

F.No. NA-110/6/2017-NA
Government of India
Ministry of Coal
O/o Nominated Authority

Room No.120, 'F-Wing', Shastri Bhawan,
New Delhi, Dated: 19 July, 2021

OFFICE MEMORANDUM

Subject: - Minutes of 15th meeting of Scrutiny Committee to consider / examine the submissions/replies made by Successful Bidders / Allottees of the coal mines allocated under CM(SP) Act and MMDR Act for deviation from milestones /the scheduled production mentioned in the Mine Plan.

The undersigned is directed to refer to subject mentioned above and to forward herewith minutes of 15th meeting of Scrutiny Committee held on 18th June 2021 through virtual mode in order to examine the replies to the Show Cause Notices (for deviation from various milestones prescribed in Efficiency Parameter) for mines allocated under CM(SP) Act and MMDR Act..

2. This is for your information and further necessary actions to be taken, if any.

Encl: As above.



(Manish Uniyal)

Under Secretary to the Government of India

Tel: 011-23384106

To,

1. The Chief Secretaries of the State Government of Chhattisgarh / West Bengal/ Jharkhand/ Odisha/Maharashtra/ Madhya Pradesh/Telangana
2. Shri Partha S. Bhattacharyya, Ex Chairman, Coal India Limited and Chairman, Scrutiny Committee.
3. Shri N.C.Jha, Ex- Director /acting Chairman, CIL

4. GM (UMD), CMPDIL
5. Shri Sujoy Majumder, OSD (Mining), CCO
6. The participants/ participating Allocattees of coal mines.

.Copy for information to:-

1. US (P&S -I)
2. US (P&S -II)

Minutes of the 15th meeting of the Scrutiny Committee held on 18th June 2021 for Coal Blocks allocated under CMSP Act, 2015 and MMDR Act, 1957.

List of participants present virtually is at Annexure.

The 15th meeting of the Scrutiny Committee was convened on 18.06.2021 to consider/examine the cases involving deviation from scheduled operationalization of coal mine/production of coal in respect of coal blocks allocated under the provisions of the Coal Mines (Special Provisions) Act, 2015 and MMDR Act, 1957.

Chairman welcomed all the members of the Committee and other participants and advised that issues related to coal mines allocated under MMDR Act to be taken up first.

(A) For Coal Mines allocated under MMDR Act,1957

Regarding MMDR blocks, the Committee observed that Show Cause Notices (SCN) are supposed to be issued mentioning the details of each delayed special milestone with the amount of BG to be deducted for such milestones. Also, the Committee recommended MoC to analyze the replies of SCNs more specifically prior to placing them before it for consideration.

DS(P&S),MoC raised the ambiguity in the definitions of exploration activities and development activities as defined in Article 3.1 and as perceived from Schedule IV-A thereof. As per the Schedule, application for mining lease is required to be made before submission of the Mining Plan whereas as per Article 3.1, exploration also includes submission of Mining Plan. DS (P&S) requested a clarification from the Committee whether exploration stage should be treated as completed with the submission of Geological Report and submission of Mining Plan and application for mining lease may be treated as development activities. It appears to be in line with the practice of setting new time lines after the approval of the GR. This way of counting perhaps makes submission of GR as an end to the exploration activity on the part of the allottee.

The Committee observed that mining lease should be applied on the basis of approved Mining Plan and recommended that this should be clarified internally in the Ministry. Also, DS(P&S-I) sought guidance on whether exploration period should be considered over after approval of geological report or it goes on till submission of Mining Plan. The Committee observed that exploration period is till submission of Mining Plan as mentioned in schedule IV-A of CBDPA.

