

**Through Email/SPEED POST/
Website of Ministry of Coal**

No. NA-104/8/2020-NA
Government of India
Ministry of Coal
O/o Nominated Authority

120, F Wing, First Floor, Shastri Bhawan
New Delhi, Dated: May 31, 2022

CORRIGENDUM

Subject: Corrigendum to the Final Order NA-104/8/2020-NA dated March 08, 2021 in respect of Radhikapur (West) coal mine.

I am directed to refer to the subject mentioned above and communicate herewith that the date of final order has been inadvertently mentioned as March 08, 2021 instead of March 08, 2022 in respect of Radhikapur (West) coal mine. Accordingly, the same may be read as March 08, 2022.

Enclosure:

1. Final Order NA-104/8/2020-NA dated March 08, 2021.

Yours faithfully,



(Manish Uniyal)

Under Secretary to the Govt. of India
Tel. No- 011 23384106

To,

1. (Prior allottees):-

- a. The Managing Director , M/s Rungta Mines Limited, 8 A Express Tower, 42 A Shakespeare Sarani, Kolkata, West Bengal-700017 Email:coal@rungtamines.com
 - b. The Managing Director, M/s OCL India Limited, Dalmiapuram District, Tiruchirapalli, Tamil Nadu 321651. Email:ocl_rajangpur@ocl.in
 - c. The Managing Director ,M/s Ocean Ispat Limited, 3rd Old Delhi Road, Golden Jubilee Plaza, Gurugram, Haryana 122001, India Email:nkchaturvedi1930@gmail.com
2. **(Successful Allottee):-** Shri Himanshu Singh, Director Strategy, M/s Vedanta limited, Core 63rd Floor Scope Complex 7, Lodhi Road, New Delhi 110003.
Email:himanshu.singh2@vedanta.co.in

Copy to :-

3. **Coal Controller's Organisation**, Ministry of Coal, SCOPE MINAR, 5th Floor, Core - II , Laxmi Nagar, Delhi – 110092
4. **Under Secretary** (P&S-II Section), Ministry Of Coal.
5. **Sr. TD**, NIC: for uploading on the Website of Ministry of Coal.

Through Email/SPEED POST/Website of Ministry of Coal

File No NA-104/8/2020-NA

Government of India

Ministry of Coal

O/o Nominated Authority

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

Dated: March 08, 2021

FINAL ORDER

Subject: The Coal Mines (Special Provision) Act, 2015 and Hon'ble High Court of Delhi, judgment dated March 09, 2017 - Valuation of compensation payable to prior allottee M/s Rungta Mines Limited, M/s OCL India Limited and M/s Ocean Ispat Limited Reg, for Radhikapur West Coal Mine.

In pursuance to order dated December 27, 2021, the compensation towards Land and Mine infrastructure payable to M/s Rungta Mines Limited, M/s OCL India Limited & M/s Ocean Ispat Limited for Radhikapur West coal mine has been determined as NIL.

2. For providing an opportunity to comment/ object, both Allottee and Prior Allottee were asked to attend the virtual meeting on January 11, 2022 but the said meeting could not be held. Again the meeting was rescheduled on March 08, 2022 at 11.00 a.m, and the opportunity of hearing was given to allottees and prior allottee for presenting their comments /objections, if any, on the determination made by the Nominated authority.

3. Accordingly, both prior allottee representative (Shri Braj Kishor Jha, Vice President-BD, M/sRungta Mines Limited) and successful allottee (Shri V.Srikanth, CEO Mines, M/s Vedanta Limited) attended the meeting on March 08, 2022 and accepted the claim of compensation of Land and Mine infrastructure as determined by nominated authority vide order dated December 27, 2021 for Radhikapur West coal mine.

4. In the view of above, the valuation of compensation for Land and Mine infrastructure for Radhikapur West coal mine stands settled as " Nil ".

Enclosure as above:-

Order dated December 27, 2021,

M. Nagaraju 9/3/22
(M.Nagaraju)

Additional Secretary & Nominated Authority

To,

1. (Prior allottees):-

- a. The Managing Director , M/s Rungta Mines Limited, 8 A Express Tower, 42 A Shakespeare Sarani, Kolkatta, West Bengal, 700017 Email:coal@rungtamines.com
- b. The Managing Director, M/s OCL India Limited, Dalmiapuram District, Tiruchirapalli, Tamil Nadu 321651. Email:ocl_rajangpur@ocl.in
- c. The Managing Director ,M/s Ocean Ispat Limited, 3rd Old Delhi Road, Golden Jubilee Plaza, Gurugram, Haryana 122001 , India Email:nkchaturvedi1930@gmail.com

2. (Successful Allottee) Shri Himanshu Singh, Director Strategy, M/s Vedanta limited, Core 63rd Floor Scope Complex 7, Lodhi Road , New Delhi 110003 Email:himanshu.singh2@vedanta.co.in

Copy to:

1. Coal Controller's Organisation, Ministry of Coal, Scope Minar ,5th Floor, Core - II, Laxmi Nagar, Delhi - 110092
2. Under Secretary (CBA-II Section), Ministry Of Coal.
3. Sr. TD, NIC: for uploading on the Website of Ministry of Coal.

