

File No NA-203/7/2022-NA

Government of India

Ministry of Coal

O/o Nominated Authority

Room No. 120, "F" Wing, Shastri Bhawan,
New Delhi – 110001, Dated: December 7th, 2023

FINAL COMPENSATION ORDER (Part 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 prior allottee, M/s Bhaskarpara Coal Company Limited [Joint venture of M/s Electrotherm (India) Ltd and M/s Ultra Tech Cement Limited (Formerly known as M/s Grasim Industries Limited)] and refund of excess fixed amount to M/s Prakash Industries Limited, Successful allottee relating to Bhaskarpara Coal mine-reg

This order is in continuation to the Final Compensation Order dated 19.09.2023, pertaining to the valuation of compensation towards Cost of Geological Report (GR), Cost of Consents (CC), Land & Mine Infrastructure in respect of Bhaskarpara coal mine payable to prior allottee. M/s Bhaskarpara Coal Company Limited [Joint venture of M/s Electrotherm (India) Ltd and M/s Ultra Tech Cement Limited (Formerly known as M/s Grasim Industries Limited)] is the prior allottee and M/s Prakash Industries Limited (PIL) is Successful allottee. In terms of provisions of the Coal Mines (Special Provisions) Act, 2015 [CMSP Act] and Rules framed there under an amount of **INR 7,87,45,302/-** and **INR 'NIL'** was sanctioned to the prior allottee vide sanction letter dated October 04, 2023, for the expenses related to Cost of Geological Report 'GR' and Mine Infrastructure respectively.

Further, the following decisions were taken by the Nominated Authority pertaining to the determination of Land and Cost of Consent payable to prior allottee of Bhaskarpara coal mine.

I) Land:

- a. M/s BCCL raised objections to the Provisional Order dated August 17, 2023, issued for compensation of 59.52 Ha of land. M/s BCCL requested for consideration for the entire land of 294.42 Ha for compensation. Further, M/s PIL stated that for an area 234.90 Ha land was not registered in name of M/s BCCL instead land has been registered in the name of common individuals in the State Government records.
- b. Taking into consideration the comments and objections of both allocate, the Nominated Authority directed both M/s BCCL (prior allottee) and M/s PIL (successful allottee) to jointly consult with the respective State Government Authorities to collect necessary documentation regarding land ownership. Furthermore, as per Final Compensation Order dated 19.09.2023, it was decided that the finalization of land would be based on the comprehensive review of those documents submitted by allottees.
- c. Thereafter, vide letter dated 19.09.2023, M/s PIL stated that the representatives of both allottees jointly visited Batauli in District of Sarguja & Biharpur in District of Surjpur. Upon verification of land, it was found that as per the records of Khasra BI lands were categorized as government-owned and none the lands were registered in the name of M/s BCCL. In addition to that, M/s PIL stated that subsequent to that the representatives of M/s BCCL declined to visit the remaining Tehsildars in Kachi Manora, Jashpur, and Dantewada. Furthermore, M/s PIL stated that they are accepting 59.520 Ha of land while the remaining 234.90 Ha were considered as false land and requested to settle the compensation pertaining to land.

Contrastingly, M/s BCCL vide email dated 20.09.2023, stated that they were only able to visit one district as land is falling in 3 to 4 districts. Additionally, M/s BCCL requested for a 6-month time extension for the verification of documents, citing the age of the records and availability of officers due to upcoming festive season.

- d. Thereafter, vide this ministry letter dated 20.10.2023, M/s BCCL was given a time extension of 4 weeks for the necessary verifications/ actions/submission of documents to the Nominated Authority. However, the aforementioned submissions were not received at this office at stipulated timeframe.
- e. Therefore, due to non-submission of supporting documents substantiating the objections raised by M/s BCCL to the Provisional Compensation Order within the given timeline, the compensation towards land is considered as settled and final as per order dated 17.08.2023, amounting to **INR 3,07,62,233/-** for an area of **59.52 Ha** of land.

II) Cost of Consent (CC):

M/s BCCL (prior allottee) had claimed Rs 3,48,53,225/- towards compensation for cost of consent. As per the Final compensation Order dated 19.09.2023, the claim of CC will be addressed after the verification of claims of M/s BCCL by MoEF & CC. Therefore, an amount of INR 3,48,53,225.00, which is equal to the claim amount of M/s BCCL for CC will be kept on hold from the fixed amount deposited by M/s PIL.

2. In view of the above, the compensation payable to M/s BCCL (prior allottee) and the excess fixed amount payable to M/s PIL (successful allottee) stands final as annexed in the below 'A' table.

Table 'A' Fig in INR

Particulars	Total Fixed Amount deposited by M/s PIL (1)	Compensation determined by NA (2)	Compensation already released to M/s BCCL (3)	Compensation to be released to M/s BCCL (4)	Excess Fixed amount to be refunded to M/s PIL (5)
Geological Report (A)	7,87,93,918.00	7,87,45,302.00	7,87,45,302.00	-	48,616.00
Cost of Consents (B)	-	-	-	-	-3,48,53,225
Mine Infrastructure (C)	-	-	-	-	-
Land (D)	14,83,98,307	3,07,62,233	-	3,07,62,233	11,76,36,074
Total [E=(A+B+C+D)]	22,71,92,225	10,95,07,535	7,87,45,302	3,07,62,233	**8,28,31,465
CMPDIL /Transaction Exp. (F)	4,23,856	-	-	-	-
G.Total [G=(E+F)]	22,76,16,081	10,95,07,535	7,87,45,302	3,07,62,233	8,28,31,465


**** The amount is derived after deducting cost of consent**

- I. M/s BCCL, prior allottee, is entitled to compensation of Rs **3,07,62,233/-** is pertaining to land.
- II. M/s PIL, Successful allottee, is entitled to refund from the fixed amount deposited by them amounting to Rs **8,28,31,465/-** pertaining to land & photocopy charges of GR. Additionally, fixed amount equal to the sum of the claim of M/s BCCL will be held in reserve by the Nominated Authority, until the compensation for the cost of consent (CC) is determined.

3. In accordance with section 27 of the Act and the judgement dated 09.03.2017, it is open to M/s BCCL (prior allottee) and M/s PIL (Successful allottee) to raise disputes with regard to the quantum of compensation before the Tribunal constituted under the Coal Bearing area (Acquisition and Development) Act 1957.

Enclosure as above: -

- i. Provisional Order Dated 17.08.2023.
- ii. Final Compensation Order dated 19.09.2023.
- iii. M/s PIL letter dated 19.09.2023.
- iv. M/s BCCL email dated 20.09.2023.
- v. Sanction letter dated 04.10.2023.

 7.12.23

(M.Nagaraju)

Additional Secretary & Nominated Authority

To,

1. **(Prior Allottee)**: - The Managing Director, M/s Bhaskarpara Coal Company Limited, Crystal Tower, 1st Floor, G.E Road Opp. Minocha Petrol Pump, Telibandha Raipur, Chattisgarh- 492006. **Joint venture** of (a) M/s Electrotherm (India) Ltd and (b) M/s Ultra Tech Cement Limited (Formerly known as M/s Grasim Industries Limited)

2. **(Successful Allottee)**: - The Managing Director, M/s Prakash Industries Limited, 15Km Stone Delhi Road Hissar, Haryana- 125044.

3. **Coal Controller's Organisation**, Ministry of Coal, SCOPE MINAR ,5th Floor, Core - II Laxmi Nagar, Delhi – 110092

4. **Under Secretary** (CBA-II Section), Ministry of Coal.

5. **Sr. TD**, NIC: for uploading on the Website of Ministry of Coal.