

Through E -MAIL/ On MOC website

File No NA-203/16/2020-NA  
Government of India  
Ministry of Coal  
Office of Nominated Authority

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120-F, Shastri Bhawan, New Delhi  
Dated: January 11, 2021.

ORDER

Subject: The Coal Mines (Special Provisions) Act, 2015 and Hon'ble High Court of Delhi, Judgment dated March 09, 2017- Valuation of Compensation for payment to prior allottee (M/s West Bengal Power Development Corporation Limited (WBPDCCL)) Reg, for East of Damogoria (Kalyaneshwari) Coal Block/Mine.

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In reference to vide Order dated January 1, 2021 both prior allottee, M/s WBPDCCL and present allottee, M/s Bharat Coking Coal Limited (BCCL) were called upon January 8, 2021 at 11.30 A.M but it was held on same date at 10:30 A.M to present their comments/objection, if any, on the determination made by the Nominated Authority.

2. Accordingly, both prior allottee, M/s WBPDCCL and successful allottee, M/s ECL attended the meeting on January 8, 2021 and accepted the claim of compensation of Land and Mine Infrastructure as determined by the Nominated Authority vide order dated January 1, 2021. (i.e NIL for East of Damogoria (Kalyaneshwari) Coal Block/Mine).

3. **In respect of Cost of Geographical Report amounting to INR 17,34,16,880/-** the same has been released by O/o NA vide order dated February 10, 2020 and Coal Controller was directed for further disbursement of the same under the provision of the Coal Mines (special Provisions) Act, 2015 to the prior allottee within ten days of the transfer of above amount from PAO (Copy Enclosed).

4. In view of above, the valuation of compensation for Land and Mine Infrastructure for East of Damogoria (Kalyaneshwari) Coal Block/Mine stands settled as NIL.

Enclosure as above:-

1. Order dated January 1, 2021.
2. Order dated February 10, 2020.

*M. Nagaraju* 11/1/2021  
(M. Nagaraju)

Additional Secretary & Nominated Authority

To,

1. West Bengal Power Development Corporation Limited (WBPDCCL)  
CIN: U40104WB1985SGC039154, Bidyut Unnyan Bhaban, Plot- 3/C,  
LA-Block, Sector-III, Salt Lake City, Kolkata-700106.  
Email:- santanubasu123@gmail.com, s.biswas@wbpdcl.co.in
2. M/s Bharat Coking Coal Limited  
CIN : U10101JH1972GOI000918, Koyla Bhawan, Koyla Nagar, Dhanbad - 826005.  
Email:- cmd.bccl.cil@coalindia.in, dtop.bccl.cil@coalindia.in

Copy to:-

1. The Coal Controller, Coal Controllers' Organisation, 1, Council House Street, Kolkata.
2. U.S, CBA-II (For Kind information).
3. Sr.T.D, NIC, MOC with request to upload this on the website of MOC.

BY FAX/SPEED POST

File No NA-203/16/2020-NA  
Government of India  
Ministry of Coal  
Office of Nominated Authority

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120-F, Shastri Bhawan, New Delhi.  
Dated: 01<sup>st</sup> January 2021

ORDER

Subject: Determination of compensation for land and mine infrastructure payable to the prior allottees of East of Damogoria (Kalyaneshwari) Coal Block/Mine, viz. M/s West Bengal Power Development Corporation Limited (WBPDCCL) in terms of the Coal Mines (Special Provisions) Act, 2015 and Judgment dated March 09, 2017 passed by Hon'ble High Court of Delhi – Reg.

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East of Damogoria (Kalyaneshwari) Coal Block/Mine was previously allotted to M/s. West Bengal Power Development Corporation Limited (WBPDCCL). After cancellation, the said block/mine was allotted to M/s. Bharat Coking Coal Limited (BCCL) on November 21, 2019. The compensation for Cost of Geological Report ("GR") and Cost of Consents ("CC") have been released to the prior allottee vide sanction letter dated February 10, 2020 (Copy of letter attached), i.e. mentioned below in tabular form marked as 'A':-

Table 'A', Figures in "Rs."