Cases prepared by P&S-I section including Show Cause Notices (SCNs) and replies received from the allottees were presented before the Committee on block by block basis and the representatives of the allottees were requested to present their cases before the Committee. Block-wise discussions are briefed as under:

1-2. Banai & Bhalumuda coal blocks –M/s NTPC

DS(P&S-I) informed that GR in this block had been submitted in time but there was delay in submission of Mining Plan and requested the Committee to consider and suggest under which article of CBDPA, allocation of Banai coal block should be cancelled. Committee advised that it was a matter to be decided by the Ministry internally and left it to MoC to decide. Representative of NTPC informed that after exploration, the mineable resource was found to be just 24% and they had already requested the Ministry earlier to merge the Banai and Bhalumuda coal blocks, which was denied by Ministry of Coal. On the matter of deduction of BG, the Committee asked P&S-I Section to issue Show Cause Notices (SCN) mentioning the delay in milestones and the amount of BG to be forfeited. The Committee observed that the matter may be discussed after issuance of SCNs and receipt of responses on them from the block allottee.

3.Mahajanwadi coal block –M/s MAHAGENCO-

DS (P&S-I) informed that the allottee does not want to develop the block due to resistance by the local population and costly land acquisition and has requested for surrender of the block. It was also informed that a DO letter dated 03.12.2016 was received from the then Secretary (Energy), Govt. of Maharashtra whereby it was requested to cancel the allotment and return the BG. The Committee observed that it involved Inter-Governmental relationship and MoC might take a decision on the request of the State Government whether the allotment may be treated as

cancelled ab-initio without entailing forfeiture of the BG or otherwise as per the established procedure in the Ministry for such cases.

4. Sarapal-Nuapara coal block – M/s APGENCO

DS (P&S-I) informed that the allottee does not want to develop the block and has requested for surrender of the block. Shri Mathily Raja, Director (APGENCO) informed that the block is very difficult to mine and it is techno-economically unviable and M/s APGENCO was not aware of it at the time of allocation of the block. The Committee observed that lack of knowledge of techno-economic condition of mine at time of allocation is not a justified reason and recommended deduction of BG as per provisions contained in CBDPA. However, on cancellation of the block, the Committee was of the view that a decision may be taken in the Ministry internally as per the established procedure.

5. Kalyanpur-Badalpara coal block – M/s HPGCL:-

DS(P&S-I) informed that due to law & order issue owing to LWE in the coal block area allottee does not want to develop the block and has requested for surrender of the block. It was also informed that as per letters received from CMPDIL and MECL, these agencies have declined the request of the allottee for detailed exploration of the block owing to the law and order situation. It was also informed that views of the State Government of Jharkhand have been requested and a number of reminders have been sent. The Committee observed that views of State Govt. are important in the matter and recommended to seek opinion of Govt. of Jharkhand again with all enclosures including communications received from HPGCL, CMPDIL and MECL.

6. Kente Extension coal block –M/s RRVUNL

DS(P&S-I) informed that the allottee has made a request for extension of zero date by 36 months to the date of signing first amendment to the CBDPA as it was attributable to time taken by the Government agencies in resolving the boundary issues. RRVUNL submitted that it has been done in many earlier cases. DS informed that the allottee appears to be still behind the schedule in achieving the milestones of Mining Plan as mentioned in the schedule IV-A of CBDPA.

It was stated that delay in obtaining prospecting license does not appear to be on the part of allottee, however, there is delay in preparation of GR and submission of Mining Plan. Representative of RRVUNL informed that delay in submission of Mining Plan is because GR was not approved. They also informed that GR was submitted to the Ministry for the first time in 2019, which could not be approved because of non-drilling of lower seams. The Committee observed that allottee was supposed to prepare complete GR including drilling of lower seams within time. It was recommended by the Committee that BG may be appropriated for a delay of six months in preparation of GR and submission of Mining Plan as per provisions contained in CBDPA.

(B) For Coal Mines allocated under CMSP Act, 2015

1. AmarkondaMurgadangal -M/s ECL

The Show Cause Notice dated 2nd March 2021 for delay in completion of Exploration and Preparation of Geological Report and corresponding reply dated 9th March 2021 of Allottee were considered by the Committee. As per CMDPA, scheduled date for GR was 23rd Feb 2021.