Through Email/SPEED POST/Website of Ministry of Coal

File No NA-104/8/2020-NA
 Government of India
 Ministry of Coal
 O/o Nominated Authority

Room No. 120, "F" Wing,
 Shastri Bhawan, New Delhi - 110001
 Dated: December 27, 2021

ORDER

Subject: Determination of compensation towards Land & Mine Infrastructure payable to M/s Rungta Mines Limited, M/s OCL India Limited and M/s Ocean Ispat Limited as Prior Allotees of Radhikapur West Coal Mine in terms of Coal Mines (Special Provision) Act, 2015 and in accordance with the judgment dated March 09, 2017 passed by Hon'ble High Court of Delhi - Reg.

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Radhikapur (West) Coal Mine was previously allotted to M/s Rungta Mines Limited, M/s OCL India Limited and M/s Ocean Ispat Limited. After cancellation, the said block/mine was vested to M/s Vedanta limited on March 03, 2021. In terms of provisions of the Coal Mines (Special Provisions) Act, 2015 [CMSP Act] and Rules framed thereunder an amount of **INR 7,66,15,940.00/-** (Rupees Seven Crore Sixty Six Lakhs Fifteen Thousand Nine Hundred and Forty Only) and NIL was released to the prior allottee vide sanction letter dated 21.12.2021 for the expenses related to Cost of Geological Report 'GR' and Cost of Consent 'CC' respectively. GR and CC is in addition to and is separate from compensation of land and mine infrastructure as provided under section 16 of the Act.

2. Earlier, certain Prior Allottee 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 responsible compensation. The said writ petition were disposed 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 violate 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 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 above mentioned judgment dated March 09, 2017, the Central Government referred the matter of determination of compensation of land and mine Infrastructure to the inter ministerial valuation committee constituted under chairmanship of Mr. Pratyush Sinha, former

Chief Vigilance Commissioner, for determination of methodology in accordance with judgment dated March 09, 2017.

4 As recommended by Inter Ministerial Valuation Committee vide letter No 203/16/2021 NA dated May 03, 2021, the office of Nominated Authority requested Prior Allottee viz M/s Rungta Mines Limited, M/s OCL India Limited and M/s Ocean Ispat Limited to submit information regarding land and mine infrastructure according to the revised format. Prior Allottee has submitted its claim of compensation for Land and Mine Infrastructure compensation vide letter dated September 1, 2021 (copy enclosed)

5. So far as claim of Prior Allottee is concerned, it is entitled to get compensation for Land & Mine Infrastructure depending upon the documents provided until March 03, 2021. The claim of Compensation for Land and Mine Infrastructure by the prior Allottee is mentioned below in tabular form marked as 'A'

Table 'A' Fig in 'INR'		
Land Value Claimed (A)	Mine Infrastructure Claimed (B)	Total Claimed {C=A+B}
'NIL'	INR 7,66,30,293.00/-	INR 7,66,30,293.00/-

Land

6. In terms of Section 16(1) of the CMSP Act, 2015 the quantum compensation in relation to the coal mine, is to be "as per" the registered sale deed Lodged with the Nominated Authority in accordance with such rules as may be prescribed together with 12% simple interest from the date of purchase or acquisition till date of the execution of Vesting Order or Allotment Order as the case may be.

7. As per Judgment dated March 09, 2017 of the Hon'ble Delhi High Court, If the Prior Allottee is able to produce tangible evidence before the Nominated Authority that the fair market value of land on the date of execution of vesting order was more than the said bench mark figure then the Prior Allottee ought to be entitled to the same.

8. After passing of the Judgement dated March 09, 2017 by Hon'ble Delhi High Court, it has been decided that the higher determination of the value of land either as per Section 16 (1) of the CMSP Act or per the prevailing circle rates of the such land on the vesting will be compensated to the Prior Allottee.

9. Vide letter dated May 03, 2021 Nominated Authority requested Prior Allottee to submit documents related to Land & Mine Infrastructure. Accordingly annexure II submitted by the Prior Allottee for claim for compensation of Land is NIL and in vesting order Part B, description of land in relation to the mine is also mentioned as NIL. So the valuation of compensation for 'Land' in respect of Radhikapur West coal mine stands NIL.