Cost of Geological Report ("GR") (A)	Cost of Consents ("CC") (B)	Total {C=(A+B)}
17,34,16,880/-	NIL/-	17,34,16,880/-/-

The above compensation of GR and CC cost are in addition to and are separate from compensation of land and mine infrastructure as provided under Section 16 of the Act.

2. In the meanwhile, several Prior Allottees had filed writ petitions before Hon'ble High Court of Delhi challenging the constitutional validity of Section 16 of the CMSP Act and Rule 14 on the grounds that the Act/Ordinance does not provide for a fair and reasonable compensation. The said writ petitions were disposed of by Hon'ble High Court vide judgment dated March 09, 2017 wherein Hon'ble Court held as under:-

*"35. Section 16 of the said Ordinance and Rule 14 of the said Rules are to be interpreted and worked in the manner indicated above. As such, they cannot be held to be violative of Articles 14, 19(1) (g) or 300-A of the Constitution. It is open to the individual petitioners to raise disputes with regard to the quantum of compensation, if the same has not been done in the manner indicated above, before the Tribunal which has been specifically indicated for this purpose under Section 27."*

3. In view of the Judgment dated March 09, 2017 the Central Government referred the matter of determination of compensation for land and mine infrastructure to the Inter-Ministerial Valuation Committee constituted under the Chairmanship of Mr. Pratyush Sinha, former Chief Vigilance Commissioner, for determination of methodology in accordance with the judgement dated March 09, 2017 (Annexure-I).

4. As recommended by the Inter-Ministerial Valuation Committee, vide letter No. 110/01/2014-NA, dated February 1<sup>st</sup>, 2018, the office of Nominated Authority requested prior allottees including M/s WBPDCCL to submit the information regarding land and mine infrastructure according to the revised format. M/s WBPDCCL didn't submit its revised claim for land and mine infrastructure till date. Therefore, claim of compensation for land and mine infrastructure are determined as NIL.

5. The Inter-Ministerial Valuation Committee submitted its report to the Central Government which was considered and forwarded to the Nominated Authority for necessary action vide an OM dated November 16, 2018. The said OM, *inter alia*, provide that before finalizing the compensation amount, the Nominated Authority, following the principles of natural justice, is required to provide opportunity of hearing to both the parties, i.e. prior allottee and allocattee (successful bidder/allottee).

6. So far as claim of prior allottee is concerned, it is entitled to get compensation for land and mine infrastructure up till November 21, 2019 i.e. when East of Damogoria Coal Block/Mine was vested to M/s BCCL. However, in view of above paragraph 4, the claim of compensation by M/s WBPDCCL regarding land and mine infrastructure pertaining to East of Damogoria Coal Block/Mine is determined as NIL/-.

7. The above final determination of compensation for land and mine infrastructure in relation to East of Damogoria Coal Blocks is being made. However, in case any objection is raised by prior allottee- M/s WBPDCCL or by present allottee of the coal block/mine i.e. M/s BCCL an opportunity of hearing is given as per OM dated November 16, 2018, the same would be examined and a further determination would be made, if required. M/s WBPDCCL and BCCL are hereby called upon to present their comments/ objection if any on the above determination on 8th January, 2021 at 11:30 AM.

8. In accordance with Section 27 of the Act and the judgment dated March 09, 2017, it is open to M/s WBPDCCL and M/s BCCL to raise disputes with regard to the quantum of compensation before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Enclosure as above

- I. Annexure I (Inter Ministerial Valuation Report).
- II. Copy of sanction letter dated February 10, 2020.
- III. Vesting Order, Dated November 21, 2019.

