

By Speed Post

F.No 13016/91/2006-CA-I
Government of India
Ministry of Coal

....

New Delhi, dated 30th January, 2013

To

The Managing Director,
M/s Jharkhand State Mineral Development Corporation,
Khanij Nigam Bhawan, Nepal House Area,
Doranda, Ranchi 834 002

Sub: De-allocation of Pindra-Debipur-Khowatand coal block in the State of Jharkhand allotted to M/s Jharkhand State Mineral Development Corporation

Sir,

I am directed to refer to Ministry of Coal's allocation letter No 13016/23/2006-CA-I dated 2nd August, 2006 (Annexure-I) and to this Ministry's show cause notice No. 13011/14/2012-CA-I dated 2nd May, 2012 (Annexure-II) and to your reply to the show cause notice, your presentation made / documents before the Inter-Ministerial Group (IMG) in respect of Pindra Debipur Khaowatand coal block and the status note on the development of the block prepared by Coal Controller and Ministry of Coal on the above subject.

2. Pindra Debipur Khaowatand coal block located in State of Jharkhand was allocated to M/s Jharkhand State Mineral Development Corporation in pursuance of the Section 3(3)(a)(i) of the Coal Mines (Nationalisation) Act, 1973 subject to the certain terms and conditions. In the allocation letter, para 2(viii) stipulated as under:-

"(viii) Any violation of the conditions imposed above in mining and disposing of coal from the Pindra Debipur Khaowatand coal block will render the mining lease liable for cancellation."

3. The progress of allocated coal block has been reviewed by the Ministry through a Review Committee from time to time wherein the allocatee company give presentation in respect of the development made by the company with reference to the milestones prescribed in the allocation letter during which it was noted as following:-



i) In the Review Meeting held on 25/26.03.2008, it was noticed that application was submitted for PL to Govt. of Jharkhand not yet granted. No apparent action taken by allocatee. Progress was not satisfactory.

ii) In the Review Meeting held on 15/16.10.2008, the Committee noted that there was no progress since last review meeting. Representative informed that they are looking for a reputed concern to develop the mine. Company is advised to submit a bar chart within two months stating the plan for achieving the milestones.

iii) In the review Meeting held on 22/23.06.2009 it was noticed that all the milestones were pending. The Chief Secretary, Jharkhand was requested to intervene and review the matter of all blocks allocated to M/s JSMDCL.

iv) In the review meeting held on 20/21.07.2010 it was noted that all the milestones were pending. The committee was dissatisfied with the development of mine and issued show cause notice. The company was warned for inordinate delay in development of coal block.

v) In the review meeting held on 11/12.01.2012, it was noticed that GR to be submitted to Government of Jharkhand. FDP will be prepared shortly. Technical bid opened and no other progress. The company was issued the show cause notice. The company furnished their reply to the show cause notice.

4. In the meantime, the Government has set up an Inter-Ministerial Group (IMG) on 21.06.2012 under the Chairpersonship of Additional Secretary (Coal), Ministry of Coal having members from Ministry of Power, Ministry of Steel, Ministry of Commerce & Industry, Department of IPP, Ministry of Law and Justice, Department of Legal Affairs, Department of Economic Affairs. The IMG has been given the mandate to review the progress of development of allocated coal blocks and associated end use projects and to recommend action including de-allocation, if required.

5. The case of the allocatee company was referred to the IMG. Accordingly, the IMG gave an opportunity to the allocatee companies to make the presentation before it on the progress of development of allocated coal blocks and associated end use project. The representatives of the allocatee company gave presentation **on 10th October, 2012** before the IMG. The IMG considered the presentation, the status note of **the Pindra Debipur Khowatand** coal block and associated EUP prepared by Ministry of Coal and Coal Controller's Organization (**Annexure-III**). The progress of development of the block with reference to the milestones and their achievement is as under:-