During meeting M/s ECL submitted that on behalf of ECL, CMPDIL deployed M/s Mining Associates Private Limited (MAPL) and M/s APC Drilling & Construction Pvt. Ltd (APCDCPL) for drilling and exploration work on February 18, 2019 but drilling/exploration could not be started due to disturbances and agitation by local population and law & Order problem. CMPDIL retendered the same work on 15.04.2020 for which no bid was received. Now, ECL is going for exploration through MDO route.

Office of Nominated Authority informed that comments of Jharkhand state government on reply of M/s ECL were invited through letter dated 26.3.2021 addressed to Chief Secretary, Jharkhand but no reply has been received.

Recommendation: -Based on detailed deliberation the Committee recommended that allottee should submit a detailed reply highlighting the efforts made by them to resolve the issue of resistance of villagers to Nominated Authority, based on which decision will be taken in the next meeting. The Committee also advised M/s ECL for improved coordination with the State government to resolve the issue and expedite work of drilling/exploration through the agency as decided by it.

2. Chichro & Patsimal -M/s ECL

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Office of Nominated Authority informed that comments of Jharkhand state government were invited on reply of M/s ECL through letter dated 30.3.2021 addressed to Chief Secretary, Jharkhand but no reply has been received.

Recommendation:-Based on detailed deliberation the Committee recommended that allottee should submit a detailed reply highlighting the efforts made by them to resolve the issue of resistance of villagers to Nominated Authority, based on which decision will be taken in the next meeting. The Committee also advised M/s ECL for improved coordination with the State government to resolve the issue and expedite work of drilling/exploration through the agency as decided by it.

3. Suliyari -M/s APMDCL

The representatives of M/s Andhra Pradesh Mineral Development Corporation Limited were not present in the meeting. It was informed by the MoC official that they were not present even during previous meeting i.e. 14th Scrutiny Committee meeting, held on 09.03.2021 and 10.03.2021.

Members of the Committee expressed displeasure and decided to give one more chance to the allottee in the next meeting. The **Committee further decided to take up the reply of the show cause notice in the next meeting to arrive at the ex-parte decision in case M/s APMDCL did not attend the next meeting.**

4. Madanpur South -M/s APMDCL

The representatives of M/s Andhra Pradesh Mineral Development Corporation Limited were not present in the meeting. It was informed by the MoC official that they were not present even during previous meeting i.e. 14th Scrutiny Committee meeting held on 09.03.2021 and 10.03.2021.

Members of the Committee expressed displeasure and decided to give one more chance to the allottee in the next meeting. The **Committee further decided to take up the reply of the show cause notice in the next meeting to arrive at the ex-parte decision in case M/s APMDCL did not attend the next meeting.**

5. BaranjI,II,III,IV, Kiloni&Manoradeep -M/s KPCL

The Show Cause notice dated 28.03.2020 for deviation from Scheduled Production for FY 2017-18, FY 2018-19 and FY 2019-20 and the corresponding replies of the allottee were considered by the Committee.

During meeting, M/s KPCL submitted that operationalization of mine got delayed due to litigation on the issue of appointment of Mine Developer & Operator (MDO). The allottee stated that they had taken all steps and had even taken the help of Karnataka government, yet the issue could not be resolved in time.

It was observed that these issues were considered in 14th Scrutiny Committee meeting also and the Committee had directed the allottee to submit a detailed reply to the Nominated Authority, based on which decision would be taken.

Based on the reply of the allottee and deliberations during the meeting, the Committee observed that it was the decision of the allottee to go with tender process for appointment of MDO instead of novating the agreement of prior allottee and hence, only allottee is responsible for the delay in operationalization of the mine.

The Committee recommended that penalty in the form of BG appropriation for deviation in scheduled production for FY 2017-18, FY 2018-19 and FY 2019-20 should be imposed as per provisions of CMDPA.

