community are so distributed as best to subserve the common good. Socio-economic justice is the arch of the Constitution. The public resources are distributed to achieve that objective since liberty and meaningful right of life are hedged with availability of opportunities and resources to augment economic empowerment. The question is: whether the transfer is to subserve the above common good and constitutional objective? It is true that when the individuals have been granted lease of mining of the property belonging to the Government, the object of such transfer was to augment the economic empowerment of the transferee by himself or by a cooperative Society or partnership composing persons to work out the mines to achieve economic empowerment. Whether such a transfer could be made a subterfuge to circumvent the constitutional philosophy and thereby the constitutional objective be sabotaged in that behalf? Answer would be obviously in the negative. It is seen that the Government has amended the rules and given powers to the Director to grant assignment after the two years from date of leave from one firm, in favour of another firm of the lease rights obtained by one, and if it is sought to be transferred within two years, prior permission of the Government is required to be obtained.

The object is to have control in the hanky-panky and shady transactions done in collaboration and

collusion with the lower level officers for illegal gratification and to prevent the depletion of the assets of the State for personal benefit of the vested interests, defeating the constitutional objective behind Article 39(b) of the Constitution, the preamble and fundamental rights enshrined in the Constitution. This system of transfer would encourage corruption and nepotism and official acts done in secrecy would sabotage the constitutional objectives. Big fish will always eats away small fish in diverse forms, so as to drive the latter away from the area. Legal form of action, if given primacy, the constitutional objective would be easily defeated, creating monopoly in the market by few vested interests controlling the economy. The problem has to be broached from this perspective and must seek an answer to the question whether such transactions would elongate and subserve common good?"

In this case, as rightly contended by Shri K.R. Chowdhary, there is a facade of compliance of law, but, as stated earlier, it is only a subterfuge to comply with the law and an attempt by a private company whose polishing centre is situated in Chittoor District and Head Office in Madras to secure unjustifiable enrichment. We have got our own doubts with regard to the very constitution and genuineness of the partnership said to have been entered

into between P. Rama Rao and other partners of Magam Inc. However, in this case, it is not necessary for us to go into that issue. Suffice it to state that the entire transaction is smacked of bonafides and would defeat the constitutional objectives. The Government should restructure their rules and contractual clauses consistent with constitutional philosophy. The Government, therefore, has rightly, though for different reasons, set aside the assignment of leases granted by P. Rama Rao and sub-lease in favour of Magam Inc. by exercising its suo motu power.

The appeal is accordingly allowed. The order of the High Court stands set aside and that of the Government stands confirmed, but in the circumstances, without costs."

**ILLEGAL MINING
IN VIOLATION OF RULE 37 OF MCR, 1960**

During investigation it is found that **68 lease holders of** mines have transferred their lease hold rights / interest / title and “transferees” are operating mines without previous consent in writing of State Govt. or without previous approval of central govt. as provided under Rule 37 of MCR, 1960.

- (a) Operation of mine by the person/s, firm or a company other than the actual lease holder would not be possible unless there is direct or indirect support from the regulatory authorities.
- (b) The violation of Rule 37 of MCR, 1960 would automatically attract violation of Sections 4 and 4(1)(A) of MMDR Act, 1957. **Breach of the said sections amounts to an offence punishable u/s. 21 of MMDR Act, 1957.**
- (c) It is noticed by the Commission from the details provided and collected during investigation that the violators have conveniently avoided to obtain previous consent in writing from the Government for reason best known to them. Mostly they are the companies incorporated under the company law or partnership firms.
 - (i) Some of such violators have posed themselves

as power of attorney holder of the person/s having leasehold interest in a mining area and

- (ii) Some of them have put on mask of raising contractors.
- (iii) Some of them have got “back door” entry by purchasing more than 50% shares or equity in the companies and taken the management of the lease under their control.

The law on the subject:

In such situation, following observations made by the Apex Court in case of M/s Victoria Granites V. P. Rama Rao & Ors., 1996(10) SCC 665, are relevant and are to be implemented.

“The object is to have control in the hanky-panky and shady transactions done in collaboration and collusion with the lower level officers for illegal gratification and to prevent the depletion of the assets of the State for personal benefit of the vested interests, defeating the constitutional objective behind Article 39(b) of the Constitution, the preamble and fundamental rights enshrined in the Constitution. This system of transfer would encourage corruption and nepotism and official acts done in secrecy would sabotage the constitutional objectives. Big fish will always eats away small fish in diverse forms, so as to drive the latter away from

the area. Legal form of action, if given primacy, the constitutional objective would be easily defeated, creating monopoly in the market by few vested interests controlling the economy. The problem has to be broached from this perspective and must seek an answer to the question whether such transactions would elongate and subserve common good?"

T.C. Nos. 11/41, 12/41, 13/41, 14/41 and 15/41.

One Dempo and Souza Limited of Goa was the original concessionary of all these five (5) leases. Thereafter, these five (5) mines were operated by “Comphania Mineira Dempo & Souza Limited of Goa”.

However, the Environmental Clearance (EC) for all these mines has been granted by the Ministry of MoEF (GOI) in favour of “M/s. Dempo Mining Corporation Limited” on 17/11/2005 and 17/09/2007 (one common EC for all the five (5) different leasehold areas).

Undisputedly, today all these mining areas are operated and mineral is being excavated by a public limited company namely “Sesa Mining Corporation”. An attempt has been made that the Sesa Mining Corporation Limited has acquired leasehold interest.

On inquiry by this Commission, the Registrar of Companies, Goa Daman and Diu, has issued a certificate that “M/s. Dempo Mining Corporation Private Limited” is changed to “M/s. Dempo Mining Corporation Limited”.

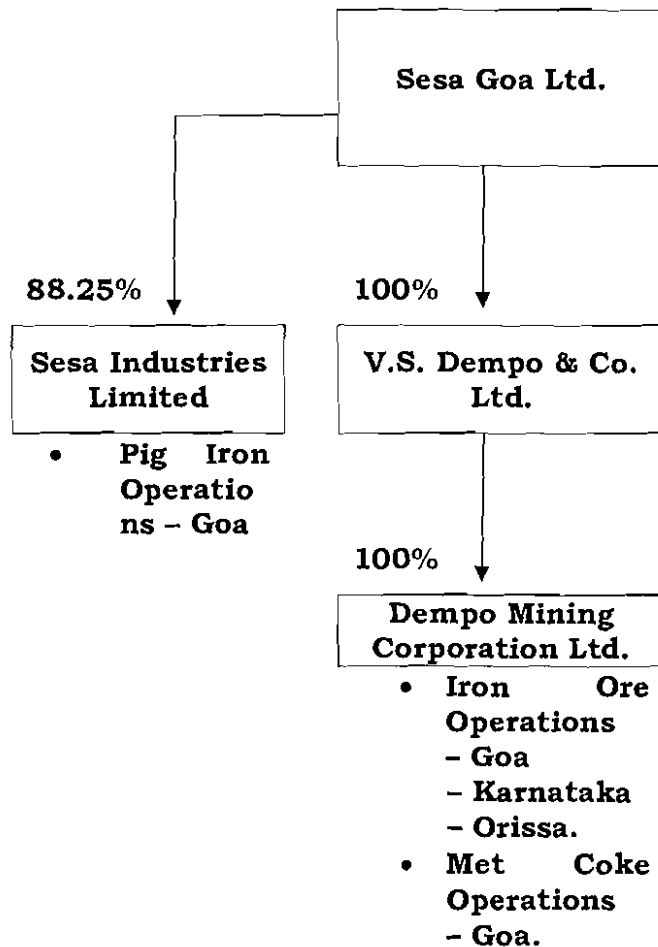
He has also forwarded a second certificate to the effect that “M/s. Dempo Mining Corporation Limited” with the approval of Central Government is changed to “Sesa Mining Corporation Limited” on the basis of resolution passed by M/s. Dempo Mining Corporation Limited under the Companies Act.

It is to be stated that on 12/11/2010, name of Dempo Mining Corporation Private Limited was changed

as “Dempo Mining Corporation Limited” and the name of Dempo Mining Corporation Limited then is changed as “Sesa Mining Corporation Limited” on 18/11/2010.

Similarly the name of ‘V.S. Dempo & Company Private Limited’ is also changed as V.S. Dempo & Company Limited on 19/11/2010 and the name of V.S. Dempo & Company Limited is subsequent change as ‘Sesa Resources’ on 19/11/2010.

It appears from the statement of the Chief Executive of Sesa Goa Ltd. in the general meeting of shareholders for the year 2009-10 that “Sesa Goa Limited” is a part of Vedanta Group and the Sesa Goa’s group structure is as follows:



The speech delivered by the Chief Executive of Sesa Goa in the meeting of shareholders for the year 2009-10 on the count of acquisition is as under :-

*“In June 2009, your Company acquired the mining assets of **V.S. Dempo and Company Private Limited (‘VSD’ or ‘Dempo’)** and its subsidiaries and associates. The acquisition of Dempo’s mining assets in Goa on a debt-free and cash-free basis for Rs. 1,750 crore (based on nominative working capital) which was financed through internal accruals. Dempo is a logical and strategic fit with Sesa’s existing iron ore business. While integration is continuing, your Company has already started leveraging synergies to create significant long term value for all shareholders. Some areas where work is progressing are:*

- *Utilization of Sesa Goa’s mining and project management skills to develop and optimize Dempo’s operations;*
- *Further exploration of Dempo’s longer life mining assets; and*
- *Synergizing Dempo’s operations with Sesa Goa’s to create mining and logistics efficiencies.*

The integration process is moving as planned and in doing so, there has been a significant growth in production of saleable ore for Dempo. These added to the consolidated growth of Sesa Goa.

Dempo has been the first major acquisition by your Company. And the success of the post-merger fit has given us confidence to pursue the acquisition route for growth for coming years.”

From the above speech, it is clear that the assets of above both the companies have been acquired by “Sesa Goa Limited” for the purpose mentioned in the above speech.

It is relevant to note that one Japanese firm Mitsui Finsider International Ltd. had majority control of Sesa Goa and decided to sale its stake to exit from the mining business and that a multinational company Vedanta has purchased shares with a bid of Rs. 2,036/- per share.

The ministry of corporate affairs directed to initiate action against Sesa Goa on various grounds. Thus, it is apparent that this is not a case of change in the name of a company incorporated earlier but is an acquisition / transfer of leasehold interest in above all five (5) lease areas.

