

GOVERNMENT OF KARNATAKA

No: CI 275 MMN 2020(Part-1)

Karnataka Government Secretariat,
1st Floor, Vikasa Soudha,
Bengaluru, dated 28.10.2021.

NOTIFICATION

Whereas the draft of the Karnataka Regulation of Stone Crushers (Amendment) Rules, 2021 was published in exercise of the powers conferred by sub-section (1) of section 18 of the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act 08 of 2012), vide notification No. CI 275 MMN 2020 (Part – I) in Part-IVA of the Karnataka Gazette dated 09.08.2021 inviting objections and suggestions from all persons likely to be affected after fifteen days from the date of its publication in the official Gazette.

And Whereas, the said gazette was made available to the public on 09.08.2021.

And whereas, no objections and suggestions were received in this regard.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 18 of the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act 08 of 2012), the Government of Karnataka following rules, namely:-

RULES

1. Title and commencement.-(1) These rules may be called the Karnataka Regulation of Stone Crushers (Amendment) Rules, 2021.

(2) They shall come into force from the date of their publication in the official Gazette.

2. Amendment of rule 3.– In the Karnataka Regulation of Stone Crushers Rules, 2012, (hereinafter referred to as the said rules), in rule 3,-

(i) after sub-rule (1), the following proviso shall be inserted, namely:-

“Provided that, if an applicant has not submitted renewal application three months before the expiry of the license, but makes an application one month before the expiry of the license, it may be accepted for a valid reason and on payment of an additional fee of rupees one lakh, payable in the form of a demand draft:

(ii) after sub-rule (2), the following shall be inserted, namely:-

“Provided further that, all existing crusher licenses granted before the commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2020 and whose license shall be deemed to have been granted for a period of twenty years from the date of its original grant, shall pay of annual regulation fee of rupees ten thousand, payable in the form of demand draft.”

(ii) in sub-rule (2), for the explanation, the following shall be substituted, namely:-

“Explanation: For the purpose of this rule, any habitation, school, temple or road coming up subsequent to declaration of safer zone, shall not affect the operation or continuance of such declaration and shall not affect any extension of license.”

2. Amendment of rule 3C.- In the said rules,-

(i) in sub-rule (3), for the words and brackets “Mineral Dispatch Release Order (MDRO)”, the words and brackets “Mineral Dispatch Permit (MDP)” shall be substituted.

(ii) in sub-rule (4), for the words and brackets “Mineral Dispatch Release Order (MDRO)”, the words and brackets “Mineral Dispatch Permit (MDP)” shall be substituted.

4. Insertion of new rules 3D and 3E:- After rule 3C of the said rules, the following new rules shall be inserted, namely:-

“3D. Transfer of crusher license.- (1) In case of transfer of crusher license, the licensee shall apply to the licensing authority in Form-TA for transfer of license along with non-refundable application fee of rupees twenty five thousand as processing fee, affidavits and consent of the owner of land as specified in clause (a) of section 4 of the Act.

(2) On receipt of application the licensing Authority shall verify the application and on fulfillment of conditions, the licensing authority may give consent for transfer of such license in **Form MT** and on such consent a transfer of crusher license deed in Form-**MT**, shall be executed by the Transferee and Transferred within six months from the date of communication or within such further period as the licensing authority may extend in this behalf, but not exceeding six months.

3E. Status of crusher license on death of the licensee.-(1) Where a holder of crusher license dies during the currency of the crusher license, then legal heir of the diseased shall intimate it to the licensing authority within a period of sixty days.

(2) An application for such transfer in Form-MA, shall be submitted to the licensing authority along with fee of rupees ten thousand, along with a copy of death certificate, affidavit of the legal heirs, affidavit of the other legal heirs in favour of the applicant for relinquishment of their rights, if any, within sixty days from the date of death. The applicant shall also submit a self-attested photo copy of PAN card and Aadhar card or Voter identity card as a proof of identity and proof of address.

(3) Every application for transfer shall be verified and disposed-off by the competent authority preferably within a period of three months.

(4) In respect of eligible applications sanction for transfer shall be granted in Form-T, within three months from the date of issue of sanction order or within such period as the competent authority may extend in this behalf."

5. Insertion of new Forms:- At the end of the said rules, the following new Forms shall be inserted, namely:-

“FORM-TA

Transfer of Crusher License (see sub-rule(1) of rule 3D)

To,
Member Secretary
District Stone Crusher Licensing and Regulation Authority
..... District.

I/We request for seeking transfer of Crusher License.