6. MarkiMangli III -M/s B S Ispat Ltd

The Show Cause notice dated 30.12.2020 for deviation from Scheduled Production for FY 2015-16, FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 and the corresponding replies of the allottee were considered by the Committee.

In the replies submitted by the allottee it was mentioned that delays in obtaining various clearances before the actual production could be achieved were not intentional and it occurred due to non-clarity and insufficient data in the tender documents as it was earlier a combined block of Marki Mangli-II,III& IV and all the earlier approvals were for the combined block. In the present allotment through auction Marki Mangli-III block was separated from the earlier combined blocks. The allottee also mentioned that the earlier periodic review meetings were conducted without the Nodal Officer of the State Govt who is a key functionary and facilitator in transfer/release of sanctions and approvals and it was, therefore, important to have their participation in the review meetings for correct assessment of facts and problems. Office of NA mentioned that Maharashtra State Govt representatives were always invited for the review meetings but they failed to attend them.

It was observed that these issues were even considered in 14th Scrutiny Committee meeting wherein it was recommended that O/o Nominated Authority should seek comments from the State Government in the matter within stipulated time period and based on that the Committee will take decision in the next meeting and if, no reply was received from the State Government, then, based on submission of the allottee decision would be taken. Accordingly, O/o NA sought comments from the state government but reply of state is still awaited.

In the meeting, the State Govt representative mentioned that they had written letter dated 23.02.2021 to M/s BS Ispat Ltd to solicit some clarifications before giving reply to O/o NA on the matter, however, they had not received any reply from the allottee and therefore, they had not submitted their reply to O/o NA. The allottee clarified that they had not received any letter from the State Government and assured the Committee that they would collect the letter and submit the reply to the State Government expeditiously.

The Committee recommended that the case may again be presented in the next meeting along with inputs of the State Government and if, no reply from State Government was received till the next meeting, decision would be taken as per available records/information with O/o Nominated Authority.

7. MarkiMangli I -M/s Topworth Urja and Metals Ltd

The Show Cause notice dated 3.7.2017 for deviation from Scheduled Production for FY 2015-16 and FY 2016 and the corresponding replies of the allottee were considered by the Committee. In the reply the allottee mentioned the following points:

- (a) For deviation in FY 2015-16: only six months were left in FY 2015-16 after issuance of vesting order to expedite various clearances
- (b) For deviation in FY 2016-17: most of the clearances were pending before various State & Central Government authorities and these were reported to the Nominated Authority.

It was observed that this Show cause notice was considered in the 7th Scrutiny Committee meeting as well as in the 14th Scrutiny Committee meeting, wherein it was recommended to seek opinion of the State government on the matter and in the event of no reply from the State

Government, O/o NA should proceed with recommendation of 7th Scrutiny Committee meeting including appropriation of PBG.

Show cause notice dated 9.7.2018 for delay in execution of ML, EC, CTO and MOP and the corresponding replies of the allottee were considered by the Committee. In the reply the allottee mentioned that delay in various milestones occurred due to delay on the part of State/Central Government departments.

It was observed that this Show cause notice was considered in the 13th Scrutiny Committee meeting wherein it was decided not to penalize for delay in EC and decision on ML, CTO and MoP would be taken after taking inputs from the State Government.

Directorate of Geology and Mining, Government of Maharashtra, Nagpur vide its reply dated 6.3.2021 admitted that delay in ML was attributable to administrative delay.

Recommendation: -The Committee opined that both show cause notices could not be considered independently as milestone of ML was clearly linked to coal production, CTO and MoP milestones. The Committee recommended that since ML was executed in Feb 2017 and its delay was due to administrative reason of the State Government and therefore slippage in coal production in 2015-16 & 2016-17 and delay in CTO and MoP milestones cannot be attributed to the allottee and hence, no penalty should be imposed on them for these milestones.

