

**Through Email/Speed Post**

F.No. 110/6/2017/NA  
Government of India  
Ministry of Coal  
O/o Nominated Authority  
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Shastri Bhawan, New Delhi  
Dated: 16th March, 2018

**OFFICE MEMORANDUM**

**SUBJECT:- Minutes of the 5th meeting of the Scrutiny Committee, held on 30.01.2018 at Shastri Bhawan, New Delhi.**

The undersigned is directed to refer the subject mentioned above and to forward herewith the minutes of the 5th meeting of the Scrutiny Committee, held under the Chairmanship of Shri OM Prakash, on 30.01.2018 at Shastri Bhawan, New Delhi for information please.

  
(N K Singh)

**Deputy Secretary to Government of India  
Tel no - 011-23384104**

**Encl : as above**

To,

All the participants

## Minutes of the 5<sup>th</sup> meeting of the Scrutiny Committee held on 30.1.18 at Shastri Bhawan, New Delhi

### 1. Baranj I-IV, Kiloni&Manora Deep (Allottee: Karnataka Power Corporation Limited)

Allotment Date- 01st April 2015

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice(s)	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
i.Delay in submission of application for Explosive License i.e. on 30.05.2015(Due Date-01.05.2015)	Application for transfer of Explosive license requires submission of annexures such as Original License, NOC from District Collector etc., In this regard, the application for NOC from District Collector, Chandrapur was made on 17.04.2015 and the Original License was received only on 24.05.2015 after much follow up, from the prior allottee (i.e M/s Karnataka EMTA Coal Mines Limited). Hence, the application was made on 30.05.2015.	<ul style="list-style-type: none"> <li>• The delay of one month was caused since NOC from District Collector, Chandrapur was obtained on 24.05.2015. As, the delay is beyond the control of SB.</li> <li>• The delay is intermediate stage not directly resulting in delay in production.</li> <li>• The delay is of small duration (~ one month)</li> </ul>
ii.Delay in submission of application for DGMS Permission i.e. on 30.05.2015(Due Date-01.05.2015):	Submission of Form-I- Notice for Opening of Mines and for filing of application for various permissions under various regulation of Coal Mines Regulation, 1957, it is mandatory that a Mine Manager had to be appointed. As KPCL is a Govt. of Karnataka Undertaking, KPCL had to get the approval of the Board of KPCL, for appointment of Mine Manager. Only after finalizing of appointment of Mine Manager, application could be made and the same was made on 30.05.2015.	The delay of one month was caused since appointment of Mine Manager got delayed at the end of the Allottee. Hence no relaxation is recommended on this count.
iii. Delay in submission of application for Land	Application for land mutation has to be made along with the land documents (which were to be sourced from the prior allottee (M/s KECML) and also along	The delay may be attributed to the delay in handing over the Annexure-I i.e. the Land

Mutation i.e. on 03.06.2015 (Due Date- 01.05.2015)	with Annexure-1 (showing the land details) to the Allotment Order dated 31.03.2015. The Annexure-1 to the Allotment Order was handed over to KPCL in Dec 2015. However, a formal application for Land Mutation has been submitted to District Collector, Chandrapur on 03.06.2015.	Details to the Allottee by MoC which was provided in Dec 2015.
2. Transfer of statutory clearances		Weightage assigned for appropriation is 8%
i. Delay in grant/execution of Mining Lease i.e. on 07.11.2015(Due Date- 01.07.2015)	<p>1. Application was submitted to The Director, Geology &amp; Mining, Govt. of Maharashtra, Nagpur on 06.04.2015 (Within Timelines).</p> <p>2. The Director Geology and Mining, Nagpur vide letter dt. 17.04.2015, had intimated regarding royalty dues from KECML and for payment of Rs. 19,78,11,247/-. In response, KPCL vide its letter dt 25.04.2015 quoted Nominated authority letters regarding Notice for submission of claims in relation to allotment of Schedule-II &amp; Schedule-III mines and requested to process the seamless grant of mining lease against the ML application submitted without insisting for payment of the outstanding royalty.</p> <p>3. The Director Geology and Mines vide letter dt. 06.05.2015 intimated that claim has been made with Nominated Authority for an amount of Rs.32.88 crores towards dues of royalty and interest on the company as on 31.03.2015 and however requested that royalty dues as communicated in the claim letter to Nominated Authority shall be cleared by KPCL and that processing of Mining Lease application shall be made as per vesting order and Coal Mines (Special Provisions) Act, 2015. In order to expedite transfer of Mining Lease in favour of KPCL and execution of mining lease agreement, an amount of Rs 19,78,11,247/- and Rs.39,56,225/- (tax collection at source) towards royalty has been paid vide M/s KECML on 25.06.2015 to the District Collector, Chandrapur.</p> <p>4. The Dy. Secretary, Department of Industries and Labour ,GoM granted Mining Lease on 16.07.2015.</p> <p>5. A letter dt. 05.08.2015 was addressed to The District Mining Officer enclosing a draft Form-K Mining Lease agreement and seeking advice on</p>	<ul style="list-style-type: none"> <li>• The application for ML was made timely by the Allottee i.e. on 06.04.2015.</li> <li>• The delay is of small duration (~ five days)</li> <li>• The delay is intermediate stage not directly resulting in delay in production.</li> <li>• The subsequent delay of four months in execution of ML i.e. on 07.11.2015 was caused due to non- clarity regarding payment of Royalty at the end of the State Government.</li> </ul>

	<p>execution of Mining lease. State Govt. vide its letter dtd 05.11.2015 intimated the amount of Stamp Duty payable as Rs. 7,50,44,800/- with respect to Mining lease agreement. Accordingly, the payment of stamp duty was made by e-payment mode in the mahakosh website of Govt. of Maharashtra on 06.11.2015 and the Mining lease agreement has been executed on 07.11.2015.</p>	
<p>ii. Delay in transfer of Environment Clearance i.e. on 06.07.2015(Due Date- 01.07.2015)</p>	<ol style="list-style-type: none"> <li>1. KPCL timely filed an application to MoEFCC on 17/20.04.2015.</li> <li>2. MoEFCC office vide e- mail dt. 18.06.2015 directed KPCL to submit an undertaking. The same was submitted by KPCL on 19.06.2015.</li> <li>3. Subsequently, EC was transferred on 06.07.2015.</li> </ol>	<ul style="list-style-type: none"> <li>• The application for EC was made timely by the Allottee i.e. on 17/20.04.2015</li> <li>• The delay is of small duration (~ five days)</li> <li>• The delay is intermediate stage not directly resulting in delay in production.</li> </ul> <p>Five days' delay by MoEF&amp;CC is beyond the control of SB.</p>
<p>iii. Transfer of Forest Clearance not done(Due Date- 01.07.2015)</p>	<ol style="list-style-type: none"> <li>1. Forest Stage-II clearance was not obtained by the Prior allottee (KECML). However, for filing an application with MoEFCC, GoI for Forest Stage-II (84.41 Ha) clearance, the Forest Rights Act (FRA) certificate and Forest Stage-I clearance are essential.</li> <li>2. FC-I was transferred from KECML to KPCL on 13.05.2015. As part of the compliances to be made for Forest Stage-I clearance, a FRA certificate is to be submitted to District Forest Officer(DFO), Chandrapur, after obtaining the same from DC, Chandrapur.</li> <li>3. Earlier, the FRA certificate was in the name of Karnataka EMTA Coal Mines Limited (KECML). On liasoning, GoM informed that the FRA Certificate in new format (as per MoEF&amp;CC, GoI letter dated 5th July 2013) has to be obtained and the earlier FRA certificate issued in the name of KECML cannot be considered.</li> <li>4. Application was made to DC, Chandrapur vide letter dtd 02.09.2015 for issuance of FRA certificate. DC, Chandrapur vide letter dated 4.07.2016 has addressed to the Block Development Officer, Bhadrawati, to conduct the</li> </ol>	<p>It is to state that only FC-I was vested vide Allotment order which was transferred to KPCL on 13.05.2015.</p> <p>However, Forest Stage-II clearance was not obtained by the Prior allottee and as such had to be obtained afresh by SB.</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Because, stage II forestry clearance is not separately mentioned but included in Forestry clearance as mentioned in the CMPDPA needs to be clarified by the office of Nominated Authority.</p>

	Panchayat meeting & submit a report, for issuance of FRA certificate by the DC, Chandrapur. The matter is being regularly followed up by KPCL but issuance of FRA certificate is pending till date.	
iv. Transfer of Mine Opening Permission not done (Due Date-01.07.2015)	Application was made to CCO, Kolkata on 28.04.2015(within timelines), for transfer of the Mine Opening Permission. However, on Liaisoning with CCO office, Kolkata, it was informed that a fresh application for mine opening permission is to be filed along with other permissions/ approvals as per allotment order. Hence, a fresh application for mine opening permission was filed on 19.11.2015, along with the available/ transferred approvals as on that date. A reminder letter dtd 18.08.2016 was addressed to Coal Controller, Kolkata for issue of the subject permission. To our fresh application filed on 19.11.2015, a letter dtd 16.05.2017 has been received from CCO indicating that "After achieving all the milestones for re-opening permission of Baranj I-IV, Manoradeep and Kiloni coal blocks, it is requested to resubmit the application online through CCO web portal". In view of the above, KPCL has to re-submit online Application along with the approvals obtained including the DGMS permission. This would mean that until the MDO is appointed, KPCL would not be in a position to apply.	Application was made by Allottee to CCO on 28.04.2015(within timelines), for transfer of the Mine Opening Permission. CCO vide its letter dt.16.05.2017 advised the Allottee to resubmit the application online through CCO web portal after achieving all the milestones for re-opening permission. Since Mine opening Permission is contingent upon obtaining all the statutory clearances including FC-II (which is pending), the delay on this count cannot be attributed to the SB.
v. Transfer of Permission from DGMS not done(Due Date-01.07.2015)	It is to inform that, for submission of Form-I- Notice for Opening of Mines and for filing of application for various permissions under various regulation of Coal Mines Regulation, 1957, it is mandatory that a Mine Manager had to be appointed. As KPCL is a Govt. of Karnataka Undertaking, KPCL had to get the approval of the Board of KPCL, for appointment of a Mine Manager. After finalizing of the appointment of Mine Manager, application was made on 30.05.2015. DGMS vide its letter dt. 05.02.2016 sought documents/ compliances such as statutory manpower, Mining equipment details etc., for the transfer of the subject permission in favour of KPCL. However, during the discussion had with Dy. Director, DGMS, Nagpur by SE (Mines), KPCL, it has been intimated that the above permissions/exemptions under various regulations of the Coal	DGMS had sought documents/ compliances such as statutory manpower, Mining equipment details etc., for the transfer of the subject permission in favour of KPCL. However, the above permissions/exemptions can be transferred only after appointment of MDO, which is pending (sub-judice) at the end of the Allottee. Hence, the delay on this count may not be condoned.

	Mines Regulations 1957 can be transferred in favour of KPCL only after appointment of a Mine Operator (MO), deployment of statutory personnel and mining equipment's etc. At this juncture, it is to intimate that the appointment of MDO is beset with legal hurdles and the case is pending before the Hon'ble Supreme Court of India.	
vi. Transfer of Explosive License not done (Due Date- 01.07.2015)	<p>1. It is to inform that application for transfer of Explosive license requires submission of annexures such as Original License, NOC from District Collector etc. , In this regard, it is pertinent to inform that the application for NOC from District Collector, Chandrapur in the name of Technical Director, Nominated Owner, KPCL was made on 17.04.2015. However, the Original License was received only on 24.05.2015, from the prior allottee. Hence, the application was filed on 30.05.2015 with the Chief Controller of Explosives, Nagpur.</p> <p>2. CCE, Nagpur vide letter dated 29.03.2016 has insisted for land documents and NOC from prior allottee. In response, KPCL vide letter dated 11.04.2016, submitted the NOC from the Prior allottee (KECML) and Allotment order dtd 31.03.2015 as document for land ownership.</p> <p>3. Again, CCE, Nagpur, vide letter dt. 05.05.2016 insisted on physical possession of Land of Explosive Magazine. But, the issue of Land Mutation is pending with DC, Chandrapur. In this circumstances, CCE, Nagpur, has been again requested vide letter dated 13.04.2017 to consider the Allotment Order dtd 31.03.2015 as land ownership document and transfer the magazine license to KPCL by enclosing the sale deed of the magazine land in the name of KECML along with the NOCs from KECML and District Collector, Chandrapur. As such there has been no procedural delay from KPCL side.</p>	<p>The submission of application for the said clearance, which was done on 30.05.2015, got delayed by one month since NOC from District Collector, Chandrapur received on 24.05.2015.</p> <p>CCE, Nagpur, vide letter dt. 05.05.2016 insisted on physical possession of Land of Explosive Magazine. But, the issue of Land Mutation is pending till date with DC, Chandrapur.</p> <p>Since the said clearance is contingent upon Land Mutation and is pending with the State Government, which is beyond the control of SB.</p>
vii. Land Mutation not done (Due Date- 01.07.2015)	KPCL was of the apprehension that application for land mutation has to be made to the District Collector, Chandrapur along with the land documents [which were to be sourced from the prior allottee and also along with Annexure-1 (showing the land details) of the Allotment Order. The Annexure-1 to the Allotment Order was handed over to KPCL by Ministry of Coal only in December 2015. However, in the meantime, on receipt of the letter dated 19.05.2015 from Secretary, Ministry of Coal addressed to Chief Secretary, Govt. of Maharashtra regarding mutation of land in favour of successful	<p>The Annexure-1 to the Allotment Order i.e. the Land Details was handed over to Allottee by MoC in December 2015.</p> <p>However, KPCL had submitted a formal application to District Collector, Chandrapur vide letter dt. 03.06.2015, requesting to mutate land in favour of KPCL. R&amp;R agreement was executed with GoM on</p>

	<p>bidders, KPCL has submitted a formal application to District Collector, Chandrapur vide letter dt. 03.06.2015, requesting to mutate land in favour of KPCL. R&amp;R agreement was executed with GoM on 09.11.2015. However, Hon'ble Chief Minister of Maharashtra conducted meetings on 29.12.2015 and 16.05.2016 at Mumbai and as per the minutes of the meeting of 16.05.2016, it was agreed that work shall be allowed to commence after execution of revised R&amp;R agreement which was executed on 15.12.2016.</p> <p>Tahsildar Bhadrawati has sought clarifications/ guidance regarding land mutation from, District Collector, Chandrapur, who has further sought clarification from the Inspector General of Registration(IGR), Pune on stamp duty, if any, to be imposed for land mutation. DC, Chandra pur has intimated the Allottee that it has not received any information from IGR, Pune.</p>	<p>09.11.2015. Currently, the matter is pending with the State Government.</p> <p>The delay in making application to District Collector, Chandrapur almost six months after the receipt of Annexure-I is attributable to the SB</p>
<p>viii. Delay in transfer of Power Line from State Electricity Board i.e. on 02.02.2016 (Due Date- 01.07.2015)</p>	<p>Application submitted to Superintending Engineer (O&amp;M), MSEDCL, Chandrapur vide Letter dt. 27.04.2015.</p> <p>2. KPCL vide its letters dt. 24.07.2015 and dt. 24.07.2015, submitted the documents sought such as Form-U, NOC from prior allottee, undertakings.</p> <p>3. Maharashtra State Electricity Distribution Company Limited (MSEDCL), Chandrapur vide Notice dated 27.10.2015 has requested for payment of Electricity charges within 15 days of receipt of the notice failing which Electricity Supply will be disconnected. After taking legal opinion, the payment of electricity bills amounting to about Rs. 22 lakhs was made on 23.12.2015. Finally, MSEDCL, transferred the electrical installations in the name of KPCL on 02.02.2016.</p>	<p>Application was submitted timely i.e. on 27.04.2015.</p> <p>Maharashtra State Electricity Distribution Company Limited (MSEDCL), Chandrapur vide Notice dated 27.10.2015 requested for payment of Electricity charges, which was made by Allottee on 23.12.2015. Subsequently, MSEDCL, transferred the electrical installations in the name of KPCL on 02.02.2016.</p> <p>Although this delay in making payment by allottee is case of violation of CMDPA, hence can not be condoned to that extent.</p>
<p>ix. Schedule of Production for year 2015-16 and year 2016-17 not done</p>	<p>Appointment of MDO is pending due to court case.</p>	<p>Although appointment of MDO is subjudice but Mine opening Permission is pending, for want of some other clearances pending at the State level. Hence, the delay can not be attributed solely to the allottee.</p>

**Recommendation:**

1. From the above deliberations it is clear that delays on some issues are although beyond the control of SB but these are not covered under the ambit of force majeure.
2. As no representative from the State Government of Maharashtra was present in the meeting it could not be ascertained whether the aforesaid delays are administrative/procedural delays or abnormal delays beyond the control of SB/concerned state authority. State Government may be requested to confirm whether delays as stated by the Allottee are inordinate without any fault of SB or not.
3. On receipt of the reply, Nominated Authority may take appropriate decision including the appropriation of Performance Security for the aforesaid delays as per the weightage assigned against it i.e. 8% and 12 % respectively, after issuing a Show Cause Notice to the Allottee . However if no view is obtained in a given timeframe from the State Govt., the Nominated Authority may take any action including appropriation of Performance Security as deemed fit.