Sl. No.	Item Detail	Particulars
1.	Name of the Transferor/Licensee	
2.	Address of the transferor/Licensee	
3.	Name of the transferee	
4.	Address of the transferee	
5.	Date of Issuance of License (Form-C)	

6.	License Number	
7.	Area in Acre	
8.	Name of Village and Taluk	
9.	The transferee shall submit the affidavit accepting all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such a crusher license	
10.	The transferee shall submit the details of latest Income tax returns filed	
11.	The transferee shall furnish the consent of the owner of land if the safer zone is located in private or patta land.	
12.	Details of the payment to be made to the Government on transfer by the transferor (amount in Rs.....) (Details of DD No. and amount)	

We do hereby declare that the particulars furnished above are correct and are ready to furnish any other details, as may be required by you.

The transferee and transferor also undertake to comply with the provisions of the Karnataka Stone Crusher Regulation Act, 2011 and the rules made there under with respect to the transfer of the Crusher license.

Date:

Place:

Yours Faithfully,

Transferor

.....

Transferee

.....

Instructions to applicants:

- (a) The application shall be signed by a duly authorized representative of the applicants, in case the applicant is a company, partnership, association of persons or limited liability partnership. In case the applicant is an individual, the applicant shall personally sign the application.
- (b) The corporate authorisation of the authorized signatory of the applicant (which is a company) shall be enclosed with the application. Any change in such corporate authorisation shall be immediately intimated to the Government.
- (c) A self-attested copy of Identity and address proof of authorized signatory of the applicant shall be enclosed along with the application.
- (d) Documentary evidence to confirm eligibility of the transferee to hold the crusher licence in accordance with the provisions of these rules, shall be submitted along with the application.

FORM - T

DEED FOR MUTATION OF CRUSHER LICENCE

(see sub-rule (4) of rule 3E)

This indenture, made this day of 20....., between the Governor of the State of Karnataka (hereinafter referred to as the Government which expression shall, where the context so admits, include his successor of the one part AND (Name of the person/s with address and occupation) (herein after referred to as the "legal heir" which expression shall where the context so admits be deemed to include his heirs, executor, administrators, representatives, and permitted assign) of the second part.

Whereas by virtue of an indenture of Name of the Crusher _____, License No., effective from (date), situated in _____ Taluk _____ Village _____ of Sl. No. _____ over an extent of _____ (Extent in acres) granted/transferred to the (name of deceased) for the terms and conditions subject to the payment of the annual regulation fee and/or other charges and observance and performance of the Crusher licensee's covenant and conditions in the said agreement/deed/license to reserved and contained including covenant not to assign or any interest there under without the previous sanction of the State Government.

And whereas the legal heir/s are now desire the mutation of license to him and the Government has at the request of legal heir/s, granted the permission of mutation vide Order No.....dated..... such mutation and assignment of the crusher license upon the condition of the transferee into an agreement in and containing the terms and conditions hereinafter set forth.

Now this Deed witness as follows:-

1. The legal heir/s hereby covenants with the Government that from and after the mutation and assignment of the licence the legal heir/s shall be bound, by and be liable to perform, observe and confirm and be subject to all provisions of the covenants, stipulations and conditions contained in said herein before recited crusher licence together with all interests, losses, damages, penalty, action, demand and cost of all kind whatsoever arising out of this in the same manner in all respects as if the crusher licence has been granted to the legal heir/s and he has originally executed it as such.
2. The consent taken by the deceased for crusher operations from any autonomous body or Government undertakings or from any department of the Central or State Government shall be deemed to be taken by the legal heir/s of the deceased after mutation of crusher license.

In witness where of the parties hereto have signed on the date and year first above written.

SCHEDULE

All that tract of lands situated at: _____ village _____ taluk, _____ district bearing cadastral Survey No. _____ containing an area of _____ Acres thereabouts delineated in plan hereto annexed and thereon colored _____ and bounded as follows along with the Co-ordinates.

On the North by: Part of Sy. No.

On the South by: Part of Sy. No.

On the South by: Part of Sy. No.

On the South by: Part of Sy. No.

Co-ordinates

Points	Longitude	Latitude

Signed by

For and on behalf of the State Government
in presence of

LEGAL REPRESENTATIVE

(-----)

Witness:

1.

2.

FORM – MA**MUTATION APPLICATION**

(see sub-rule (2) of rule 3E)

To,
 Member Secretary
 District Stone Crusher Licensing and Regulation Authority
 District.

I/We request for seeking transfer of Crusher license.