8. Gare Palma Sector I– M/s Gujarat State Electricity Corp. Ltd.

Show Cause Notice dated 23.07.2019 was given to the allottee for deviation from scheduled timelines in obtaining following clearances- Land acquisition, Opening of Escrow Account, Application of mine opening permission and Grant of mine opening permission. In the reply dated 6.8.2019, the allottee has highlighted the following points:-

- a. Non availability of details of Block boundary and land schedule from Raigarh Collector's Office
- b. Delay in submitting "Previous Approval application", obtaining "Previous Approval" and decision for Land Acquisition under CBA Act.
- c. Delay in taking decision for eviction of existing structures. and
- d. Delay in publication of notification under Section 4(i) of the CBA Act.

Comment of NA office: Acquisition of Govt. Land is dependent of execution of Mining Lease (ML) and ML is pending as even EC & FC have not been obtained. Even Notification under Section 4 of CBA Act 1957 has not been done. It seems that the allottee is not very serious in obtaining clearances.

In the meeting, the allottee apprised that they are in the process of publication of notification under Section 4(i) of the CBA Act. Gram Sabha was delayed due to COVID-19 and thus, the whole process is being delayed.

Observation and Recommendation of the Committee:

The Committee members were not satisfied with the reply given by the allottee and observed lack of seriousness on their part and recommended that they should do much more activity on the ground.

Committee further recommended that delays in non- achieving the milestones are totally attributable to Allottee and O/o Nominated Authority should proceed to appropriate the Performance Bank Guarantee as per CMDPA.

9. Khagra Joydev – M/s Damodar Valley Corporation.

- I. Show Cause Notices dated 06.11.2017 & 21.02.2021 have been issued to M/s Damodar Valley Corporation for non-compliance of milestones, i.e., transfer of Mining Lease (ML), EC and Mine Opening Permission (MoP) within scheduled timeline. Following information were submitted by the allottee in reply to the show cause notices:
- (a) Delay in execution of Mining Lease (ML):-Application for transfer of Mining Lease submitted on 27.4.2015, i.e., within the timeline. State Govt asked for additional documents at different time and the same were submitted without delay. The allottee further informed that there was delay of about 3 months from scheduled date in execution of ML and it was mainly due to delay at the end of the State Government .
 - (b) Delay in transfer of Environment Clearance:-Application for transfer of EC was submitted on 7.4.2015, i.e., within the timeline and there was delay of only 5 days in obtaining EC.
 - (c) Delay in Mine opening permission (MOP):- Application for transfer of Mining Lease was submitted on 27.4.2015, i.e., within the timeline. The delay in obtaining MOP is mainly due to failure in acquisition of required land. The required land shall be purchased through direct negotiation with the land owners as the State Government is yet to 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 & Resettlement package. Social Impact Assessment is under progress. Thereafter, the said committee will decide upon the R & R package & compensation for land. After the same is agreed upon, registration of land in favour of DVC will take place.

Further, Allottee apprised the Committee that they have got all the permissions/clearances except mine opening permission (MoP) and this has been delayed due to issue of land acquisition. The allottee stated that the land given to them are staggered. The allottee has approached the State Government of West Bengal and as per the Memorandum dated 25.02.2016 of the Government of West Bengal, DVC submitted application on 11.02.2020 to the Government of West Bengal for approval of the State Cabinet for direct purchase of land. On approval, the District Magistrate, Birbhum will declare the compensation package and purchase of land from land owners.

Comments from State Govt. of West Bengal:

Representative of State Govt of West Bengal mentioned that the said committee has been formed and the R&R package offered by DVC has not been acceptable to the local people. The last time the committee was scheduled to meet on 07.01.2020 but due to COVID and elections at WB the meeting could not be held till date. The committee has decided to make a survey and come to a conclusion.

Observation/Recommendation:-

For Mine opening permission-The Scrutiny Committee observed that the delay in obtaining MOP is because of land acquisition issue and R& R package offered by M/s DVC, which is not acceptable to the land owners. Therefore, the State Government of West Bengal cannot be held responsible for delay inland acquisition by DVC.

