

File No NA-203/30/2021-NA
Government of India
Ministry of Coal
O/o Nominated Authority

Room No. 120, F-Wing, Shastri Bhawan,
New Delhi-110001, Dated : 14th June, 2022

CORRIGENDUM

Subject : Determination of compensation for Cost of Geological Report (GR), Cost of Consent, Land and Mine Infrastructure payable to prior Allottee of Gondkhari coal mine, viz., M/s. Gondkhari Coal Mining Ltd.

.....
Please refer to the sanction order dated April 26, 2022 and order dated June 07, 2022 for determination of the compensation pertaining to Gondkhari Coal block for Cost of Geological Report ("GR"), Cost of Consents ("CC"), Land and Mine infrastructure payable to the prior allottee of Gondkhari coal mine, viz. M/s. Gondkhari Coal Mining Limited.

2. In respect of above, the name of the successful allocattee provided in the said orders may be read as "**M/s. Adani Power Maharashtra Limited**" instead of "**M/s Adani Enterpries Limited**". All other texts of the above-mentioned Orders remain the same.

Enclosures: i.). Sanction order dated April 26, 2022.
ii.). Order dated June 7, 2022.

Yours faithfully



(Manish Uniyal)

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

Copy for information and necessary action (if any) to :-

1. The Coal Controller in capacity as Commissioner of Payments, Coal Controller Organization, Scope Minar, 5th Floor, Core-II, Laxmi Nagar Delhi-110092.
2. CMD, CMPDI, Kanke Road, Ranchi.
3. US (IFD), Ministry of Coal.
4. US (P&S section), Ministry of Coal.
5. DDO, Nominated Authority.
6. Prior allottee:- M/s Gondkhari Coal Mining Limited ,hereinafter " GCML" (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.), 4thFloor, UCO Bank Building, 5, Parliament Street, New Delhi-110001.
7. Successful Allottee:- M/s Adani Power Maharashtra Limited, Adani Corporate House, Shantigram, Near Vaishnodevi Circle, S G Highway, Khodiyar, Ahmedabad-382422, Gujarat.
8. TD, NIC: for uploading on the Website of Ministry of Coal.

NA-203/30/2021-NA

2463403/2022/Nominated Authority

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

File No NA-203/30/2021-NA

Government of India/भारतसरकार

Ministry of Coal/कोयलामंत्रालय

O/o Nominated Authority / नामनिर्दिष्टप्राधिकारीकाकार्यालय

Room No. 120, "F" Wing,
Shastri Bhawan, New Delhi – 110001
Dated: the 26th April, 2022

To,

The Pay & Accounts Officer,
PAO, Ministry of Coal,
Trikoort II, BhikajiCamma Place,
R.K.Puram, New Delhi
110066.

Subject: E-Payment of compensation towards cost for Geological Reports(GR) and Consents(CC) to the prior allottees M/s Gondkhari Coal Mining Limited (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.), for Gondkhari coal mine.

Sir/Madam,

I am directed to convey the sanction of the President to the E-Payment of a sum of **INR 11,48,66,048/-** (Eleven Crore Forty Eight Lakh Sixty Six Thousand and Forty Eight Only/-) to the prior allottees, M/s Gondkhari Coal Mining Limited' 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 **INR 11,48,66,048/-** and cost of consents **NIL**. It is stated that the above mentioned amount is a part of Fixed Amount deposited by the Successful Bidder of coal mine. This compensation of GR and CC are in addition to and are separate from Compensation of Land and Mine Infrastructure (other than land) as provided under Section 16 of the CMSP Act, 2015.

2. The aforesaid amount may be transferred through E-Payment to the prior allottees, M/s Gondkhari Coal Mining Limited" 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 #21** dated 22/04/2022 of file no NA-203/30/2021-NA(FTS: 349989).

Yours faithfully,

Ajitesh Kumar

(Ajitesh Kumar)

Director to Govt. of India

Copy to:

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

Coal Controller Organization, scope minar, 5th floor, core-II, Laxmi Nagar, Delhi-110092– for further disbursement under the provisions of the Coal Mines (Special Provisions) Act, 2015 to the prior allottee 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

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

4. **P&S-II**, Ministry of Coal.

5. **DDO**, Nominated Authority.