Further, the leasehold interest of M/s. Sesa Goa Limited (Sesa Goa together with its subsidiaries) has entered into merger agreement with Sterlite Industries (India) Limited and a multinational company namely Vedanta Resources. The word Vedanta includes Vedanta Resources Public Limited and its subsidiaries and the same forms a group. A note released for publication and

distribution dated 25/02/2012 by Sesa Goa Limited as one of the Vedanta groups of companies amply clarifies that Sesa Goa Limited now is 'Sesa Sterlite Limited'. With this fact situation more than one company including Vedanta Resources can claim leasehold interest in the mines along with other mines claimed to be under control and operation by 'Sesa Goa Limited'. **This includes one more T.C. No. 9/49.**

It would not be either legal or proper to say that certain procedures required under the Company's Act if are complied with, would immune such company from compliance of other statutory obligations which are mandatory in nature. This is not a case of a mere change in the name of a company on account of change of holding pattern of shares of a limited company. Hence, the excavation of mineral namely iron ore from the day one is in contravention of Rule 37 of MCR, 1960.

The Stake in Multinational Company Vedanta Group of Companies by a Non Indian may have direct bearing on legality of even indirect transfer of lease hold interest in a lease area in view of the scheme Section 5(a) of MM(DR) Act, 1957. All Directors of Vedanta will have control on administration and dealing of other subsidiaries, including Sesa Goa Ltd. or Sesa Resources Ltd., etc. because Vedanta Group of Companies is holding 51% or more shares. Unless all directors of Vedanta Group of Companies are Indian Nationals, they

can not obtain mining lease and / or create interest, in any direct or indirect manner, in the lease hold rights. The matter become more serious being the lease lands are forest land. This would amount of violation of the purpose of the Act in general and Section 5(a) of MM(DR) Act, 1957 in particular.

Vedanta Resources Plc (Vedanta)'s holding in SesaGoa is more than 51%. As on 27th January, 2012, Vedanta was holding more than 55% shares in SesaGoa through three 100% direct subsidiaries. Two companies have created interest in lease-hold rights of above TCs and other TCs., of which the Directors are not Indian nationals. They have U.K. and Mauritius based. Acquisition of lease-hold rights over mining areas either in Goa or in anywhere in India by the companies having non-Indian Directors is illegal under Section 5(a) of MMDR Act, 1957. Transfer of lease-hold interest is additional illegalities.

The submission made by the Sesa Goa Ltd. and Vedanta Resources Plc are reproduced as under:

“SESA GOA LIMITED,

Sesa Ghor,
20 EDC Complex, Patto,
Panjim, Goa.403001.
Tel : +91 – 832 2460600.
GM : SESAGOA.

- (A) At the outset, we bring to your kind notice that M/s. Sesa Goa Limited is a public Limited Company listed on Bombay Stock Exchange Limited and National Stock Exchange of India Limited and as such Shares of M/s. Sesa Goa Limited are freely tradable on the said Stock Exchanges. From October 1996 to April 2007, Japanese Company namely M/s. Mitsui & Co. Ltd. through its UK based subsidiary M/s. Finsider International Company Limited had majority shareholding in M/s. Sesa Goa Limited. In April 2007 Vedanta Resources Plc acquired M/s. Finsider International Company Limited and as such M/s. Finsider International Company Limited became subsidiary of Vedanta Resources Plc.

The paid up equity share capital 39362020 shares of Rs.10/- each of Sesa Goa Limited before April, 2007.

2. Sesa Goa Limited exported iron ore. However there was no export by any of its subsidiaries/sister concerns of Sesa Goa Limited during the year 2006-2007 and 2007-2008.
3. The details of M/s. Vedanta Resources Plc shareholding through its subsidiaries as on 20/4/2007 and subsequently as per the following table:

Sr. No.	Company	Number of shares on 23/4/2007 held directly in Sesa Goa Limited.	Number of shares as of today in Sesa Goa Limited.
1.	Finsider International Company Limited	20074824 shares of Rs. 10/- each 51.0% shareholding. Total paid up capital 39362020 shares of Rs.10/- each.	401496480 shares of Rs.1/- each 46.19% shareholding. Total paid up capital 869101423 shares of Re.1/- each.
2.	Twinstar Holdings Limited	Nil	33274000 shares 5.10% shareholding. Total paid up capital 869101423 shares of Re.1/- each.
3.	Westglobe Limited	Nil	44343139 shares 3.83% shareholding. Total paid up capital 869101423 shares of Re.1/- each.

Vendata Resources Plc does not directly hold any shares of Sesa Goa Limited and in sister concerns of Sesa Goa Limited.

There was no representation submitted by Sesa Goa Limited individually to the Ministry of Finance on the Budget proposal presented on 28/02/2007. However Sesa representative was part of a delegation from Goa who met various authorities in Delhi in respect of Export Duty imposed in the Budget.

M/s. Mitsui Co. Ltd. through its subsidiary M/s. Finsider International Company Limited was holding shares in Sesa Goa Limited since October 1996 till April 2007. The holding of M/s. Finsider International Company Limited in October 1996, was 10037412 shares which amounted to 51.12% of the shareholding. Total paid up capital 19633587 shares of Rs.10/- each. In the year 2005 pursuant to Bonus issue of shares by Sesa Goa Limited in the ratio of 1:1, the shareholding of M/s. Finsider International Company Limited stood increased to 20074824 shares which amounted to 51% shareholding. Total paid up capital 39362020 shares of Rs. 10/- each.

M/s. Mitsui & Co. Ltd off loaded the shares of its subsidiary M/s. Finsider International Company (UK) and therefore, information about the bidders are not available with us. However, due diligence of Sesa Goa was done by 1) Vedanra 2) Arcelor Mittal 3) Aditya Birla Group 4) CVRD, 5) JSW 6) Anglo American.

It's obvious that M/s. Vedanta succeeded in acquiring shares in M/s. Finsider International Company (UK) who

was holding 51% share of paid up equity share capital of Sesa Goa Limited. We do not have information about the bidders. However due diligence of Sesa Goa was done by the parties mentioned as above.

For Sesa Goa Limited

SD/-

P.K. MUKHERJEE

MANAGING DIRECTOR

Vedanta9th February, 2012

Vedanta Resources plc
 Berkley Street
 London W1J BDZ

Tel : + 44(0) 20 7499 5900
 Fax: + 44(0) 20 7491 8440
 Www.vedantaresources.com

Thank you for your fax dated 1st February, 2012. Please note Vedanta Resources PLC (the Company) is a UK listed and registered company and operates from 16 Barclays Street, 5th Floor, London W1J 8DZ, UK address. Please make all correspondence to said address.

Please find our responses to your letter point wise:

- (1) Following were the Executive and Non Executive Directors of Vedanta Resources Plc during the period from 1st January 2003 to 24th May 2004. Classification in Executive (E) and Non-Executive Directors (NED) as per the UK rules.

Sr. No	Name	Date of Appointment	Date of Resignation	E/NED	India Based / London Based.
1	Anil Agarwal	16.5.2003	-	E	London
2	Peter Sydney Smith	14.11.2003	4.8.2005	E	London
3	Brian P. Gilbertson	4.12.2003	6.7.2004	NED	London
4	Michael Fowle	14.11.2003	23.03.2005	NED	London
5	Sir David Gove Booth	14.11.2003	31.10.2004 Died	NED	London

Sr. No	Name	Date of Appointment	Date of Resignation	E/NED	India Based / London Based.
6	Jean Pierre Rodier	14.6.2004	23.3.2005	NED	London
7	P Chidambaram	14.11.2003	22.5.2004	NED	India
8	Naresh Chandra	18.05.2004	-	NED	India
9	Instant Companies Ltd.	22.4.2003	16.5.2003	Initial Incorporation Director	London
10	Swift Incorporations Ltd.	22.4.2003	16.5.2003	Initial Incorporation Director	London

2. The company was incorporated on 22nd April, 2003. Sterlite was not reconstituted as Vedanta Resources Plc in the year 2002.
3. Vedanta Resources Plc through its 100% subsidiary holds following shares in Sesa Goa Ltd. The Company does not hold any shares in Sesa Resources Limited directly. Sesa Resources Limited is 100% Subsidiary Company of Sesa Goa Limited.

SN	Company	Number of shares on 23.4.2007 held directly in Sesa Goa Ltd.	Number of shares as of today	Percentage holding.
1.	Finsider International Company Limited.	20074824 shares of RS 10 each, Total paid up capital 39362020.	401496480 shares of Re 1/- each. Total paid up capital 869101423 shares of Re. 1/- each.	51.0% on 23.4.2007 and as of 27.1.2012 46.19%
2.	Twinstar Holdings Limited	Nil	23274000 shares of Re 1/- each Total paid up capital 869101423 shares of Re 1/-.	5.10% as of 27.1.2012
3.	Westglobe Limited	Nil	44343139 shares of Re 1/- each. Total paid up capital 869101423 shares of Re.1/- each.	3.83 % as of 27.1.2012

- (4) The company made final bid of US\$981 million on 28th March, 2007, which amounted to Rs.2,036 per share. This bid was accepted by the Mitsui on 16th April, 2007.

- (5) There was no representation submitted by Vedanta Resources Plc to reduce export duty on iron ore export proposed in the Union Budget on 28/02/2007. Please note we don't have any company by name of Vedanta Resources Plc (India).

There was no matter before the Hon'ble High Court of Bombay regarding tax matters (ED) of Sterlite/Vedanta Resources Plc in 2003.

SD/-

Deepak Kumar

Company Secretary

For and Behalf of Vedanta Resources Plc.

All the above stated issues are required to be further investigated by Central Bureau of Investigation because the violation / misuse of the laws goes beyond the State jurisdiction.

Report against working of Vedanta Group of Companies

For Vedanta Resources, hue and cry was raised in U.K. The report is published in the newspaper.

THE HINDU dated 29.8.2012

“U.K. rights groups protest against Vedanta

Hasan Suroor

LONDON: *Activists of several rights groups held a protest here on Tuesday calling mining group Vedanta Resources, an FTSE 100 company, to be struck off from the London Stock Exchange because of its controversial trade practices and human rights record.*

Carrying banners and raising slogans against its policies, the protesters gathered outside the venue of the company's annual general meeting in central London and booed its shareholders as they arrived.

Senior Labour MP John McDonnell also joined the protest.

Campaign group Survival International released a message from representatives of the Dongria Kondh tribe protesting against Vedanta's mining project in the Niyamgiri Hills in Orissa: “Even if Anil Agarwal [Vedanta's CEO] himself comes here, we won't leave our land. We will use all our strength to make them leave this place. Let us live our lives in peace,” the message said.

