

File No NA-103/4/2019-NA
Government of India
Ministry of Coal
O/o Nominated Authority

Room No. 120, "F" Wing, Shastri Bhawan,
New Delhi – 110001, Dated: June 23, 2023

Final Order II

Subject: : The Coal Mines (Special Provision) Act, 2015 and Hon'ble High Court of Delhi , judgment dated March 09, 2017 - Valuation of compensation payable to M/s DB Power Limited prior allottee for Durgapur II/Sarya coal mine.

Durgapur II/Saryacoal mine was previously allotted to M/s DB Power Limited. After cancellation, the said block/mine was allotted to M/s Karnataka Power Corporation Limited (KPCL) on March 02, 2020. In terms of provisions of the Coal Mines (Special Provisions) Act, 2015 [CMSP Act] and Rules framed there under, total amount of **INR 10,81,56,391.42/-** was sanctioned to M/s DB Power Limited (prior allottee) vide sanction letter dated April 25, 2023 for the expenses related to Cost of Geological Report (INR 4,72,11,566.00), Land (INR 4,35,44,825.42) and Mine Infrastructure (INR 1,74,00,000.00). Details of compensation disbursed to M/s DB Power Limited is mentioned in below table A

Table 'A' Fig in 'INR'

Details of compensation disbursed to M/s DB Power Limited for Durgapur II/Sarya coal mine	
Particulars	Compensation released to M/s DB Power Limited (3)
Geological Report (A)	4,72,11,566.00
Mine Infrastructure (C)	1,74,00,000.00
Land (D)	4,35,44,825.42
Total [E=(A+B+C+D)]	10,81,56,391.42

GR and CC are in addition to and are separate from the compensation of land and mine infrastructure as provided under section 16 of the Act.

2. In pursuance to decision taken during meeting held on June 23, 2022 for assessment of compensation held on June 23, 2022, M/s D.B. Power Limited, vide email dated January 18, 2023, submitted separate claim for LT transmission line. Claim was forwarded to CMPDIL for classification and CMPDIL vide email dated April 18, 2023, again classified claim of 'Diversion of LT Transmission line' as '**Not a Mine Infrastructure.**' Therefore, the claim resubmitted by M/s. D.B. Power Ltd. of diversion of LT transmission lines pertaining to Mine Infrastructure is determined as '**NIL**'.

3. Regarding compensation for cost of consent (CC) the following is informed:

- a. MoEF&CC, vide OM dated March 22, 2021, that a total amount of INR 53,89,52,898/- of compensatory levies were deposited by M/s. D.B. Power Limited into the account of CAMPA in lieu of diversion of 290.399 ha of forest land for Durgapur-II/Sarya Coal Block in

Dharamjaigarh Forest Division in Raigarh District (Chhattisgarh) for which an amount of INR 48,66,62,898/- has been refunded to User Agency. Further, INR 5,22,90,000/- was already incurred by the State for raising CA and not refunded to User Agency.

- b. Further Clause No 4. (iv) of OM dated 16.11.2018, report of the committee for valuation and assessment of 204 coal mines listed in Schedule I of the CM(SP) Act 2015, in light of order dated 09.03.2017 of the Honble court of Delhi may be referred, which is reinstated below:-

Clause No 4. (iv) of AVC Committee Report dated 16.11.2018: "Before reimbursing the expenses/cost to prior allottees for obtaining statutory licenses, permits, approvals, clearances or consent under the tender/ allotment conditions, the Nominated Authority may verify whether such license, permits have actually been transferred to allocate (successful bidder/allottee) and allottee has incurred any expense on transfer of such licenses, permit etc. along with supporting documentary evidence of such expenses".

- c. In the instant matter the Forest Clearance granted to prior allottee has already been quashed by MoEF&CC and the FC granted to prior allottee M/s DB Power Limited will not be transferred in the name of Successful Allottee (M/s KPCL). Thus, M/s DB Power Limited is not eligible for any compensation towards the cost incurred in grant of FC in accordance with the AVC guidelines. Hence, amount of compensation payable to prior allottee M/s DB Power Limited pertaining to Cost of consent is determined as "NIL".

4. In the view of the above, amount of compensation in addition to amount already sanctioned vide letter dated 25.04.2023 payable to prior allottee M/s D.B. Power Limited pertaining to Cost of consent and Mine infrastructure for Durgapur II/Sarya coal mine is settled as:-


Table 'B' Fig in 'INR'

Cost of consent (A)	Mine Infrastructure (B) (Resubmitted claim of 'Diversion of LT Transmission line')	Total Amount {C=A+B}
Nil	Nil	Nil

5. The above final determination of compensation for Cost of consent and Mine infrastructure is being made. In accordance with Section 27 of the Act and the judgment dated 09.03.2017, it is open to KPCL and M/s. D.B. Power Ltd. to raise disputes with regards to the quantum of compensation before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Enclosure as above

1. Valuation of compensation – Sanction letter dated April 25, 2023
2. CAC Report No 8855 dated May 17, 2022
3. CMPDIL email dated April 18, 2023


23.6.23

(M.Nagaraju)

Additional Secretary & Nominated Authority

To,

- i. **(Prior Allottee)**- Managing Director, DB Power Limited, Office block 1A, 5th Floor, Corporate Block, DB City- Park, DB City, Area Hill, OPP MP Nagar, Zone 1- Bhopal, 462016, Email: manu.namboothiri@dbpower.in

- ii. **(Successful Allottee)-** The Managing Director, M/s Karnataka Power Corporation Limited (KPCL), Shakti Bhavan, No. 82, Race Course Road, Bengaluru- 560 001

Copy to:-

- iii. **Coal Controller's Organisation**, Ministry of Coal, SCOPE MINAR ,5th Floor, Core - II
Laxmi Nagar, Delhi – 110092
- iv. **Under Secretary** (CBA-II Section), Ministry Of Coal.
- v. **Sr. TD**, NIC: for uploading on the Website of Ministry of Coal.