Mile Stones	Schedule date of Completion	Actual date of Completion	Slippage in YY/MM as on 06/2012	Remarks
Purchase of GR	2.11.2008(27 months)	Pending	3Yrs 7 Months	Due to regionally explored
Submission of Bank Guarantee	NA	-		BG introduced from June '2007 for govt Block.
Mining Lease Application	2.2.2009 3 months from GR)	Pending	3Yrs 4 Months	
Submission of Mining Plan	2.5.2009 6 months from GR)	Pending	3Yrs 01 Month	
Approval of Mining Plan	2.7.2009 8 months from GR)	Pending	2Yrs 11 Months	
Application of Previous approval	2.9.2009 10 months from GR)	Pending	2Yrs 9 Months	
Granting of Previous approval	2.10.2009 11 months from GR)	Pending	2Yrs 8 Months	
Application of Forest clearance	2.11.2009 12 months from GR)	Pending	2Yrs 7 Months	
Grant of Forest Clearance	2.5.2010 18 months from GR)	Pending	2Yrs 1 Month	
Application EMP Clearance	2.11.2009 12 months from GR)	Pending	2Yrs 7 Months	
Grant of EMP Clearance	2.5.2010 18 months from GR)	Pending	2 Yrs 01 Month	
Grant of Mining Lease	2.11.2010 24 months from GR)	Pending	1Yr 7 Months	
Application of Land Acquisition	2.6.2010 19 months	Pending	2 Years	



	from GR)			
Completion of Land Acquisition	2.11.2011 36 months from GR)	Pending	7 Months	
Application for opening permission	2.3.2012 40 months from GR)	Pending	4 Months	
Grant of Opening permission	2.4.2012 41 months from GR)	Pending	3 Months	
Production	2.5.2012 42 months from GR)	Pending	2 Months	Open cast including forest land.

5. After detailed deliberation, the IMG made its recommendation to **de-allocate Pindra Debipur Khaowatand coal block** which was allocated to M/s Jharkhand State Mineral Development Corporation in its **16th meeting held on 6th November, 2012**. The recommendations made by the IMG are as follows:-

"M/s Jharkhand State Mineral Development Corporation(Pindra Debipur Khaowatand)

The IMG considered the terms and conditions of allocation, the show cause notice issued, the reply and the presentation made by the company along with the status paper placed before the IMG. The IMG noted that this is a regionally explored block and more than 6 years have elapsed from the date of allotment i.e. 2.8.2006. Application for PL was filed by the allocatee company on 10.10.2006. However, no PL has been obtained as yet though it was to be granted by concerned State Government of allocatee company. There is no progress in the development of coal block. The company informed that after constitution of Board of Directors on 25.2.2009 modalities for forming JV partners are in progress. As per the CA certificate, the allocatee company has spent a total of Rs.13.23 lakhs which is towards consultancy charges. The normative date for start of production is 2.5.2012. No indication was given for expected date for start of production from the coal block.

IMG noted that the development of the block is still at the stage of obtaining PL. Though a PSU of the concerned State Government in which the coal block is located is the allocatee, it has not been able to pursue the necessary clearances. Investment made in coal block is negligible. During review of 2010 de-allocation of the block was recommended, but it was not de-allocated at that time since it is a regionally explored block. In view of the continued unsatisfactory progress in development of coal mine and taking into



account all factors, the IMG recommends that the coal block may be de-allocated in accordance with the terms and conditions of the letter of allocation. As there was no provision for BG in the allocation letter deduction of the same is not applicable.

7. The recommendation of the IMG has since been considered and accepted by the Government.

8. Accordingly **Pindra Debipur Khaowatand** coal block allocated to **M/s Jharkhand State Mineral Development Corporation** is **de-allocated**. The company shall not be eligible for allocation of coal block in lieu of the de-allocated coal blocks.

Yours faithfully,



(A.Sanjay Sahay)

Under Secretary to the Govt. of India

Copy to:-

1. The Chief Secretary, Government of Jharkhand, 1st Floor, Project Building, Dhurwa, Ranchi – 834004 Kanke Road, Ranchi
2. The CMD, Coal India Limited, 10- Netaji Subhash Road, Kolkata.
3. The Coal Controller's Organisation, 1, Council House Street, Kolkata .
- ✓ 4. NIC Cell, Ministry of Coal for placing the letter on the Website of Ministry of Coal.

New Delhi, the 2nd August, 2006.

To

The Managing Director,
M/s Jharkhand State Mineral Development Corporation Limited (JSMDC),
Ranchi, Jharkhand

Subject Regarding Pindra-Debipur-Khaowatand coal block in the State of Jharkhand.