Stephen Corry, Director of Survival, said: “Ignoring tribal rights does not pay: it devastates people's lives, and

– as Vedanta has found – is financially reckless. The Dogria have the right to be consulted, and to give – or withhold – their consent. If Vedanta had talked to them first and respected their fundamental attachment to their land, they would have saved themselves and the Dongria a lot of trouble.”

The South Asia Solidarity Group (SASG) demanded that the British government must end its “support” to Vedanta sponsored projects.

“This year the list of Vedanta’s atrocities is longer than ever before and there are massive popular struggles against it in India and Zambia. Like the notorious Lonmin in South Africa, Vedanta is bringing shame on the London Stock Exchange. Isn’t it time they were deleted from it? We call on the British government to stop backing it,” said SASG spokesperson Amrit Wilson.

The protest, also backed by Foil Vedanta and Save Goa Campaign, coincided with parallel demonstrations in Goa, Tamil Nadu and Orissa.

‘Glossing over record’

Amnesty International accused Vedanta of attempting to “gloss over” criticisms of its human rights record by publishing what it described as a “meaningless and hollow” account of its operations in India.

“Amnesty believes ‘the Vedanta’s Perspective’ report is an attempt to calm investor fears over its controversial operations in India as it seeks to expand them,” it said, accusing the company of ignoring the impact of its policies on the human rights of local communities in Orissa.”

In addition, it is reported in the Indian Express dated 17.10.2012 as under :-

**“VEDANTA RESOURCES HAD PAID \$5.69 MILLION
(ABOUT ` 28 CRORE) TO POLITICAL PARTIES IN INDIA
IN THE PAST THREE YEARS**

New Delhi :

The Election Commission has asked the Ministry of Home Affairs to probe into allegations of suspected violations of the Foreign Contribution (Regulation) Act by the Congress and the BJP in their acceptance of donations from subsidiaries of multinational firm Vedanta Group.

The EC asked the Home Ministry to probe into the matter after a retired secretary to the Government of India, E A S Sarma, from Vishakhapatnam in Andhra Pradesh, approached the poll panel with relevant documents, alleging that both the parties had received about ` 5 Crore each from two subsidiaries of the Vedanta Group -- Sterlite Industries and the Sesa Goa Group. “Our role is limited to recommending a probe into the matter by the Home Ministry. What possible action can be taken, if the relevant Act has been violated, can be decided by the Home Ministry alone. I have asked for a report from the Home Ministry,” Chief Election Commissioner V S Sampath told Express.

In this petition, the complainant said: “ The donations, prima facie, violate Section 29-B of the Representation of the People Act, which states that no political party shall be eligible to accept any contribution from any foreign source defined under clause(e) of the Section 2 of the Foreign Contribution (Regulation) Act, 1976.

Vedanta Resources, according to its annual report of 2011-12, had paid \$5.69 million (about ` 28 crore) to political parties in India in the past three years. Without disclosing the identity of the beneficiaries, billionaire Anil Agarwal-promoted Vedanta has stated on the report that it paid \$2.01 million to various political parties during 2011-12.”

Admittedly, the Company Vedanta is working in Indian Mines and its Directors are non-Indians.

The personal hearing was given to Vedanta and its subsidiary companies Sesa Goa, Sesa Mining Corporation and Sesa Resources, etc. I have heard the Ld. Advocate, Mr. Mahesh Sonak appearing on behalf of the above Company. The Ld. Advocate has advanced the following arguments.

“1. Under the Portuguese Colonial Mining Laws, grant was made in favour of “M/s. V.S. Dempo & Cia Ltda.”.

2. *On 28/11/1962; Goa, Daman and Diu (Laws) Regulations, 1962, came to be enacted. One of the Acts made applicable was "the Mines & Minerals (Regulation and Development) Act, 1957 (MMDR)."*
3. *With effect from 15/05/1987, the Mining Concessions (Abolition and Declaration as Mining Lease) Act, 1987 came to be passed by the Parliament.*
4. *On 30/09/1963 Notification came to be issued/ published appointing 1st of October, 1963 as the date on which the MMDR Act (except Section 16 thereof), came into force in Goa, Daman and Diu. Section 16 of the MMRD Act, was brought into force with effect from 15/01/1966 vide Notification dated 4th January, 1966.*
5. *In meanwhile "M/s. V.S. Dempo & Cia Ltda." the Concessionaire Corporate Entity was formally registered/ incorporated as a Company, under the extended Indian Companies Act, 1956, under the name and style of "M/s. V.S. Dempo & Co. Pvt. Ltd."*
6. *Number of Writ Petitions came to be filed questioning the constitutional validity of the 1987 Act. By the common judgment and order dated 20/06/1997 (Quexova Cunde V/s. Union of India, reported in 1997 (2) GLT 205) the Division Bench of the Hon'ble High Court was pleased to upheld the constitutional*

validity of the 1987 Act. The matters have been thereafter carried to the Hon'ble Supreme Court of India and Leave has been granted and an interim order is passed, which reads as follows :

"During the pendency of the appeals, the appellants are permitted to carry on mining operations and mining business in the mining areas for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be open to the respondents to take proceedings for assessment of the amounts payable by the appellants but no recovery shall be made without further orders from the Court."

7. *Upon coming into force the 1987 Act, there was no dispute that the Mining Leases in respect of the aforesaid mining concessions/leases was "M/s. V.S. Dempo & Co. Pvt. Ltd." On this basis, the State of Goa has executed Mining Lease Deeds in the prescribed "Form K" as appended to the MCR, 1960.*

8. *In pursuance of the fresh Certificate of Incorporation consequent upon change of name as aforesaid to Public Limited Company issued by the Registrar of Companies on 19/11/2010, the name of the aforesaid Company was changed from "M/s. V.S. Dempo & Co. Pvt. Ltd." to "V.S. Dempo & Co. Ltd."*
9. *Further, pursuant to the fresh Certificate of Incorporation consequent upon change of name issued by the Registrar of Companies on 19/11/2010, the name of the Company "M/s. V.S. Dempo & Co. Ltd." was changed to "M/s. Sesa Resources Limited."*
10. *That "M/s. V.S. Dempo & Co. Pvt. Ltd." and "M/s. Sesa Resources Limited" is one and the same Company or legal entity and there has only been a change of name upon due compliance with the procedures prescribed under the Companies Act, 1956.*
11. *The learned advocate has argued that the legal entity to which the initial Mining Concession came to be granted or in any case, the Mining Lessee to which the Mining Lease came to be granted, continues to be the Concessionaire/ Mining Lessee as on date. Accordingly, there is no issue of transfer or assignment of Mining Concession/Lease as contemplated by Rule 37 of the MCR, 1960.*

11.1 *Learned advocate has argued that in terms of the definite Share Purchase Agreement dated 11/06/2011, "M/s. Sesa Goa Limited" has acquired all the outstanding common shares of "M/s. V.S. Dempo & Co. Pvt. Ltd.", neither factually, nor legally attracts the provisions of Rule 37 of the MCR, 1960 because it is well established legal concept, that Company is a "separate and legal entity" different and distinct from the shareholders which comprise it. Accordingly, the property, assets or money belonging to a Company cannot by any stretch be regarded as property, assets or money belonging to the shareholders. In support of his argument, he has cited a decision of the Hon'ble Supreme Court in the case of "Bacha F. Guzdar V/S Commissioner of Income Tax, Bombay, reported in AIR 1955 SC 74". Relevant paragraphs of the judgment are as follow:*

"The company is a juristic person and is distinct from the shareholders. It is the company which owns the property and not the shareholders. The dividend is a share of the profits declared by the company as liable to be distributed among the shareholders. Reliance is placed on behalf of the appellant on a passage in Burkle's Companies Act, 12th Ed., page 894, where the etymological meaning of dividend is given as dividendum, the total divisible sum but in its ordinary sense it means the sum paid and received

as the quotient forming the share of the divisible sum payable to the recipient. This statement does not justify the contention that shareholders are owners of a divisible sum or that they are owners of the property of the company.”

“There is nothing in the Indian law to warrant the assumption that a shareholder who buys shares buys any interest in the property of the company which is a juristic person entirely distinct from the shareholders.”

12. *There cannot be any dispute about factual and legal position that mere transfer of shares in the Company does not involve or amount to transfer or assignment of the property of the Company, or any right, title or interest in the property of the Company.*

12.1 *He argued that the transfer of shares in the present case, does not involve or amount to transfer, assignment, subletting or mortgage of the Mining Lease or any right, title or interest therein. Clearly, therefore, Clause (a) of Rule 37 (1) of the MCR, 1960 is in no manner attracted.*

12.2 *Learned advocate has argued that now so far as the issue of royalty payments for the period between 2000-2001 and 2008-2009 in respect of the mining concessions/ leases /concession has been made in name of “M/s. Sesa Resources Ltd.” and further*

royalty payment for the subsequent period – 2009-10 and 2010-11 has been made in the name of “M/s. V.S. Dempo & Co. Ltd.” is patently erroneous and perhaps it has been submitted out of inadvertence.

12.3 Learned advocate has argued that so far as the speech of the Chief Executive in the Share Holders’ Meeting that “Company acquired the mining assets of M/s. V.S. Dempo & Company Pvt. Ltd.” is concerned, it was a casual and general statement without considering the facts and law on this point. This statement is made only with a view to explain to the persons who do not know the law, and therefore, the statement has no bearing in deciding the transfer of lease/mines.”

It is to be highlighted that “Corporate Personality is a reality and not an illusion or factious construction of law.”

We have to keep the above principle in mind in appreciating the contentions raised by the Ld. Counsel.

Firstly, it is to be understood that it is easy to say that company’s name is changed from “M/s. V. S. Dempo & Co. Limited” to “M/s. Sesa Resources Limited”. In the same way, the name is changed from “Dempo Mining Corporation Private Limited” to “Sesa Mining Corporation Limited”. Once it is realized that each company is a corporate legal entity, there is no question in change of

mere name but it would establish that the company is transferred to another legal entity – a juristic person. This would not amount mere transfer of shares to contend that it was mere change of name. It is illusion to get out from the rigour of the law. Therefore, the contention of the Ld. Counsel for Sesa Goa that there was a mere change of name from “M/s. V. S. Dempo & Co. Limited” to “M/s. Sesa Resources Limited” and from “Dempo Mining Corporation Private Limited” to “Sesa Mining Corporation Limited” requires to be rejected.