**2. BARJORA (Allottee- M/s West Bengal Power Development Corp. Ltd.)**

**Allotment Date- 01<sup>st</sup> April 2015**

Deviation from Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
i. Delay in submission of application for Ground Water clearance i.e. on 24.07.2015(Due Date-01.05.2017)	<p>1. No Ground Water clearance was vested vide Allotment order.</p> <p>2. Also, Annexure 1 having land details was received on 02.12.2015. For submission of application for Ground Water Clearance, land details of the mine area was required.</p> <p>3. However, application for said clearance was made on 24.07.2015 and now the Ground Water clearance has been issued on 30.06.2016.</p>	<p>No Ground Water Clearance was vested vide Allotment Order.</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for application for <b>transfer</b> of Statutory Clearances within one month from Allotment Date. Hence in the present case, the timeline of one month is not applicable since the said clearance had to be obtained afresh.</p> <p>Further, Annexure-1 containing land details was not available with the Allottee which is required for making the said application.</p>
ii. Land Mutation application not done(Due Date-01.05.2015)	<p>1. Annexure I of the Allotment order received on 02.12.2015.</p> <p>2. MDO had to take up Land Acquisition. MDO appointment was done on 12.08.2016, after being delayed due to court case.</p>	<p>As the annexure I was handed over in Dec 2015, all time-lines are to be counted from 2.12.2015.</p> <p>The Allottee has not commenced the Land Mutation even after appointment of MDO.</p> <p>Hence no relaxation is recommended on this count.</p>
iii. Application for Power Line not done(Due Date-01.05.2015)	<p>The power connection was not disconnected by WBSEDCL (West Bengal State Electricity Distribution Company) and they are paying electricity bills regularly since allotment of the said coal mine</p>	<p>Since the earlier power connection is being continued, there is no need for separate connection and hence application for new Power Line is not required to be submitted. Hence, the Allottee may be given relaxation on this issue.</p>

2. Transfer of statutory clearances		Weightage assigned for appropriation is 8%
i. Delay in grant/execution of Mining Lease i.e. on 04.08.2015(Due Date-01.07.2015)	<p>Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC. However on application, earlier Mining lease was transferred by Govt. of West Bengal on the mentioned date.</p> <p>On which date the mining lease was transferred? Date may please be mentioned.</p>	Application for the said clearance was made timely by the Allottee and ML was executed by Govt. of West Bengal even without requirement of Annexure 1, on 04.08.2015. Despite the delay in handing over of the Annexure I, there is delay of only four days in getting ML.
ii. Delay in transfer of Environment Clearance i.e. on 06.07.2015(Due Date-01.07.2015)	Application for transfer of Environment Clearance was done to the MOEF&CC on 21.04.2015 within the stipulated period as per the Allotment Agreement. MOEF&CC transferred the Environment Clearance vide their letter dated 06.7.2015.	Application for the said clearance was made timely by the Allottee and EC was transferred by MoEF& CC on 06.07.2015. There is a delay of 5 days.
iii. Delay in transfer of Forest Clearance i.e. on 10.07.2015(Due Date-01.07.2015)	Application for transfer of Forest Clearance was done to the MOEF&CC on 21.4.2015 within the stipulated period as per the Allotment Agreement. MOEF&CC transferred the forest clearance vide their letter dated 10.07.2015.	Application for the said clearance was made timely by the Allottee and FC was transferred by MoEF& CC on 10.07.2015. There is a delay of 9 days.
iv. Delay in transfer of Mine Opening Permission i.e. on 29.08.2017 (Due Date- 01.07.2015)	<ol style="list-style-type: none"> <li>1. Mine Opening Permission can only be obtained after opening of Escrow Account on approval of Mine Closure plan and after obtaining of all the required clearances including DGMS permission.</li> <li>2. Annexure –I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC.</li> <li>3. Process of placement of order on RQP for preparation of Mine Closure Plan got delayed due to the imposition of Model Code of Conduct for Election to the West Bengal Legislative Assembly'2016 from 04.03.2016 to 21.05.2016.</li> <li>4. Order placed on RQP on 25.05.2016 for preparation of Mine Closure Plan.</li> <li>5. Thereafter Mine Closure Plan was prepared and submitted to MOC for approval on 19.08.2016.</li> </ol>	Subsequent to approval of the Mine Plan along with final Closure Plan on 19.07.2017, the mine opening permission was granted on 29.08.2017. The delay on account of approval of mining plan may however be confirmed from the concerned Authority in MoC..

	<p>6. While making presentation before the standing committee of MOC, GOI, on 24.10.2016, it was observed by the committee that the earlier Mine Plan from which the Mine Closure Plan was derived had expired due to lapse of the time period by which the coal was required to be extracted by the prior allottee as per the Mine Plan along with final Closure Plan with the revised schedule of year wise production. Accordingly WBPDCCL prepared the revised Mine Plan along with final Closure Plan and submitted the same for approval of MOC on 27.03.2017. After presentation before the Standing Committee on 10.04.2017, and 10.07.2017, the Mine Plan along with final Closure Plan was approved of MOC on 19.07.17.</p> <p>7. Escrow Account opened on 25.08.2017.</p> <p>8. Mine Opening Permission obtained from CCO on 29.08.2017.</p>	
v. Delay in transfer of DGMS Permission i.e. on 22.08.2017 (Due Date- 01.07.2015)	Subsequent to approval of the Mine Plan along with final Closure Plan on 19.07.2017, the mine working plan was prepared and submitted to DGMS for approval. As such, permission from DGMS obtained on 22.08.2017.	Subsequent to approval of the Mine Plan along with final Closure Plan on 19.07.2017, the mine working plan was prepared and submitted to DGMS for approval. As such, permission from DGMS obtained on 22.08.2017 and this activity is contingent upon the approval of mining plan.
vi. Delay in transfer of Ground Water Clearance i.e. on 30.06.2016 (Due Date- 01.07.2015)	<p>1. No Ground Water Clearance was vested vide Allotment order.</p> <p>2. For submission of application for Ground Water Clearance, land details of mine area was required. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry Of Coal, Government of India.</p> <p>3. However application for Ground Water Clearance was made to DM, Birbhum on 24.07.2015. Subsequently Ground Water Clearance was issued on 30.06.2016.</p>	<p>No Ground Water Clearance was vested vide Allotment Order.</p> <p>Annexure I to the Allotment order containing Land Details was received on 02.12.2015 from MoC.</p> <p>However application for Ground Water Clearance was made to DM, Birbhum on 24.07.2015 and the Ground Water Clearance was issued on 30.06.2016.</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for application for <b>transfer</b> of Statutory Clearances within one month from</p>

		Allotment Date. Hence in the present case, the timeline of one month is not applicable since the said clearance had to be obtained afresh. Hence in absence of predefined timeline in such case delay can not be adjudged,
vii.Delay in transfer of Consent to Operate i.e. on 20.05.2016(Due Date-01.07.2015)	<ol style="list-style-type: none"> <li>1. Application for transfer of consent to operate was done on 21.04.2015 i.e. within the stipulated period as per allotment agreement.</li> <li>2. Consent to establish was obtained on 15.06.2015.</li> <li>3. Thereafter consent to operate was transferred in favour of WBPDCCL vide memo dated 24.06.2015.</li> <li>4. Subsequently the consent was renewed vide consent letter noCO88164 dated 04.08.2015 from WBPCB with validity till 30.04.2016 .Thereafter again the same was renewed with validity till 31.07.2021 vide consent letter no CO107809 dated 28.07.2017 from WBPCB.</li> </ol>	Application for transfer of consent to operate was done timely i.e. on 21.04.2015 and the same was transferred in favour of WBPDCCL on 24.06.2015 i.e. within timelines. Hence the Show Cause against the said Milestone may be withdrawn.
viii.Land Mutation not done(Due Date-01.07.2015)	<ol style="list-style-type: none"> <li>1. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC.</li> <li>2. Appointment of MDO, which had to take up Land Acquisition, got delayed due to Court Case. MDO was appointed on 12.08.2016.</li> <li>3. Procurement is under process for 10.68 acres of land out of which 2.1 acres have already been procured.</li> </ol>	The Allottee has not commenced the Land Mutation even after appointment of MDO. Hence no relaxation is recommended in the present case, hence action as per CMDPA may be taken on this account.
ix. Power Line not obtained(Due Date-01.07.2015)	The power connection was not disconnected by WBSEDCL and WBPDCCL is paying the electricity bill regularly since allotment of the coal block by Ministry of Coal .Hence question of reconnection does not arise.	Since the earlier power connection is being continued, there is no need for separate connection and hence application for new Power Line is not required to be submitted. Hence, the Allottee may be given relaxation.
x.Delay in approval of Mine Closure Plan i.e. on 20.07.2017(Due Date-01.10.2015)	1 Annexure-I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC.	Annexure-I of the allotment order regarding land including description of mine was received on 02.12.2015. As such, relaxation upto 02.12.2015 should be given to the

	<p>2. Process of placement of order on RQP for preparation of Mine Closure Plan got delayed due to the imposition of Model Code of Conduct for Election to the West Bengal Legislative Assembly' 2016 from 04.03.2016 to 21.05.2016.</p> <p>3. Order placed on RQP on 25.05.2016 for preparation of Mine Closure Plan.</p> <p>4. Thereafter Mine Closure Plan was prepared and submitted to MOC for approval on 19.08.2016.</p> <p>5. While making presentation before the Standing Committee of MOC, GOI, on dated 24.10.2016 it was observed by the committee that the earlier Mine Plan from which Mine Closure Plan was derived had expired due to lapse of the time period by which the coal was required to be extracted by the prior allottee as per the Mine Plan and directed WBPDC, to prepare a revised schedule of year wise production. Accordingly WBPDC prepared the revised Mine Plan along with final Closure Plan and submitted the same for approval of MOC on 27.03.2017.</p> <p>6. After presentation before the Standing Committee on 10.04.2017 and 10.07.2017 , the Mine Plan along with final Closure Plan was approved on 19.07.2017.</p>	<p>Allottees uniformly in all such cases. However, Model Code of Conduct was from March 2016, so the Allottee had time from Jan 2016 till March 2016 for placing order for RQP. So, no relaxation is recommended on account of such delay.</p>
<p>xi. Delay in opening of Escrow Account i.e. on 25.08.2017 (Due Date- 01.10.2015)</p>	<p>Escrow account can be opened only after approval of Mine Closure Plan, which was approved on 19.07.2017.</p>	<p>Escrow account was opened on 25.08.2017 after approval of Mine Closure Plan on 19.07.2017.</p>

**Recommendation:**

1. It is observed that there is a delay in application for transfer of Land Mutation as well as transfer of Land Mutation and Mine Opening Permission from the Prior Allottee to WBPDC.
2. Also, there are delays in processing of application for transfer of various statutory clearances by the concerned authorities, the State Government of West Bengal.

3. As the representative from the State Government of West Bengal was not present in the meeting, it cannot be ascertained whether the aforesaid delays are administrative/procedural or abnormal. State Government may be requested to confirm whether delays as stated by the Allottee are inordinate without any fault of SB or not.
4. On receipt of the reply, Nominated Authority may take appropriate decision including the appropriation of Performance Security for the aforesaid delays as per the weightage assigned against it i.e. 8% and 12 % respectively, after issuing a Show Cause Notice to the Allottee . However if no view is obtained from the State Govt. within a given timeframe the Nominated Authority may take any action including appropriation of Performance Security, as deemed fit.

**3. Barjora North (Allottee – M/s West Bengal Power Development Corporation Limited)**  
**Allotment Date – 01<sup>st</sup> April, 2015**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
i. Delay in submission of Forest clearance application i.e. on 09.09.2015(Due Date-01.05.2015)	<p>1. Detail information required to make the application for FC Stage-I was not provided by the prior allottee.(M/s DVC). After gathering the required information application was done on 09.09.2015.</p> <p>2. Prior allottee did not carry out DGPS survey of neither forest nor CA land. WBPDCCL has placed order for DGPS survey of both Forest and CA land on 06.05.2016 through tendering process, which is underway. Also, finalization of CA land is under process.</p> <p>3. MDO appointment was subjudice.</p>	Delay on account of obtaining the information from the Prior Allottee may not be considered for relaxation. Most of the information was available in the Mine Dossier.
ii. Delay in submission of application for Ground Water clearance i.e. on 27.07.2015(Due Date-01.5.2015):-	<p>1. Annexure 3 of the Allotment order did not have any information about the Ground Water clearance of the prior Allottee(M/s DVC) Also, Annexure 1 having land details was received on 02.12.2015.</p> <p>2 For submission of application for Ground Water clearance, land details of the mine area was required.</p> <p>3. Application for said clearance was made on 27.07.2015 and now the Ground Water clearance has been issued on 18.07.2016.</p>	<p>No Ground Water Clearance was vested vide Allotment Order.</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for application for <b>transfer</b> of Statutory Clearances within one month from Allotment Date. Hence in the present case, the timeline of one month is not applicable since the said clearance had to be obtained afresh.</p> <p>Further, Annexure-1 containing land details was not available with the Allottee which is required for making the said application.</p>

iii.Application for Land Mutation not done(Due Date- 01.07.2015):	1. Annexure I of the Allotment order received on 02.12.2015. 2. NIT for selection of MDO done on 19.10.2015. M/s EMTA Coal Ltd had filed an application in the Hon'ble High Court of Calcutta for quashing/setting aside the RFPs issued for selection of MDO for the said coal mine. The matter was disposed of on 12.05.2016. Initiation for land mutation will be taken up shortly.	The time line may be shifted from 2.12.2015, i.e .the date of handing over Annex I uniformly in all such cases. Since Land Mutation is still pending even after disposal of court case, no relaxation is recommended on this count
(iv) Application for Power Line not made (Due Date- 01.07.2015):	The Power Connection was not disconnected by WBSEDCL and WBPDC is paying the electricity bill regularly since allotment of the coal block by Ministry of Coal.	Since the earlier power connection is being continued, there is no need for separate connection and hence application for new Power Line is not required to be submitted. Hence, the Allottee may be given relaxation.
2. Transfer of statutory clearances		Weightage assigned for appropriation is 8%
i. Delay in Grant/Execution of Mining Lease on 04.08.2015(Due Date- 01.07.2015):-	Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC. ML was granted by GoWB on 04.08.2015.	As annexure I of the allotment order was received by the allottee on 2.12.2015, the due date for this activity may have been revised. However delay was only 1 month 3 days from original schedule.
ii. Not obtained Environment Clearance(Due Date- 01.07.2015):-	1. Application for transfer of Environment Clearance (EC) was done to MOEF&CC on 22.04.2015 within the stipulated period as per the allotment agreement. 2. MOEF&CC vide letter dated 12.08.2015 informed that the FC Stage-I is mandatory for grant/transfer of EC. 3. On 12.07.2016 , WBPDC requested MOEF&CC, for transfer of EC for 260.14 Ha of non-forest land for which Mining Lease has already been transferred by Govt. of West Bengal.	Application for transfer of Environment Clearance (EC) was done within the stipulated period. However, after bidding by the bidder forestry clearance stage I (not vested/available with prior allottee) has become mandatory for grant of EC, hence, EC was not transferred. Submission of revised Mining Plan in