6. (**Prior Allottees**) M/s Gondkhari Coal Mining Limited (Joint Venture of M/s Maharashtra Scamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.) ,4thFloor,UCO Bank Building, 5, Parliament Street, New Delhi-110001.
raisantosh@mahaseam.com; sksharma@kesoram.net;
ajitsaria.naman@gmail.com

7. (**Successful Allottee**) :- M/s AdaniEnterpriesLimited, Adani Corporate House, Shantigram, Near Vaishnodevi Circle, S G Highway, Khodiyar, Ahmedabad-382421, GujaratEmail:-pukhraj.sethiya@adani.com

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
GEOLOGICAL REPORTS AND 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 for Geological Reports and cost of consents 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. NA-203/30/2021-NA.

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) 2022 at (place).

(Signature)
Deponent-Authorized 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) 2022 at (place).

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

THROUGH EMAIL/SPEED POST

File No NA-203/30/2021-NA

भारत सरकार / Government of India

कोयला मंत्रालय / Ministry of Coal

नामनिर्दिष्ट प्राधिकारी का कार्यालय / O/o Nominated Authority

120-F, Shastri Bhawan, New Delhi

Dated: June 07, 2022

ORDER

Subject: Determination of Compensation for Cost of Geological Report (“GR”), Cost of Consents (“CC”), Land and Mine Infrastructure payable to the prior allottee of Gondkhari coal mine, viz M/s Gondkhari Coal Mining Limited, hereinafter “ M/s. GCML” (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.), 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.

Gondkhari coal mine was previously allotted to M/s GCML and after the order of Hon’ble Supreme Court of India in 2014 for cancellation of 204 coal blocks, the said block has been re-allocated to M/s Adani Enterprises Limited (AEL). Coal Mine Development & Production Agreement (CMDPA) has been signed on September 23, 2021 and Vesting Order was issued on November 18, 2021. As per provisions of Coal Mines (Special Provisions) Act, 2015 and order of Hon’ble High Court of Delhi dated March 09, 2017, prior allottee of coal block is entitled to get compensation.

2. To determine the compensation for Geological Report (GR), Cost of Consent (CC), Land and Mine Infrastructure, information was sought by O/o Nominated Authority vide letter dated November 25, 2021 from M/s GCML (Prior allottee). The desired Information received vide letter dated December 10, 2021 from M/s GCML (Prior allottee) for cost of Geological Report (GR), Cost of Consent (CC), Land and Mine Infrastructure as mentioned below in table marked as “A”.

Table ‘A’, Figures in “INR”

Cost of GR (A)	Cost of CC (B)	Land (C)	Mine infrastructure (D)	Total [E=(A to D)]
11,48,66,048	NIL	NIL	NIL/-	11,48,66,048

3. The amount deposited by successful bidder (AEL) as Fixed Cost for GR, CC, Land (other than Mine Infrastructure) and Mine Infrastructure and current status of Fixed Cost is as under:-

Table 'B', Figures in "INR"

SL	Particulars	Cost of preparation of Geological Report	Cost incurred by CMPDIL	Total Fixed Cost	Extra Amount submitted by AEL inadvertently	GST	Total fixed cost deposited by AEL
1	Fixed Cost	20,03,08,280.40	4,23,856.00	20,07,32,136.40	Rs.3,61,31,784.00 (already returned to AEL)		23,68,63,921.00*
2	GR Amount already Released to M/s GCML	Rs. 11,48,66,048.00 (Sanction Order of even no. dated 26.04.2022, this amount has been released to M/s GCML (copy enclosed) for GR.)					
3	Balance amount to be released subsequent to final settlement	8,54,42,232.40/-					

*AEL vide letter dated 02-11-2021 intimated that they have deposited Rs.23,68,63,921/- as fixed amount including GST of 18%. However when clarification was sought from CMPDIL on cost of GR, it was intimated to O/o NA vide letter dated 20-04-2022 that GR cost of Gondkhari coal mine is Rs. 20,03,08,280.40/-. Hence , Rs.3,61,31,784.00 was returned to AEL vide sanction order No. 202/3/2015-NA Part-II dated 26.04.2022.

4. As per judgment of Hon'ble Delhi High Court dated March 09, 2017, the Central Government referred the matter for determination of compensation for land & 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 judgment dated March 09, 2017 (Annexure-I).

5. As per recommendations of the Inter-Ministerial Valuation Committee submitted vide letter No. 110/01/2014-NA, dated February 1st, 2018, the O/o Nominated Authority requested prior allottee, M/s GCML to submit the details regarding Land & Mine infrastructure according to the revised format on November 25, 2021. M/s GCML(Prior allottee) submitted their revised claims for Land & Mine infrastructure vide letter No GCML/MOC/VaL/Dec-2021/001 dated December 10, 2021 and further vide email dated March 22, 2022. M/s GCML(Prior allottee) has informed that there is no mine infrastructure (as there are no immovable mine infrastructures and as per the section 3(j) of CMSP Act, 2015 tangible & immovable items can be considered as Mine Infrastructure).