Secondly, as observed in the aforesaid Hon’ble Supreme Court Decision, this would be “*Big fish will always eats away small fish in diverse forms, so as to drive the latter away from the area.*”

Thirdly, Vedanta Group which is internationally known a very big fish intends to have is controlling the extraction and export of iron ore from India by various means including unlawful means, as stated above. Vedanta Group as reported in 2012 is having more than 55% shares in various companies of Sesa Goa Ltd. and Sesa Resources Ltd.

In Company Petition No.5 of 1979, Order u/s. 394 of the Companies Act was passed by the Court of the Judicial Commissioner, Goa, Daman & Diu, Panaji, in the matter of amalgamation of Mingoa Private Limited

with Sesa Goa Private Limited on 25.3.1980 wherein it was stated as under :-

- “(1) That all the property, rights and powers of the Transferor Company specified in the first, second and third parts of the Schedule hereto and all the other property, rights and powers of the Transferor Company be transferred without further act or deed to the Transferee Company and accordingly the same shall, pursuant to section 394(2) of the Companies Act, 1956, be transferred to and vest in the Transferee Company for all the estate and interest of the Transferor Company therein but subject nevertheless to all charges now affecting the same; and*
- (2) That all the liabilities and duties of the Transferor Company be transferred without further act or deed to the Transferee Company and accordingly the same shall, pursuant to Section 394(2) of the Companies Act, 1956, be transferred to and become the liabilities and duties of the Transferee Company;”*

Fourthly, even the Chief Executive of Sesa Goa in the meeting of shareholders for the year 2009-10 on the account of acquisition has admitted as under :-

*“In June 2009, your Company acquired the mining assets of **V.S. Dempo and Company Private Limited** (‘VSD’ or ‘Dempo’) and its subsidiaries and associates. The*

acquisition of Dempo's mining assets in Goa on a debt-free and cash-free basis for Rs. 1,750 crore (based on nominative working capital) which was financed through internal accruals. Dempo is a logical and strategic fit with Sesa's existing iron ore business. While integration is continuing, your Company has already started leveraging synergies to create significant long term value for all shareholders. Some areas where work is progressing are:

- *Utilization of Sesa Goa's mining and project management skills to develop and optimize Dempo's operations;*
- *Further exploration of Dempo's longer life mining assets; and*
- *Synergizing Dempo's operations with Sesa Goa's to create mining and logistics efficiencies.*

The integration process is moving as planned and in doing so, there has been a significant growth in production of saleable ore for Dempo. These added to the consolidated growth of Sesa Goa.

Dempo has been the first major acquisition by your Company. And the success of the post-merger fit has given us confidence to pursue the acquisition route for growth for coming years."

For the aforesaid admission, the Ld. Advocate for the company contended that the aforesaid statement of

the C.E.O. in the annual general meeting is merely a formal speech which can not be considered as admission.

In our view, we would again state that the said contention is merely illusion on the part of the company. The responsible officer like C.E.O. is presumed to state exact affairs of the company in its annual general meeting and the same can not be ignored.

As observed by the Apex Court in the aforesaid decision, it is apparent that ***“there is a facade of compliance of law, but it is only a subterfuge to comply with the law and an attempt by a private company to secure unjustifiable enrichment-The entire transaction is smacked of mala fides and would defeat constitutional objectives.”***

T.C. Nos. 3/51, 35/52, 5/54, 20/54 and 21/54

The Original Concessionary of all these five mines was one firm V.S. Dempo and Cia Limited of Goa. Thereafter, the leases were running in the name of "M/s. V.S. Dempo and Co. Pvt. Ltd." During investigation it is found that all these five (5) mines are being actually operated and iron ore is being extracted by "Sesa Resources Limited", a public limited company.

The status of a private limited company is found changed alongwith the name of the company in present case. This has happened on account of transfer of leasehold interest in favour of Sesa Resources Limited. Transfer of leasehold rights of a firm in favour of a private limited company or transfer of such right of a private limited company in favour of a public limited company amounts to transfer of interest within the meaning of Rule 37 of MCR, 1960.

The Environmental Clearance (EC) has been granted by MoEF (GOI) for T.C. No. 3/51 in the name of **M/s. V.S. Dempo and Co. Pvt. Ltd. on 07/11/2005** and the same has been extended vide **letter dated 02/10/2008**.

For T.C. No. 5/54 is concerned, the same company had applied for EC and was granted clearance on 17/11/2005 and the same was extended on 01/01/2008.

In reference to T.C. Nos. 20/54 and 21/54, EC were applied and have been granted on 17/11/2005 and the letter of extension was issued on 01/01/2008 bearing No.J-11015/44/2004-IA. II (M).

However, it is found that the “Sesa Resources Limited”, the company actually operating the mining areas of these five (5) leases. It has not approached the Government to accord sanction / consent from the Government required under Rule 37 of MCR, 1960 for reason best known to a responsible public limited company.

M/s. V. S. Dempo & Co. Pvt. Ltd. is claiming to be a transfer of name of the business of five mines where the original concessions were in favour of one firm V. S. Dempo and Cia. Ltd. of Goa. This business has been taken over and is in control of SESA GOA and/or SESA RESOURCES LTD. These mines are operated by Sesa Resources Ltd., a public limited company.

Undisputedly, the Sesa Resources Limited is a part of mining business of “VEDANTA” group of companies. This is a case of willful disobedience of a statutory regulatory provision of Rule 37 read with Rule 37(A) of MCR, 1960.

The speech delivered by the Chief Executive of Sesa Goa in the meeting of shareholders for the year 2009-10 on the count of acquisition is as under :-

"In June 2009, your Company acquired the mining assets of V.S. Dempo and Company Private Limited ('VSD' or 'Dempo') and its subsidiaries and associates. The acquisition of Dempo's mining assets in Goa on a debt-free and cash-free basis for Rs. 1,750 crore (based on nominative working capital) which was financed through internal accruals. Dempo is a logical and strategic fit with Sesa's existing iron ore business. While integration is continuing, your Company has already started leveraging synergies to create significant long term value for all shareholders. Some areas where work is progressing are:

- Utilization of Sesa Goa's mining and project management skills to develop and optimize Dempo's operations;*
- Further exploration of Dempo's longer life mining assets; and*
- Synergizing Dempo's operations with Sesa Goa's to create mining and logistics efficiencies.*

The integration process is moving as planned and in doing so, there has been a significant growth in production of saleable ore for Dempo. These added to the consolidated growth of Sesa Goa.

Dempo has been the first major acquisition by your Company. And the success of the post-merger fit has given us confidence to pursue the acquisition route for growth for coming years."

Hence, it is clear that the assets of above both the

companies have been acquired by “Sesa Goa Limited” for the purpose mentioned in the above speech.

It is relevant to note that one Japanese firm Mitsui Finsider International Ltd. had majority control of Sesa Goa and decided to sale its stake to exit the mining business and a multinational company Vedanta has purchased shares with a bid of Rs. 2,036/- per share. The ministry of corporate affairs directed to initiate action against Sesa Goa on various grounds. Thus, it is apparent that this is not a case of change in the name of a company incorporated earlier but is an acquisition / transfer of leasehold interest in above all five (5) lease areas.

The leasehold interest of M/s. Sesa Goa Limited (Sesa Goa together with its subsidiaries) has entered into merger agreement with Sterlite Industries (India) Limited and a multinational company Vedanta Resources. The word Vedanta includes Vedanta Resources Public Limited and its subsidiaries and the same forms a group. A note released for publication and distribution dated 25/02/2012 by Sesa Goa Limited as one of the Vedanta group of companies amply clarifies that Sesa Goa Limited now is Sesa Sterlite Limited. With this fact situation more than one company including Vedanta Resources can claim leasehold interest in the mines along with other mines claimed to be under control and operation by Sesa Goa Limited. This includes one more T.C. No. 9/49.

On inquiry by this Commission, the Registrar of Companies, Goa Daman and Diu, has issued a certificate dated 19/11/2010 to the effect that “M/s. V.S. Dempo & Company Private Limited” having duly passed the necessary resolution on 18/10/2010 in terms of Section 31/21 read with Section 44 of the Companies Act, 1956, the name of the said company was changed to “M/s. V.S. Dempo & Company Limited”.

He has also forwarded a second certificate dated 19/11/2010 to the effect that “M/s. V.S. Dempo & Company Limited” on the basis of the resolution and approval of the Central Government the name of the said was changed to “Sesa Resources Limited” under the Companies Act.

This Commission found that without approval of the State Government, the transfer in both the cases namely “Dempo and Souza Limited” and “V.S. Dempo and Cia Limited” to “Sesa Mining Corporation” and “Sesa Resources Limited” respectively is apparently violation of Rule 37 of MCR, 1960.

For this purpose, this Commission sought explanation from the concerned companies.

In response, the Mines Manager of Sesa Mining Corporation Ltd., addressed a letter dated 16/1/2012 which reads as under:

"We are in receipt of above referred letter received by us on 21/12/2011, in respect of the same it is stated as under:

- (a) It is most respectfully submitted that M/s. Sesa Mining Corporation Limited and M/s. Dempo Mining Corporation Limited are the one and the same legal entity.*
 - (b) It is most respectfully submitted that name of M/s. Dempo Mining Corporation Private Limited was changed to M/s. Dempo Mining Corporation Limited pursuant to Fresh Certificate of Incorporation Consequent upon change of name of conversion to Public Limited Company issued by Registrar of Companies, Goa, Daman and Diu dated 12/11/2010. The copy of the Fresh Certificate of Incorporation Consequent upon change of name on conversion to Public Limited Company issued by the Registrar of Companies, Goa, Daman and Diu dated 12/11/2010 is attached as **Annexure "A"**.*
 - (c) That subsequently name of M/s. Dempo Mining Corporation Limited was changed to M/s. Sesa Mining Corporation Limited pursuant to Fresh Certificate of Incorporation consequent upon change of name issued by Registrar of Companies, Goa, Daman and Diu dated 18/11/2010. The copy of the Fresh Certificate of Incorporation consequent upon change issued by Registrar of Companies, Goa, Daman and Diu dated 18/11/2010 is attached as **Annexure "B"**.*
-

- (d) The latest copy of the Memorandum of Association and Articles of Association of Our Company is attached as **Annexure "C"**.
- (e) The details of Mining Lease held by M/s. Sesa Mining Corporation Limited (earlier known as Dempo Mining Corporation Limited) is as follows:

Sr. No.	Mining Concession / Lease	Area (ha.)
1	T.C. No.11/1941 (Lamgao)	100.00
2	T.C. No.12/1941 (Vagachiper)	99.96
3	T.C. No.13/1941 (Gaotor)	99.50
4	T.C. No.14/1941 (Tolichomor Dongor)	99.91
5	T.C. No.15/1941 (Mandorbaga)	99.55
6	T.C. No.11/1952 (DObdobo)	50.12
TOTAL		549.04

We shall be obliged to provide any further information that your Lordships may seek on the subject matter. We humbly request your Lordship to provide us an opportunity of personal hearing in the matter, so that matter can be personally explained on our behalf."