	<p>4. The issue of transfer of the said EC was presented before Expert Appraisal Committee (EAC) in its 62nd meeting on 24.08.16 and EAC pointed out that in the light of the Gazette Notification dated 23.03.15, it was not empowered to take up consideration of the proposal, and referred the matter back to the MoEF&amp;CC for appropriate action.</p> <p>5. Subsequently , a meeting was conducted by the Secretary, Ministry of Coal, Govt. of India on 26.10.2016, which was attended by the Joint Secretary, MOEF&amp;C, wherein it was decided that the project proponent WBPDCCL may apply for EC separately for forest and non-forest area and prepare the Mining Plan accordingly, vide letter dated 18.11.2016 of Ministry of Coal, Govt. of India.</p> <p>6. Accordingly WBPDCCL prepared a Mining Plan for the non-forest area of 260.14 Ha with 3MTPA coal production which was approved by Ministry of Coal in the standing committee meeting held on 29.08.2017.</p> <p>7. Thereafter WBPDCCL applied to MOEF&amp;CC for transfer of EC for non-forest area of 260.17 Ha with 3MTPA of coal production vide letter dated 29.08.2017. MOEF&amp;CC referred the issue to the 17th Expert Appraisal Committee (EAC) Meeting on 31.08.2017.</p> <p>8. EAC opined that the proposal with the revised Mining Plan covering an area of 260.14 Ha has to be considered afresh, as per the provisions of the EIA Notification 2006. Accordingly, WBPDCCL was asked to first submit the proposal for grant of ToR. EAC approved TOR on 26.09.17 and conveyed the approval vide letter dated 29.09.17 of MOEF&amp;CC.</p> <p>9. Draft EIA/EMP report is under preparation. After submission of draft EIA/EMP report Public Hearing will be conducted by WBPCB, scheduled on 16.02.2018.</p>	<p>MoC for approval, contingent upon revelation of forest land, was delayed by the allottee.</p> <p>Subsequent direction of MoEF&amp; CC to obtain EC, a fresh, after revision of mining plan(excluding forest land) further delayed in grant of EC.</p> <p>Hence, the delay may not be attributable to the SB.</p>
<p>iii. Not obtained Forest Clearance(Due Date- 01.07.2015):-</p>	<p>1. As prior allottee did not have Forest Clearance Stage-I, question of transfer does not arise.</p> <p>2. Quantum of land equivalent to Forest Land diversion, for the purpose of Compensatory Afforestation (CA) needs to be provided to the Dept. of Forest.</p>	<p>As prior allottee did not have Forest Clearance Stage-I, question of transfer does not arise.</p>

	Several encumbrance free land was offered but suitability of requisite quantum of CA land is yet to be received from Dept. of Forest.	Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months is not applicable since the said clearance had to be obtained afresh. Hence a fresh timeline need to be given for achieving this milestone. Hence, the delay may not be attributable to the SB.
iv. Not obtained Mine Opening Permission(Due Date- 01.07.2015):-	For obtaining Mine Opening Permission all other statutory permissions need to be obtained including Environmental Clearance. After obtaining EC and Opening of Escrow Account Mine Opening Permission will be obtained.	For obtaining Mine Opening Permission all other statutory permissions need to be obtained including Environmental Clearance, and reason for delay in obtaining EC is explained above.
v. Not obtained permission from DGMS(Due Date- 01.07.2015):-	Not obtained permission from DGMS(Due Date- 01.07.2015):- 1. Application for transfer of Mine Opening Permission was done to the DGMS on 22.04.2015, within the stipulated period as per the allotment agreement. 2. Grant of Environmental Clearance is pending till date. WBPDCCL prepared a separate Mine Plan including Mine Closure Plan for the non-forest area of 260.14 Ha with 3MTPA coal production which was approved by Ministry of Coal in the standing committee meeting held on 29.08.2017. Thereafter mine working plan has been prepared and submitted to DGMS for obtaining the permission.	Application was done to the DGMS timely i.e. on 22.04.2015. Mine Plan including Mine Closure Plan for the non-forest area(for obtaining EC for non forest area) has been approved by MoC on 29.08.2017. Thereafter mine working plan has been prepared and submitted to DGMS for obtaining the permission.
vi. Delay in transfer of Ground Water Clearance	1. No Ground Water Clearance was vested vide Allotment order. 2. For submission of application for Ground Water Clearance, land details of mine area was required. Annexure I of the allotment order regarding land including	No Ground Water Clearance was vested vide Allotment order.

<p>i.e. on 18.07.2016(Due Date- 01.07.2015):-</p>	<p>description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India.</p> <p>3. However application for Ground Water Clearance was made to DM, Bankura on 27.07.2015 followed by application to Geologist, SWID Bankura along with all enclosures in prescribed Form-I including plot schedule of Mining Lease hold area. Subsequently Ground Water Clearance was issued on 18.07.2016 by Geologist, SWID Bankura to WBPDC.</p>	<p>Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months may not be applicable as the said clearance had to be obtained afresh. Further, zero date may be shifted to 2.12.2015 i.e. the date of handing over of Schedule I. Hence, the delay may not be attributable to the SB.</p>
<p>vii. Delay in transfer of Explosive License i.e. on 28.04.2017(Due Date- 01.07.2015):-</p>	<p>1. Application for transfer of Explosive License was done on 22.04.2015 i.e. within the timelines.</p> <p>2. But instead of seamless transfer PESO has advised to process out application as it has been a fresh case for issuance of license. As such, fresh application to PESO was done on 11.12.2015.</p> <p>3. Thereafter, PESO directed to submit corrected drawing of magazine on 27.01.2016 which was submitted to PESO on 08.03.2016.</p> <p>4. Also, application for issue of NOC to DM-Bankura was done on 19.11.2015. Reminder letter to DM-Bankura for issue of NOC was given on 04.05.16. 2nd letter to DM-Bankura for issue of NOC along with endorsed drawing was given on 26.08.2016.</p> <p>5. NOC from DM-Bankura was obtained on 13.07.2016 and the same was submitted to PESO on 17.11.2016.</p> <p>6. Explosive license was obtained on 28.04.17.</p>	<p>Application for transfer of Explosive License was done within the timelines. But instead of seamless transfer PESO has advised to process out application as it has been a fresh case for issuance of license. As such, fresh application to PESO was done on 11.12.2015. Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months may not be applicable since the said clearance had to be obtained afresh. Hence, the delay may not be attributable to the SB.</p>

viii. Delay in obtaining Consent to Operate i.e. on 28.07.2017(Due Date- 01.07.2015):-	<p>1. Application for transfer of Consent to Operate was done to the WBPCB on 22.04.2015 within the stipulated period as per allotment agreement.</p> <p>2. Consent to Establish was obtained from WBPCB vide Memo dated 15.06.2015.</p> <p>3. Thereafter Consent to Operate was renewed vide consent letter no. CO88162 dated 03.08.15 from WBPCB with validity till 30.11.16. Thereafter again the same was renewed with validity till 30.11.2021 vide consent letter no. CO107810 dated 28.07.17 from WBPCB.</p>	There is delay of 1 month & 2 days.
ix. Land Mutation not completed(Due Date- 01.07.2015):-	<p>1. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India.</p> <p>2. Appointment of MDO was done on 12.05.2016. It got delayed due to court case filed by earlier MDO. MDO had to take up Land Acquisition process.</p> <p>3. Procurement is under process for 4.08 acres of land out of which 0.89 acre has already been procured.</p>	The committee could take no view in absence of the outcome of court case and in absence of any view by State Authority.
x Transfer of Power Line Permission not done(Due Date- 01.07.2015):-	The power connection was not disconnected by WBSEDCL and WBPDC is paying the electricity bill regularly since allotment of the coal block by Ministry of Coal. Hence question of reconnection does not arise.	Since the earlier power connection is being continued, there is no need for separate connection and hence fresh application for a new Power Line is not required. Hence, the Allottee may be given relaxation.
xi. Reporting of Deviation from Approved Mine Plan not done(Due Date- 01.08.2015):-	Revised Mining Plan along with Mine Closure Plan for non-forest area of 260.14 Ha was necessary for obtaining EC for non forest area, as directed by Ministry of Coal vide letter dated 18.11.2016. Accordingly revised Mining Plan along with Mine Closure Plan for non-forest area of 260.14 Ha was prepared and got it approved from Ministry of Coal on 29.08.2017.	Application for transfer of Environment Clearance (EC) was done within the stipulated period. However, after bidding by the bidder forestry clearance stage I (not vested/available with prior allottee) has become mandatory for grant of EC, hence, EC was not transferred. Submission of revised Mining Plan in

		<p>MoC for approval, contingent upon revelation of forest land, was delayed by the allottee.</p> <p>Subsequent direction of MoEF&amp; CC to obtain EC, a fresh, after revision of mining plan(excluding forest land) further delayed in grant of EC.</p> <p>But after approval of revised mining plan by exclusion of forest land, if not, reported to Nominated Authority in time, action as deemed fit may be taken against the allottee.</p>
<p>xii. Ratification of Deviation from Approved Mine Plan including Mine Closure Plan(Due Date- 01.02.2016):-</p>	<ol style="list-style-type: none"> <li>1. WBPDCCL prepared Mine Closure Plan including both forest and non-forest area and obtained approval from Ministry of Coal on 08.11.2016.</li> <li>2. Transfer of EC was still pending with MoEF&amp;CC.</li> <li>3. On 26.10.2016, a meeting was conducted by the Secretary, Ministry of Coal, Govt of India with MOEF&amp;CC, wherein it was decided that the project proponent WBPDCCL may apply for EC separately for forest and non-forest area and prepare the Mining Plan accordingly. For obtaining EC for non-forest area of 260.14 Ha, as directed by Ministry of Coal, revised mining Plan along with Mine Closure Plan was prepared and obtained approval from Ministry of Coal on 29.08.2017.</li> </ol>	<p>As explained above, delay has been observed in the preparation and submission of revised Mining Plan including Mine Closure Plan.</p>
<p>xiii. Delay in approval of Mine Closure Plan i.e. on 08.11.2016(Due Date- 01.10.2015):-</p>	<ol style="list-style-type: none"> <li>1. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India.</li> <li>2. Thereafter Mine Closure Plan including both forest and non-forest area was prepared and submitted to MOC followed by presentation before the Standing Committee on 08.08.16 and approval obtained on 08.11.2016.</li> <li>3. Since transfer of Environmental Clearance was pending with MOEF&amp;CC, as advised by MoC vide letter dated 18.11.2016 accordingly WBPDCCL prepared a Mining Plan including Mine Closure Plan for the non-forest area of 260.14 Ha</li> </ol>	<p>As explained above, delay has been observed in the preparation and submission of revised Mining Plan including Mine Closure Plan.</p>

	with 3MTPA coal production which was approved by Ministry of Coal in the standing committee meeting held on 29.08.2017.	
xiv. Escrow Account not opened(Due Date- 01.10.2015):-	Escrow Account will be opened as soon as Environmental Clearance is obtained from MOEF&CC.	It can be decided after getting the answer of point no.1 as EC is contingent upon approved Mine and Mine closure Plan
xv. Not achieving Schedule of Production/Reaching Peak Rated Capacity for year 2015-16 and year 2016-17.	Transfer of EC is pending.	Environmental Clearance is pending. The delay is beyond the control of Allottee.

**Recommendation:**

1. It is observed that there is a delay in application for transfer of Land Mutation as well as submission of Forest clearance application.
2. There is a delay in reporting of deviation from the approved mine plan, ratification of deviation in mine plan including mine closure plan and approval of mine closure plan.
3. Also, there are delays in processing of application for transfer of various statutory clearances by authorities concerned primarily the State Government of West Bengal. As the representative from the State Government of West Bengal was not present in the meeting, in absence of their view it cannot be ascertained whether the aforesaid delays are administrative/procedural or abnormal. State Government may be requested to confirm whether delays as stated by the Allottee are in-ordinate without any fault of SB or not.
4. On receipt of the reply, Nominated Authority may take appropriate decision including the appropriation of Performance Security for the aforesaid delays as per the weightage assigned against it i.e. 8% and 12 % respectively as per the provisions of CMDPA, after issuing a Show Cause Notice to the Allottee. However, if no reply is received from State Authority in a given timeframe, appropriate action including the appropriation of Performance Security, as deemed fit, may be taken by Nominated Authority.

4. Gangaramchak&Gangaramchak-Bhadulia - Allottee- M/s West Bengal Power Development Corp. Ltd.

Allotment Date – 01<sup>st</sup> April, 2015.

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
(i) Non submission of application for Land Mutation(Due Date- 01.05.2015):	Annexure I of the Allotment order received on 02.12.2015 and NIT for selection of MDO done on 16.02.2016. M/s EMTA Coal Ltd had filed an application in the Hon'ble High Court of Calcutta for quashing/setting aside the RFPs issued for selection of MDO for the said coal mine. The judgement in the matter was delivered on 21.07.2016. Initiation for land mutation will be taken up shortly.	Subsequent to receipt of Annexure-1 in Dec, 2015 and appointment of MDO on 16.02.2016, Land Mutation has not yet been done. The reason for delay in land mutation could not be explained by the allottee or the same could not be verified as no representative from the State was present in the meeting.
(ii)Non submission of application for Power Line(Due Date- 01.05.2015):-	The Power Connection was not disconnected by WBSEDCL and the electricity bill is being paid regularly since allotment of the coal block.	Since the earlier power connection is being continued, there is no need for separate connection and hence application for new Power Line is not required to be submitted. Hence, the Allottee may be given relaxation.
<b>2.Transfer of Statutory Clearances</b>		<b>Weightage assigned for appropriation is 8%</b>
i. Delay in grant/execution of ML i.e. on 04.08.2015(Due Date- 01.07.2015):-	Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India. However, application for transfer of earlier Mining Lease was submitted on 14.04.2015(within timelines i.e. 01.05.2015) and the same was transferred by Govt. of West Bengal on 04.08.2015.	There is a delay of 1 month 3 days.