The Scrutiny Committee recommended the O/o Nominated Authority to seek comments from the Government of West Bengal on submissions made by M/s DVC with regard to delay in obtaining Mine opening permission on account of delay in land acquisition and based on comments of GoWB, decision would be taken in next meeting.

For ML and EC-The Scrutiny Committee recommended to provide relaxation by not invoking Performance bank guarantee as the delay is nominal and not attributable to the allottee.

- II. The Show Cause notice dated 21.2.2021 for deviation from Scheduled Production for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 and the corresponding replies of the allottee were considered by the Committee.

Allottee apprised the Committee that they have got all the permissions/clearances except mine opening permission (MoP) and this has been delayed due to issue of land acquisition. Further, the allottee mentioned that the reasons for delay in land acquisition had been submitted in reply to the show cause notice related to mine opening permission itself.

Observation/Recommendation:-

The members of the Committee recommended that as coal production is dependent on mine opening permission (MOP), decision on this show cause would be taken only after decision on MOP based on comments received from the State Government of West Bengal was received.

10. Trans Damodar – M/s Durgapur Projects Ltd

- I. Show Cause Notice dated 20.10 .2017 has been issued to M/s Durgapur Projects Ltd for non-compliance regarding transfer of Mining Lease(ML), Consent to Operate(CTO) and Mine Opening Permission(MOP) within scheduled timeline.

The Following information were given by the allottee in reply to show cause notice:

- (a) Delay in execution of Mining Lease (ML) :- Procedural delay beyond the control of the allottee. Application for transfer of ML submitted to Commerce & Industries department for transfer of the said clearance from the prior allottee on 10.04.2015 (within due date) and the said transfer was granted on 03.06.2015 (within due date). But due to procedural delay beyond the control of DPL, execution of the said transfer of Mining Lease could not be completed within the due date and it was completed on 05.08.2015.
- (b) Delay in transfer of CTO:-Application for transfer of CTO submitted on 10.4.2015, i.e., within the timeline and there was delay of only 19 days in obtaining CTO due to procedural delay by the State Pollution Control Board, which was beyond control of the allottee .
- (c) Delay in Mine opening permission (MOP):-The allottee mentioned that due to non-availability of required land and mine closure plan, MOP got delayed and was obtained on 4.3.2019. Further, the allottee apprised the Committee that the mine opening permission was delayed due to land issue. The allottee further apprised that there was a meeting of Secretary (Coal) with Chief Secretary of West Bengal where the issue of land was sorted out and it was decided that M/s DPL could purchase the land from previous allottee. Chief Secretary (GoWB) in the said meeting requested Secretary (Coal) to revise the date of operationalization to 04.03.2019 which was accepted by the Secretary (Coal).

The allottee apprised the Committee that they had got all the permissions/clearances except mine opening permission (MoP) and this has been delayed due to the issue of land acquisition and the

land given to them are staggered. The allottee has approached the State Government of West Bengal and in line with the GoWB memorandum dated 25.02.2016.

Recommendation:-The Committee recommended that for the milestones i.e. delay in execution of Mining Lease and consent to operate, reasons for delay are not attributable to the allottee since these delays are procedural in nature. Therefore, relaxation should be provided to the allottee by not penalizing them.

Regarding delay for MOP, the Committee directed the allottee to provide the documents to the O/o Nominated Authority in support of their submission made during the meeting, i.e.,“Secretary (Coal) has agreed to revise the date of operationalization of mine on the request made by the Chief Secretary, West Bengal.”This milestone along with the submission of the allottee would be taken up in the next Scrutiny Committee meeting.

II. Show Cause Notice dated 26.2.2021 have been issued for non-compliance regarding reporting of deviations from approved Mining Plan, Ratification of deviations/ Approval of revised Mining Plan including Mine Closure Plan and Opening of Escrow account within scheduled timeline.