Further the Associate General Manager (Mines) of Sesa Resources Ltd., addressed a letter dated 16/1/2012 to the Commission which reads as under:

"We are in receipt of above referred letter received by us on 21/12/2011, in respect of the same it is stated as under:

- (a) It is most respectfully submitted that M/s. Sesa Resources and M/s. V.S. Dempo & Company Limited are the one and the same legal entity.

- (b) *It is most respectfully submitted that name of M/s. V.S. Dempo & Company Private Limited was changed to M/s. V.S. Dempo & Company Limited pursuant to Fresh Certificate of Incorporation Consequent upon change of name on conversion to Public Limited Company issued by Registrar of Companies, Goa, Daman and Diu dated 19/11/2010. The Copy of the Fresh Certificate of Incorporation Consequent upon change of name on conversion to Public Limited Company issued by Registrar of Companies, Goa, Daman and Diu dated 19/11/2010 is attached as **Annexure "A"**.*
- (c) *That subsequently name of M/s. V.S. Dempo & Company Limited was changed to M/s. Sesa Resources Limited pursuant to Fresh Certificate of Incorporation Consequent upon change of name issued by Registrar of Companies, Goa, Daman and Diu dated 19/11/2010. The copy of the Fresh Certificate of Incorporation Consequent upon change issued by Registrar of Companies, Goa, Daman and Diu dated 19/11/2010 is attached as **Annexure "B"**.*
- (d) *The latest copy of the Memorandum of Association and Articles of Association of our Company is attached as **Annexure "C"**.*
- (e) *The details of Mining concession / Leases held by M/s. Sesa Resources Limited (earlier known as V.S. Dempo & Company Limited) is as follows:*

Sr. No.	Mining Concession / Lease	Area (ha.)
1	T.C. No.21/1954 (Tolpi – Mardando)	65.79
2	T.C. No.5/1954 (Onvalienchi Math)	96.64
3	T.C. No.20/1954 (Onvalienchi Palthana)	90.95
4	T.C. No.7/1950 (Culnavoril Sodo)	38.84
5	T.C. No.3/1951 (Cantor)	97.67
6	T.C. No.40/1954 (Sem Denominacao)	51.05
7	T.C. No.35/1952 (Tembessodo)	98.46
8	T.C. No.17/1960 (Godbaim)	70.68
9	T.C. No.43/1951 (Navientil Galivoril Advona)	100.00
10	T.C. No.37/1951 (Condulgo)	36.94
TOTAL		747.02

We shall be obliged to provide any further information that your Lordships may seek on the subject matter. We humbly request Your Lordships to provide us an opportunity of personal hearing in the matter, so that matter can be personally explained on our behalf.”

Further, for payment of royalty, the DGM, Goa has sent the information wherein it has been pointed out that for various T.C. Numbers, since 2003 onwards, Sesa Resources Ltd. has paid the royalty. The copy thereof is annexed herewith.

In addition to this, the Director’s Report of VS Dempo & Company Limited is inter-alia as follows :—

*“The **FORTY FOURTH ANNUAL REPORT** of the Company together with the Audited Statement of*

Accounts for the Financial Year ended 31st March 2010 is presented herewith.

Your Company is a wholly owned subsidiary of Sesa Goa Limited consequent to the acquisition of its shareholding since 11th June 2009, post the acquisition by Sesa Goa Limited through a definitive share purchase agreement signed between Sesa Goa Limited and your Company.”

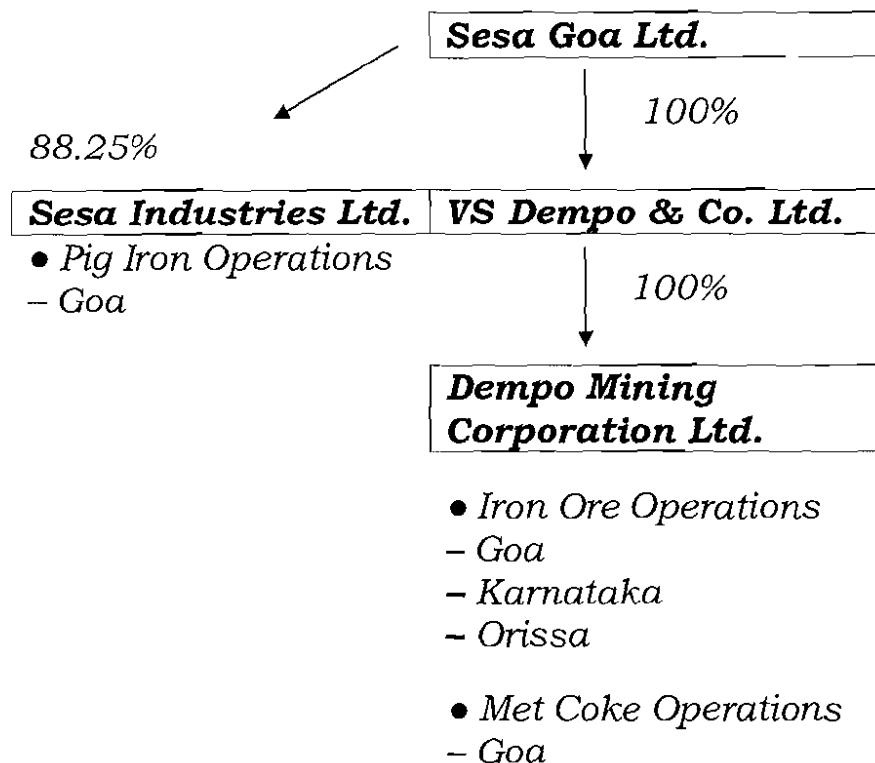
Further, from the Annual Report, 2010 of the Sesa Goa, it is found as under :—

“Sesa Goa at a Glance

Sesa Goa Limited (or ‘Sesa Goa’ or ‘the Company’) is part of the Vedanta Group, a diversified global metals and mining major. It drives the Group’s ferrous minerals business with a commitment to create a world class enterprise with high quality assets, low cost production and superior returns to stakeholders.

Sesa Goa is today India’s largest private sector iron ore producer and exporter. Apart from iron ore, it also produces pig iron and metallurgical coke. The Company also provides proprietary technology in coke manufacturing.

Sesa Goa's Group Structure



The statement of the Chief Executive of Sesa Goa in the meeting of shareholders for the year 2009-10 is as follows :-

"In June 2009, your Company acquired the mining assets of V.S.Dempo and Company Private Limited ('VSD' or 'Dempo') and its subsidiaries and associates. The acquisition of Dempo's mining assets in Goa on a debt-free and cash-free basis for Rs. 1,750 crore (based on normative working capital) which was financed through internal accruals. Dempo is a logical and strategic fit with Sesa's existing iron ore business. While integration is continuing, your Company has already started leveraging synergies to create significant long term value for all shareholders. Some areas where work is progressing are:

- Utilisation of Sesa Goa's mining and project management skills to develop and optimise Dempo's operations;
- Further exploration of Dempo's longer life mining assets; and
- Synergising Dempo's operations with Sesa Goa's to create mining and logistics efficiencies.

The integration process is moving as planned and in doing so, there has been a significant growth in production of saleable ore for Dempo. These added to the consolidated growth of Sesa Goa.

Dempo has been the first major acquisition by your Company. And the success of the post-merger fit has given us confidence to pursue the acquisition route for growth in coming years.

... ..

Vision

Over the last few years, Sesa Goa has been growing profitably, and at a rapid pace. The lessons learnt and the experience developed has given your Company the conviction to set a time bound target for aggressive growth.

The goal is to be the fourth largest iron ore producer in the world by 2012-13 with an annual production of 50 million tonnes. This is the vision that your Company has adopted to guide its activities in the next three years.

With a total consolidated production of 21.4 million tonnes in the 2009-10, Sesa Goa has become the 13th largest iron ore producing company in the world. The three

major players – Vale, Rio Tinto and BHP Billiton – stand out with productions of 227 million tonnes, 218 million tonnes and 137 million tonnes respectively. Clearly, their scales of operations are much larger than any of the other players, with very different sets of challenges and risks.

Sesa Goa believes that an annual production of 50 million tonnes will give it the right mix of global scale with the positioning of a 'low cost producer' with flexible operations. Equally, the Company recognises that the task is challenging. According to the plan, in a span of three years, total production and transportation of iron ore has to grow 2-3 times."

Not only this, as per THE ECONOMICS TIMES, dated 17th May, 2011, it has been inter-alia found as under :-

"PANAJI : Five mines operated by companies owned by Vedanta Resources have been pulled up by the Goa Government for illegalities in mining operations in the last financial year. Forest Minister Filipe Neri Rodrigues has said.

In a written reply to a query from an opposition legislator in the state assembly Wednesday, Rodrigues said the forest department had noticed 17 instances of illegal mining in the last three years in Goa's forested areas.

According to the written reply, **three separate complaints** were filed against officials of Dempo mining corporation and Sesa Goa Ltd. for illegal

mining in forest areas in Bicholim and Sanguem sub-districts in north and south Goa respectively.

In two other instances, the forest department also warned officials of V. S. Dempo & Company against **using forest land for transportation** of ore and ferrying of trucks, the reply stated.

Dempo mining corporation, V. S. Dempo and Company and Sesa Goa Ltd. were acquired by billionaire Anil Agarwal-owned Vedanta Resources in the recent past, making the latter the biggest player in Goa's mining industry that **exports nearly 45 million tonnes of iron and manganese ore annually.**

Illegal and unchecked mining is a sensitive issue in Goa, with both civil society groups and the opposition repeatedly voicing their concern over the issue.

According to data submitted in the monsoon session of the Goa assembly, ore worth Rs.4,000 crore was illegally mined and exported out of Goa to countries like China, Japan and Romania.