Sir,

I am directed to refer to Chief Secretary, Government of Jharkhand's letter no. A.O/141/CS dated 23.10.2005 on the above subject and to convey the 'in principle' approval of the Central Government to the working of **Pindra-Debipur-Khaowatand** coal block by M/s Jharkhand State Mineral Development Corporation Limited (JSMDC) under the Government Company dispensation in pursuance of Section 3(3)(a)(i) of the Coal Mines (Nationalisation) Act 1973 subject to the following conditions.

- (i) Coal Mining shall be carried out by M/s JSMDC or a separate company to be created with participation of M/s JSMDC provided that the separate created company is a Government company eligible to do coal mining as per the provisions of the Coal Mines (Nationalisation) Act, 1973.
- (ii) The allocatee will do coal mining in accordance with the provisions of the Coal Mines (Nationalisation) Act, 1973, the Mines and Minerals (Development & Regulation) Act, 1957, the Contract Labour (Regulation & Abolition) Act, 1970, all the mineral, environmental and labour laws alongwith other regulations governing coal industry.
- (iii) The allocatee would do mining of coal from the allocated block in accordance with a mining plan approved by the Central Government.
- (iv) The mining lease will be executed between the State Government and the allocatee as per the provisions of MMDR Act 1957 and the rules framed thereunder.
- (v) The exploration of the coal block shall be done either through CMPDIL or under the direct supervision of CMPDIL. Prospecting license shall be applied for within three months of date of allotment and the detailed exploration shall be completed at the earliest. After the detailed exploration is completed the allocatee of the block shall proceed for ensuring earliest commencement of production. The milestone chart appended shall be adhered to. Any slippage would render this allocation liable for cancellation, and withdrawal of block from the allocatee.
- (vi) Whether the block could be operated as one mine or otherwise would be determined by the Central Government after the detailed exploration is completed, having regard to factors such as the interest of conservation, safety, deployment of optimal technology for optimal extraction of coal, mine capacity, the earliest commencement of production, etc.
- (vii) The existing coal linkages granted from CIL/SCCL would not be disturbed in any way with coal mined from **Pindra Debipur Khaowatand** block.
- (viii) Any violation of the conditions imposed above in mining and disposing of coal from the **Pindra Debipur Khaowatand** coal block will render the mining lease liable for cancellation.

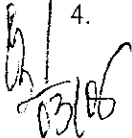
Yours faithfully,


(V.S. Rana)

Under Secretary to the Government of India

Copy to

1. Secretary, Ministry of Power, Government of India, New Delhi.
2. Chief Secretary, Government of Jharkhand, Raipur.
3. Chairman, CIL, Kolkatta / CMD, CMPDIL, Jharkhand.
4. Coal Controller / Office Folder.


13/8/06



Amesme-II

SHOW CAUSE NOTICE

No.13011/14/2012-CA-I
Government of India
Ministry of Coal

New Delhi, dated ^{2nd} May, 2012

To

M/s Jharkhand State Mineral Development Corporation,
Khanij Nigam Bhawan,
Doranda Ranchi- 834 002

Subject: Show cause notice in respect of Pindra-Debipur-Khowatand coal block.

Sir,

I am directed to refer to this Ministry's letter No.13016/23/2006-CA-I dated 2nd August, 2006 conveying allocation of Pindra-Debipur-Khowatand coal block in pursuance of the provisions contained in Section 3(3)(a) of the Coal Mines (Nationalization) Act, 1973, subject to certain conditions. One of the conditions of allocation was that coal production from the captive block shall commence within 36 months (42 months in case the area is in forest land) in case of open cast mine and in 48 months (54 months in case the area falls under forest land) in case of UG mine from the date of allocation letter. The end- use project schedule and the coal mine development schedule should be modified accordingly and submitted to the Ministry within 3 months from the date of allocation.

