

Shastri Bhawan, New Delhi  
Dated the 13<sup>th</sup> October, 2015

To

**The Chief Secretaries,**

Government of Maharashtra, Chattisgarh, Madhya Pradesh, Odisha, West Bengal, Jharkhand.

**Subject: Clarification with regard to transfer/mutation of land under the Coal Mines (Special Provisions) Act, 2015.**

Sir,

I am directed to say that it has been brought to the notice of this Ministry/Nominated Authority that in some coal bearing States, the land owned by the prior allottee and vested under the Coal Mines (Special Provisions) Act, 2015 in favour of the successful bidder or allottee is sought to be valued afresh for the purpose of transfer and mutation.

2. In this regard, it is clarified that the entire land owned by the prior allottee whether the same was previously owned by the Government and transferred to the prior allottee or purchased by the prior allottee from private individuals or acquired by the Government and transferred to the prior allottee, are all directly vested in favour of the successful allocatee as per Section 8 (4) read with Section 3(1)(p) of the said Act. Whatever be the earlier character of the land i.e., Government land or private land or land acquired by the Government and transferred to the prior allottee, through the provisions of this Act, it acquires the nomenclature of land acquired/owned by the prior allottee [Section 3(1)(p)(ii)]. There is thus no scope for fresh valuation of the land.

3. Section 16 of the said Act provides the quantum of compensation of the land to be paid by the successful allocatee to the prior allottee. Further, Section 16 of the Act uses the term 'compensation' for the land vested, which is not the same as market value. In fact, the land in question may or may not have any market price or present value. However, only for the purpose of compensation, the value of the land has been determined in accordance with the provision of the Act which was informed to all the bidders/ applicants prior to the Auction.

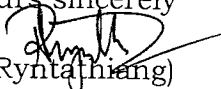
4. Thus, State Government's guidelines which stipulate payment of sum to the Government on the basis of assessment of present value of land are not applicable in the cases of vesting done under the said Act. It is also pertinent to mention that the special Act has an overriding effect on any other law inconsistent with it and therefore, the provisions of the Act will prevail over any rule or guideline which provides for revaluation of land.

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5. Some of that coal bearing States have also sought clarification as to whether the successful allottees are required to pay registration/mutation charges and stamp duty. It is informed that the Act provides for vesting of land of the prior allottee in favour of successful allocatee by way of Vesting/Allotment Order which contains the relevant details of such vested land. However, such vesting of land is required to be recorded/mutated under the provisions of the relevant statute. Also, stamp duty is applicable for such recording/mutation. The successful allocatees were also informed about the same during the meetings with the Nominated Authority under the Ministry of Coal.

6. It is, therefore, requested that the authorities concerned in the State may be directed to expedite transfer/grant of necessary clearances to the successful allocatees, so that mining in the coal mines auctioned/allotted could commence.

Yours sincerely

  
(Rishan Rynthiang)

Under Secretary to the Government of India

Tel. No. 23073936

**Copy to:**

Nodal Officers of the States concerned.

*TD (NIC), M/o Coal - for uploading on the website of Ministry of Coal*