According to Leader of Opposition Manohar Parrikar, **nearly 18 percent of Goa's total 40 million mining output comprises illegally-mined ore.**

He has also accused Chief Minister Digambar Kamat and several of his cabinet **ministers of being hand-in-glove with the illegal mining mafia.**"

Sesa Goa History & Milestones

- 1954 Baron Ludovic Toeplitz lands in Goa. With the financial backing of an enterprising Italian, alessandro, he acquires the Orosso Dongor Mining Concession in North Goa and starts a Company called Scambi Economici S.A. Goa.
- 1955 The Company renamed Sesa Goa Limited is bought over jointly by Gewerkeschaft Exploration e Bergbau represented by Eugene Plotzki and by Ferromin S.p.A. of Italy (a subsidiary of Finsider S.p.A of the IRI Group) represented by Paolo Tradardi, both parties having equal shareholding.
- 1957 Another company started in Goa, Mingoa Sociedade Mineral Goesal S.a.r.l. is incorporated with Flat of Torino as the Principal shareholder.
- 1963 Finsider S.p.A. acquires the West German interest in Sesa Goa Limited and also all the shares of Mingoa.
- 1965 Sesa Goa and Mingoa are incorporated as Private Limited Companies under the Indian Companies Act 1956.
-

- 1979 A single Company, Sesa Goa Private Limited, is formed with amalgamation of Sesa Goa and Mingoa fully owned by Finsider S.p.A.

- 1981 Sesa Goa goes public with 42,000 Indian shareholders holding 60% of its shares and the remaining 40% held by Finsider International (Later became ILVA INTERNATIONAL).

- 1984 Sesa Goa starts a barge construction unit at Sirsaim which has since developed into the Shipbuilding Division.

- 1992 First phase of 150,000 tons per year Pig Iron Plant is commissioned and manufacture of low phosphorous foundry grade pig iron starts.

- 1993 ILVA INTERNATIONAL raises its equity in Sesa Goa to 51%. Sesa Goa reduces its equity in SESA SEAT of 15% while STET continues to hold to 40% of the expanded capital to SESA SEAT.

- 1994 Second blast furnace is commissioned in July.

- 1995 Sesa Shipping is launched in January with the acquisition to Transhipper M.V. ORISSA. 84 coke ovens are commissioned in April.

- 1996 On 11 October, MITSUI & CO. of Japan, through Earlyguard, UK, buys Finsider International with its 51% equity in Sesa Goa Ltd.

- 1997 Sesa Kembla becomes 100% subsidiary of Sesa Goa. Karnataka Mining developments commence.

- 1998 Sesa Goa relinquishes representation on Board of Sesa Seat. Sesa Community Development Foundation encompassed NCM Sesa Technical School and a new Sesa Football Academy.

- 1999 Sesa Goa commences mining operations at Barbil in Orissa, producing high grade iron ore and exporting from the nearby ports of Haldia and Paradip.

- 2000 Sesa Kembla Coke completes the development of an indigenous and environment friendly technology for producing high quality metallurgical Coke and generating power as a

by-product. Sesa Kembla applies for international patents for its technology.

- 2001 Sesa Goa commissions a new process plant for its mining operations at Orissa, which aids both, the production and the quality of iron ore produced.

- 2002 Sesa Group becomes the first business of its kind to be certified with OHSAS 18001. The Shipbuilding Division launches its 60th vessel, MV Toni, mini-bulk carrier.

- 2003 Sesa Goa equity in Sesa Industries raised to 88.25%.

- 2004 Sesa Group completes 50 years of operations. Sesa Goa's Shipbuilding Division builds its 62nd vessel, a 2200T barge for its own fleet.

- 2005 Iron ore sales crossed 9.8 million tones. Sesa Goa issues bonus shares to its shareholders. Sesa Group declares a final dividend of 200% in addition to an interim dividend of 50% on the pre-bonus share capital.

- 2007 Vedanta Resources plc, a diversified metals and mining group, listed on the London Stock

Exchange acquires 51% controlling stake in Sesa Goa Limited from Mitsui & Co. Ltd. Iron ore sales rise to 10.87 million tonnes in 2006-07.

2008 Iron ore sales rise to 12.39 million tonnes in 2007-08.

2009 Sesa Goa Limited and Dempo Group have signed a definitive Share Purchase Agreement under which sesa has acquired all the outstanding common shares of VS Dempo & Co. Private Limited, along with its 100% equity shares of Dempo Mining Corporation Pvt. Ltd and 50% equity shares of Goa Maritime Private Limited.

2010 In the FY2010 Sesa Goa's Iron Ore production and sales increased to 21.4 million tones and 20.5 million tones, respectively.

T.C. No. 110/53

Now, at this stage, we would like to add that **T.C. No.110/53** which is also operated by Sesa Resources Ltd. and of M/s. Sesa Goa Ltd.

1. Name of Original Concessionaire: Jose X. Cosme da Costa, of Curtorim (Date of grant of Original Concession is 16/10/1953). This mine is located at Village Pissurlem of Sattari Taluka.
 2. Name of Lessee as per First Schedule: Jose Cosme da Costa of Curtorim.
 3. As per record of the DMG, the lessees are Carminho de Costa son of Jose Xavier Cosme Costa of Mapusa and Cesar de Costa son of Jose Xavier Cosme Costa of Mapusa. Two brothers were carrying on business in the name and style of M/s. Cosme Costa & Sons.
 4. The lease deed in Form K was executed between the partners of the firm and the Government of Goa on 26th June, 1990 and deed of renewal was also executed on 1st April, 2002. An application for renewal of mining lease in 'Form J' was submitted on 9th November, 2006.
 5. Original concession was in favour of an individual. However, even as per the record of the Government M/s. Cosme Costa & Sons, a firm is in the control of the mine. Thus apparently this is a case of transfer,
-

without prior permission from the Government.

6. The Environmental Clearance was prayed by M/s. Cosme Costa & Sons from MoEF and the same was granted on 26th March, 2009.

7. **Apart from the above facts, it is found that actual operation and control of the mine and mining operation is carried out by M/s. Sesa Resources Limited and of M/s. Sesa Goa Ltd.**

(a) For this purpose on record, there is one letter of Government of India (IBM dated 08/03/2006) reveals that IBM was aware about the fact that effective operation of lease area i.e. T.C. No. 110/53 is with M/s. Sesa Goa Ltd. The letter addressed to M/s. Cosme Costa & Sons was also sent to one Shri U.S. Tilve, Agent, C/o. Codli Mines of M/s. Sesa Goa Limited (**Raising Contractor**), P.O. Kirlapale, Dabal, Goa – 403 727.

(b) Next letter is dated 07/11/2007 written by Junior Mining Geologist from the office of IBM, Goa to Shri U.S. Tilve, Agent, C/o. Codli Mines of M/s. Sesa Goa Limited (**Raising Contractor**), Post office: Kirlapale, Dabal, Goa – 403 727 stating that Regional Controller of Mines, IBM would be visiting the iron ore mines situated in village – Sonshi and

therefore your representative be sent at IBM office, Margao with **TMIS data sheet** and random inspection proforma. **This letter indicates that effective control was with M/s. Sesa Goa Limited and therefore they were asked to depute their representative to accompany IBM office.**

- (c) Thereafter on 11/02/2008, Asst. Controller of Mines, IBM, Goa wrote again one letter to the same effect and a request was made to send a representative at the mine office at 10.00 AM. If original lessee was operating the mines there was no necessity to ask Mr. U.S. Tilve to send representative.
- (d) On 30/03/2007, a letter was written by Director of Mines Safety Goa Region to the effect that contraventions mentioned therein were found and therefore explanation and compliance was sought. That letter is also addressed to that Agent (i.e. Mr. U.S. Tilve). This would also establish that the Agent Mr. U.S. Tilve of M/s. Sesa Goa Limited was in-charge of the mining operation.
- (e) On 30/04/2007, Agent (i.e. Mr. U.S. Tilve) wrote a letter to Director of Mines Safety submitting explanation and compliance to the

aforesaid letter.

- (f) Thereafter on 02/07/2008, a letter was written by the Director of Mines Safety, Goa to Mr. U.S. Tilve as Agent / General Manager with regard to the violation and copy was forwarded to **M/s. Sesa Goa Limited, owners** Gaval – Sonshi (name of the village) Iron Ore Mines of M/s. Cosme Costa & Sons. This also establishes that M/s. Sesa Goa Limited was operating the mines.

This very person Mr. U.S. Tilve has been addressed as an Agent / General Manager of M/s. Cosme Costa & Sons in the letter dated 23/07/2009 written by Ministry of Labour & Employment, Goa Region.

PART - II**ILLEGAL AND FRAUDULENT****TRANSFER OF MINING LEASE****T.C. NO.63 OF 1951 and T.C. No.43/1953****IN FAVOUR OF RAJESH P. TIMBLO****T.C. NO.63 of 1951**

1. A mining concession has been granted under the Portuguese Law in favour of **Chandracanta Fandu Naique** of Curchorem, Goa under Title Concession No.63, dated 19.10.1951 for iron ore and manganese ore over an area of 69.4745 Ha. of land situated in Village Curpem of Sanguem Taluka.
2. In pursuance of enactment for the Goa, Daman and Diu Mining Concessions (Abolition and Declaration) Act, 1987 (Central Act No.16 of 1987), the said mining lease has been abolished and declared as deemed mining lease under the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No.67 of 1957).
3. In pursuance of the said Abolition Act, 1987, the lessee – **Shri Chandracanta Fandu Naique** has applied for first renewal of the mining lease on **21.11.1988** in Form 'J'. As per the available records, in the file submitted by the Director of Mines, the renewal application was incomplete and correspondence was continued between the

Departments and the lessee.

4. On seeing the statement of the Department of Mines, it is observed that the mining lease **was not working since 1975 till the date of filing of renewal application**. Under non-operational of this lease, it should have been rejected under the then prevailing Mines Rules.
5. After filing of the renewal application, Chandracanta Fandu Naique has executed a **General Power of Attorney in favour of his sons, Shri Gurudas Chandracanta Naique and Padmanabh Chandracanta Naique** on 26.10.1989. The General Power of Attorney was executed before the Notary.
6. There is no record available whether the said General Power of Attorney has been withdrawn or otherwise. However, **the lessee has executed Second Power of Attorney in favour of Shri Rajesh P. Timblo** (Details are given in subsequent paragraphs)
7. Meanwhile, it is to be stated that Shri Chandracanta Fandu Naique has formed a **firm namely M/s. Chandracanta Fandu Naique with the partners** (his sons and others). All the correspondence was in favour of the said firm. **This would mean that the lease hold rights were transferred in favour of the Partnership Firm**

without obtaining any approval under **Rule 37 of the MCR, 1960 and for that, no action has been taken.**

8. Further, from the Report, it is observed that M/s. Chandracanta Fandu Naique has entered into a **“raising contract” with Shri Rajesh P. Timblo.**
9. It is to be highlighted that on 14.10.1993 original Lessee Chandracanta Fandu Naique (on the letter pad of M/s. Chandracanta Fandu Naique mine owners importers and general merchant), addressed a letter to the Director of Industries and Mines, Government of Goa, on 14.10.1993. The subject matter of the letter is “Monthly Returns in respect of Godbaem cuttim Mine at Curtem, Quepem” (**i.e. T.C. No. 63/51**).

