

**Through Email/Speed Post/Website of Ministry of Coal**

File No NA-104/5/2019-NA-Part(1)  
Government of India  
Ministry of Coal  
Nominated Authority  
\*\*\*\*\*

Room No. 120, "F" Wing, Shastri Bhawan,  
New Delhi – 110001, Date: 13.05.2024

**FINAL COMPENSATION 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 prior allottee, M/s Bhushan Power & Steel Limited (Formerly M/s Bhushan Limited), pertaining to Freehold Land of 153.05 Ac and Mine infrastructure for Jamkhani coal mine

\*\*\*\*\*

In pursuance to the Provisional Compensation Order dated January 18, 2024, both the prior allottee M/s Bhushan Power & Steel Limited (formerly M/s Bhushan Limited) and successful allottee, M/s Vedanta Limited were called upon January 19, 2024 at 02:45 P.M to present their comments / objections, if any, on the determination made by Nominated Authority.

2. Further, a meeting was rescheduled on 05.02.2024 at 03:00 PM based on the request made by M/s Vedanta Limited, accordingly, both the prior allottee and successful allottee attended the meeting. Thereafter, allottees expressed objections to the preliminary compensation assessment made by the Nominated Authority. Consequently, AS & NA advised both parties to submit their objections supported by relevant documents and suggested to have a discussion with Director (NA) to ensure a thorough examination of the raised concerns.

3. Following this, representatives of M/s Vedanta Limited and M/s BPSL attended the meeting on February 14, 2024. The brief of the discussion is as under:

(i) Representatives of M/s Vedanta Limited raised the following concerns:

a. **Possession of Land:** The valuation of land has been determined vide the Provisional Compensation order for an area of 153.05 Ac. M/s Vedanta Limited raised concerns on whether the land is still under the ownership of M/s BPSL or if it has been acquired by the state government. Therefore, they requested a time frame of 15 days to verify the status of ownership land for which compensation has been determined.

b. **Freehold Railway Sliding Land:** M/s Vedanta Limited requested for transfer of 5.73 Ac of Freehold Land pertaining to Railway Sliding which was mentioned in the Land Valuation Report

c. **Freehold Road Direct Land:** M/s Vedanta Limited requested for layout plan and plot map of 24.32 Ac of land to locate whether the road is coming to their land/mine infrastructure as the same is included in Land Valuation Report.

d. **Mine Infrastructure:** M/s Vedanta Limited requested to reconsider the claim of road in valuation of Mine Infrastructure as it includes assets of adjacent block, namely, Bijahan coal mine.

(ii) Representatives of M/s Bhushan Power & Steel Limited (BPSL) expressed that Freehold Railway Sliding Land is not a part of Jamkhani coal mine and their Management has decided that it won't be possible to transfer the Freehold Railway Sliding Land to Vedanta Limited. Further, M/s BPSL stated that they do not have any layout plan or plot maps of the land. M/s BPSL



mentioned that they will handover the documents to M/s Vedanta Limited pertaining to the freehold land for an area of 153.05 Ac for verification. Additionally, M/s BPSL requested for consideration of Ex-gratia and R&R compensation paid to LAO-Hemgir amounting to INR 20.26 Cr, ADM-Sundergarh amounting to INR 30.00 Cr.

(iii) After deliberation of above comments and objections from both allocate, the following decisions were made on 14.02.2024:

- a. A time frame of 2 weeks was provided to M/s Vedanta Limited to reassess the ownership status of the 153.05 acres of land and to submit any objections they may have. Failure to do so will result in the issuance of the Final Compensation order.
- b. **Freehold Railway Sliding Land:** M/s BPSL was requested to clarify whether the 5.73 Ac of Freehold Land pertaining to Railway Sliding pertains to Jamkhani coal mine or not. Further, M/s BPSL has submitted the claim for 5.73 Ac of Freehold Railway Sliding Land, however it was not vested vide Vesting Order dated 10.02.2020.
- c. **Freehold Road Direct Land:** M/s BPSL was directed to provide details of the land to determine whether the road encroaches upon their land/mine infrastructure, as it is included in the Land Valuation Report.
- d. **Mine Infrastructure:** It was decided that valuation of mine infrastructure pertaining to the claim of road shall be reconsidered proportionally for Jamkhani & Bijahan coal mine.
- e. **Ex-gratia and R&R compensation** paid to LAO-Hemgir and ADM-Sundergarh by M/s BPSL may be claimed from the respective LAO and ADM as the CM (SP) Act 2015 does not encompass the claim of ex-gratia.