6. As per point 14 of Annexure-I, prior allottee is required to provide the details of Land & Mine Infrastructure till the date of issue of vesting order. As far as claim of M/s GCML(Prior allottee) is concerned, it is entitled to get compensation for land & mine infrastructure up till November 18, 2021 i.e. date of vesting order issued to M/s AEL pertaining to Gondkhari coal mine. The claim raised by prior allottee vide letter dated December 10, 2021 against compensation for land and mine infrastructure is "NIL".

7. Therefore, in view of above, compensation as determined of GR, CC, land & mine infrastructure is determined as below in table marked as 'C':-

Table 'C', Figures in "INR."

Cost of GR (A)	Cost of CC (B)	Land (C)	Mine infrastructure (D)	Total [E=(A to D)]
11,48,66,048.00	NIL	NIL	NIL	11,48,66,048.00

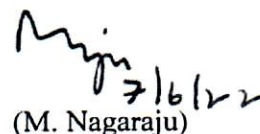
As per Sanction Order dated 26-04-2022, amount of Rs. 11,48,66,048.00/- has already been released to M/s GCML (copy enclosed) for Compensation of Geological Report.

8. In case any objection is raised by prior allottee- M/s GCML or by present allottee of the coal mine i.e. M/s AEL, 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 GCML and AEL. are hereby called upon to present their comments/ objection if any on the above determination on June 15, 2022 at 11:00 AM.

9. In accordance with Section 27 of the Act and the judgment dated March 09, 2017, it is open to M/s Gondkhari Coal Mining Limited (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.) and M/s South West Pinnacle Exploration Limited 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. Vesting Order, Dated November 18, 2021.
- II. Sanction Letter dated 20.04.2022-GST Reimbursement
- III. Letter No GCML/MOC/VaL/Dec-2021/001 dated December 10, 2021
- IV. Email dated March 22, 2022
- V. Annexure -I
- VI. Sanction letter dated April 26, 2022 for release of GR cost.


(M. Nagaraju)

Additional Secretary & Nominated Authority

To,

1. Prior allottee:- M/s Gondkhari Coal Mining Limited ,hereinafter " GCML" (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.) ,4thFloor,UCO Bank Building, 5, Parliament Street,New Delhi-110001.
2. Successful Allottee:- M/s Adani Enterpries Limited, Adani Corporate House, Shantigram, Near Vaishnodevi Circle, S G Highway, Khodiyar, Ahmedabad-382421, GujaratEmail:-pukhraj.sethiya@adani.com, alok.jain2@adani.com.

THROUGH EMAIL/SPEED POST

File No NA-203/30/2021-NA

भारत सरकार / Government of India

कोयला मंत्रालय / Ministry of Coal

नामनिर्दिष्ट प्राधिकारी का कार्यालय / O/o Nominated Authority

120-F, Shastri Bhawan, New Delhi

Dated: June 07, 2022

ORDER

Subject: Determination of Compensation for Cost of Geological Report (“GR”), Cost of Consents (“CC”), Land and Mine Infrastructure payable to the prior allottee of Gondkhari coal mine, viz M/s Gondkhari Coal Mining Limited, hereinafter “ M/s. GCML” (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.), 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.

Gondkhari coal mine was previously allotted to M/s GCML and after the order of Hon’ble Supreme Court of India in 2014 for cancellation of 204 coal blocks, the said block has been re-allocated to M/s Adani Enterprises Limited (AEL). Coal Mine Development & Production Agreement (CMDPA) has been signed on September 23, 2021 and Vesting Order was issued on November 18, 2021. As per provisions of Coal Mines (Special Provisions) Act, 2015 and order of Hon’ble High Court of Delhi dated March 09, 2017, prior allottee of coal block is entitled to get compensation.

2. To determine the compensation for Geological Report (GR), Cost of Consent (CC), Land and Mine Infrastructure, information was sought by O/o Nominated Authority vide letter dated November 25, 2021 from M/s GCML (Prior allottee). The desired Information received vide letter dated December 10, 2021 from M/s GCML (Prior allottee) for cost of Geological Report (GR), Cost of Consent (CC), Land and Mine Infrastructure as mentioned below in table marked as “A”.

