

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Service Appeal. No.7577/2021

Mohsin Ali Khan.....Appellant

**VERSUS**

2. Government of Khyber Pakhtunkhwa and others.....Respondents

**INDEX**

S.No.	Particular of documents	Annexes	Pages
1.	Application for submission of relevant laws/ rules	-----	01
2.	Affidavit	-----	02
3.	Section-63(f) of the Khyber Pakhtunkhwa Mines and Minerals, Act, 2017	A	03-04
4.	Order sheet dated 19.09.2024	B	05

  
**DEPONENTS**

1

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No.7577/2021

Case No. 16039

Mohsin Ali Khan.....Appellant

Date 25-09-24

**VERSUS**

1. Government of Khyber Pakhtunkhwa and others.....Respondents

**Subject: APPLICATION FOR SUBMISSION OF RELEVANT LAWS/ RULES AS PER ORDER SHEET DATED 19.09.2024.**

**RESPECTFULLY SHEWETH:**

1. That in the Service Appeal No.7577/2021 before the Honourable Service Tribunal Khyber Pakhtunkhwa, fixed for submission of relevant laws/rules on 25.09.2024.
2. It is submitted that there is no provision in the Mines & Minerals Act, 2017 for seeking advice from the high ups rather the procedure has been explained for processing such cases.
3. However, it is submitted that as per Section 63(f) as (Annex-A), the Licensing Authority may by serving thirty days' notice in writing, cancel a mineral title, if the holder of the mineral title fails to pay any amount payable by him under this Act or rules within one month after the amount becomes due.



**Director General  
Mines & Minerals,  
Khyber Pakhtunkhwa**

**Director General  
Mines and Minerals  
Khyber Pakhtunkhwa**

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Service Appeal. No.7577/2021

Mohsin Ali Khan.....Appellant

**VERSUS**

3. Government of Khyber Pakhtunkhwa and others.....Respondents

**AFFIDAVIT**

I, Said Muhammad Superintendent (Litigation) BS-17 of Directorate General Mines and Minerals do hereby solemnly affirm and declare that as per order sheet dated 19.09.2024, the application contents is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

  
**DEPONENT**

Identified by

1 7 1 0 1 - 8 5 3 1 4 5 4 - 3

Cell No.0306-5680362

Email: dglegalcell@gmail.com



25 SEP 2024

**THE KHYBER PAKHTUNKHWA <sup>1</sup>[MINES AND MINERALS]  
ACT, 2017.**

**(KHYBER PAKHTUNKHWA ACT NO. XXXVI OF 2017)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

**PART-I  
PRELIMINARY**

1. Short title, extent and commencement.
2. Definitions.

**PART-II  
MINERALS INVESTMENT FACILITATION AUTHORITY AND MINERAL  
TITLES COMMITTEE**

3. Establishment and constitution of the Authority.
4. Functions of the Authority.
5. Meetings of the Authority.
6. Establishment of Minerals Titles Committee.
7. Functions of the Committee.
8. Meetings and Procedure for Meetings of the Committee.

**PART-III  
MINERAL TITLES, MINERAL AGREEMENTS, RIGHTS AND OBLIGATIONS  
OF MINERAL TITLE HOLDERS.**

9. Types of mineral titles.
10. Exemption.
11. Period of Lease.
12. Mineral agreements.
13. Rights of holder of reconnaissance license.
14. Rights of holder of exploration license.
15. Rights of holder of mineral deposit retention license.

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XLVI of 2019

and may, in accordance with this Act, issue appropriate mineral title to the successful bidder.]

**PART-V**  
**CANCELLATION AND SURRENDER OF MINERAL TITLES.**

**63. Cancellation of mineral titles.**--- (1) The Licensing Authority may, by serving thirty days notice in writing, cancel a mineral title, if the holder of the mineral title-

- (a) fails to use the land subject to the title for the purpose for which the title was granted; or
- (b) uses that land for any purpose other than the purpose for which the title was granted; or
- (c) fails to comply with any requirement of this Act or rules which the holder is bound to comply; or
- (d) fails to comply with a condition of the title; or
- (e) fails to comply with a direction lawfully given under this Act or with a condition on which any certificate of surrender is issued or on which any exemption or consent is given under this Act or rules; or
- (f) fails to pay any amount payable by him under this Act or rules within one month after the amount becomes due; or
- (g) being an individual is adjudged bankrupt, or enters into any agreement or scheme of composition with creditors or takes advantage of any law for the benefit of debtors; and
- (h) is a Company against which an order is made or a resolution is passed for winding up the affairs of the Company.

(2) On the cancellation of a mineral title, the rights of the holder of the title there under shall cease, and the cancellation shall not affect any liability incurred before the cancellation and any legal proceedings that might have commenced against the holder of the title shall continue against him.


Annex - B


S.A No. 7577/2021

19<sup>th</sup> Sept, 2024

Appellant alongwith his counsel present. Mr. Said Muhammad, Superintendent alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The inquiry report attached with the appeal at page 54 states that the appellant, Assistant Director of Minerals Development Nowshera, issued reminder as well as 15-days notice to the lessee instead of seeking advice from the higher-ups of the Directorate in the matter in question. Respondents are directed to produce relevant laws/rules which the appellant was obligated to seek advice from the higher-ups of the Directorate. To come up for record and arguments on 25/09/2024 before the D.B. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (Executive)

  
(Aurangzeb Khattak)  
Member (Judicial)

\*Nazem Amin\*