4. Subsequently, M/s Vedanta Limited raised objections vide letters dated 29.02.2024 and 12.03.2024, contesting the transfer of the 11.22 acres of land, contending that these parcels do not rightfully belong to M/s BPSL and thus cannot be transferred.

5. Following this, the Office of the Nominated Authority forwarded the concerns articulated by M/s Vedanta Ltd to M/s BPSL for providing their comments or acceptance regarding the matter concerning the Jamkhani coal mine.

6. Thereafter, vide correspondence dated March 28, 2024, M/s BPSL asserted that the ownership of 11.22 acres of land, which was subject to dispute raised by M/s Vedanta Limited, rightfully belongs to M/s BPSL. Further, M/s BPSL conveyed that the area of 5.73 acres of land (railway sliding) has not been acquired by them for the Jamkhani coal mine. Consequently, they requested the Nominated Authority to exclude this particular land from the compensation pertaining to the Jamkhani coal mine.

7. After consideration of comments and objections from the prior allottee, M/s BPSL and the successful allottee, M/s Vedanta Limited, the following decisions were made by Nominated Authority:

The assessment of compensation for all 204 coal mines under the CM(SP) Act is carried out in accordance with Section 16 of the CMSP Act, 2015 and as per the judgement of Hon'ble High Court of Delhi vide Order dated 09.03.2017 (W.P 973 of 2015). Additionally, the recommendations set forth in the "Report of the Committee for Valuation and Assessment of 204 Coal Mines," dated 16.11.2018, is duly considered in the valuation process.

**Freehold Land:**

Following the objections raised by M/s Vedanta Limited concerning the ownership of 11.22 acres of land, the Nominated Authority has meticulously reviewed the registered sale deeds concerning 153.05 acres of freehold land submitted by M/s BPSL. It has been duly noted that these parcels are indeed under the ownership of M/s BPSL.



Upon examination, it has been determined that out of the total area of 153.05 acres, a segment comprising 5.73 acres (railway sliding) claimed by M/s BPSL does not pertain to the Jamkhani coal mine. Accordingly, this portion has been excluded from the compensation for the Jamkhani coal mine. It is worth mentioning that the said land parcel, 5.73 acres of railway sliding land was not vested to M/s Vedanta Ltd as per the Vesting Order dated 10.02.2020.

Therefore, the compensation towards freehold land stands revised for 147.32 Ac as specified in the table 'A' below:

*Table 'A' Fig in "INR"*

Particulars	As per CMSP Act, 2015	As per Fair Market Value
Freehold Land	147.32 Ac	147.32 Ac
Transaction (Cost of Land)	2,48,16,934/-	2,48,16,934/-
Interest at 12% till 10.02.2020	2,98,02,805/-	-
<b>Land Value</b>	<b>5,46,19,739/-</b>	<b>12,03,29,090/-</b>

Hence, M/s BPSL, the prior allottee is entitled for higher amount of INR **12,03,29,090/-** as per Fair Market Value pertaining to compensation of freehold land.

**Mine Infrastructure:**

CAC vide **Report No. 8918** dated November 30, 2023, has valued "Mine infrastructure other than land" till previous quarter of date of execution of vesting/allotment order, i.e., December 31, 2019 as INR 26,64,32,860/-. However M/s Vedanta Limited has raised objections stating that claim of road of adjacent block namely, Bijahan coal mine has been included in the aforementioned valuation.

After reviewing the objection raised by M/s Vedanta Limited, it was determined that out of the total land area of 43.78 acres, only 24.32 acres are associated with the Jamkhani coal mine, while the remaining 19.46 acres pertain to the Bijahan coal mine. Consequently, the valuation of Mine Infrastructure for road stands revised as per Table 'B' below.

*Table 'B' Fig in "INR"*

Particulars	Amount in INR
Total Claim for Road	25 91 28 200
Classified claim of CMPDIL w.r.t Road till 2019	25 69 33 200
Classified claim of CMPDIL w.r.t Road till 25.08.2014 (Schedule III coal mine)	25 57 33 352
Claim considered by CAC for Road	25 57 33 352
Total Length of Road	43.78 Ac
Valuation of Mine Infrastructure of Road [Proportionate to length of road for Bijahan coal mine, 19.46 Ac]	11,36,72,248.38
<b>Valuation of Mine Infrastructure of Road [Proportionate to length of road for Jamkhani coal mine, 24.32 Ac]</b>	<b>14,20,61,103.84</b>

It is pertinent to mention that the total value determined by CAC for Mine Infrastructure other than land was INR **26,64,32,860/-**. Out of this, INR 1,06,99,507.78/- pertains to infrastructure within the mines area such as culverts, structural materials, structural works (security cabins & towers), PSC slabs, and pillars for boundary walls.