Table ‘A’, Figures in “INR”

Cost of GR (A)	Cost of CC (B)	Land (C)	Mine infrastructure (D)	Total [E=(A to D)]
11,48,66,048	NIL	NIL	NIL/-	11,48,66,048

3. The amount deposited by successful bidder (AEL) as Fixed Cost for GR, CC, Land (other than Mine Infrastructure) and Mine Infrastructure and current status of Fixed Cost is as under:-

Table 'B', Figures in "INR"

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3	Balance amount to be released subsequent to final settlement	8,54,42,232.40/-				

*AEL vide letter dated 02-11-2021 intimated that they have deposited Rs.23,68,63,921/- as fixed amount including GST of 18%. However when clarification was sought from CMPDIL on cost of GR, it was intimated to O/o NA vide letter dated 20-04-2022 that GR cost of Gondkhari coal mine is Rs. 20,03,08,280.40/-. Hence , Rs.3,61,31,784.00 was returned to AEL vide sanction order No. 202/3/2015-NA Part-II dated 26.04.2022.

4. As per judgment of Hon'ble Delhi High Court dated March 09, 2017, the Central Government referred the matter for determination of compensation for land & 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 judgment dated March 09, 2017 (Annexure-I).

5. As per recommendations of the Inter-Ministerial Valuation Committee submitted vide letter No. 110/01/2014-NA, dated February 1st, 2018, the O/o Nominated Authority requested prior allottee, M/s GCML to submit the details regarding Land & Mine infrastructure according to the revised format on November 25, 2021. M/s GCML(Prior allottee) submitted their revised claims for Land & Mine infrastructure vide letter No GCML/MOC/VaL/Dec-2021/001 dated December 10, 2021 and further vide email dated March 22, 2022. M/s GCML(Prior allottee) has informed that there is no mine infrastructure (as there are no immovable mine infrastructures and as per the section 3(j) of CMSP Act, 2015 tangible & immovable items can be considered as Mine Infrastructure).

6. As per point 14 of Annexure-I, prior allottee is required to provide the details of Land & Mine Infrastructure till the date of issue of vesting order. As far as claim of M/s GCML(Prior allottee) is concerned, it is entitled to get compensation for land & mine infrastructure up till November 18, 2021 i.e. date of vesting order issued to M/s AEL pertaining to Gondkhari coal mine. The claim raised by prior allottee vide letter dated December 10, 2021 against compensation for land and mine infrastructure is "NIL".

7. Therefore, in view of above, compensation as determined of GR, CC, land & mine infrastructure is determined as below in table marked as 'C':-

Table 'C', Figures in "INR."

Cost of GR (A)	Cost of CC (B)	Land (C)	Mine infrastructure (D)	Total [E=(A to D)]
11,48,66,048.00	NIL	NIL	NIL	11,48,66,048.00

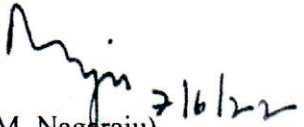
As per Sanction Order dated 26-04-2022, amount of Rs. 11,48,66,048.00/- has already been released to M/s GCML (copy enclosed) for Compensation of Geological Report.

8. In case any objection is raised by prior allottee- M/s GCML or by present allottee of the coal mine i.e. M/s AEL, 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 GCML and AEL. are hereby called upon to present their comments/ objection if any on the above determination on June 15, 2022 at 11:00 AM.

9. In accordance with Section 27 of the Act and the judgment dated March 09, 2017, it is open to M/s Gondkhari Coal Mining Limited (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.) and M/s South West Pinnacle Exploration Limited 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. Vesting Order, Dated November 18, 2021.
- II. Sanction Letter dated 20.04.2022-GST Reimbursement
- III. Letter No GCML/MOC/VaL/Dec-2021/001 dated December 10, 2021
- IV. Email dated March 22, 2022
- V. Annexure -I
- VI. Sanction letter dated April 26, 2022 for release of GR cost.


(M. Nagaraju) 2/16/22

Additional Secretary & Nominated Authority

To,

1. Prior allottee:- M/s Gondkhari Coal Mining Limited ,hereinafter " GCML" (Joint Venture of M/s Maharashtra Seamless Limited, M/s Dhariwal Infrastructure (P) Ltd., M/s Kesoram Industries Ltd.) ,4thFloor,UCO Bank Building, 5, Parliament Street,New Delhi-110001.
2. Successful Allottee:- M/s Adani Enterpries Limited, Adani Corporate House, Shantigram, Near Vaishnodevi Circle, S G Highway, Khodiyar, Ahmedabad-382421, GujaratEmail:-pukhraj.sethiya@adani.com, alok.jain2@adani.com.