  
[M. NAGARAJU]

Additional Secretary & Nominated Authority

To

1. West Bengal Power Development Corporation Limited (WBPDCCL)  
CIN : U40104WB1985SGC039154, Bidyut Unnyan Bhavan, Plot- 3/C,  
LA-Block, Sector-III, SaltLake City, Kolkata-700106.
2. M/s Bharat Coking Coal Limited  
CIN : U10101JH1972GOI000918, Koyla Bhawan, Koyla Nagar, Dhanbad – 826005.

217671(4)/2020/O/o DS(NA)

BY FAX/SPEED POST/Website of Ministry of Coal

**F.No. 110/13/2015/NA**  
**Government of India**  
**Ministry of Coal**  
**O/o Nominated Authority**

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Room No. 120, "F" Wing,  
 Shastri Bhawan, New Delhi – 110001

Dated: 10<sup>th</sup> February, 2020

To,  
 The Pay & Accounts Officer,  
 PAO, Ministry of Coal,  
 Trikot II, Bhikaji Camma Place,  
 R.K.Puram, New Delhi  
 110066

Subject: Transfer of compensation towards cost for Geological Reports and Consents to the Commissioner of Payment for further disbursal to the prior allottees.

Sir/Madam,

I am directed to convey the sanction of the President to the transfer of a sum of **Rs. 26,94,67,170/-** (Rupees Twenty Six Crore Ninety Four Lakh Sixty Seven Thousand One Hundred Seventy Only) to the Coal Controller's Organization for disbursement to the prior allottees under the provisions of the Coal Mines (Special Provisions) Act, 2015 by the Coal Controller in his capacity as 'Commissioner of Payments' towards cost for Geological Reports [**Rs. 26,94,67,170/-** (Rupees Twenty Six Crore Ninety Four Lakh Sixty Seven Thousand One Hundred Seventy Only)] and cost of consents **NIL**. It is stated that the above mentioned amount is a part of Fixed Amount deposited by the Successful Bidder/allottee of coal mines, details of which are annexed as **Annexure-II**.

2. The aforesaid amount may be transferred through RTGS to the account of Coal Controller, Coal Controller's Organization who has been appointed as 'Commissioner of Payments' under the provisions of Section 15 (1) of the Coal Mines (Special Provisions) Act, 2015.

3. The expenditure on this account is debited to the Head **8443.00.117.03.04.00.**

4. This issue with the approval of Integrated Finance Division, Ministry of Coal vide note 99 dated 13.01.2020.

Yours faithfully,



(N K Singh)

Deputy Secretary to the Government of India

Copy to:

1. **The Coal Controller in the capacity as Commissioner of Payments,**

Coal Controller Organization, No. 1 Council House Street, Kolkata - 700001 - for further disbursement under the provisions of the Coal Mines (Special Provisions) Act, 2015 to the prior allocattee within ten days of the transfer of above amount from PAO. It may be ensured that Payment is made to the prior allottee company as per the said Act. Further, an affidavit in the prescribed format (**Annexure-I**) may also be obtained from the claimant prior to disbursal.

2. **CMD, CMPDI**, Kanke Road, Ranchi

2. **US (IFD)**, Ministry of Coal.

3. **US (CBA-II)**, Ministry of Coal.

4. **DDO**, Nominated Authority.

5. **M/s Bhusan Steel Ltd (now known as Tata Steel BSL Ltd)**, Ground Floor, Mira Corporate Suites, Plot No. 1 & 2 Ishwar Nagar Mathura Road New Delhi 110 065

6. **M/s West Bengal Power Development Corporation Limited (WBPDC)**, Bidyut Unnayan Bhaban, Plot no. 3/C, LA- BLOCK SECTOR-III, BIDHANNAGAR KOLKATA 700 106, West Bengal

8. **TD, NIC**: for uploading on the Website of Ministry of Coal.

