

FORM A
GOVERNMENT OF INDIA
MINISTRY OF COAL
OFFICE OF THE NOMINATED AUTHORITY
(Constituted under Section 6 of The Coal Mines (Special Provisions) Act, 2015)
Shastri Bhawan, New Delhi

**VESTING ORDER IN CASE THE SUCCESSFUL BIDDER IS NOT THE PRIOR
ALLOTTEE**

**(under clause (b) of sub-rule (2) of rule 7 and sub-rule (1) of rule 13 of the Coal Mines
(Special Provisions) Rules 2014 read with clause (b) of sub-section (3) of Section 6 and sub-
section (3) of Section 8 of the Coal Mines (Special Provisions) Act, 2015)**

In re: **Coal Mine** (the “mine”) particulars of which is specified in **Annexure 1**
Order no.: [order no.]
Date: [date]
In favour of: [particulars of the successful bidder] (the “successful bidder”)
For the purpose of: Sale of coal, including sale to Affiliates and related parties, utilisation of coal
for any purpose including but not limited to captive consumption, Coal
Gasification, Coal Liquefaction and export of coal.

WHEREAS, the nominated authority has, in accordance with provisions of the Coal Mines (Special Provisions) Act, 2015 (the “Act”) and the Coal Mines (Special Provisions) Rules 2014 (the “Rules”) conducted the auction of the mine;

AND WHEREAS the successful bidder is eligible to receive this vesting order with respect to the mine including, inter-alia, -

- (a) the coal bearing land acquired by the prior allottee and the lands, in or adjacent to the coal mines used for coal mining operations acquired by the prior allottee; and
- (b) any existing mine infrastructure as defined in clause (j) of sub-section (1) of section 3 of the Act;

AND WHEREAS the successful bidder has furnished a performance bank guarantee dated [date] for an amount equal to INR [amount] issued by [particulars of bank] in accordance with the tender

document and in accordance with the provisions of sub-section (6) of section 8 of the Act and sub-rule (4) of rule 13 of the rules.

AND WHEREAS the successful bidder has entered into a Coal Mine Development and Production Agreement dated ____ (“CMDPA”) (as amended) with the nominated authority in accordance with the provisions of sub-rule (5) of rule 13.

NOW, THE NOMINATED AUTHORITY DOES ORDER:

1. On and from [date] (“vesting date”) and in accordance with the provisions of sub-section (4) of section 8 of the Act, with respect to the mine, the following shall stand fully and absolutely transferred and vested in the successful bidder, namely: -

(a) all the rights, title and interest of the prior allottee in and over the land and mine infrastructure free from all encumbrances;

(b) entitlement to a prospecting license, mining lease or prospecting license-cum-mining lease to be granted by the State Government with the terms and conditions of CMDPA forming a part of it on making an application;

(c) all statutory licences, permits, permissions, approvals or consents as per rules, required to undertake coal mining operations in the mine, if already issued by the Central Government, to the prior allottee on the same terms and conditions as were applicable to the prior allottee, as listed in the **Annexure 2**;

(d) entitlement to any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in the mine, if already issued by the Central Government, to the prior allottee on making an application on the same terms and conditions as were applicable to the prior allottee, as listed in the **Annexure 3**;

(e) entitlement to any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in the mine, if already issued by the State Government, to the prior allottee on making an application on the same terms and conditions as were applicable to the prior allottee, as listed in the **Annexure 4**;

(f) rights appurtenant to the approved mining plan of the prior allottee;

(g) any subsisting contract in relation to coal mining operations, to which the prior allottee was a party and which is assumed, adopted and continued by the successful bidder and listed in the **Annexure 5** shall stand novated (by virtue of a deemed consent from the relevant party(ies)), in accordance with the provisions of sub-section (1) of section 11 of the Act in favour of the successful bidder for the residual term or residual performance of such contract;

2. The successful bidder may seek any change in the terms and conditions attached to such licence, permit, permission, approval or consent by making an application in accordance with applicable laws;

3. Hereinafter, the successful bidder shall be entitled to take possession of the mine as specified in **Annexure 1** without let or hindrance;

4. This vesting order is liable to be cancelled in accordance with the provisions of sub-rule (6) of rule 13.

[5. In pursuance of the order dated November 06, 2020 passed by the Hon'ble Supreme Court of India in WP(C) No. 585/ 2020 (State of Jharkhand vs. Union of India & Anr.) and Original Suit No. 04/ 2020 (State of Jharkhand vs. Union of India), the Vesting Order will be subject to the orders that may be passed by the Hon'ble Supreme Court.]¹

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(By the nominated authority)

¹ To be retained for Chitarpur, Choritand Tiliaya and North Dhadu Coal Mines

Annexures:

Annexure 1: Particulars of the mine

Part A – Description of the mine

Part B – Description of Land in relation to the mine

Part C – Description of Mine Infrastructure in relation to the mine

Annexure 2: Particulars of statutory licences, permits, permissions, approvals or consents issued by the Central Government which are being transferred along with this vesting order.

1. Mine Plan as approved vide order no. ____ dated ____
2. Mine Closure Plan as approved vide order no. ____ dated ____
3. Previous approval of Central Government for mining lease under Sec. 5(1) and 6(1) (if applicable) of the Mines and Minerals (Development and Regulations) Act, 1957 as granted vide order no. ____ dated ____

Annexure 3: Particulars of statutory licences, permits, permissions, approvals or consents issued by the Central Government to be obtained on application by the successful bidder.