Following the exclusion of 5.73 acres of land (railway siding) from the land compensation, the Nominated Authority instructed M/s BPSL to clarify whether the compensation for the Bijahan coal mine in the aforementioned area is included in the valuation of compensation pertaining to mine infrastructure of the Jamkhani coal mine. Subsequently, in a letter dated 22.04.2024, M/s BPSL confirmed that infrastructure was not constructed on the railway sliding land of 5.73 Ac.

Therefore, the valuation of mine infrastructure stands revised as specified in the table 'C' below:

Table 'C' Fig in "INR"

Valuation of Mine Infrastructure of Road w.r.t Jamkhani coal mine	Valuation of rest of Mine Infrastructure w.r.t Jamkhani coal mine	Total Value of Mine Infrastructure for Jamkhani coal mine
14,20,61,103.84	1,06,99,507.78	15,27,60,611.62

8. In view of the above, compensation towards Freehold land of 147.3 Ac and Mine Infrastructure stands final and settled as mentioned in below table 'D':

Table 'D' Fig in 'INR'


Freehold Land (A)	Mine Infrastructure (B)	Total Amount {C=A+B}
12,03,29,090	15,27,60,611.62	27,30,89,701.62

9. It is important to note that M/s Vedanta Limited has deposited a total amount of INR 205,61,09,859.08/- (excluding CMPDIL expenses) as Fixed Cost. Out of this sum, INR 201,68,18,503/- has been disbursed to M/s BPSL for compensation related to GR, CC, and Leasehold IDCO land of Jamkhani coal mine. Presently, only INR 3,92,91,356.08 /- is available with the Nominated Authority as part of the fixed cost. In light of the above, M/s Vedanta Limited is requested to deposit incremental fixed cost of **INR 23,37,98,345.54/-** in the designated account of Ministry of Coal within seven days of receipt of this order as per Clause no 3.1.d of CMDPA dated 18.12.2019 executed between M/s Vedanta Limited and Nominated Authority.

10. In accordance with section 27 of the Act and the judgement dated 09.03.2017, it is open to prior allottee, M/s Bhushan Power & Steel Limited (BPSL) and successful allottee, M/s Vedanta Limited 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:-

1. Provisional Compensation Order dated 18.01.2024
2. MoM dated 15.02.2024
3. M/s BPSL's letters dated 28.03. 2024 and 22.04.2024

  
(M. Nagaraju) 13.5.24

Additional Secretary & Nominated Authority

To,

1. **(Prior Allottees)** Managing Director, M/s Bhushan Power & Steel Ltd., F Block, 1st Floor, International Trade Tower Nehru Place, New Delhi 110019 Email: kbsingh@jsw.in, dhiraj.karki@jsw.in
2. **(Successful Allottee)**, Managing Director, M/s Vedanta limited, Core 63<sup>rd</sup> Floor Scope Complex 7, Lodhi Road, New Delhi 110003



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.

<b><i>List of attendees for the meetings (Annexure I)</i></b>			
<b>SL No</b>	<b>Participants</b>	<b>Designation</b>	<b>Organisation</b>
1	Shri M Nagaraju	Additional Secretary & Nominated Authority	MoC
2	Shri Ajitesh Kumar	Director	O/o NA, MoC
3	Shri Prince Kumar	Executive Engineer	O/o NA, MoC
4	Smt Reshma Mohan	Financial Analyst	O/o NA, MoC
5	Shri Vivek Upalchwar	COO Jamkhani	M/s Vedanta Limited
6	Shri Pranaya Satpathy	Head External Mines	
7	Shri Manoj Behra	Lead Land & R&R Mines	
8	Shri Chandan Bhartiya	Manger Strategy	
9	Shri Chetan Agarwal	Finance Manager	
10	Shri Kshitij Rathore	Legal Manager	
11	Shri Anil Singh	Director	M/s Bhushan Power & Steel Limited
12	Shri K.B. Singh	Head Administration	
13	Shri Ashish Dash	Associate Vice President	
14	Shri Dhiraj Singh Karki	Senior Executive	