The Following information was given by the allottee in the reply to the show cause notice:-

The allottee informed that in the approved Mining Plan, received from the prior allottee, there was no mention of Chunpora and Virkasol village situated inside the mine boundary and the designated external OB dump within the mine lease hold area. The allottee also informed that mine could not be inspected and surveying/field work could not be undertaken as no land was available to them till March 2019 and the Mine Closure Plan had been approved on 10.7.2019, while revision of Mining Plan was going on. Regarding Opening of Escrow account the allottee informed that after preparation of draft Mine Closure Plan with estimation, they had applied for

opening of Escrow Account. On the basis of the same with a declaration from DPL to deposit the difference amount as per Approved Mine Closure Plan, Coal Controller allowed opening of Escrow Account and subsequently, Tripartite Escrow Agreement was executed and escrow account opened on 24.01.2019 and the delay was mainly due to delay in preparation of Mine Closure Plan.

Recommendation: -The Scrutiny Committee members were not satisfied with the reply of M/s DPL and observed that delay in achievement of these 3 milestones were attributable to allottee. The Committee further recommended that O/o Nominated Authority should appropriate the Performance Bank Guarantee as per CMDPA.

III. Show Cause Notice dated 26.2.2021 has been issued for non-compliance regarding Scheduled coal production in FY2015-16, FY2016-17, FY2017-18, FY2018-19 and FY2019-20 within scheduled timeline.

The Following information were given by the allottee in the reply to show cause notice:-

The allottee informed that only 5.0997 ha of land was vested to them against 379.34 ha of land as per approved Mining Plan and the vested land too were under the OB dump created by the prior allottee. Due to this mining activities could not be commenced. They got possession of 367 acre (148.52 ha) of land in March 2019 from the prior allottee, i.e., West Bengal Mineral Development and Trading Corporation Ltd (WBMDTCL), after payment of the land price of Rs 66.12 Crore and got mine opening permission on 4.3.2019. Afterwards, local people started agitation on various unresolved issues related to the Prior Allottee. Agitation turned into stoppage of all pre mining activities like dewatering, formation of haul roads, formation of drains for carrying out water, OB removal etc. OB removal work started in 2019-20 only. OB removal operation started in full swing from the beginning of 2020-21, but again pandemic situation arising out of COVID-19 affected it and finally coal production started in December 2020.

Recommendation: The Committee directed the allottee to provide the documents to the O/o Nominated Authority in support of their submission made during the meeting, i.e.,“Secretary (Coal) has agreed to revise the date of operationalization of mine on the request made by the Chief Secretary, West Bengal.” The above milestones along with the submissions of the allottee would be taken up in the next Scrutiny Committee meeting.

11. Ardhagram: - M/s - M/s OCL Iron & Steel Limited

- I. Show Cause Notice dated 20.10 .2017 has been issued to M/s OCL Iron & Steel Ltd for non-compliance of milestones i.e. Mining Lease (ML), Forest Clearance Stage -I, Environment Clearance and Mine Opening Permission(MOP) within scheduled timeline.

The Following information were given by the allottee in the reply to the show cause notice:

- (a) Delay in execution of Mining Lease (ML):-The allottee submitted that they approached for early execution of ML but the delay was at the end of Government of West Bengal.
- (b) Delay in transfer of FC Stage-I: -The allottee stated that prior allottee had not obtained FC Stage-I and went for mining operation on the basis of a letter issued by the local DFO. Hence, they have to go for a full fresh procedure for grant of new FC since it was not vested to them. O/o NA informed that at the time of re-allocation of mine, application of Stage-I Forest Clearance submitted by prior allottee was under consideration at MoEF & CC and thus, FC was not vested to them.
- (c) Delay in Environment Clearance:-The allottee submitted that their application for transfer of EC was considered by the MoEF&CC only after the grant of FC stage -I which was granted on 11.01.2017. The allottee further stated that as per the MoEF & CC letter, dated 21.03.2011; if a

project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act is granted. Also EC was kept on hold by MoEF & CC on the ground of clarification sought from the Forest Department on the difference of 2 ha land between EC granted to the prior allottee and FC Stage - I .