2. In order to expedite the development of the coal block, various review meetings were held from time to time with the representatives of the company. In the review meeting held on 11/12.01.2012, it was noticed that no serious efforts have been made by the company to develop the coal block, even after repeated assurances tendered by the Company during the period. It is also noted that all the important/critical milestones are pending for Pindra-Debipur-Khowatand coal block. The company has repeatedly failed to keep its promises made to the Ministry and is thus non-serious about timely



development of the block. The details of milestones to be achieved and the time lapsed against each milestone are given in the table below:-

Mile Stones	Schedule date of Completion	Actual date of Completion	Slippage in YY/MM
Purchase of GR	2.11.2008	Pending	3Yrs 4 Months (as on 3/2012)
Submission of Bank Guarantee	NA	-	
Mining Lease Application	2.2.2009	Pending	3Yrs 1 Months (as on 3/2012)
Submission of Mining Plan	2.5.2009	Pending	2Yrs 10 Months (as on 3/2012)
Approval of Mining Plan	2.7.2009	Pending	2Yrs 8 Months (as on 3/2012)
Application of Previous approval	2.9.2009	Pending	2Yrs 6 Months (as on 3/2012)
Granting of Previous approval	2.10.2009	Pending	2Yrs 5 Months (as on 3/2012)
Application of Forest clearance	2.11.2009	Pending	2Yrs 4 Months (as on 3/2012)
Grant of Forest Clearance	2.5.2010	Pending	1Yrs 10 Months (as on 3/2012)
Application EMP Clearance	2.11.2009	Pending	2Yrs 4 Months (as on 3/2012)
Grant of EMP Clearance	2.5.2010	Pending	1Yrs 10 Months (as on 3/2012)
Grant of Mining Lease	2.11.2010	Pending	1Yr 4 Months (as on 3/2012)
Application of Land Acquisition	2.6.2010	Pending	1Yrs 9 Months (as on 3/2012)
Completion of Land Acquisition	2.11.2011	Pending	4Months (as on 3/2012)
Application for opening permission	2.3.2012	Pending	-
Grant of Opening permission	2.4.2012	Pending	-
Coal Production	2.5.2012	Pending	-

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3. Under the above circumstances, you are hereby called upon to show cause, on each milestone separately, to this Ministry within a period of 20 days from the date of issue of the show cause notice as to why the delay in the development of the coal block should not be held as violation of the terms and conditions of the allotment of **Pindra-Debipur-Khowatand** coal block, failing which it would be presumed that your company has no explanation to offer and action as appropriate would be taken against your company for de-allocation of **Pindra-Debipur-Khowatand** coal block.



(Sandeep Gupta)

Under Secretary to the Govt. of India

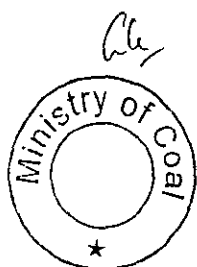
Copy to The Coal Controller, Coal Controller Organisation, Kolkata..

(17)

Annexure-III

PINDRA DEBIPUR, KHAOWATAND

Sl No	Items	Remarks
1	Name Of the Block	Pindra Debipur Khaowatand
2	Name Of the allocate	M/s Jharkhand State Mineral Development Corp. Ltd. (JSMDC)
3	Date Of allocation	02-08-2006
4	End use plant and Capacity	Under Govt. Company dispensation.
5	Important terms and conditions of allocation	As per Allocation Letter enclosed as Annexure-I
6	Milestones of allocation and Slippages against Milestones as stated in the SCN	Status of CCO, Kolkata is enclosed as Annexure-II.
7	History Previous review / action	<p>In the review meeting held on 25/26.03.2008 the committee noted that this is an unexplored block. Application submitted for PL. to Govt. of Jharkhand, not yet granted. NO apparent action taken by allocatee. Progress not satisfactory.</p> <p>In the review meeting held on 15/16.10.2008 the committee noted that this is an unexplored block. No progress since last review meeting. Representative informed that they are looking for a reputed concern to develop the mine. Company is advised to submit a bar chart within 2 months stating the plan for achieving the milestones.</p> <p>In the review meeting held on 22/23.06.2009 the committee noted that this is an unexplored. All milestones are pending. The Chairman urged Chief Secretary Jharkhand to intervene and review the matter of all blocks allocated to JSMDCL.</p> <p>In the review meeting held on 20/21.07.2010 the committee noted that this is an unexplored. All milestones are pending. The committee was dissatisfied with the development of mine & asked to issue show-cause notice for de-allocation.</p> <p>SCN issued on 08.10.2010. The company vide its letter dated 02.11.2010 replied to SCN and the reply was considered by the Review Committee and the reasons given for delay were not found convincing. And warning for inordinate delay in development of coal block was issued to company vide MOC's letter dated 14.07.2011.</p>