Annexure 4: Particulars of statutory licences, permits, permissions, approvals or consents issued by the State Government to be obtained on application by the successful bidder.

Annexure 5: Particulars of the contracts adopted by the successful bidder.

FORM B
GOVERNMENT OF INDIA
MINISTRY OF COAL
OFFICE OF THE NOMINATED AUTHORITY
(Constituted under Section 6 of The Coal Mines (Special Provisions) Act, 2015)
Shastri Bhawan, New Delhi

VESTING ORDER IN CASE THE SUCCESSFUL BIDDER IS THE PRIOR ALLOTTEE

(under clause (b) of sub-rule (2) of rule 7 and sub-rule (1) of rule 13 of the Coal Mines (Special Provisions) Rules 2014 read with clause (b) of sub-section (3) of Section 6 and sub-section (3) of Section 8 of the Coal Mines (Special Provisions) Act, 2015)

In re: (the “mine”) particulars of which is specified in **Annexure 1**
Order no.: [order no.]
Date: [date]
In favour of: [particulars of the successful bidder] (the “successful bidder”)
For the purpose of: Sale of coal, including sale to Affiliates and related parties, utilisation of coal for any purpose including but not limited to captive consumption, Coal Gasification, Coal Liquefaction and export of coal.

WHEREAS, the nominated authority has, in accordance with the provisions of the Coal Mines (Special Provisions) Act, 2015 (the “Act”) and the Coal Mines (Special Provisions) Rules 2014 (the “rules”) conducted the auction of the mine.

AND WHEREAS the successful bidder is eligible to receive this vesting order with respect to the mine including, inter-alia -

- (a) the coal bearing land acquired by the prior allottee and the lands, in or adjacent to the coal mines used for coal mining operations acquired by the prior allottee; and
- (b) any existing mine infrastructure as defined in clause (j) of sub-section (1) of section 3 of the Act;

AND WHEREAS the successful bidder was also the prior allottee of such Schedule I coal mine;

AND WHEREAS, the successful bidder has deposited the additional levy payable under section 4(4) of the Act on or prior to the due date specified under rule 18 of the rules;

AND WHEREAS the successful bidder has furnished a performance bank guarantee dated [*date*] for an amount equal to INR [*amount*] issued by [*particulars of bank*] in accordance with the tender document and in accordance with the provisions of sub-section (6) of section 8 of the Act and sub-rule (4) of rule 13 of the rules;

AND WHEREAS the successful bidder has entered into a Coal Mines Development and Production Agreement dated _____ (the "CMDPA") (as amended) with the nominated authority in accordance with the provisions of sub-rule (5) of rule 13;

NOW, THE NOMINATED AUTHORITY DOES ORDER:

1. On and from [*date*] ("vesting date") and in accordance with sub-section (4) of section 8 of the Act, with respect to the mine, the following shall stand fully and absolutely transferred and vested in the successful bidder, namely: -

- (a) all the rights, title, interest and liabilities as were available to the prior allottee;
- (b) entitlement to a prospecting license, mining lease or prospecting license-cum-mining lease to be granted by the State Government with the terms and conditions of CMDPA forming a part of it on making an application;
- (c) all statutory licences, permits, permissions, approvals or consents as per rules, required to undertake coal mining operations in the mine, if already issued by the Central Government, to the prior allottee on the same terms and conditions as were applicable to the prior allottee, as listed in the **Annexure 2**;
- (d) entitlement to any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in the mine, if already issued by the Central Government, to the prior allottee on making an application on the same terms and conditions as were applicable to the prior allottee, as listed in the **Annexure 3**;
- (e) entitlement to any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in the mine, if already issued by the State Government, to the prior allottee on making an application on the same terms and conditions as were applicable to the prior allottee, as listed in the **Annexure 4**;
- (f) rights appurtenant to the approved mining plan of the prior allottee;

(g) in the event the secured creditor elects to continue the facility arrangements and security interest, the successful bidder shall continue the credit or banking facilities or other lending arrangements to which the prior allottee was a party in terms of clause (a) of sub-section (1) of section 12 of the Act;

2. The successful bidder may seek any change in the terms and conditions attached to such licence, permit, permission, approval or consent by making an application in accordance with applicable laws

3. This vesting order is liable to be cancelled in accordance with the provisions of sub-rule (6) of rule 13.

[4. In pursuance of the order dated November 06, 2020 passed by the Hon'ble Supreme Court of India in WP(C) No. 585/ 2020 (State of Jharkhand vs. Union of India & Anr.) and Original Suit No. 04/ 2020 (State of Jharkhand vs. Union of India), the Vesting Order will be subject to the orders that may be passed by the Hon'ble Supreme Court.]²

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(By the nominated authority)

² To be retained for Chitarpur, Choritand Tiliaya Coal Mines

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Annexure 2: Particulars of statutory licences, permits, permissions, approvals or consents issued by the Central Government which are being transferred alongwith this vesting order.

1. Mine Plan as approved vide order no. ___ dated ___
2. Mine Closure Plan as approved vide order no. ___ dated ___
3. Previous approval of Central Government for mining lease under Sec. 5(1) and 6(1) (if applicable) of the Mines and Minerals (Development and Regulations) Act, 1957 as granted vide order no. ___ dated ___

Annexure 3: Particulars of statutory licences, permits, permissions, approvals or consents issued by the Central Government to be obtained on application by the successful bidder.

Annexure 4: Particulars of statutory licences, permits, permissions, approvals or consents issued by the State Government to be obtained on application by the successful bidder.