<p>ii. Transfer of Environment Clearance not done(Due Date-01.07.2015):-</p>	<p>1.Application for further transfer of Environment Clearance (EC) was done to the MOEF&amp;CC on 21.04.2015 within the stipulated period as per the allotment agreement.</p> <p>2. MOEF&amp;CC vide letter dated 13.08.2015 informed that the Stage-I Forest Clearance (FC) is mandatory for grant/transfer of EC. Prior allottee did not have Stage-I Forest Clearance hence question of transfer does not arise.</p> <p>3. After arrangement of Stage-I Forest Clearance, Environment Clearance (EC) will be transferred by MOEF&amp;CC.</p>	<p>Forestry clearance stage I was not vested/available with prior allottee which has become mandatory for grant of EC, hence, EC was not transferred. The issue of acquisition of forest land cropped up post allotment of coal block, and is not a case of transfer from the prior allottee.</p>
<p>iii. Transfer of Forest Clearance not done(Due Date-01.07.2015):-</p>	<p>1. As prior allottee did not have Forest Clearance Stage-I question of transfer does not arise.</p> <p>2. After arrangement of suitable Compensatory Afforestation land online application in MOEF&amp;CC portal was done on 15.05.2017 for Grant of Stage-I Forest Clearance and is under process by MOEF&amp;CC.</p>	<p>As prior allottee did not have Forestry Clearance Stage-I, question of transfer does not arise.</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months is not applicable since the said clearance had to be obtained afresh, hence, a revised timeline need to be given for this activity.</p>
<p>iv. Mine Opening Permission not obtained(Due Date-01.07.2015):-</p>	<p>1.Mine Opening Permission can only be obtained after obtaining of all the required clearances including Environment Clearance (EC).</p> <p>2.Mine Closure Plan has been prepared and approved from MoC on 08.05.17.</p> <p>3.Mine Opening Permission will be obtained from CCO after transfer of Environment Clearance (EC) and opening of Escrow Account.</p>	<p>Mine Opening Permission can only be obtained only after obtaining all the clearances including Environment Clearance, forestry clearance etc. hence the mine opening permission is delayed.</p>
<p>v. Permission from DGMS not obtained(Due Date-01.07.2015):-</p>	<p>As mine working plan needs to be prepared and submitted to DGMS for obtaining the permission, it will be obtained after grant of Forest Clearance and subsequent transfer of Environment Clearance (EC).</p>	<p>As mine working plan cannot be prepared without EC &amp; FC, DGMS permission could not be granted.</p>



<p>vi. Delay in transfer of Ground Water Clearance i.e. on 30.06.2016(Due Date-01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. Application for transfer of Ground Water clearance was done on 22.04.2015 within the stipulated period as per the allotment agreement.</li> <li>2. For submission of application for Ground Water Clearance, land details of mine area was required. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India. Subsequently Ground Water Clearance was issued on 30.06.16 by Geologist, SWID Birbhum to WBPDC.</li> </ol>	<p>For submission of application for Ground Water Clearance, land details of mine area was required. Annexure I of the allotment order regarding land including description of mine was received by the allottee on 02.12.2015 from Ministry of Coal, Govt. of India. Hence the zero date may be revised and then the delay may be calculated and action accordingly be taken against allottee.</p>
<p>vii. Explosive License not obtained(Due Date-01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. Earlier there was no separate explosive license obtained for this mine by prior allottee, explosive from Tara (E&amp;W) coal mine used to be shared in this time.</li> <li>2. WBPDC applied to PESO for grant of explosive license for portable magazine on 13.12.2016 exclusively for Gangaramchak after appointment of MDO on 12.08.2016.</li> <li>3. Application to DM-Birbhum for issue of NOC was made on 09.02.2017 and reminder was given on 04.04.2017.</li> <li>4. Online application to PESO for grant of explosive license was made on 19.04.2017.</li> <li>5. PESO directed to submit portable magazine purchased certificate on 05.05.17 and the same was submitted on 26.07.2017.</li> <li>6. Provisional NOC from DM-Birbhum was obtained on 17.08.2017.</li> <li>7. PESO requested to submit portable magazine installation certificate on 24.08.17. Presently there is paddy cultivation in the plot where the magazine will be installed for which installation is getting delayed. Shortly installation will be done and the installation certificate will be submitted to PESO.</li> </ol>	<p>Earlier there was no separate explosive license obtained for this mine by prior allottee and explosive from Tara (E&amp;W) coal mine was shared for this mine. Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months is not applicable since the said clearance had to be obtained afresh.</p>

<p>viii. Delay in transfer of Consent to Operate i.e. on 28.07.2017(Due Date- 01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. Application for transfer of Consent to Operate was done to the WBPCB on 21.04.2015 within the stipulated period as per allotment agreement.</li> <li>2. Consent to Establish was obtained on 15.06.2015. Thereafter Consent to Operate was transferred in favour of WBPDCCL on 24.06.2015</li> <li>3. Subsequently the consent was renewed vide consent letter no. CO88179 dated 05.08.15 from WBPCB with validity till 31.07.16. Thereafter again the same was renewed with validity till 31.07.2021 vide consent letter no. CO107809 dated 28.07.17 from WBPCB.</li> </ol>	<p>Consent to Operate was transferred in favour of WBPDCCL on 24.06.2015 i.e. within timelines. Hence the Show Cause against the said Milestone may be withdrawn.</p>
<p>ix. Land Mutation not done (Due Date- 01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC.</li> <li>2. Appointment of MDO , which had to take up Land Acquisition, got delayed due to Court Case. MDO was appointed on 12.08.2016.</li> <li>3. Land Mutation process will be initiated at the earliest after grant of Forest Clearance and Environment Clearance.</li> </ol>	<p>Delay in MDO appointment after obtaining Annexure I on 2.12.2015, in fact delayed all activities including land mutation. As regards court case, stay in appointment of MDO is not clarified by allottee.</p>
<p>x. Not obtaining Power Line from State Electricity Board(Due Date- 01.07.2015):-</p>	<p>The power connection was not disconnected by WBSEDCL and WBPDCCL is paying the electricity bill regularly since allotment of the coal block by Ministry of Coal. Hence question of reconnection does not arise.</p>	<p>Since the earlier power connection is being continued, there is no need for separate connection and hence fresh application for a new Power Line is not required. Hence, the Allottee may be given relaxation.</p>
<p>(xii) Delay in approval of Mine Closure Plan i.e. on 08.05.2017(Due Date- 01.10.2015):-</p>	<ol style="list-style-type: none"> <li>1. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt of India.</li> <li>2. Process of placement of order on RQP for preparation of Mine Closure Plan got delayed due to the imposition of Model Code of Conduct for Election to the West Bengal Legislative Assembly'2016 from 04.03.2016 to 21.05.2016. Order placed on</li> </ol>	<p>Annexure-I of the allotment order regarding land including description of mine was received by the allottee on 02.12.2015. Hence, timeline should be revised uniformly for all cases. However in the instant case, the Model Code of Conduct was imposed from March 2016, so the Allottee had time from Jan 2016 till March 2016 for placing order</p>

	<p>RQP on 25.05.2016 for preparation of Mine Closure Plan.</p> <p>3. Mine Closure Plan prepared and submitted to Ministry of Coal on 23.08.2016 for approval.</p> <p>4. Observations of the Standing Committee were communicated to Allottee vide letter dated 27.10.16. Accordingly, re-submission of Mine closure plan with compliance to the observations done on 02.12.2016.</p> <p>5. Thereafter Mine Closure Plan has been prepared and approved from MoC on 08.05.17.</p>	<p>for RQP for preparation of Mine Closure Plan. Hence, allottee is responsible for the delay to that extent.</p>
<p>(xiii) Escrow Account not opened (Due Date- 01.10.2015):-</p>	<p>1. Opening of Escrow account requires approval of Mine closure plan. Mine Closure Plan has been prepared and approved from MoC on 08.05.17.</p> <p>2. Escrow account will be opened after transfer of Environment Clearance from MOEF &amp;CC.</p>	<p>Opening of escrow account is contingent upon approval of Mine Closure plan hence delay.</p>
<p>(xiv) Not achieving Schedule of Production(for Year 2015-16 &amp; year 2016-17):-</p>	<p>MOEF&amp;CC, Govt. of India is yet to transfer/issue the Environmental Clearance till date.</p>	<p>Delay in appointment of MDO delayed all the activities including forestry clearance, environment clearance, approval of mine closure plan etc. hence the delay in achieving schedule of production.</p>

**Recommendation:**

1. It is observed that there is a delay in application for transfer of Land Mutation.
2. There is a delay in placing order for preparation of the Mine Closure Plan.
3. Also, there are delays in processing of application for transfer of various statutory clearances by authorities concerned primarily the State Government of West Bengal. As the representative from the State Government of West Bengal was not present in the meeting, it cannot be ascertained whether the aforesaid delays are administrative/procedural or abnormal. State Government may be requested to confirm whether delays as stated by the Allottee are in-ordinate without any fault of SB or not.
4. On receipt of the reply, Nominated Authority may take appropriate decision including the appropriation of Performance Security for the aforesaid delays, as per the provisions of CMDPA, after issuing a Show Cause Notice to the Allottee. However, if no reply is received from State Authority in a given timeframe appropriate action including the appropriation of Performance Security, as deemed fit, may be taken by Nominated Authority.

5. Pachhwara North Allottee – M/s West Bengal Power Development Corp. Ltd.

Allotment Date- 01<sup>st</sup> April, 2015.

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
i. Application for Land Mutation not done(Due Date- 01.07.2015):	1. Annexure I containing land details received on 02.12.2015. 2. WBPDCCL has already applied to the District Collector, Pakur, Jharkhand for transfer of the prior allottee's land in favour of WBPDCCL on 11.08.2015.Matter is being pursued with Govt. of Jharkhand.	Annexure I containing land details received from MoCon 02.12.2015. However, the Allottee applied for Land Mutation on 11.08.2015. Hence, there is no delay on the part of the Allottee, on this count.
ii. Application for Power Line not done(Due Date-01.07.2015):	1. There was no Power Connection of the Prior Allottee, M/s BECML. 2. Application for Transfer of Mining Lease was done on 14.04.2015. However the same has not been granted till date. Until and unless Mine Plan is approved and Mining Lease is granted, application for Power Line from State Electricity Board cannot be done.	Application for new power line connection has not been submitted as yet. Thus, allottee is responsible for the delay.
<b>2. Transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 8%
i. Delay in Grant/Execution of Mining Lease (Due Date- 01.07.2015):-	1. Application for transfer of Mining Lease submitted within the stipulated period on 14.04.2015. 2. Director (Mines) Govt. of Jharkhand directed to submit the application in Form-I vide letter dated 19.05.2015, which was submitted by WBPDCCL on 15.06.2015. Stage-I Forest Clearance has been transferred to WBPDCCL on 14.05.15and Environmental Clearance on 06.07.2015 by MOEF&CC. 3. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC.	Application for transfer of Mining Lease submitted within the stipulated period on 14.04.2015. Since FC-II is pending due to the issue of Compensatory Afforestation land (CA land) notified earlier has been rejected by the State government. As such, the grant of ML was not possible without forestry clearance. It appears that because of the delay in FC II clearance for want of CA land, the allottee applied

	<p>4. FC-II could not be obtained due to issue of Compensatory Afforestation land.</p> <p>5. As such, in line with MoEF&amp; CC's guidance dated 10.11.2015, application for grant of Mining Lease for non-forest area of 846.93 Ha was submitted on 06.02.2016. Accordingly, Govt. of Jharkhand directed for submission of separate Mining Plan for the non-forest area on 09.09.2016.</p> <p>6. Revised Mining plan within non-forest area of 846.93 Ha with peak production capacity 6 MTPA was prepared and submitted to Ministry of Coal, Govt. of India on 20.03.2017. Ministry of Coal, Govt. of India intimated that there is no reason to revise the Mining Plan approved earlier and issued directive to approach Govt. of Jharkhand for facilitating the mining lease.</p> <p>7. Accordingly 3rd application for grant of Mining Lease was submitted in consultation with Govt. of Jharkhand on 23.05.2017. However, GoJ declined to issue mining lease for non-forest area without approval of the Revised Mining plan within non-forest area by MoC.</p> <p>8. Hence again a separate Mining Plan for non-forest area of 846.93 Ha with peak production capacity 15 MTPA was prepared &amp; presented before the Standing Committee on 30.08.2017 for approval from MoC.. Standing committee has provided their observations and after compliance of those observations, the same were submitted to MoC for approval on 06.11.17. Now Mine Plan has been approved by MoC on 21.12.2017.</p>	<p>for ML for non forest area after approval of revised mining plan by MoC on 21.12.17.</p> <p>The allottee had to go for revised mining plan for non forest area as a consequence of delay in FC II clearance, but inordinate delay has been observed on the part of allottee in submission of revised mining plan after State Authority asked for the same on 9.9.2016. Because, revised mining plan was submitted to MoC initially for 6MTY on 20.3.2017 which was not agreed and subsequently revised for 15MTY &amp; presented in MoC on 30.08.2017.</p> <p>The above circumstances has delayed the process in totality mainly on two counts, firstly delay in FC II clearance due to rejection of CA land by the State Authority and secondly delay in submission of revised mining plan by the allottee.</p>
<p>ii. Delay in transfer of Environment Clearance i.e. on 06.07.2015(Due Date-01.07.2015):-</p>	<p>Application for transfer of Environment Clearance was done to the MOEF&amp;CC on 17.04.2015 within the stipulated period as per the allotment agreement. MOEF&amp;CC transferred the Environment Clearance vide their letter dated 06.07.2015. It may kindly be noted that timely action for the transfer of the</p>	<p>There is a delay of 5 days.</p>

	clearance has been initiated by WBPDCCL but its subsequent grant depended on MOEF&CC, on which WBPDCCL does not have any control.	
iii. Delay in transfer of Forest Clearance Stage II (Due Date- 01.07.2015):-	<p>1. Application for transfer of Stage-I Forest Clearance was done to the MOEF&amp;CC on 17.04.2015, within the stipulated period as per the allotment agreement.</p> <p>2. MOEF&amp;CC transferred the Stage-I Forest Clearance vide their letter dated 14.05.2015.</p> <p>3. <u>After accordance and subsequent transfer</u> of the Stage I forest clearance for Pachhwara North Coal Mine, the CA land whose suitability was earlier accepted was later on rejected by DFO Pakur on 04.01.16 due to “damini-i-koh” notification of the year 1894 issued by the then Govt. of Bengal. WBPDCCL was asked to provide the requisite amount to compensatory afforestation (CA) land of around 340 Ha afresh.</p> <p>4. Govt. of Jharkhand provided 839.80 Acre land from their land bank situated in Peterwar, district Bokaro for compensatory afforestation. Joint inspection by Circle officer and Forest Range Officer, Peterwar has been done. Final acceptance report regarding suitability from concerned DFO is pending.</p>	<p>Application for transfer of Stage-I Forest Clearance was done within the stipulated period and MOEF&amp;CC transferred the FC-I on 14.05.2015.</p> <p>The delay is caused in grant of stage II FC because of CA land in Pakur Dist. Of Jharkhand whose suitability was earlier accepted but later on rejected by DFO Pakur on 04.01.16 and allottee has been asked to look for requisite quantity of CA land in Bokaro District, as confirmed by State Representative who was of the opinion that the allottee lacks initiative in resolving the issue of compensatory land for afforestation.</p>
iv. Not obtaining Mine Opening Permission(Due Date- 01.07.2015):-	<p>Application for transfer of Mine Opening Permission was done to the Coal Controller on 17.04.2015, within the stipulated period as per the Allotment Agreement. Mine Opening Permission can only be obtained when all statutory permissions are obtained. Grant of Mining Lease is pending till date.</p>	<p>Application for transfer of Mine Opening Permission was done within the stipulated period. However, grant of Mine Opening Permission is subject to all other clearances including Mining Lease which is still pending.</p> <p>Hence, the delay cannot be attributed to the Allottee, alone.</p>
v. Not obtained permission from DGMS(Due Date- 01.07.2015):-	<p>1. Application for transfer of Mine Opening Permission was done to the DGMS on 17.04.2015, within the stipulated period as per the allotment agreement.</p>	<p>DGMS permission is contingent upon all other clearances including mining lease. But, grant of Mining Lease is pending.</p>

