

By Speed Post

F.No. 47011/7(64)/93-CPAM/CA-I  
Government of India  
Ministry of Coal

New Delhi, dated 27<sup>th</sup> November, 2012

To

M/s Monnet Ispat Limited  
Monnet House  
11, Masjid Moth,  
Greater Kailash Part II  
New Delhi – 110048.

**Sub: Introduction and submission of Bank Guarantee (BG) in respect of Utkal B2 Coal block allocated to M/s Monnet Ispat and Energy Limited.**

Sir,

I am directed to refer to this Ministry's allocation letter No. 47011/13/99-CPAM dated 16th August, 1999 (Annexure-I) and to this Ministry's show cause notice No. 13011/04/2012-CA-I dated 30<sup>th</sup> April, 2012 (Annexure-II) and to your reply to the show cause notice, your presentation made/documents submitted by you on 6th September, 2012 before the Inter Ministerial Group (IMG) on the above subject

2. Utkal B 2 coal block was allocated on 16<sup>th</sup> August, 1999 under Section 3(3)(a)(iii) of the Coal Mines (Nationalization) Act, 1973 to M/s Monnet Ispat Limited by the Screening Committee in its 14<sup>th</sup> meeting held on 18/19.06.1999 for supply of coal to their proposed sponge iron plant of 1.2 mt capacity subject to terms and conditions.

3. The progress of allocated coal block as well as linked/associated end use project has been reviewed by the Ministry through a Review Committee from time to time wherein the allocatee company give presentation in respect of the development made by the company with reference to the milestones prescribed in the allocation letter during which it was noted as following:-

- i) In the Review Meeting held on 22<sup>nd</sup> and 23<sup>rd</sup> June, 2009 , ML and LA was pending. In spite of depositing entire land cost with the State Govt., company expressed difficulty in getting the land as the land as the block is spread over three villages. Stage-I FC and other clearances are obtained. For EUP 50 acres of land obtained and application has already been made to the Pollution Control Board. Order has been placed for other equipments. Chairman requested the

company representative to start mining operation positively by Dec, 2009. The chairman informed that the 4 non-fulfilling the commitment may lead to de-allocation.

- ii) In Review Meeting held on 20<sup>th</sup> and 21<sup>st</sup> July, 2010, it was noted that Stage-II forest clearance, ML and LA were pending., R&R problem has been sorted out now. For EUP is to be commenced by Dec, 2010 and is hopeful to synchronize EUP production with coal block production. The Committee was dissatisfied with the development of mine and asked to issue show-cause for de-allocation. Show cause notice was issued on 21<sup>st</sup> September, 2010. The Committee in the Meeting held on 28<sup>th</sup> January and 4<sup>th</sup> February, 2011 examined the replies to the show cause notices and after detailed deliberation and recommended issue of warning to the company. The warning was issued on 30<sup>th</sup> June, 2011.
- iii) In Review Meeting held on 11<sup>th</sup> & 12<sup>th</sup> January, 2012, it was noted that the Mining Lease and Land Acquisition are pending. MIEL conveyed consent to Govt. of Orissa in July, 2011 for putting up washery and reject based power plant. 33% reject based free power to state Govt. is the main issue. R/R is in progress. The company was issued show cause notice on 30<sup>th</sup> April ,2012. The company furnished their reply to the show cause notice.

4. In the meantime, the Government has set up an Inter-Ministerial Group (IMG) under the Chairpersonship of Additional Secretary (Coal), Ministry of Coal having members from Ministry of Power, Ministry of Steel, Ministry of Commerce & Industry, Department of IPP, Ministry of Law and Justice, Department of Legal Affairs, Department of Economic Affairs. The IMG has been given the mandate to review the progress of development of allocated coal blocks and associated end use projects and to recommend action including de-allocation, if required. The case of the allocatee company was referred to the IMG. Accordingly, the IMG asked the allocatee companies to make the presentation before it on the progress of development of allocated coal blocks and associated end use project. The representatives of the allocatee company gave presentation on 6<sup>th</sup> September, 2012 before the IMG. The IMG considered the presentation, the status note of the Utkal B2 coal block and associated EUP prepared by Ministry of Coal and Coal Controller's Organization (Annexure-III). The progress of development of the block with reference to the milestones and their achievement is as under:-

Mile Stones	Schedule date of Completion	Actual date of Completion	Slippage in YY/MM	Remarks
Purchase of GR	30.9.1999	16.7.2001	1Yr 10 Months	Block boundary was disputed due to late receipt of GR.