(d) Delay in obtaining Mine Opening Permission:- In absence of Mining lease, EC and FC, the allottee could not proceed for MOP in time.

During meeting, representative from Government of West Bengal informed that she was not well conversant with the issue of this mine and desired to come with the details in the next Scrutiny Committee meeting w.r.t the delay in grant and execution of ML.

Recommendation:-The Committee recommended that regarding ML, the submissions made by M/s OCL Iron & Steel Limited should be sent by the office of Nominated Authority to the State Government of West Bengal for their comments and Committee would consider the matter subsequent to receipt of reply from the State Government.

Regarding Forest Clearance, Environment Clearance and Mine opening permission, the Committee observed that the reasons for delay are not attributable to the allottee. Therefore, the Committee recommended that for these milestones relaxation should be provided to the allottee by not invoking Performance Bank Guarantee against the said milestones.

II. Show Cause Notice dated 26.2.2021 have been issued for non-compliance regarding scheduled coal production for FY2015-16, FY2016-17, FY2017-18, FY2018-19 and FY2019-20.

The allottee submitted that they had not received the show cause notice.

Comments of NA office:-. O/o NA does not agree with the comment of the allottee regarding non-receipt of the show cause as it was sent at designated address. It was further stated that the Performance Bank Guarantee, given by the allottee had lapsed on 20.03.2021 and in spite of repeated reminders, it had not been renewed by them. Clause 10.3 of CMDPA is read as “Any non-compliance with the Efficiency Parameters 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. It was also informed that as per clause 24.3.1 (f) (j) (k) (p) of the CMDPA termination of allocation can be initiated against M/s OCL Iron & Steel Limited for this coal mine.

The allottee submitted that they had not received the show cause notices and due to COVID they were unable to furnish the PBG but mentioned that the PBG, valid from the date it had lapsed, would be submitted in a week's time.

Recommendation:- The Committee directed the allottee to reply the show cause notice issued by O/o Nominated Authority and furnish the Performance Bank Guarantee to the Nominated Authority without further delay. The reply of the show cause notices, which would be submitted by the allottee would be taken up in the next Scrutiny Committee meeting.

List of participants

Committee members:

Sl. No.	Name and designation
1.	Shri Partha S. Bhattacharya Chairman of the Committee
2.	Shri N C Jha, Member
3.	Shri Anandji Prasad GM, CMPDIL
4.	Shri Sanjay Khare, DGM, Govt. of Chhattisgarh
5.	Director Mines, Odisha
6.	Secretary, IC&E department, Govt. of West Bengal
7.	DGM, Govt of Madhya Pradesh
8.	DGM, Govt of Maharashtra
9.	Representative of Govt of Jharkhand
10.	ShriSujoyMajumdar OSD, CCO

MoC Officials:

Sl. No.	Name and designation
1.	Shri Darshan KumarSolanki, Deputy Secretary
2.	Shri Jitendra Kumar, Chief Manager
3.	Shri Manish Uniyal, Under Secretary
4.	Ms Swati, Deputy Manager
5.	Shri Harish Chand, Deputy Manager
6.	Shri Abhisek Kumar, ASO

List of Allottees

Sl. No.	Name and designation
1.	Shri B.P. Mishra (MD)
2.	Shri Partha Mazumdar, ED, NTPC
3.	ED (Coal & GP), MAHAGENCO
4.	RE, KPCL
5.	Director (Coal), APGENCO
6.	RVUNL
7.	Shri KPCL
8.	Shri R.R.Srivastava
9.	Shri P.M.Patel, CE (Fuel)
10.	Shri Prasanna Kumar, MD GSECL
11.	Shri Sachin Malpa
12.	Representative –Trans Damodar
13.	Representative – Khagra Joydev