**(Annexure I)**

(To be stamped in accordance with the relevant Stamp Act and duly sworn before Notary Public)

**UNDERTAKING FOR RECEIVING THE AMOUNT TOWARDS COST OF CONSENT**

I, \_\_\_\_\_ aged \_\_\_\_\_ years, resident of \_\_\_\_\_ working as \_\_\_\_\_ an authorized signatory on behalf of \_\_\_\_\_ (name of Prior Allottee) hereby states as under:

1. That I am the Authorised Signatory of the Prior Allottee. I am conversant with facts and circumstances surrounding the subject of this Undertaking and have been authorized to undertake the same.

2. That M/s. \_\_\_\_\_ is/are the Prior Allottee (s) of the \_\_\_\_\_ (the "Coal Mine") in terms of the Coal Mines (Special Provisions) Act, 2015 (the "Act")/successor-in-interest of the Prior Allottee of the Coal Mine. As such the Prior Allottee is entitled to receive compensation on account of cost of consent obtained.

**OR**

2. That the Mining Lease for the Coal Mine has been executed in favour of M/s. \_\_\_\_\_ and therefore by virtue of the provisions of the Coal Mines (Special Provisions) Act, 2015 (the "Act"), M/s. \_\_\_\_\_ is/are deemed to be the Prior Allottee (s) of the \_\_\_\_\_ (the "Coal Mine")/ successor-in-interest of the Prior Allottee of the Coal Mine. As such the Prior Allottee is entitled to receive compensation on account of cost of consent obtained. **[Applicable in case where Mining Lease had been executed in favour of third party Delete the clause whichever is not applicable.]**

3. That M/s. \_\_\_\_\_ has been authorised by the other Joint Prior Allottee (s)/Joint Venture Partners to obtain the claim on behalf of it. A "No Objection Certificate" from the Joint Prior Allottee (s)/Joint Venture Partners in this regard is enclosed herewith for record.

4. That the Prior Allottee (s) has incurred the cost of consents for \_\_\_\_\_ coal mine and is entitled to get refund of the same. The details of account for this purpose is as under: Name of the Account holder company \_\_\_\_\_ Name of the Bank/Branch \_\_\_\_\_ MICR \_\_\_\_\_ IFSC \_\_\_\_\_ File No.110/9/2015/NA(PART-I)

5. That the Prior Allottee (s) indemnifies the Nominated Authority &/or the Central Government against any liability, cost, damages or losses in relation to the disbursement.

6. That the Prior Allottee (s) also undertakes that it is liable to return the amount disbursed to it, in case above cost (part or in full) is claimed and established by any other party.

7. That nothing has been concealed in the information submitted as mentioned above.

Solemnly affirmed and verified on this \_\_\_\_\_ day of (month) 2019 at (place).

(Signature)  
Deponent-Authorised Signatory  
(Name, Designation & Seal)

#### **VERIFICATION**

I, \_\_\_\_\_ aged \_\_\_\_\_ years, resident of \_\_\_\_\_ working as \_\_\_\_\_ an authorized signatory on behalf of \_\_\_\_\_ (name of Prior Allottee) do hereby solemnly declare that what is stated in paragraphs 1 to 7 above is on the basis of the books and records of the Prior Allottee, and verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

Verified at \_\_\_\_\_ day of (month) 2019 at (place).

(Signature)  
Deponent-Authorised Signatory  
(Name, Designation & Seal)

**Annexure II**

Sl. No.	Name of the coal mine	Prior Aloottee	Successful Allocattee	Cost of GR	Cost of Consent
1	<b>New Patrapara</b>	<b>Bhusan Steel Ltd (now known as Tata Steel BSL Ltd)</b>	<b>The Singareni Collieries Company Limited (SCCL)</b>	<b>9,60,50,290/-</b>	<b>NIL</b>
2	<b>East of Damogoria (Kalyaneshwari)</b>	<b>West Bengal Power Development Corporation Limited (WBPDC)</b>	<b>Bharat Coking Coal Limited (BCCL)</b>	<b>17,34,16,880/-</b>	<b>NIL</b>
			<b>TOTAL</b>	<b>26,94,67,170/-</b>	