Mine Infrastructure

10. Vide letter dated May 03 2021 & letter from Rungata Mines Limited (Prior Allottee) dated September 1, 2021 has been examined. Accordingly, the claim of the Prior Allottee has been forwarded to Central Mine Planing and design Institute Ltd (CMPDIL) for classification. The annexures submitted by Prior Allottee consisted of movable assets, cost for statutory clearances, Survey work for block boundary for forest clearance and GR Cost to CMPDIL (which itself is clearly not a part of Mine Infrastructure). Accordingly CMPDIL has not classified any of the above item mentioned by the Prior Allottee as Mine Infrastructure and thereafter O/o Chief Advisor (Cost) revalued compensation for the Quarter ended 31st Dec 2020, the amount claimed by the Prior Allottee under the Mine Infrastructure as on 31.03.2014 is NIL. Further under schedule II addition of assets was admissible up to 25.08.2014 and no additions have been claimed by the prior allottee. In the view of above the valuation as on 31.03.2020 the value of 'Mine Infrastructure Other than Land' claimed by the Prior Allottee in respect of Radhikapur West Coal Mine stands NIL, CAC Report No 8827.

ii) As per para 13 of the Inter-Ministerial Valuation Committee report that:-

"The committee also observed that in case of schedule II mines the prior allottees were allowed to operate the mines till 31.03.2015 and, thereafter, the coal mines were either vested in the successful bidder/allottee or in the Central Government under section 17 of the Act. Thus, the prior allottee cannot create any physical infrastructure in these mines after 31.03.2015. Similarly, the coal mines other than schedule II were declared illegal by Supreme Court judgement dated 25.08.2014 and were cancelled by Supreme Court order dated 24.09.2014. Thus, the prior allottee cannot create any physical infrastructure in such coal mines after 25.08.2014."

(iii) **Movable items:** - O/o CAC has determined the value of mine infrastructure on classification done by CMPDIL. The list of assets provided by M/s Rungta Mines Limited, M/s OCL India Limited and M/s Ocean Ispat Limited have been classified into movable. As per the provisions of the Act and recommendation of the Valuation Committee, only the assets classified as 'immovable assets' by CMPDIL are considered admissible as 'mine infrastructure' and assets in other categories are not considered mine infrastructure.

It is also highlighted that Section 10, sub-sections (1), (2) and (3) of the CMSP Act 2015 reproduced below:-

"10. (1) A successful bidder or allottee in respect of Schedule I coal mines, may negotiate with prior allottee to own or utilise such movable property used in coal mining operations on such terms and conditions as may be mutually agreed to by them.

(2) Where a successful bidder or allottee is not vested with any movable property of a Schedule I coal mine, then, he is not bound by any liabilities or obligations arising out of such ownership or contractual rights, obligations or liabilities which shall continue to remain with the prior allottee.

(3) In the event that the successful bidder or allottee is unable to satisfactorily negotiate with the prior allottee or any third party who has a contract with the prior allottee for the movable property, it shall be the obligation of the prior allottee or the third party to remove such movable property within a period not exceeding thirty days from the date of the vesting order, or the allotment order, as the case may be, and the successful bidder or allottee shall not be liable for any damage to such property."

11. In the view of the above, amount of compensation for Land & Mine infrastructure is determined as

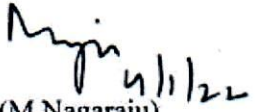
Table 'B' Fig in 'INR'		
Land Value (A)	Mine Infrastructure (B) (CAC Report No 8827)	Total Amount {C=A+B}
'NIL'	'NIL'	'NIL'

12. The above final determination of compensation for Land & Mine Infrastructure is being made. However in case of any objections are raised by Prior Allottee, viz M/s Rungta Mines Limited, M/s OCL India Limited and M/s Ocean Ispat Limited or by present allottee M/s Vedanta limited; an opportunity of hearing is given as per OM dated November 16, 2018. The same would be examined and further determination would be made. If required M/s Rungta Mines Limited, M/s OCL India Limited, M/s Ocean Ispat Limited and M/s Vedanta are hereby called upon to present their comments/objections if any on the above determination on **January 11, 2022 at 11.30 A.M**

13. In accordance with Section 27 of the Act and the judgment dated March 9, 2017, it is open to M/s Rungta Mines Limited, M/s OCL India Limited, M/s Ocean Ispat Limited and M/s Vedanta to raise disputes with regards to the quantum of compensation before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act 1957.

Enclosure as above

1. Annexure II (Claim submitted by Prior allottee).
2. Annexure I (Mine Infrastructure classification by CMPDIL).
3. Vesting order.
4. CAC valuation report.
5. Valuation of compensation - Sanction Order GR & CC dated **21.12.2021**.


(M.Nagaraju)

Additional Secretary & Nominated Authority

To,

- i. **The Managing Director** , M/s Rungta Mines Limited, 8 A Express Tower, 42 A Shakespeare Sarani, Kolkatta, West Bengal, 700017 Email:coal@rungtamines.com
- ii. **The Managing Director**, M/s OCL India Limited, Dalmiapuram District, Tiruchirapalli, Tamil Nadu 321651. Email:ocl_rajangpur@ocl.in
- iii. **The Managing Director** ,M/s Ocean Ispat Limited, 3rd Old Delhi Road, Golden Jubilee Plaza, Gurugram, Haryana 122001 , India . Email:nkchaturvedi1930@gmail.com

Copy to:

1. **(Successful Allottee) Shri Himanshu Singh**, Director Strategy, M/s Vedanta limited, Core 63rd Floor Scope Complex 7, Lodhi Road , New Delhi 110003 Email:himanshu.singh2@vedanta.co.in
2. Under Secretary (CBA-II Section), Ministry Of Coal.
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