He sent the copy of the said letter to the Regional Controller of Mines, India Bureau of Mines. The contents of the said letter establish that the raising contract granted to Shri Rajesh Timblo was cancelled. The relevant part of the letter is as under :

“Sir,

This is to bring to your notice that one Shri Rajesh Timblo has been sending monthly returns in respect of the above mine, without my knowledge

and permission. The said Rajesh Timblo has no authority to send any returns in respect of the above mine nor he is appointed by me as agent.

2. *The said Rajesh Timblo is sending the monthly returns without any authority **just to create some sort of evidence in his favour as there is some litigation pending in Court between him and me in respect of the said mine, as the raising contract executed by me in his favour has been terminated by notice dated 26.5.1993.***

3. *Therefore, I request you to return all such monthly returns which might have been sent by the **said Rajesh Timblo or somebody in** his behalf in respect of the said mine and he may be warned not to send any such returns in future.*

Thanking you;

Yours faithfully,

Sd/- (CHANDRACANTA FANDU NAIQUE)"

A. DEEMED RENEWAL IN FAVOUR OF SHRI RAJESH P. TIMBLO IS ON THE FACE OF ITS ILLEGAL

(i) Firstly, the mining lease has not been renewed within stipulated period of one year, as

required under the then Rule 24A of the MCR, 1960 and **rejected by the State Government, Goa.** The said rejection has been appealed before the Tribunal of Mines, Government of India. The Government of India set aside the Rejection Order of the State Government and directed to consider the application within 200 days. The relevant part of the Order (u/s. 30 of the MM(DR) Act, 1957) passed by M. L. Majumdar, Joint Secretary (Mines) in Revision Application No.2/Goa-244/89-MV, dated 13.10.1989 is as under :-

"2. The Central Government in exercise of their revisionary powers under Section 30 of the Mines and Minerals (Regulation and Development) Act, 1957 and Rule 55 of the Mineral Concession Rules, 1960 set aside the deemed rejection of the petitioner's application for mineral concession, arising out of the State Govt.'s failure to pass orders within 6 months. The State Govt. is directed now to dispose of above application on merits within a period not exceeding two hundred days from the date of this order. Should the State Govt. fail to pass orders on the petitioner's application, he may seek redress in an appropriate court of law, if so advised."

(ii) From the record, it is clear that the State

Government has not renewed the mining lease within the stipulated time, as stated above. Hence, the mining lease is deemed to be rejected under 'deemed refusal' under the then prevailing Rule 24A of the MCR, 1960.

- (iii) It is admitted fact that till Chandracanta Fandu Naique survive neither the lease was renewed nor his application for renewal of the lease was considered. By Order dated 13.10.1989, the Central Government set aside the deemed rejection and directed the State Government to decide the same within 200 days from the date of the order and if the State Govt. fails to pass orders, it was directed that the lessee may seek redress in appropriate Court of law, if so advised. It was not done within the stipulated period under the law which was prevailing at the relevant time and also, within the time prescribed by the Central Government by Order dated **13.10.1989**. Hence, there was no renewal in favour of original lessee.

Hence, it is apparent that continuation of possession by original lessee Chandracanta Fandu Naique as well as Shri Rajesh P. Timblo was unauthorized.

- (iv) Despite the aforesaid facts, lease has been renewed in favour of Shri Rajesh P. Timblo. This is totally unjustified.
- (v) On record, there is one notice dated 7.2.2006 issued by Senior Technical Assistance, Directorate of Mines, Panjim to Shri Rajesh P. Timblo calling upon him to make payment of Rs.48,590/- within a period of 15 days failing which he would be liable to pay interest @ 24% p.a. in terms of Rule 64A. The Notice is addressed to Rajesh Timblo as if he is constituted attorney of Shri Chandrakant Naique.
- (vi) There are continuous correspondences by Shri Rajesh P. Timblo to the Department as if his firm is operating the mine.

B. RELIANCE ON BOGUS WILL

When the aforesaid firm was exercising its rights as a lessee, the deceased Chandracanta Fandu Naique ceased to be a lessee and therefore alleged Will executed by him could not confer any right on Shri Rajesh P. Timblo.

- (i) On the death of Shri Chandracanta Fandu Naique, Shri Rajesh P. Timblo has started making claims of ownership/title etc. of the

said mining lease based on the document he claims as a “Public Will” executed in his favour by original concessionaire Shri Chandracanta Fandu Naique on 20.04.2000.

It is essential to know on what basis, the Will was executed in favour of Shri Rajesh P. Timblo. Whether the same was executed by taking premium/consideration? Whether such Will was valid when there are number of legal/natural heirs, namely sons and daughters? This requires investigation either by Vigilance Department or by Central Bureau of Investigation.

The heirs of the deceased Chandracanta Fandu Naique have also issued notices to the State of Goa for cancellation of renewal of lease in favour of Rajesh P. Timblo on the alleged ground of lease.

- (ii) There is nothing to suggest that the Director of Mines gave any notice to the Firm M/s. Chandracanta Fandu Naique before allegedly renewing the mining lease in favour of Rajesh P. Timblo.
- (iii) Admittedly, the deceased Chandracanta Fandu Naique had left number of other heirs i.e. sons

and daughters before his death. No notice was issued to known heirs namely **Shri Gurudas Chandracanta Naique and Padmanabh Chandracanta Naique** in whose favour, General Power of Attorney was executed. Notice was also required to be issued to other heirs of the deceased.

- (iv) In any set of circumstances, it was the duty of the Director of Mines and other persons who dealt with the file including Law Officers, Legal Secretary and also Advocate General to verify and ascertain with regard to execution of the Will from the legal heirs of the deceased.
 - (v) In any set of circumstances, the Authorities ought to have directed Rajesh P. Timblo to produce either Probate or Succession Certificate or in any set of circumstances, letter of Administration from the competent Court.
 - (vi) No such procedure has been followed which suggests that it was a collusive act indicating some fraud to take away the legal rights of the heirs of the deceased.
- C. Considering the aforesaid facts, it is necessary to hold the inquiry and to find out whether there was any conspiracy between Rajesh P. Timblo and

concerned officers. For this purpose, either Vigilance Commission of the State Government may hold the inquiry or it can be handed over to Central Bureau of Investigation (C.B.I.).

- D. Further, neither the State Govt., MoEF or Goa State Pollution Control Board have considered the fact that at a distance of 400 meters from the alleged renewed lease area, **there is a Dam namely Salinium Water Dam which is supplying drinking water to the State of Goa. Hence, excavation of minerals and its transportation is bound to pollute the Dam Water. This would amount to criminal negligence on the part of the concerned officers.**

10. It is further seen from the records that more than 3,39,279 MT iron ore has been removed from the said mine after the year 2000 onwards by Shri Rajesh P. Timblo of which approximate price would be atleast **Rs.70 crores (figure to be calculated)** and above which is the loss to the Government. Hence, the said amount should also be recovered from him. Other actions arising out of this should also be taken.

*** **

PART - III**T.C. No.43/53**

Name of Original Concessionaire : Noor Mohamad Abdul Karim of Margao. (Date of grant of Original Concession is 25/05/1953, T.T. 24/10/1960).

Name of Lessee as per First Schedule: Xec Abdul Gofor, Xec Abdul Aziz of Curchorem.

As per the record maintained by DMG, Noor Mohamad Abdul Karim had applied for renewal of the lease on 21/11/1988 in Form J under Rule 24A of MCR, 1960.

It is the say of original concessionary that the lease was retransferred to him. Hence, the application in Form J was filed by him. On investigation, it was found that a mine bearing T.C. No.43/53 was lying idle and un-operated. The application Form J is allegedly signed by Abdul Gaffar. This man Mr. Abdul Gaffar doesn't appear anywhere, either in chart of the original concessionaries or in the First Schedule published.

Letter dated 14/08/2006 clearly states that T.C. No. 43/53 was operated and controlled by Timblo Minerals Pvt. Ltd. in alleged capacity of representative of Noor Mohamad Abdul Karim. One G.V. Kanekar had signed the said letter for and on behalf of Timblo Minerals Pvt. Ltd.

Secondly, the forest approval was also prayed for by Timblo Minerals Pvt. Ltd. in the month of October, 2006.

Thirdly, IBM sent copy of approved mining plan with PMCP to S/Shri G.V. Kanekar and Upkar Gupta. The address is of Timblo Minerals Pvt. Ltd. i.e. P.O. Box. No. 34, Cadar Manzil, Margao, Goa. This letter is of dated 27/07/2007.

Fourthly, there is one letter dated 30/04/2004 addressed by IBM, Government of India to M/s. Timblo Minerals Pvt. Ltd. indicates that mining scheme on behalf of Shri Noor Mohamad Abdul Karim was submitted and approved.

Fifthly, the renewal application in Form J came to be submitted for 20 years on 11/08/2006 which is signed by Chetan S. Timblo in capacity of Managing Partner of Timblo Minerals Pvt. Ltd. for this very mine.

As state above, the original concession was to an individual and considering the aforesaid facts, it is apparent that without obtaining any approval, mining lease is transferred in favour of Timblo Minerals Pvt. Ltd.

Not only this, upon examination of Google Image of this leased hold area, it clearly emerges that this mine is practically at adjacent of Dam namely Selaulim Dam. This mine is in vicinity of T.C. No.63/51 controlled and

operated by Shri Rajesh P. Timblo. From the Google Image, it appears that encroachment is made by the operator of these mines so that both areas of T.C. No.43/53 and 63/51 are brought adjacent to each other.

All these illegalities are continuing unhampered.

The royalty for extraction of iron ore for the period between 1st April, 2010 to 31st March, 2011 has been paid in the name of concessionaire / lessee Noor Mohammed Abdul Karim. But the same has been paid by M/s. Timblo Minerals Pvt. Ltd., Kadar Manzil, P.B. No.34, Margao. Challans of payment of royalty reveal that the same have been signed by one Mr. G.V. Kanekar claiming to be an agent of Noor Mohammed Abdul Karim. But on examination of other documents and circumstances indicate that Mr. G.V. Kanekar is an employee or a person of Timblo Minerals Pvt. Ltd.