	<p>2. Grant of Mining Lease is pending till date. Due to this, mine working plan could not be prepared for further submission to DGMS for obtaining the permission.</p>	<p>Hence, the delay cannot be attributed to the Allottee, alone.</p>
<p>vi. Delay in obtaining Ground Water Clearance i.e. on 23.05.2017(Due Date-01.07.2015):-</p>	<p>1. Application for transfer of Ground Water Clearance was made to the Ground Water Directorate, Ranchi on 17.04.2015, within the stipulated period as per the allotment agreement.</p> <p>2. Inspection team from Ground Water Investigation Division, Dumka directed WBPDCCL vide letter dated 19.09.2015 to submit the information as per their checklist along with the plan for rain water harvesting and ground water recharging. Accordingly WBPDCCL furnished the desired information vide letter dated 18.11.2015.</p> <p>3. Ground Water Clearance was transferred to WBPDCCL on 23.05.2017.The delay in getting the approval happened due to non-placement of any Director to the Directorate after transfer of the previous one for a period of around one year.</p>	<p>Application for transfer of Ground Water Clearance was made within the stipulated period. Ground Water Clearance was transferred to WBPDCCL on 23.05.2017.The delay in getting the approval , as claimed, is due to non-placement of any Director to the Directorate after transfer of the previous one for a period of around one year. The State representative present in the meeting confirmed the same. Thus, the delay cannot be attributed to the allottee.</p>
<p>vii. Not obtained Explosive License(Due Date- 01.07.2015):-</p>	<p>1. Application for transfer of Explosive License was made to the Chief Controller of Explosives, PESO, Nagpur on 29.04.2015, within the stipulated period as per allotment agreement.(No license was vested)</p> <p>2. WBPDCCL applied afresh for Explosive License to PESO Ranchi for grant of license on 13.12.2016.</p> <p>4. WBPDCCL applied to DC-Pakur for issue of NOC on 21.10.2016. Due to non-availability of proof of ownership of land, revised plot for explosive magazine was identified and subsequently revised application for grant of NOC was applied to DC-Pakur on 21.06.17. However, DC-Pakur directed to submit ownership proof of the identified new land on 10.07.2017. Ownership proof to DC-Pakur was submitted on 28.07.2017.10. DC-Pakur has not issued the NOC yet.</p>	<p>Application for transfer of Explosive License was made within the stipulated period. However, as advised by PESO, fresh application was made on 13.12.2016 since the earlier license was for Pachhara (Central).</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months is not applicable since the said clearance had to be obtained afresh.</p> <p>Hence the delay due to the circumstances, as explained by the allottee cannot be attributed to him.</p>

	<p>5. Online application to PESO Ranchi was made on 04.08.17 for grant of explosive license with new identified plot.11. PESO Ranchi requested to submit Mining Lease with other documents on 01.09.17. Mining lease has not been obtained yet. As such compliance of PESO could not be done.</p>	
<p>viii. Not obtained Consent to Establish/ Operate(Due Date-01.07.2015)</p>	<p>1. Application for Consent to Establish/Operate was submitted to the Jharkhand State Pollution Control Board on 17.04.2015 within the stipulated period as per allotment agreement.(Said clearance was not vested)</p> <p>2. Govt. of Jharkhand is yet to Grant the Mining Lease for Pachhwara (North) Coal Mine till date. Transfer of Consent to Establish/Operate will be done after grant of Mining Lease.</p>	<p>Application for Consent to Establish/Operate was submitted within the stipulated period. Moreover, the said clearance was not vested. Timelines of Milestones stipulated in Efficiency Parameters provides for <b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months is not applicable since the said clearance had to be obtained afresh.</p> <p>Now Consent to establish/operate is pending for want of grant of mining lease. Hence the delay can not be attributed to allottee.</p>
<p>ix. Not getting Land Mutation done(Due Date-01.07.2015):-</p>	<p>Annexure-I of the Allotment Order received on 02.12.2015. WBPDCCL had applied to the District Collector, Pakur, Jharkhand, for transfer of the prior allottee's land in favour of WBPDCCL on 11.08.2015. WBPDCCL is pursuing the matter with Govt. of Jharkhand.</p>	<p>Annexure-I of the Allotment Order received on 02.12.2015. However, WBPDCCL had applied for transfer of the prior allottee's land in favour of WBPDCCL on 11.08.2015. The same is yet to mutated by the State Govt. Thus, the delay is beyond control of the allottee.</p>
<p>x. Not obtaining Power Line from State Electricity Board(Due Date-01.07.2015):-</p>	<p>Prior Allottee had not taken any Power Connection for their Pachhwara (North) Coal Mine, therefore, transfer of Power Connection does not arise. WBPDCCL will apply for Power Connection afresh only after obtaining Mining Lease for the same. Presently approved Revised Mining Plan along with Mine Closure Plan for non-forest area has been submitted for grant of Mining Lease as instructed by Govt. of Jharkhand.</p>	<p>The allottee did not apply for power line connection as yet, hence he can obtain the same in 3 months time. Thus the allottee is solely responsible for this delay.</p> <p>However, a timeline of 3 months may not be applicable in this case because this is not a case of transfer of statutory clearance.</p>



xi.Date of reporting of Deviation/ Approval of Revised Mining Plan including Mine Closure Plan(Due Date- 01.08.2015)/ Ratification of Deviation/ Approval of Revised Mining Plan including Mine Closure Plan(Due Date- 01.02.2016):-	<ol style="list-style-type: none"> <li>1. Director (Mines), Govt. of Jharkhand directed for submission of separate Mining Plan for the non-forest area on 09.03.2016 for grant of Mining Lease for non-forest area since Stage-II FC was pending.</li> <li>2. Revised Mining plan within non-forest area of 846.93 Ha with peak production capacity 6 MTPA was prepared and submitted to Ministry of Coal, Govt. of India on 20.03.2017. Ministry of Coal, Govt. of India intimated that there is no reason to revise the Mining Plan approved earlier and issued directive to approach Govt. of Jharkhand for facilitating the mining lease.</li> <li>3. Govt. of Jharkhand declined to issue mining lease for non-forest area without approval of the Revised Mining plan within non-forest area by MoC, Gol.</li> <li>4. Hence again a separate Mining Plan for non-forest area of 846.93 Ha with peak production capacity 15 MTPA has been submitted &amp; which has been approved by MoC on 21.12.17.</li> </ol>	<p>The allottee had to go for revised mining plan for non forest area as a consequence of delay in FC II clearance, but in ordinate delay has been observed on the part of allottee in submission of revised mining plan after State Authority asked for the same on 9.9.2016. Because, revised mining plan was submitted to MoC initially for 6MTY on 20.3.2017 which was not agreed by MoC and subsequently revised for 15MTY &amp; presented in MoC on 30.08.2017.</p> <p>Thus there is clear delay in submission of revised mining plan by the allottee.</p>
x. Delay in approval of Mine Closure Plan(Due Date- 01.10.2015):-	Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India. Thereafter Mine Closure Plan including both forest and non-forest area was prepared and submitted to MOC on 13.07.16 and approval obtained on 09.11.2016.	Subsequent to receipt of Annexure-1(Land Details) in Dec 2015, the Allottee took time of around six months for preparation of Mine Closure Plan (submitted to MoC on 13.07.2016). The delay is attributable to the Allottee.
xi. Escrow Account not opened(Due Date- 01.10.2015):-	1. As advised by Director (Mines), Govt. of Jharkhand, for Grant of Mining Lease for non-forest area, the separate Mining Plan for non-forest area of 846.93 Ha including Mine Closure Plan with peak production capacity 15 MTPA, has been prepared and submitted to MoC for approval. Presentation before the	Even after approval of Mine Closure plan or revised mining plan for non forest area, the allottee did not open escrow account. Hence allottee is responsible for the same.

	<p>Standing Committee was done on 30.08.2017 for approval from MoC.</p> <p>2. After approval of the Mining Plan for non-forest area of 846.93 Ha including Mine Closure Plan, Escrow Account will be opened.(Mine Plan including MCP for non forest area has been approved on 21.12.2017).</p>	
<p>xii. Not achieving schedule of Production/ Reaching Peak Rated Capacity (For year 2015-16 &amp; year 2016-17):-</p>	<p>Grant the Mining Lease is pending till date.</p>	<p>Grant the Mining Lease is still pending. Hence schedule of production could not be achieved.</p>

**Recommendation:**

It is observed that there has been delay in obtaining approval of Mining Plan even for non forest area, delay in reporting of deviation from the approved mine plan including mine closure plan and approval of mine closure plan. The allottee even did not apply for power line connection. Also, there are delays in processing of application for transfer of various statutory clearances by authorities concerned primarily the State Government of Jharkhand especially compensatory land for FC II. As such, in the first instance as an interim measure, Nominated Authority may proceed with appropriation of Performance Security for the aforesaid delays as per the weightage assigned against it after issuing a Show Cause Notice to the allottee. Further action is recommended as per CMDPA.

**6. Tara (East) & Tara (West)**

**Allottee- M/s West Bengal Power Development Corp. Ltd.**

**Allotment Date- 01<sup>st</sup> April, 2015.**

**The reply submitted by Allottee in respect of Show Cause Notices issued for non compliance of the timelines of various Milestones is as under.**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
i. Delay in application for Ground Water clearance i.e. on 24.07.2015(Due Date- 01.05.2015):	Annexure 3 of the Allotment order did not have any information about the Ground Water clearance of the prior Allottee(M/s WBPDCCL & M/s West Bengal State Electricity Board). Also, Annexure 1 having land details was received on 02.12.2015. For submission of application for Ground Water clearance, land details of the mine area was required. Application for said clearance was made on 24.07.2015 and Ground Water clearance has been issued on 30.06.2016.	The delay of three months was caused since the Allotment order did not have any information about the Ground Water clearance of the prior Allottee. Also, Annexure 1 having land details was received on 02.12.2015. But the application should have been made in time. Allottee is responsible for the delay.
ii. Application for Land Mutation not done(Due Date- 01.05.2015):-	<ol style="list-style-type: none"> <li>1. Annexure I having land details was received on 02.12.2015.</li> <li>2. Prior Allottee had done excess coal production of 7.41 MT. Before de-allocation Prior allottee had placed second revised Mining Plan to MoC for approval and presentation before the standing committee held on 09.05.14.</li> <li>3. After receiving Annexure I of the allotment order on 02.12.2015 from MoC, WBPDCCL sought approval from MoC vide its letter dated 30.03.2016 for the regularization of the deviation along with a request for allowing to prepare of 2nd revised mining plan.</li> <li>4. WBPDCCL prepared revised Mining plan including Mine Closure Plan of 2 MTPA and submitted for approval on 20.03.17. However MoC informed that there is no reason to revise the Mining Plan approved earlier vide letter dated 17.04.2017.</li> </ol>	<p>Annexure I having land details was received on 02.12.2015.</p> <p>Further, Mine Plan had to be revised since Prior Allottee had extracted excess coal, as reported by SB. The Allottee informed in the meeting that the Revised Mine Plan was submitted to MoC for approval on 29.01.2018. Until the Mine Plan is approved by Ministry of Coal, land procurement for coal bearing areas followed by mutation cannot be done.</p> <p>There has been excessive delay by the allottee in submission of revised mining plan to MoC for approval. The reason of delay in submission of revised mining plan to MoC, time taken by allottee in replying to the</p>

	<p>5. Allottee requested for reconsideration of the proposal for Revision of the Mining Plan and Mine Closure Plan vide its letter dated 26.05.17. After due deliberation with MOC, WBPDC is in process of preparation and resubmission of 2nd revised mining plan including mine closure plan.</p> <p>6. Until the Mine Plan is approved by Ministry of Coal, land procurement for coal bearing areas followed by mutation cannot be done.</p>	<p>queries of Standing Committee of MoC and circumstances leading to requirement of 2<sup>nd</sup> revised mining plan could not be considered by this committee because of lack of relevant informations, hence, view can be taken only after obtaining clarification from the concerned official of Standing Committee of MoC constituted for approval of Mining Plan regarding delay on this count.</p>
<p>iii. Not submitting application for getting Power Line (Due Date- 01.05.2015):</p>	<p>The Power Connection was not disconnected by WBSEDCL and the electricity bill is being paid regularly since allotment of the coal block. New agreement executed with WBSEDCL for supply of power on 09.06.2016.</p>	<p>Since the earlier power connection is being continued, there is no need for separate connection and hence application for new Power Line is not required to be submitted. Hence, the Allottee may be given relaxation.</p>
<p><b>2. Transfer of Statutory Clearances</b></p>		<p>Weightage assigned for appropriation is 8%</p>
<p>i. Delay in Grant/Execution of Mining Lease on 04.08.2015 (Due Date- 01.07.2015):-</p>	<p>Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India. However, application for transfer of earlier Mining Lease was submitted on 14.04.2015 (within timelines i.e. 01.05.2015) and the same was transferred by Govt. of West Bengal on 04.08.2015.</p>	<p>Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India. However, application for transfer of earlier Mining Lease was submitted on 14.04.2015 (within timelines i.e. 01.05.2015) and the same was transferred by Govt. of West Bengal on 04.08.2015 with delay of 1 month 3 days. If 2.12.2015 is considered as zero date in all such cases uniformly by competent authority then allottee can be given relaxation.</p>
<p>ii. Delay in transfer of Environment Clearance on 06.07.2015 (Due Date- 01.07.2015)</p>	<p>Application for transfer of Environment Clearance was done to the MOEF&amp;CC on 21.04.2015 within the stipulated period as per allotment agreement. However, MOEF&amp;CC transferred the Environment Clearance vide their letter dated 06.07.2015.</p>	<p>Application for transfer of Environment Clearance was done to the MOEF&amp;CC on 21.04.2015 within the stipulated period as per allotment agreement. However, MOEF&amp;CC transferred the Environment Clearance vide their letter dated 06.07.2015 with a delay of 5 days</p>

<p>iii. Not obtained Mine Opening permission/ Permission from DGMS(Due Date- 01.07.2015):-</p>	<p>1.Mine Opening Permission can only be obtained after approval of revised Mining plan including Mine Closure plan, obtaining of all the required clearances including DGMS permission and Opening of Escrow Account.</p> <p>2. As the Calendar plan along with the area earmarked for mining in the earlier approved mining plan of 4MPTA has been exhausted by the prior allottee, with an excess coal production of 7.41 MT, revised mining plan is required to be approved for further preparation of mine working plan to obtain DGMS permission. Also, earlier approved Mine Plan does not have the closure cost and details of closure activities.</p> <p>3. Environment Clearance transferred in favour of WBPDCCL needs to be revised in view of change in peak production capacity and area earmarked for mining. For this, preparation of a revised mining plan is essential and is under process.</p>	<p>Mine Opening Permission can only be obtained after approval of revised Mining plan which has been submitted very late by allottee as explained earlier. Thus this consequential action is also delayed.</p>
<p>iv. Delay in transfer of Ground Water clearance on 30.06.2016(Due Date- 01.07.2015):-</p>	<p>1. Annexure-3 allotment order did not have any information about the Ground Water Clearance of the prior allottee. Hence application for transfer could not be made.</p> <p>2. For submission of application for Ground Water Clearance, land details of mine area was required. However, Annexure I of the Allotment order regarding land including description of mine was received on 02.12.2015 from Ministry of Coal, Govt. of India.</p> <p>3. Application for Ground Water Clearance was made to DM, Burdwan on 24.07.2015 and the clearance was issued on 30.06.2016</p>	<p>The Allotment order did not have any information about the Ground Water clearance of the prior Allottee. Also, Annexure 1 having land details was received on 02.12.2015. Application for Ground Water Clearance was made to DM, Burdwan on 24.07.2015 and the clearance was issued on 30.06.2016 with delay of more than 1 year.</p>
<p>v. Not obtaining Explosive License(Due Date- 01.07.2015):-</p>	<p>1. Application for transfer of Explosive License was done timely on 21.04.2015. But instead of seamless transfer PESO had advised to process the application as it has been a fresh case for issuance of license.</p> <p>2. In order to apply fresh, WBPDCCL had to submit all necessary</p>	<p>Application for transfer of Explosive License was done timely on 21.04.2015. But instead of seamless transfer PESO had advised to process the application as it has been a fresh case for issuance of license. In order to apply fresh, WBPDCCL had to submit all necessary</p>