8	Condonation of delay or extension of Zero date granted if any and permissible grace period if any whether any request for Condonation is pending with the Ministry	NO
9	Litigation any orders of the court , if any	NO
10	Summary of reply of the company including reasons for delay	<p>ML application pending for want of grant of PL. MP pending because on the basis of available RGR, Mining Plan cannot be prepared. Dept. of Mines & Geology, Govt. of Jharkhand has agreed to supplement required geological data for conversion of RGR into GR. After preparation of GR accordingly Mining Plan will be prepared. MOC, Govt. of India has given prior approval on dt. 13-08-2009 and Application of Previous Approval made on 02.09.2009. Application of FC pending due to Land Schedule has been prepared and Submitted to DFO, Bokaro for demarcation of forest land. The F.D.P. would be submitted after preparation of mining plan. Grant of FC, ML and EMP pending. Application of LA and completion of LA pending. Land Schedule has been prepared. Application will be filed after granting of PL.</p> <p><i>Pl. see Annexure</i></p>
11	Investment made in Coal Block development and EUP (As per CA Certificate)	As per CA Certificate enclosed as Annexure-III.
12	Comments of MOC with the respect to issue pertaining to delay in purchase of GR, transfer of surface rights by coal companies, sanction of mining plan etc.	



Annexure

Allotment of the said blocks were made subject to conditions that either these blocks would be developed by the Corporation itself or by creating separate company, provided that the separate created Company is a Govt. Company eligible to do coal mining as per the provisions of the Coal Mines (Nationalization) Act.

In pursuant to the approval of state cabinet on 02/11/2004, and subsequent allotment of coal blocks by MOC with an option for development of those blocks by JV mode, the Corporation, opted for development of those blocks by JV mode and accordingly issued notice inviting tender (NIT) on 08/09/2006 for all allotted and to be allotted coal blocks for empanclment of parties preferably those having Memorandum of understanding with the Govt. of Jharkhand for formation of Joint venture Companies at 51:49 equity participation for mining and supply of coal to their captive units in the state of Jharkhand and to other industries located in Jharkhand.

- In response to that NIT, fifteen bids were received from different Companies.
- Out of the fifteen bidders, Nine bidders were technically and financially qualified.
- In the absence of Board of directors for about two years the Proposal was kept pending of approval of the Board.

In 24th Board meeting of the Corporation held on 11th August 2010, the Board annulled the previous NIT, and engaged JINFRA as Transaction Advisor of the Corporation so as to undertake Transaction advisory services for bidding process with more transparency.

Accordingly, the bid documents were sent before His Excellency for his approval on 31/08/2010. His Excellency the Governor, GoJ approved bid documents and gave consent for initiating the bidding process on 29.08.2011 after getting the bid documents vetted by legal and Finance department of Govt. of Jharkhand.

- **A pre-bid meeting** was organised by JSMDC on **10th October 2011**
- **Pre-bid meeting minutes** issued on 14th Oct. 2011
- Last date for submission extended to **20th December 2011** from initial date of 3rd Nov 2011 on request of bidders. (to Study of Geological Report/ Regional Geological Report of blocks)
-

JSMDC received 10 bids for Rabodh, 9 bids for Patratu and 3 bids for Pindra Dcbipur.




Coal Controller Office, MOC/Kolkata
Status of the captive Coal Block as on June'2012
(as per quarterly report furnished by the Block owners)


- | | |
|--------------------------------------|--|
| 1. Name of Company | : M/s Jharkhand State Mineral Dev Corp. Ltd. |
| 2. Name of Coal Block | : Pindra Debipur Khoyatand |
| 3. Date of Allocation | : 2.8.2006 |
| 4. Location | : East Bokaro, Jharkhand |
| 5. Total investment | : 5 crs |
| 6. Investment Made as on (6/12) | : Not available |
| 7. Reserve (Mill tonnes) | : 110 MT |
| 8. Yearly rated capacity (MTPA) | : 4 LTPA |
| 9. Cost of GR | : 0.5 Crs |
| 10. BG Amount | : Not applicable (BG not mentioned in the allocation letter because BG introduced for Govt block in June' 2007). |
| 11. Type of EUP | : Commercial (As per allocation letter) |
| 12. Location of Project | : Coal will be supply to the project within the state. |
| 13. Capacity of Project | : Not applicable |
| 14. Explored/Un explored | : Regionally Explored |
| 15. Zero Date | : 2.8.06 (As per allocation letter). |
| 16. Grade of coal | : Not mentioned in the status report |
| 17. Types of mine (OC/UG/MIX) | : Open cast |
| 18. Previous Recommendation, if any- | De-allocation |