Sl. No.	Item Detail	Particular
1.	Name of the Licensee	
2.	Address of the Licensee	
3.	Date of death of licensee:	
4.	Address of the legal representative	
5.	Date of Issuance of License (Form-C)	
6.	License Number	
7.	Area in Acre	
8.	Name of Village and Taluk	
9.	Death certificate of the deceased licensee	
10.	Legal representative shall submit the consent of the other survival member of the family.	
11.	Legal representative shall submit affidavit accepting all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such a crusher license.	
12.	The transferee shall submit the details of latest Income tax returns filed.	
13.	Details of the payment to be made to the Government on transfer by the transferor (amount in Rs.) (Details of DD No. and amount)	

We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, as may be required by you.

The transferee shall undertake to comply with the provisions of the Karnataka Stone Crusher regulation Act, 2011 and rules made there under with respect to the transfer of the Crusher license.

Date:

Place:

Yours Faithfully,

Legal representative

Instructions to applicants:

- (a) The application shall be signed by a duly authorized representative of the applicants, in case the applicant is a company, partnership, association of persons or limited liability partnership. In case the applicant is an individual, the applicant must personally sign the application.
- (b) The corporate authorisation of the authorized signatory of the applicant (which is a company) shall be enclosed with the application. Any change in such corporate authorisation shall be immediately intimated to the Government.
- (c) A self-attested copy of Identity and address proof of authorized signatory of the applicant shall be enclosed along with the application.

FORM - MT

DEED FOR TRANSFER OF CRUSHER LICENCE

(see sub-rule (2) of rule 3D)

This indenture, made this day of 20....., between the Governor of the State of Karnataka (hereinafter referred to as the Government which expression shall, where the context so admits, include his successor of the one part AND (Name of the person/s with address and occupation) (herein after referred to as the "Transferor/s" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives, and permitted assign) of the second part.

Whereas by virtue of an indenture of Name of the Crusher _____, License No., effective from (date), situated in _____ Taluk _____ Village _____ of Sl. No. _____ over an extent of _____ (Extent in acres) granted/transferred to the (name of Transferor) for the terms and conditions subject to the payment of the annual regulation fee and/or other charges and observance and performance of the Crusher licensee's covenant and conditions in the said agreement/deed/license to reserved and contained including covenant not to assign or any interest there under without the previous sanction of the State Government.

And whereas the Transferee are now desire the transfer of license to him and the Government has at the request of transferee/s, granted the permission of transfer vide Order No.....dated..... such transfer and assignment of the crusher license upon the condition of the transferee into an agreement in and containing the terms and conditions hereinafter set forth.

Now this Deed witness as follows:-

1. The Transferee/s hereby covenants with the Government that from and after the transfer and assignment of the licence the transferee/s shall be bound, by and be liable to perform, observe and confirm and be subject to all provisions of the covenants, stipulations and conditions contained in said herein before recited crusher licence together with all interests, losses, damages, penalty, action, demand and cost of all kind whatsoever arising out of this in the same manner in all respects as if the crusher licence has been granted to the transferee/s and he has originally executed it as such.
2. The transferor hereby declares that he has not assigned subject, mortgage or in any other manner transferred the crusher licence now being transferred and that no other person or persons has any right, title or interest where under in the present crusher licence being transferred.
3. The transferor further declares that he has not entered into or made agreement contract or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the transferors operations or understanding were or are being substantially controlled by any person or body of person other than the transferor.
4. The transferee hereby declares that he has accepted all the conditions and liabilities which the transferor was having in respect of such crusher licence.
5. The transferee further declares that he is financially capable of and will directly undertake quarrying operations.
6. The transferee further declares that he has filed an affidavit stating that he has filed up-to-date income-tax returns, paid the income tax assessed on him and paid all income tax on the basis of self-assessment as provided in the Income-Tax Act, 1961 (Central Act 43 of 1961).

ಭಾಗ ೪೬

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಗುರುವಾರ, ೨೫, ಅಕ್ಟೋಬರ್, ೨೦೨೧

ಎಂಜಿನಿಯರ್

7. The transferor has paid annual regulation fee and other dues towards the Government as on date, in respect of this licence.

In witness where of the parties hereto have signed on the date and year first above written.

SCHEDULE

All that tract of lands situated at: _____ village _____ taluk, _____ district bearing cadastral Survey No. _____ containing an area of _____ Acres thereabouts delineated in plan hereto annexed and thereon colored _____ and bounded as follows along with the Co-ordinates.

On the North by: Part of Sy. No.

On the South by: Part of Sy. No.

On the South by: Part of Sy. No.

On the South by: Part of Sy. No.

Co-ordinates

Points	Longitude	Latitude

Signed by

For and on behalf of the State Government
in presence of

TRANSFEROR:

(-----)

Witness:

1.

2.

TRANSFeree: "

By Order and in the name of the
Governor of Karnataka

(SHIVAPRAKASH)
Under Secretary to Govt.
Commerce and Industries Department(Mines).

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