	<p>applications along with the drawings of the permanent magazine(prior allottee did not provide the same) which was submitted on 28.07.2016 to the Controller of Explosive, Kolkata.</p> <p>3. Controller of explosive replied on 23.08.16 that the drawing (replica drawing of prior allottee) was not as per Explosive rule 2008.Revised application (in hard copy) was submitted to PESO but application in hard copy was not entertained by PESO and as such online application for grant of explosive license has been made to Controller of Explosive, Kolkata, on 22.05.2017.PESO has again intimated for modification of drawing on 22.09.2017. The required modification in under process.</p>	<p>applications along with the drawings of the permanent magazine(prior allottee did not provide the same) which was submitted on 28.07.2016.</p> <p>Timelines of Milestones stipulated in Efficiency Parameters provides for<b>transfer</b> of Statutory Clearances within three months from Allotment Date. Hence in the present case, the timeline of three months is not applicable since the said clearance had to be obtained afresh.</p> <p>Inspite of the above, delay has been observed on the part of allottee for submission of application.</p>
vi. Delay in obtaining Consent to Operate on 18.11.2015(Due Date- 01.07.2015):-	<p>1. Application for transfer of Consent to Operate was done on 21.04.2015 within the stipulated period as per allotment agreement.</p> <p>2. Consent to Establish was obtained from WBPCB vide letter no. 501-3N/2000(vol.5) dated 15.06.2015.</p> <p>3. Thereafter Consent to Operate was transferred in favour of WBPDCCL on 06.07.2015 of WBPCB with validity till 31.10.2015.Subsequently it was renewed through online application and received the certificate vide consent letter dated 18.11.2015.</p>	<p>Application for transfer of Consent to Operate was done within the stipulated period and the same was transferred in favour of WBPDCCL on 06.07.2015 with a delay of five days.</p>
vii. Not completing Land Mutation(Due Date- 01.07.2015)	<p>1. Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015 from MoC.</p> <p>2. The area earmarked for mining in the earlier approved mining plan of 4MTPA has been exhausted by the prior allottee, with an excess coal production of 7.41 MT.</p> <p>3. WBPDCCL has identified fresh land to be purchased after receiving the Annexure I for starting mining operation.</p> <p>4. Land procurement is a time taking process. The matter has been taken up with the district administration and negotiation</p>	<p>Annexure I of the allotment order regarding land including description of mine was received on 02.12.2015. WBPDCCL has identified fresh land to be purchased after receiving the Annexure I for starting mining operation. As, land acquisition has to be done afresh, a new timeline need to be given to the allotteeallottee and delay cannot be ascertained in absence of such revised timeline.</p>

	with the land owners under the guidance of district administration is in progress for procurement and transfer of land in the name of WBPDCCL.	
viii. Delay in getting Power line from State Electricity Board on 09.06.2016(Due Date-01.07.2015):-	The power connection was not disconnected by WBSEDCL and WBPDCCL is paying the electricity bill regularly since allotment of the coal block by Ministry of Coal. Hence question of reconnection does not arise. New agreement executed with WBSEDCL for supply of power on 09.06.2016.	Since the earlier power connection is being continued, there is no need for separate power line connection and hence application for new Power Line is not required to be submitted. Hence relaxation may be given to the allottee on this count.
ix. Not reporting Deviation from Approved Mining Plan(Due Date-01.08.2015) ; Ratification of Deviations/Approval of Revised Mine Plan including MCP not done(Due Date-01.02.2016) and Not getting approval of Mine Closure Plan(Due Date-01.10.2015):-	<ol style="list-style-type: none"> <li>1. Prior Allottee had done excess coal production of 7.41 MT. Before de-allocation Prior allottee had placed second revised Mining Plan to MoC for approval and presentation before the standing committee held on 09.05.14.</li> <li>2. After receiving Annexure I of the allotment order on 02.12.2015 from MoC, WBPDCCL sought approval from MoC vide its letter dated 30.03.2016 for the regularization of the deviation along with a request for allowing to prepare of 2nd revised mining plan.</li> <li>3. WBPDCCL prepared revised Mining plan including Mine Closure Plan of 2 MTPA and submitted for approval on 20.03.17. However MoC informed that there is no reason to revise the Mining Plan approved earlier vide letter dated 17.04.2017.</li> <li>4. Allottee requested for reconsideration of the proposal for Revision of the Mining Plan and Mine Closure Plan vide its letter dated 26.05.17. After due deliberation with MOC, WBPDCCL is in process of preparation and resubmission of 2nd revised mining plan including mine closure plan.</li> </ol>	After receiving Annexure I of the allotment order on 02.12.2015 from MoC, WBPDCCL sought approval from MoC vide its letter dated 30.03.2016 for the regularization of the deviation. The delay was of about four months and was caused at the end of the Allottee. Hence, no relaxation may be given and action as per CMDPA may be taken on this count.

<p>x. Not opened Escrow Account(Due Date-01.10.2015):-</p>	<p>1. Escrow Account can be opened only after approval of Mine Closure Plan. 2. Also, earlier approved Mine Plan does not have the closure cost and details of closure activities.</p>	<p>Escrow Account can be opened only after approval of Mine Closure Plan, which is pending. The delay in submission of revised mine plan on the part of allottee is clearly visible as such this activity being consequential in nature, is also delayed.</p>
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Recommendation:

1. It is observed that there is delay on the part of allottee in submission of revised mining plan, mine closure plan, application for explosive license etc.
2. Also, there are delays in processing of application for transfer of various statutory clearances by authorities concerned primarily the State Government of West Bengal. As the representative from the State Government of West Bengal was not present in the meeting, it cannot be ascertained whether the aforesaid delays are administrative/procedural or abnormal. State Government may be requested to confirm whether delays as stated by the Allottee are in-ordinate without any fault of SB or not.
3. On receipt of the reply, Nominated Authority may take appropriate decision including the appropriation of Performance Security for the aforesaid delays, as per the provisions of CMDPA, after issuing a Show Cause Notice to the Allottee. However, if no reply is received from State Authority in a given timeline appropriate action including appropriation of Performance Security, as deemed fit, may be taken by Nominated Authority.



## 7. Parbatpur Central - Allottee- M/s SAIL

Allotment Date- 23<sup>rd</sup> March, 2016.

The reply submitted by Allottee in respect of Show Cause Notices issued for non-compliance of the timelines of various Milestones is as under.

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
1. Transfer of all the Statutory permissions.	1. The said coal block was allocated to SAIL for an area of 880 Hectares and SAIL was entitled to have a mining lease over the entire block of 880 Hectares . In terms of the allocation the approved mining plan was also transferred to SAIL and SAIL was entitled to develop the mine in terms of the same. The prior allottee had already started development of the mine and had made developments in both parts of the lease i.e., eastern and western.	The Allottee informed that there is an unresolved issue of grant of mining lease on a block on which CBM lease has already been granted. Further, the representative of the allottee present in the meeting informed that mining may not be technically and economically feasible on such a block where drilling with steel casing is continued for CBM. As such, suitable decision regarding surrender of the coal block may be communicated to Ministry of Coal by Feb 2018, subsequent to approval of the Company Board.
2. Ratification of Deviations/Approval of Revised Mining Plan including Mine Closure Plan.	2. However, pursuant to the allocation order when SAIL took steps for execution of the mining lease complications arose on account of Petroleum Mining Lease having been granted to the consortium of CIL and M/s. ONGC Ltd on 30.07.2015 over total area of 6760 Hectares out of which 797 Hectares directly overlapped with allocated mining block 880 Hectares. CIL-ONGC started developing the mine for the purpose of extraction of CBM and has already inserted steel castings for the purpose of extraction of CBM in parts of the lease area.	The matter related to the dispute on mining lease is beyond the control of SB.
3. Opening of Escrow Account	3. Therefore, when SAIL requesting the State of Jharkhand to execute the lease deed for mining coal, due to the aforesaid fact situation of having given lease to CIL-ONGC, the State vide letter dated 4.1.2017 raised a query to the Ministry of Coal as to whether mining lease for coal can be granted over the very same area over which Petroleum Mining Lease already stands executed in favour of consortium of ONGC-CIL. The said letter dated 04.01.2017 issued by the Secretary Department of Mines and Geology Jharkhand has not yet been answered.	However, no relaxation on the issue of viability, as claimed by
4. Schedule of Production/Reaching Peak Rated Capacity		

	<p>4. MoC has issued Prior Approval for ML on 12.01.2018. However, the queries raised by the Jharkhand State Govt. vide letter dt. 04.01.2017 have not been addressed. The issuance of the prior approval at this late stage, without which the lease could not be executed, is purely attributable to the Ministry of Coal and therefore, in any event there can be no allegations of SAIL having not met the efficiency parameters. Moreover, the conditions that are now being sought to be imposed while granting the prior approval amount to unilaterally changing the terms of the grant of lease. Firstly the grant of the lease has been made subject to a co-development agreement being executed between ONGC and SAIL. However, there can be no co-development of the mine. Therefore, in effect there can be no grant of lease at all to SAIL, in the absence of which the grant of block is rendered futile and unenforceable and SAIL is entitled to receive back to the amounts it has paid to the Government towards the said coal mine.</p> <p>5. Director General of Mines Safety in the minutes of meeting dated 18.1.2017 has already expressed his view that the said mine cannot be simultaneously operated for the extraction of CBM and coal. Even otherwise due to various factors there cannot be any co-development of the mine and any such endeavor, would be at a massive risk to the life of miners/workers and as such would be impermissible in law.</p> <p>6. Further as no mining operations could have been taken by SAIL in the absence of a mining lease and therefore, no delay can be attributed to SAIL with regard to the alleged non-compliance of efficiency parameters. More importantly the contract stands frustrated and is impossible to perform due to the grant of a Petroleum Mining Lease over 90% of the coal block area.</p>	<p>the allottee, can be given and the action in line with the provisions of CMDPA may be taken. However, if technical feasibility is considered for mining on a block already allotted for CBM, as also opined by DGMS authorities, coal mining is ruled out.</p>
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**Recommendation:**

1. The committee observed that there is an unresolved mining lease issue which is beyond the control of SB.

2. The allottee has informed that mining is not economically viable and a suitable decision regarding surrender of the coal mine may be communicated by SAIL to Ministry of Coal by Feb 2018 after approval by their Board Of Directors, as informed by SAIL representative in the meeting,
3. No relaxation can be given on the issue of viability and the action in line with the provisions of CMDPA may be taken on this count. However, if technical feasibility is considered for mining on a block already allotted for CBM, as also opined by DGMS authorities, coal mining is ruled out.

**8. Pachhvara Central Allottee- M/s Punjab State Power Corporation Limited**

**Allotment Date- 01<sup>st</sup> April, 2015.**

**The reply submitted by Allottee in respect of Show Cause Notices issued for non compliance of the timelines of various Milestones is as under.**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
(i Delay in submission of application for Land Mutation i.e. on 02.07.2015(Due Date- 01.05.2015):-	<p>1. Application for Land Mutation application could not be submitted in time since no land detail was available at that time with M/s PSPCL because the Annexure-I of the Allotment order containing land details was not provided along-with allotment order.</p> <p>2. Subsequently, matter was taken up with the prior allottee(M/s Panem Coal Mines Ltd.) and State Govt .to provide the land details. On receipt of the land details, application for Land Mutation was made on 02.07.2015</p>	The delay of two months was caused since Annexure-1 containing Land Details were not available with the Allottee. Application was submitted after arranging for land details from the prior allottee. The delay is beyond the control of the SB.
<b>2.Transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 8%
i. Grant /Execution of ML not done(Due Date- 01.07.2015):-	<p>1. Application for grant of mining lease was originally submitted to District Mining Officer, Pakur on 13.04.2015, i.e. within the timelines. PSPCL cleared all the queries raised by District Mining Officer, and again submitted application with clarifications &amp; revised map and land schedule for 1271.87 Ha of land on 27.06.2015.</p> <p>2. Director Mines vide its letter dated 26.06.2015 sought some clarifications regarding pending issues of Panem from Nominated Authority. Nominated Authority vide letter dated 06.07.2015 informed that since the total mining lease area is more than 10 Sq.KM, so they will process for grant of previous approval of Central Government under Sec.6(1)(b) on receipt of proposal from the state Government as it was not obtained earlier by the Prior Allottee. As such, application for grant</p>	<p>Application for grant of mining lease was submitted within the timelines.</p> <p>The grant of Mining Lease is pending since Previous Approval of the Central Government for grant of ML had to be obtained afresh since the earlier one (vested) was not acceptable. The previous approval is pending till date.</p> <p>The state representative informed that as prior approval under section 6(i)(b) was given by MoC, GoI which was asked in the case. Subsequently, MoC asked for the draft</p>