Details of milestone to be achieved and time lapsed against each milestone are as under:-

Mile Stones	Schedule date of Completion	Actual date of Completion	Slippage in YY/MM as on 06/2012	Remarks	Special observation
Purchase of GR	2.11.2008(27 months)	Pending	3Yrs 7 Months	Due to regionally explored	
Submission of Bank Guarantee	NA	-		BG introduce from June '2007 for govt Block.	
Mining Lease Application	2.2.2009 3 months from GR)	Pending	3Yrs 4 Months		
Submission of Mining Plan	2.5.2009 6 months from GR)	Pending	3Yrs 01 Month		
Approval of Mining Plan	2.7.2009 8 months from GR)	Pending	2Yrs 11 Months		
Application of Previous approval	2.9.2009 10 months from GR)	Pending	2Yrs 9 Months		
Granting of Previous	2.10.2009 11 months	Pending	2Yrs 8 Months		

Prepared by


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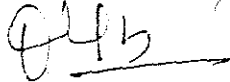


 COAL CONTROLLER



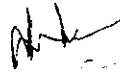

approval	from GR)				
Application of Forest clearance	2.11.2009 12 months from GR)	Pending	2Yrs 7 Months		
Grant of Forest Clearance	2.5.2010 18 months from GR)	Pending	2Yrs 1 Month		
Application EMP Clearance	2.11.2009 12 months from GR)	Pending	2Yrs 7 Months		
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Completion of Land Acquisition	2.11.2011 36 months from GR)	Pending	7 Months		
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Grant of Opening permission	2.4.2012 41 months from GR)	Pending	3 Months		
Production	2.5.2012 42 months from GR)	Pending	2 Months	Open cast including forest land.	

Other Details and constraint faced by the block allocates

- **Prospective Licence :-** PL application submitted on 10.10.06 to DMO (District Mining Officer), Bokaro. MOC has given previous approval of PL on 18.8.09. Regional GR is not available. For Preparation of GR, the generation of data has been undertaken by Deptt. Of Mines of Geology, Govt of Jharkhand.

Prepared by


Checked by



JHARKHAND STATE MINERAL DEVELOPMENT CORPORATION LTD.
STATEMENT OF EXPENDITURE FOR EXPLORATION/DEVELOPMENT OF 7 COAL BLOCKS OF JSMDCLTD. ALLOTTED BY MOC

S. N.	NAME OF COAL BLOCKS	HEADS OF EXPENDITURE					TOTAL	BANK GUARANTEE AMMOUNT
		COST OF GEOLOGICAL REPORT	COST OF MINING PLAN	COST OF EXPLORATION	BANK COMMISSION FOR B.G.	CONSULENCY FEE (JINFRA)		
		(Rs.)	(Rs.)	(Rs.)	(Rs.)	(Rs.)	(Rs.)	
1	SUGIA COAL BLOCKS			4800000			4800000	0
2	RABODH COAL BLOCK	141906524	223357	1089166	4068750	1323600	148611397	31.00 CRORE
3	PATRATU COAL BLOCK				871500	1323600	2195100	6.64 CRORE
4	PINDRA COAL BLOCK					1323600	1323600	0
5	JAGESHWAR COAL BLOCK	16338750			627375	220600	17186725	4.78 CRORE
6	LATEHAR COAL BLOCK	15442				220600	236042	0
7	BURAKHAP COAL BLOCK			7193846			7193846	0
	Total	158260716	223357	13083012	5567625	4412000	181,546,710	42.42 CRORE

Bank commission for 3 yrs @ Rs. 18,55,875.00 w.e.f 2010-2011

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6/10/12

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6/10/12
(C.A. membership no 072785)

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JHARKHAND STATE MINERAL DEVELOPMENT CORPORATION LTD.
C.A. MEMBERSHIP NO. 072785

with the development of mine B...