The Royalty Challans of the years 2008-2009 and 2011-12 are presented and signed in the similar way. On one occasion Timblo Minerals Pvt. has paid royalty of Rs.12,23,070/- on 4-5-2011.

There is no order or any notification published for transfer of leasehold interest in favour of M/s. Timblo Minerals Pvt. Ltd. Thus, this is a clear case of violation of mandatory Rule 37 of the MCR, 1960.

It is to state here that all the cases of violation / misuse of Rule 37 of MCR, 1960 could not be completed because of time constraint.

PART - IV
VIOLATIONS AND MISUSE OF SECTION 6(1) & (3) OF
MMDR ACT, 1957

For the regulation and development of minerals, an Act was brought into force in 1948 as Mines and Minerals (Development and Regulation) Act, 1948 (LIII of 1948). Subsequently, another Act No. 67 of 1957 has been passed by the Parliament w.e.f. 29/05/1958 as a Mines and Minerals (Development and Regulation) Act, 1957 in place of earlier Act. The first Act (1948) remains for the oil fields only.

Under the Section 6(1) of the said Act, limitations for acquiring the lease / leases areas in respect of minerals of prescribed group of associated minerals was restricted to an area of 10 Sq. Miles in a State till 1972. The then Section 6 of the said Act [The Mines and Minerals (Regulation and Development) Act, 1957 (Act LXVII of 1957 dated 28/12/1957)] is reproduced as under:

“6. Maximum area for which a prospecting licence or mining lease may be granted –

- (1) No person shall acquire in any one State in respect of any mineral or prescribed group of associated minerals–*
 - (a) one or more prospecting licences covering a total area of more than fifty square miles, or*
 - (b) one or more mining leases covering a total area of more than ten square miles;*

Provided that if the Central Government is of opinion that in the interests of mineral development it is necessary so to do, it may, for reasons to be recorded, permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid maximum.

- (c) *For the purposes of this section, a person acquiring by, or in the name of, another person a prospecting licence or mining lease which is intended for himself shall be deemed to be acquiring it himself."*

Subsequently, the said Section 6(1)(b) has been amended to restrict the prescribed 10 Sq. Miles to 10 Sq. Kms. area within the State by amendment at 56 of 1972 Section 3. The said provisions inter-alia is reproduced as under:

"6. Maximum area for which a prospecting licence of mining may be granted –

- (1) ***No person*** shall acquire in ***any one State*** in respect of any mineral or prescribed group of associated minerals–
- (b) *one or more mining leases covering a total area of more than ten square kilometers.*

Provided that if the Central Government is of opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded by it, in writing, permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid total area;

(c)

2. *For the purposes of this section, a person acquiring by, or in the name of, another person a prospecting licence or mining lease which is intended for himself shall be deemed to be acquiring it himself.*
3. *For the purposes of determining the total area referred to in sub-section (1), the area held under a prospecting licence or mining lease by a person as a member of a co-operative society, company or other corporation, or a Hindu undivided family or a partner of a firm shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a prospecting licence or mining lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (1). [Ins. by Act 56 of 1972. Sec. 3]"*

For the purposes of determining the total area referred to in sub-section (1)(b) of Section 6 the area held under a prospecting licence or mining lease **by a person** as a member of a co-operative society, company or other corporation, or a Hindu undivided family or a partner of a firm shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a prospecting licence or mining lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (1).

Further, the restriction within the State has been deleted by an amendment of an Act 37 of 1986 Section 5 (w.e.f. 10/02/1987). The said provisions are stated as under:

“6. Maximum area for which a prospecting licence of mining may be granted –

- (1) **No person** shall acquire in respect of any mineral or prescribed group of associated minerals–
- (b) one or more mining leases covering a total area of more than ten square kilometers.

Provided that if the Central Government is of opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded by it, in writing, permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid total area;

- 2. *For the purposes of this section, a person acquiring by, or in the name of, another person a prospecting licence or mining lease which is intended for himself shall be deemed to be acquiring it himself.*
- 3. *For the purposes of determining the total area referred to in sub-section (1), the area held under a prospecting licence or mining lease by a person as a member of a co-operative society, company or other corporation, or a Hindu undivided family or a partner of a firm shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a prospecting licence or*

mining lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (1). [Ins. by Act 56 of 1972. Sec. 3]"

Thereafter, again the said provisions has been amended and the area of 10 Sq. Kms. was limited to within a State by amendment of an Act 38 of 1999 Section 8 (w.e.f. 18/12/1999). The provisions are stated as under:

"6. Maximum area for which a prospecting licence of mining may be granted –

- (1) No person shall acquire in respect of any mineral or prescribed group of associated minerals in a State–*
- (b) one or more mining leases covering a total area of more than ten square kilometers.*

Provided that if the Central Government is of opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded by it, in writing, permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid total area;

- 2. For the purposes of this section, a person acquiring by, or in the name of, another person a prospecting licence or mining lease which is intended for himself shall be deemed to be acquiring it himself.*
- 3. For the purposes of determining the total area referred to in sub-section (1), the area held under a prospecting licence or mining lease by a person as a*

member of a co-operative society, company or other corporation, or a Hindu undivided family or a partner of a firm shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a prospecting licence or mining lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (1). [Ins. by Act 56 of 1972. Sec. 3]"

On perusal of Section 6(1)(b) since its inception, there is no doubt that there is restriction for acquiring the lease area including more than one lease to 10 Sq. Miles upto 1972 and thereafter 10 Sq. Kms. This restriction was there for only within one State from 1957 to 1987 and from 10/02/1987 to 18/12/1999 it was for the entire country. From 19/12/1999 to till date the restriction is again applicable within one State. The applicability of said provisions includes for the new grants and renewal of the lease / leases. The case law in this regard is reproduced as under:

"It is not correct to say that renewal can never operate as a grant. A renewal in a given circumstance may also be a grant of mining lease. The expression "acquire" in Section 6(1)(b) applies to renewal of a mining lease also, even though there is no mention about renewal in the said provision. Bindeshwari Jha vs. Union of India, 1985 PLJR 256. Also see N.S. Sethna vs. V.H. Lal, AIR 1967 SC 1036.

The State Government not only has power to reject an application for renewal of mining lease but it also has the power to grant it after reducing the area under lease, thereby bringing it in conformity with the provisions of the Act and the rules framed thereunder. It is not correct to say that the renewal application has to be either allowed or rejected in its entirety. Ibid]

On careful reading of this particular Section 6(1)(b) & (3), it is noted that the provisions of this Section is for a persons and not for a lessee. The spirit of the law is to restrict the leased area in the hands of a particular person and not otherwise. A person can't acquire more than 10 Sq. Kms. (as applicable at that relevant time) of lease / leases area irrespective of different Companies (private limited and public limited), Firms (registered and non-registered), Societies and any formal and informal group of persons he has floated to defeat the letter and spirit of this Section.

The details of Mining Lease held by M/s. Sesa Mining Corporation Limited (earlier known as Dempo Mining Corporation Limited) is as follows:

Sr. No.	Mining Concession / Lease	Area (ha.)
1	T.C. No.11/1941 (Lamgao)	100.00
2	T.C. No.12/1941 (Vagachiper)	99.96
3	T.C. No.13/1941 (Gaotor)	99.50
4	T.C. No.14/1941 (Tolichomor Dongor)	99.91
5	T.C. No.15/1941 (Mandorbaga)	99.55
6	T.C. No.11/1952 (DObdobo)	50.12
TOTAL		549.04

The details of Mining concession / Leases held by M/s. Sesa Resources Limited (earlier known as V.S. Dempo & Company Limited) is as follows:

Sr. No.	Mining Concession / Lease	Area (ha.)
1	T.C. No.21/1954 (Tolpi – Mardando)	65.79
2	T.C. No.5/1954 (Onvalienchi Math)	96.64
3	T.C. No.20/1954 (Onvalienchi Palthana)	90.95
4	T.C. No.7/1950 (Culnavoril Sodo)	38.84
5	T.C. No.3/1951 (Cantor)	97.67
6	T.C. No.40/1954 (Sem Denominacao)	51.05
7	T.C. No.35/1952 (Tembessodo)	98.46
8	T.C. No.17/1960 (Godbaim)	70.68
9	T.C. No.43/1951 (Navientil Galivoril Advona)	100.00
10	T.C. No.37/1951 (Condulgo)	36.94
TOTAL		747.02

Mining leases held by M/s. Sesa Goa Limited are as under (The leasehold rights during 1987 are more):

GOA STATE					
SR. NO.	T.C. NO.	NAME OF LESSEE	EC Granted Or Not	AREA (ha.)	EC Limit approved by MoEF in (MT)
1	2	3	4	5	6
1	9/49	M/S SESA GOA LTD.	EC Granted	92.54	0.2
2	10/49	M/S SESA GOA LTD.	EC Granted	78.93	0.2
3	28/51	M/S SESA GOA LTD.	EC Granted	23.96	0.2
4	69/51	M/S SESA GOA LTD.	EC Granted	99.79	5.0
5	70/52	M/S SESA GOA LTD.	EC Granted	99.76	4.0
6	76/52	M/S SESA GOA LTD.	EC Granted	99.40	0.6
7	126/53	M/S SESA GOA LTD.	EC Granted	100.00	7.0
8	3/54	M/S SESA GOA LTD.	EC Granted	32.04	0.2
9	6/55	M/S SESA GOA LTD.	EC Granted	26.68	1.0
10	32/55	M/S SESA GOA LTD.	EC Granted	43.00	0.2
	Total			696.09	18.6
11		SESA RESOURCES LTD. (10 LEASES)		747.94	
12		SESA MINING CORPORATION LTD. (06 LEASES)		549.04	
13		SESA LTD. (KARNATAKA) (01 LEASE)		161.54	
	TOTAL			2154.61	

It is stated here that by acquiring of the leases which was held earlier with M/s. Sesa Goa Limited, M/s. V.S. Dempo and Co. Ltd., Sesa Resources Ltd. and others by the United Kingdom bases multinational company, it is necessary to look into the total leasehold area (leases) have been occupied by it. Under the provisions of Section 6(1)(b) & (iii) it should not exceed to 10 Sq. Kms. This exercise could not be done because of time constrains hence it requires further investigation from a Central Agency preferably Central Bureau of Investigation along with other illegalities and issues as discussed in the report of Goa.

Date: October, 2013

(M. B. SHAH)

(Former Judge, Supreme Court of India)

Chairman

Commission of Enquiry

for

Illegal Mining of Iron Ore & Manganese