	<p>of mining lease u/s 6(1)(b) was again submitted on 10.07.2015 with DMO Pakur with revised map &amp; Land schedule for 1271.87 Ha of land.</p> <p>3. Application for grant of previous approval of Central Government for grant of Mining Lease was sent to MoC on 18.08.2015. But the same was sent back to Director(Mines) vide MoC's letter dated 13.11.2015 with the request to enclose draft lease deed duly filled with the proposal.</p> <p>4. GoJ vide letter dated 28.12.2015 asked PSPCL to submit draft Mining Lease form (Form K) along-with the Revised Mining Schedule and mining Map which were submitted by PSPCL on 27.02.2016. DMO Pakur again raised some objections and asked PSPCL to submit the details of Land Schedule, which were submitted at the time of getting Environment Clearance. The same was submitted to DMO Pakur vide letter dated 26.04.2016.</p> <p>5. A meeting in this regard was held on 05/06.05.2016 with GoJ wherein PSPCL was asked to submit another land plan showing area of the land for which Environment Clearance has been obtained and area of land which is reserved for Underground Mining purposes separately. PSPCL submitted 6 sets of revised land schedule &amp; revised land map for Pachhwara Central Coal Mine with the office of District Mining Office, Pakur vide letter dated 27.05.2016.</p> <p>6. District Mining Officer/Pakur vide letter dated 10.06.2016 again asked PSPCL to submit the revised boundary Area/Plan of Pachhwara Central coal mine certified from CMPDI. During the meeting with DC Pakur held on 25.07.2016 at Pakur, it was mutually agreed to submit the CMPDI certified map at a later stage. The Revised Draft Lease deed form (Form K) was submitted by PSPCL to DMO Pakur on 25.08.2016 for the revised land of 1151.7 Ha.</p> <p>7. Again, as directed by GoJ in meeting held on 13.09.2016, PSPCL was asked to submit CMPDI certified Boundary Map of 1151.7 Ha of land. CMPDI issued certified boundary map on 03.10.2016, copy of the same</p>	<p>mining lease which has been sent to the office of Nominated Authority but reply is still awaited.</p> <p>The delay appears to be abnormal at the end of State Authority due to repeated requirement of land details/plan as informed by the allottee. As such, the delay does not appear to be attributable to the Allottee.</p>
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	<p>along-with revised Lease deed form and Land schedule were submitted to DMO Pakur on 05.10.2016 for processing the application of grant of mining lease in the name of PSPCL.</p> <p>8. Further as discussed during the meeting dated 03.01.2017 held with Commissioner Mines, Dept. of Industries, Mines &amp; Geology, revised lease deed form (Form-K) and land schedule were submitted to DMO Pakur on dated 10.01.2017.</p> <p>9. The draft mining lease for prior approval of MoC, Golwas sent to MoC vide letter dated 31.03.2017 (Received at MoC on 03.05.2017). On 10.08.2017, MoC sent the file back to Commissioner Mines, Govt. of Jharkhand with the request to resubmit the proposal after getting the issues addressed viz. composite Mine Plan. Director Mines, GOJ, Ranchi vide letter dated 05.10.2017 has asked PSPCL for rectification of the said observations , which were submitted on 27.10.2017.</p> <p>10. The approved Mining Plan vested in the name of PSPCL was only for opencast area of the mine which has been adopted by PSPCL.. Ministry of Coal vide letter dated 12.09.2017 has approved the Mine Closure Plan of Pachhwara Central Coal Mine with the condition that PSPCL shall submit the Composite Mining Plan for entire reserve of the block including opencast and underground area by March 2018.</p>	
<p>ii. Delay in transfer of Environment Clearance i.e. on 06.07.2015(Due Date- 01.07.2015):-</p>	<p>Application for EC was submitted timely on 17.04.2015. EC was granted by MoEF&amp; CC on 06.07.2015.</p>	<p>Application for EC was submitted timely on 17.04.2015. EC was granted by MoEF&amp; CC on 06.07.2015.with a delay of 5 days.</p>
<p>iii. Transfer of Mine Opening Permission not done(Due Date- 01.07.2015):-</p>	<p>PSPCL applied for Mine opening Permission on 17.04.2015 to CCO Kolkata. Application of PSPCL has not been processed by CCO due to want of Mining Lease in the name of PSPCL.</p>	<p>PSPCL applied for Mine opening Permission to CCO timely. However, it has not been processed by CCO for want of Mining Lease.[The matter is discussed above in point no. 2.ii in detail]. Thus the delay is not within the control of the Allottee.</p>

iv. Transfer of DGMS Permission not done(Due Date- 01.07.2015):-	PSPCL applied for Mine opening Permission timely on 17.04.2015 to DGMS, Sitarampur. However the same is pending due to Non issuance of Mining Lease in the name of PSPCL.	Allottee applied for Mine opening Permission to DGMS within timelines. As, Mine Opening Permission has not been processed by DGMS for want of Mining Lease, thus the delay is not within the control of the Allottee.
v. Delay in transfer of Ground Water Clearance i.e. on 23.05.2017 (Due Date- 01.07.2015):-	PSPCL applied for Ground water clearance timely on 17.04.2015. Ground water clearance has been awarded in the name of PSPCL vide Director, Ground Water Directorate letter dated 23.05.2017.	PSPCL applied for Ground water clearance timely and the clearance has been awarded in the name of PSPCL vide Director, Ground Water Directorate letter dated 23.05.2017. The delay in getting the approval was mainly due to non-posting of any Director in the Directorate after transfer of the previous one for a period of nearly one year. Thus the delay is not within the control of the Allottee.
vi. Transfer of Explosive License not done(Due Date- 01.07.2015):-	PSPCL applied for transfer of Licence in its name timely on 28.04.2015. Application of PSPCL is pending with Chief Controller of Explosives, Nagpur as NOC from DC Pakur is a pre-requisite. As per DC Pakur, Mining Lease is per-requisite for issuance of NOC for the use of explosive.	PSPCL applied for transfer of License timely. Application of PSPCL is pending with Chief Controller of Explosives, Nagpur as NOC from DC Pakur is a pre-requisite. As per DC Pakur, Mining Lease is per-requisite for issuance of NOC for the use of explosive. Thus the delay occurred mainly because of consequential activities, is not within the control of the Allottee.
vii. Transfer of Consent to Establish not done(Due Date- 01.07.2015):-	PSPCL applied vide Letter dated 09.06.2015 for grant of Consent to Establish, however the same is not required as mine is already in working condition.	As per the Allottee, the said clearance is not required as mine is already in working condition. Hence, the Show Cause against the said delay should be withdrawn.
viii. Transfer of Consent to Operate not done(Due Date- 01.07.2015):-	PSPCL applied timely on 17.04.2015 to the Member-Secretary, Jharkhand State Pollution Control Board for granting approval for	PSPCL applied timely for granting approval for "Consent to Operate." However, this is

	<p>“Consent to Operate.” However, this is also pending for want of Mining Lease.</p>	<p>also pending for want of Mining Lease. Thus the delay is not within the control of the Allottee.</p>
<p>ix. Land Mutation not done(Due Date- 01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. Application for transfer and vesting of clearance regarding “Land Mutation” was submitted by PSPCL to Deputy Commissioner, Pakur on 02.07.2015 since the Land details were not available. (Annexure -I was given late by MoC.)</li> <li>2. A demand of Rs.43.80 Cr was first raised by DC Pakur vide letter dated 12.08.2015 for transfer of Govt. Land. In view of the clarification given by the Ministry of Coal, GOI vide its letter dated 13.10.2015 that new allottee of Pachhwara Central coal mine need not to pay any amount for Land Mutation, PSPCL vide letter dated 15.10.2015 requested DC, Pakur to review the demand and take necessary steps for transfer of Land in the name of PSPCL. Govt. of Jharkhand also issued Gazette Notification No.834 Ranchi dated 26.11.2015 in this regard, however Registration fee to be paid by PSPCL, if any, for Land Mutation.</li> <li>3. In view of this notification, registration fees yet to be intimated by DC, Pakur. Recently, DC Pakur vide his office letter dated 13.09.2017 asked PSPCL to deposit Rs. 95,27,49,186 (80% of total amount of Rs. 1,19,09,36,483) through the Challan for transfer of Govt. land in respect of Pachhwara Central Coal Mine. In response to that PSPCL has submitted its reply vide letter dated 15.09.2017 with a request to review the demand in light of MoC's letter dated 13.10.2015 and thereafter Gazette Notification dated 26.11.2015 issued by the Dept. of Revenue, Registration &amp; Land Reform, Govt. of Jharkhand. Reply of DC Pakur is still awaited</li> </ol>	<p>Annexure-1 containing Land Details could be provided late to the Allottee by MoC. Further delays are on account on lack of clarity on amount to be paid for land which is post allotment which is still unresolved. The delay is beyond the control of the SB.</p>
<p>x. Transfer of Power Line not done(Due Date- 01.07.2015):-</p>	<p>This clearance is not mandatory for start of mining operations as backup power is available through DG Sets. It is further submitted that while approving the Mine Closure Plan by MOC on 12.09.2017, a condition has been imposed to develop an action plan by 31st march 2019 for net zero</p>	<p>The Allottee has submitted that the said clearance is not mandatory for start of mining operations as backup power is available. As such, the Show Cause Notice</p>



	energy consumption through solar energy as a part of mine closure activities. This provision has been made in the scope of MDO.	against the said Milestone may be withdrawn.
xi. Approval of Mine Closure Plan (Due Date-01.10.2015):-	Mine Closure Plan was submitted online on 20.12.2016 on the website of MOC. The hard copy of MCP was submitted on 27.12.2016. Mine Closure Plan of Pachhwara Central Coal Mine has been approved by Ministry of Coal on 12.09.2017.	The delay seems to be caused since the submission of Mine Closure Plan was delayed by the Allottee. As such, no relaxation is recommended on this count.
xii. Opening of Escrow Account not done(Due Date- 01.10.2015):-	PSPCL is in the process of opening of Escrow Account with CCO Kolkata.	The delay has been caused since the Mine closure Plan has been approved on 12.09.2017. As Mine Closure Plan being part of mining plan has been submitted late by the Allottee, no relaxation is recommended on this count.
xiii. Schedule of Production/ Reaching Rated Capacity not achieved for year 2015-16 and year 2016-17.	The target schedule of production has not been achieved during 2015-2016 and 2016-2017 as mining operations at Pachhwara Central coal mine could not be started after its allotment in March 2015, due to delay in selection of MDO on account of litigations pending in the Punjab & Haryana High Court and due to pendency of various approvals/clearance in the name of PSPCL.	The delay has been caused because the grant of ML is still pending and as already explained above, the delay in grant of ML is beyond the control of the SB.

**Recommendation:**

1. It is observed that there is delay in preparation and approval of mine closure plan and opening of Escrow Account on the part of Allottee. No relaxation can be given and the action in line with the provisions of CMDPA may be taken.
2. Also, there are delays in processing of application for transfer of various statutory clearances including mining lease by authorities concerned primarily the State Government of Jharkhand. These delays are beyond the control of the allottee.
3. Nominated Authority may initiate action as per CMDPA including appropriation of Performance Security for the aforesaid delays as per the weightage assigned against it after issuing a Show Cause Notice to the Allottee.



**9. Parsa East &KantaBasan Allottee- M/s Rajasthan RajyaVidyutUtpadan Nigam Ltd.**

**Allotment Date- 01<sup>st</sup> April, 2015.**

**The Allottee has been issued Show Cause Notice for deviation from scheduled production of coal.**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
(i) Transportation Issues:	<ol style="list-style-type: none"> <li>1. As per revised Mine Plan, planned production for the year 2015-2016 was 10 MT and not 15 MT(as per SCN by MOC).</li> <li>2. Scheduled production could not be achieved as the said coal mine is located in Greenfield location which is devoid of rail infrastructure required for evacuation of coal.</li> <li>3. The construction of railway siding from the coal mine is expected to be completed by mid 2018. As of Oct 2015, 33 km out of 75 km have been completed.</li> <li>4. The coal from the said coal mine is transported to available nearest railway siding via road and further to RRVUNL via rail.</li> <li>5. Road transportation of coal has met with public resistance and also restrictions of no-entry time imposed by Collector-Surguja and Collector- Surajpur on routes to Kamalpur and Ramanujnagar respectively.</li> <li>6. Additionally Collector Surguja has limited road transportation to 550 trucks.</li> <li>7. As per RRVUNL, after completion of railway connectivity upto mine head, which is expected by mid 2018, the company may be in a position to adhere to the Mining Plan from 7th year (2018-19) onwards i.e. 15 MTPA.</li> </ol>	This issue has already been addressed in the previous meetings.
(ii) NGT Issues:	<ol style="list-style-type: none"> <li>1. The principal bench of NGT of Delhi on 24.03.2014 suspended all mining and other activities from the coal mines.</li> <li>2. Hon'ble Supreme Court on 28.04.2014 granted stay on the NGT order causing further delay due to remobilization of resources and manpower.</li> </ol>	The period of one month i.e. time period from 24.03.2014 (date on which NGT of Delhi suspended all mining and other activities from

	<p>3. Further due to cancellation of 204 coal blocks by the Hon'ble Supreme Court on 24.09.2014, the MDO ramped down the production and fresh investments also stopped. Production of 8.27 MT of coal was achieved in FY 2017 and 10 MT production is expected to be achieved in FY 2018.</p> <p>In the 3<sup>rd</sup> meeting of the Scrutiny Committee, Allottee was asked to submit the documentary evidence in regard to NGT order banning mining operations and subsequent resumption of mining activity. Allottee submitted documentary evidence with respect to the suspension of mining activity by NGT (dated 23.04.2014). However, the Allottee did not submit any documentary evidence in relation to lifting of the said ban. It was decided by the Committee members that the allottee may be advised to submit within 10 days the documentary evidence regarding lifting of the said ban by NGT and a decision would be taken accordingly.</p> <p>The Allottee has now submitted a copy of <u>Supreme Court's order dated 28.04.2014</u> granting stay on the NGT order.</p>	<p>the coal mines) till 28.04.2014 (date on which Hon'ble Supreme Court granted stay on the NGT order) may be considered as delay under force majeure.</p>
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**Recommendation:**

1. The stay order is for the actions in the period prior to re-allotment of coal mines to M/s. RRVUNL and as such may be considered as force majeure.
2. For delay in achieving coal production due to non-availability of transport facility no relaxation is recommended. For the deviation from the scheduled production as per mine plan, the Nominated Authority may proceed with actions as stipulated in CMDPA including appropriation of Performance Security for the aforesaid delays as per the weightage assigned against it after issuing a Show Cause Notice to the Allottee.

**10. KhagraJoydev Allottee- M/s Damodar Valley Corporation**

**Allotment Date- 01<sup>st</sup> April, 2015.**

**The reply submitted by M/s DVC in respect of Show Cause Notices issued for non-compliance of the timelines of various Milestones is as under.**

<b>Deviation from the Efficiency Parameters</b>	<b>Reply of Allottee to Show Cause Notice</b>	<b>Observation of the Committee</b>
<b>1. Application for transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 12%
(i) Non submission of application for Ground Water clearance(Due Date- 01.05.2015):	<p>1. The prior allottee had not obtained the said clearance.</p> <p>2. Application for Ground Water clearance could not be made since the documents pertaining to ownership of the land in which pumps shall be installed for withdrawal of ground water were not available.</p> <p>3. Annexure I containing Land Details were provided by MoC in Jan' 2016. Moreover, the land acquired by the prior allottee was vested with the State Govt. and the transfer of said land in the name of DVC is still pending. Unless, the land is transferred/ given on long term lease by GoWB in favour of DVC, DVC cannot claim ownership to the said land.</p> <p>4. The land acquired by the prior allottee (M/s DVC EMTA Coal Mines Ltd.) is yet to be transferred in the name of M/s DVC. As such, they application for ground water clearance cannot be done.</p>	<p>The prior allottee had not obtained the said clearance on the plea of land details. Moreover, even after obtaining annexure I containing Land Details from MoC in Jan' 2016, the application has not been submitted for ground water clearance. Hence, the allottee is responsible for the delay.</p>
ii. Non submission of application for Explosive License(Due Date- 01.05.2015):	<p>1. The prior allottee had not obtained the said clearance.</p> <p>2. The MDO, which was yet to be appointed, shall decide upon the type of explosives to be used in order to minimize the cost of production, and as such shall obtain the Explosive License. Now, MDO has been appointed in March ' 2017.</p>	<p>Even after obtaining land details in Annexure I in Jan 2016, the allottee did not apply for explosive licence on the plea of appointment of MDO. This cannot be accepted, as the Occupier of the explosive magazine cannot be MDO rather allottee representative has to be appointed as Occupier as per statute.</p>

		Hence allottee is responsible for the delay.
<b>2. Transfer of Statutory Clearances</b>		Weightage assigned for appropriation is 8%
i. Delay in grant/execution of Mining Lease i.e. on 14.10.2015(Due Date- 01.07.2015):-	<ol style="list-style-type: none"> <li>1. Application for transfer of Mining Lease was submitted to Government of west Bengal on 27.4.2015 i.e. within the timelines.</li> <li>2. State Govt. vide letters dated 06.5.2015 &amp; dt.01.6.2015 sought certain documents which were submitted on 7.5.2015 and 19.6.2015 respectively along-with necessary fees &amp; draft of Mining Lease Deed.</li> <li>3. State Govt. vide letter dated 26.6.2015 asked for submission of (i) Geo reference Map with plot-wise granted area dully vetted by the Chief Mining Officer, West Bengal, which was vetted on 10.07.2015 and (ii) latest Plot the proposed lease area duly authenticated by the District Land &amp; Land Reform Officer, Birbhum District, West Bengal, which was vetted on 30.09.2015.</li> <li>4. Mining Deed executed on 14.10.2015.</li> </ol>	Delay of 3 months 13 days.
ii. Delay in transfer of Environment Clearance i.e. on 06.07.2015(Due Date- 01.07.2015):-	<ol style="list-style-type: none"> <li>1. Application for transfer of Environment Clearance(EC) was submitted timely to MoEF&amp; CC on 07.04.2015.</li> <li>2. MoEF&amp; CC vide email dated 17.06.2015 asked for submission of an undertaking which was submitted by email on 18.06.2015.</li> <li>3. EC was transferred in favour of DVC on 06.07.2015 by MoEF&amp; CC.</li> </ol>	Delay of 5 days.
iii. Not obtaining Mine Opening Permission (Due Date- 01.07.2015):-	<ol style="list-style-type: none"> <li>1. Application for transfer of Mine Opening Permission was submitted timely to the Coal Controller Office on 27.04.2015.</li> <li>2. CCO vide letter dated 26.05.2015 sought certain documents which were submitted on 01.06.2015. Vide letter dated 29.06.2015 the Coal Controller directed DVC to submit application for opening permission in the prescribed form along-with documents like Mining Lease, Environment Clearance, land in favour of new allottee. In this respect, it is to mention that only a part of the</li> </ol>	<p>Application for transfer of Mine Opening Permission was submitted timely to the Coal Controller Office.</p> <p>However, only a part of the required land was purchased by the prior allottee. Further, Annexure I containing Land Details were provided by MoC in Jan' 2016. Moreover, the land acquired by the prior allottee</p>

	<p>required land was purchased by the prior allottee. Annexure I containing Land Details were provide by MoC in Jan' 2016. Moreover, the land acquired by the prior allottee was vested with the State Govt. and the transfer of said land in the name of DVC is still pending. After getting possession of total land required for commencement of mining operation application to the Coal Controller shall be made for Mine Opening permission.</p>	<p>wasvested with the State Govt. and the transfer of said land in the name of DVC is still pending. Without possession of land required for commencement of mining operation application to the Coal Controller can not be lodged for Mine Opening permission. Hence, the delay may be not be attributed to the Allottee.</p>
<p>iv. Not obtaining transfer of Ground Water Clearance(Due Date- 01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. The prior allottee had not obtained the said clearance.</li> <li>2. Application for Ground Water clearance could not be made since the documents pertaining to ownership of the land in which pumps shall be installed for withdrawal of ground water were not available.</li> <li>3. Annexure I containing Land Details were provided by MoC in Jan' 2016. Moreover, the land acquired by the prior allottee was vested with the State Govt. and the transfer of said land in the name of DVC is still pending. Unless, the land is transferred/ given on long term lease by GoWB in favourod DVC, DVC cannot claim ownership to the said land.</li> <li>4. The land acquired by the prior allottee (M/s DVC EMTA Coal Mines Ltd.) is yet to be transferred in the name of M/s DVC. As such, they application for ground water clearance cannot be done.</li> </ol>	<p>The allottee has not applied for ground water clearance even after receipt of annexure I with land details. Hence the allottee is responsible for the delay.</p>
<p>v. Not obtaining transfer of Explosive License(Due Date- 01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. The prior allottee had not obtained the said clearance.</li> <li>2. The MDO, which was yet to be appointed, shall decide upon the type of explosives to be used in order to minimise the cost of production, and as such shall obtain the Explosive License. MDO has been appointed in March ' 2017.</li> <li>3. The land required for mining and other infrastructure facility including Explosive magazine shall be purchased through direct negotiation with the land owners as the State Government is yet to</li> </ol>	<p>Even after obtaining land details in Annexure I in Jan 2016, the allottee did not apply for explosive licence on the plea of appointment of MDO. This cannot be accepted, as the Occupier of the explosive magazine can not be MDO rather allottee representative has to be appointed as Occupier as per statute.</p>

	<p>notify rules for acquisition of land under the RTFCTLARR Act, 2013. District Administration vide Notice dated 06.06.2017 formed a committee for settlement of issues related to compensation for land including Rehabilitation &amp; Resettlement package. Social Impact assessment is under progress. Thereafter, the committee will decide upon the R &amp; R package &amp; compensation for land. After the same is agreed upon, registration of land in favour of DVC will take place. Application for license for storage, handling and use of Explosives shall be submitted to the concerned Government Authority on getting land in favour of DVC.</p>	<p>Regarding timeline for obtaining explosive license may not be 3 months because it is not a case of transfer of statutory clearance from the previous allottee. Hence, allottee is responsible for the delay.</p>
<p>vi. Not getting Land Mutation(Due Date-01.07.2015):-</p>	<ol style="list-style-type: none"> <li>1. Annexure-I of the Allotment Order containing Land Details was issued in Jan 2016 and October, 2016 by the Nominated Authority. However, the said land was already vested with the State Government being ceiling surplus land under Section 14Y of the West Bengal Land Reforms Act.</li> <li>2. Meanwhile, DVC had already submitted application to Land &amp; Land Reform Department, Govt. of West Bengal on 29.04.2015 (on time) for Long Term Settlement of the said land.</li> <li>3. The L &amp; LR department, GoWB vide letter dated 26.08.2015 requested the District Magistrate &amp; Collector, Birbhum for initiation of process for Long Term Settlement of the Vested Land in favour of DVC. Proposal submitted by the District Authorities to the State Land &amp; Land Reforms Department, West Bengal for issuance of necessary orders. Issuance of necessary order and demand notice for payment of the transfer fee etc. is awaited from the State Government for Long Term Settlement of the said land in favour of DVC. Regular persuasion is being done with the department.</li> </ol>	<p>Annexure-I of the Allotment Order containing Land Details was issued in Jan 2016. However, DVC had submitted application to Land &amp; Land Reform Department, Govt. of West Bengal on 29.04.2015 (on time) for Long Term Settlement of the said land, which is yet to be done by the State Government. Since no representative of the State Govt. was present in the meeting it is not possible to ascertain the reasons for delay.</p>
<p>vii. Not obtaining transfer of Power Line from State Electricity Board(Due Date- 01.07.2015):</p>	<ol style="list-style-type: none"> <li>1. It is to mention that the prior allottee i.e. M/s DVC EMTA Coal Mines Limited, had not applied to the State Electricity Board for Power Line.</li> </ol>	<p>The allottee has not submitted application for the powerline on the plea that previous allottee had not applied for the same. This is</p>



	<p>2. Application to the State Government utility shall be submitted after registration of land for setting up of sub-station at site</p>	<p>not desirable. Regarding timeline this may not be a case of transfer of statutory clearance but even considering a fresh application there appears to be excessive delay attributable to allottee.</p>
<p>viii. Approval of Mine Closure Plan(Due Date- 01.10.2015):-</p>	<p>1. Application for approval of Mine Closure Plan was submitted by the prior allottee to MoC on 25.09.2012. On the date of de-allocation of the coal block, it was under active consideration of MoC.</p> <p>2. On 27.04.2015, DVC submitted application to MoC to approve the Mine Closure Plan submitted by the prior allottee and transfer the approval in favour of DVC. A reminder was sent on 01.07.2015.</p> <p>3. Director (Technical), MoC, vide email dated 29.09.2015 advised DVC to update the earlier submitted Mine Closure Plan, if required, and also give consent that DVC agree with the said plan and submit it for approval. A copy of Mine Closure Plan along with undertaking by DVC was submitted to Ministry of Coal on 03.11.2015.</p> <p>4. Thereafter, MoC vide letter dated 04.12.2015 advised to submit fresh Mine Closure Plan. Accordingly, fresh Mine Closure Plan prepared by M/s CMPDIL was submitted to MoC on 04.05.2017. Presentation before Expert Committee held on 30.11.2017. Committee has directed to get the OB dump area explored and in case of existence of coal, advised to come up with revised mining plan and mine closure plan so that dumping over coal bearing area could be avoided.</p>	<p>On 27.04.2015(within timelines), DVC submitted application to MoC to approve the Mine Closure Plan submitted by the prior allottee and transfer the approval in favour of DVC. However, MoC directed the Allottee to submit fresh Mine Closure Plan on 04.12.2015 and the same was submitted by Allottee on 4.5.2017.</p> <p>This clearly indicates delay on part of the allottee.</p>

ix. Escrow Account not yet opened(Due Date- 01.10.2015):-	On approval of the Mine Closure Plan by Ministry of Coal. Government of India, Escrow Account will be opened.	Opening of Escrow Account is a consequential activity after approval of the Mine Closure Plan by MoC, GoI. And this activity is delayed as a consequence of delay in approval of Mine Closure Plan which is on part of allottee.
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**Recommendation:**

1. There are delays in making applications for statutory clearances as well in transfer of statutory clearances from the previous allottee i.e. M/s DVC EMTA Coal Mines Ltd.) comprising the present allottee also.
2. There has been delay in processing of application for transfer of various statutory clearances by authorities concerned primarily the State Government of West Bengal. As no representative from the State Government of West Bengal was present in the meeting it could not be ascertained whether the aforesaid delays are administrative/procedural delays or abnormal delays beyond the control of SB/concerned state authority. State Government may be requested to confirm whether delays as stated by the Allottee are in-ordinate without any fault of SB or not.
3. On receipt of the reply, Nominated Authority may take appropriate decision including the appropriation of Performance Security for the aforesaid delays as per the weightage assigned, after issuing a Show Cause Notice to the Allottee. However if no view is obtained from the State Govt. in a given time frame, the Nominated Authority may take action including the appropriation of Performance Security, as deemed fit.

**11. GarePlama IV/5 Allottee- M/s Hindalco Industries Limited**

**Vesting Order- 01.04.2015**

**The reply submitted by M/s Hindalco Industries Limited in respect of Show Cause Notices issued for non compliance of the timelines of milestones is as under:**

<b>Deviation from the Efficiency Parameters</b>	<b>Reply of Allottee to Show Cause Notice</b>	<b>Observation of the Committee</b>
(i) Non submission of application for Mutation of Land (Due Date- 01.05.2015):	The Prior Allottee (M/s. Monnet Ispat& Energy Limited) had not shared any details of the vested land due to which a significant time was spent to obtain details of land from Land and Revenue Department.	The Successful Bidder was well aware of the documents available in respect of the mines as all the available details were uploaded in the Mine Dossier and the Successful Bidders must have gone through the same before bidding for the mine. Hence, delay is attributed to the Bidder, hence, may not be condoned.
(ii) Non submission of application for Power Line from State Electricity Board (Due Date- 01.05.2015):	There was no power supply connection in Gare Palma IV/5 coal mine. The power for operation was supplied through DG Set. In spite of availability of power supply through DG Set, applied for new connection to State Electricity Board on 09.10.2015.	As no power supply has been vested through Vesting Order, hence, question of transfer of the same does not arise. Also, power for operation is being supplied through DG Set. Timelines of Milestones stipulated in Efficiency Parameters provides for application for <b>transfer</b> of Statutory Clearances within one month from Allotment Date. Hence in the present case, the timeline of one month is not applicable

		since the said clearance had to be obtained afresh. Thus the delay is not attributable to the allottee.
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**Recommendation:**It is observed that there is a delay in submission of application for mutation of land. As such, in the first instance, Nominated Authority may proceed with actions as per CMDPA including appropriation of Performance Security for the aforesaid delay as per the weightage assigned against it after issuing a Show Cause Notice to the Allottee.

**12. MarkiMangli I Allottee- M/s TopworthUrja& Metals Limited**

**Vesting Order- 30.09.2015**

In the 3<sup>rd</sup> meeting, the matter regarding deviation from the Scheduled production as per Mine Plan, was placed before the Committee. The representative from the Successful Bidder had not attended the meeting and Committee had recommended that as representatives of the Successful Bidder were not present in the meeting decision regarding the delay in achieving PRC and subsequent appropriation of Performance Security may be based on the reply to Show Cause Notice, as submitted by the Bidder.

Accordingly, reply to Show Cause Notice submitted by the Successful Bidder as well as subsequent letter dated 05.01.2018 submitted by the Bidder was placed before the Committee but because of paucity of time this could not be discussed. It was decided to deliberate in the next meeting.

**13. Ardhagram M/s. OCL Iron & Steel Ltd.**

**Vesting Order- 16.07.2016**

In its 2<sup>nd</sup> meeting, the Scrutiny Committee had recommended initiation of proceedings against SB in terms of Clause 10 read with Clause 6 of the CMDPA. As per Clause 10.3 “ any non- compliance with the Efficiency Parameter would result in appropriation of the Performance Security in the manner stipulated in Clause 6 (Performance Security) and in case where such non-compliance exceeds for more than five instances, such non-compliance may also result in termination of this Agreement as provided in Clause 24 (Effective date, Term and Termination)”. For this purpose a Show Cause Notice was issued to the SB, the reply of which was placed before the Scrutiny Committee for final decision.

In the 4<sup>th</sup> meeting, the Committee noted that no new facts have been brought to light in these replies, hence, NA may initiate action as decided in 2<sup>nd</sup> Scrutiny Committee meeting. However, members expressed that representative of West Bengal Government did not attend any of the meetings of the Scrutiny Committee, as such, it was opined that NA may like to obtain relevant information from the State Government within a stipulated time frame before taking final action against SB.

Accordingly, State Government vide letter dated 18.12.2017 was requested to furnish their comments and relevant information in order to facilitate further decision in the matter. However, no reply was received from the State Government of West Bengal.

The matter was again placed before the Committee in its 5<sup>th</sup> meeting wherein the Committee opined that it may not be possible to arrive at a conclusion until the confirmation is received from the State Government. However, nominate authority may proceed to take penal action including appropriation of Performance Security and/or de-allocation of the coal block as applicable vide CMDPA without further loss of time.

## LIST OF PARTICIPANTS

## A. LIST OF MEMBERS

S. No.	Name	Designation	Organization
1.	Shri Om Prakash	Chairman, Professor, IIT ISM, Dhanbad	IIT, ISM, Dhanbad
2.	Shri N K Singh	Member Convenor & Dy. Secretary to the Government of India	Ministry of Coal
3.	Shri A K Rana	Member & GM, UMD, CMPDIL	CMPDIL
4.	Dr. Sujoy Majumder	Member & OSD (Mining & RM)	Coal Controller Organization
5.	Shri Sanjay Khare	Member & Dy. Director	DM Govt. of Chhattisgarh
6.	Shri Arun Kumar	Member & I/c Coal	DIGM Govt. of Jharkhand
7.	Shri Vineet Austin	Member & Director	DGM MP
8.	Shri BRV Susheel Kumar	Member & Director	Govt. of Telangana

**B. LIST OF ALLOTTEE/BIDDERS**

<b>S. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Organization</b>
1	Shri Amalesh Kumar	Director (Mines)	West Bengal Power Development Corporation Limited
2	Shri Ambar Roy	Advisor (MMC)	West Bengal Power Development Corporation Limited
3	Shri H J Rama Swamy	S E (Mines)	KPCL
4	Shri S N Sharma	Resident Engineer	KPCL
5	Shri A K Sahay	Advisor	KPCL
6	Shri Sanjay Gupta	Additional SE/Fuel	PSPCL Patiala
7	Shri Harminder Singh	Dy. CE	PSPCL Patiala
8	Shri MukeshSaxena	GM	SAIL
9	Shri Anil Kumar Rai	Dy. GM	SAIL
10	Shri Vivek Mishra	Head President	HIL

11	Shri ShouvikMajumder	Vice President	HIL
12	Shri Sudhir Mukherjee	Dy. CE (M) Mining	DVC
13	Shri Jagesh Kumar Mandiye	Dy. CE (Mining)	DVC