Submission of Bank Guarantee	NA	NA		-
Mining Lease Application	16.11.1999	15.2.2002	2Years3 Months	Delay in fixing the boundary submission of ML and ML application got delayed.
Submission of Mining Plan	16.2.2000	31.8.2001	1Year 5 Months	-do-
Approval of Mining Plan	16.4.2000	25.10.2001	1Years 6 months	-do-
Application of Previous approval	16.6.2000	20.9.2007	7 Years 3 Months	-
Granting of Previous approval	16.7.2000	15.2.2008	7 Years 7 months	-
Application of Forest clearance	16.8.2000	24.4.2003	2 Years 8 months	After fixation of block boundary, FC application was submitted.
Grant of Forest Clearance	16.2.2001	21.7.2011	10 Yrs 5 Months	Stage-II clearance of forest diversion proposal for 17.240 Ha of forest land within the ML are of Utkal-B2 coal block lease hold area has been accorded by MOEF under Section 2 of FCA, 1980 dated 21.7.11. Compliance report submitted on 23.8.2011.
Application EMP Clearance	16.8.2000	27.5.2002	1 Year 9 months	-
Grant of EMP Clearance	16.2.2001	28.7.2006	5Years 5 Months	Grant of EMP was delayed 5 years by MOEF.
Grant of Mining Lease	16.8.2001	Pending	10 Yrs 10 Months (pending with	5(1) approval under MMRD Act obtained by State Govt on 15.2.2008. Grant order of signing of ML is awaited from the last 1

			State Govt.)	year.
Application of Land Acquisition	16.3.2001	26.11.2001	8 Months	-
Completion of Land Acquisition	16.8.2002	Pending	9 Yrs 7 Months	<p>295.52 Acres of land for the project for which company approached IDCO on 4.12.2001 and deposited 13 Crs to IDCO towards the cost of land. 218 acres land is in physical possession and balance 53.81 Acres Pvt land and balance Govt land 22.82 of Govt to be handed over by Govt of Orissa by June, 2012 as per report submitted to CCO.</p> <p><b>R &amp; R Site:-</b>Total 1001 persons are to be displaced and resettled at some other suitable site and for which 140 acres of land is required. Villagers are refused to accept the location at Jamunali village for their R &amp; R site delaying the entire process of R&amp;R. Construction work for rehabilitation at Gallgodia villagers are already been started and likely to be completed by 30.9.2012.</p>
Application for opening permission	16.12.2002	Pending	9 Yrs 3Months	Immediately after signing of ML.

Grant of Opening permission	16.1.2003	Pending	9Yrs 2 Months	-do-
Coal Production	16.2.2003	Pending	9 Yrs 1 Months	

5. The IMG in Meeting held on 12<sup>th</sup> September, 2012 under the Chairmanship of Additional Secretary (Coal), before deliberating on individual cases, deliberated upon the broad parameters which may constitute substantial progress of coal block. It was decided that purchase of GR, Approval of Mining Plan, Grant of EC, status of FC and progress made in land acquisition shall constitute basic requirement. Physical status of EUP, investment made and expected date of opening of mine and commissioning of EUP shall also be a material consideration. Where there is no provision for BG and the block is not found fit for de-allocation and there is substantial progress, the IMG may recommend that the allocatee may be asked to submit a BG. The amount of BG that may be asked for would be fixed factoring in the time elapsed since date of allotment.

After detailed deliberations, the IMG observed as under:

*M/s Monnet Ispat & Energy Limited (Utkal B2)*

*The IMG considered the terms and conditions of allocation, the show cause notice issued, the reply and the presentation made by the company along with the latest status paper presented to the IMG. The IMG noted that the company has neither developed the coal block nor set up the end use plant despite a lapse of 13 years from date of allotment i.e. 16/08/1999. IMG also noted that the company has obtained both EC and FC clearance and 218 out of 295 acres land is already in possession. Investment made as per CA certificate submitted by the company is 7667.18 lakhs. The company is also in an advanced stage of setting up washery plant under NEDO assistance from Japan based on latest technology. During presentation the company argued that entire delay was not attributable to them and they assured that they will be in a position to open the mine by March 2013.*

*In view of the above substantial progress the IMG did not consider it appropriate to recommend deallocation of the block at this stage. Even though as per the terms and conditions of the allocation the necessary action for obtaining mining lease and to comply with various legal commercial requirement was to be taken by the company within six months and it thus stands in breach of the terms and conditions of allocation, it may at this stage be asked to submit BG amounting to three years royalty within a period of one month from date of letter in this regard failing which the block may be deallocated.*

*The company assured that the mine will be opened by March 2013. The IMG also recommended that in case the mine is not opened by March 2013 the block may be deallocated and BG forfeited in full. The IMG also noted that the company has assured that commissioning of end-use plant will be synchronized with coal production. As reported by the*

company, an investment of about Rs. 28 crore has been made in the washery and a further Rs. 8-10 crore has been spent on acquisition of land for the end-use plant.

7. The recommendation of the IMG has since been considered and accepted by the Government.

8. Accordingly it is decided to direct that the Bank Guarantee furnished by the allocatee company. The Bank Guarantee (BG) as calculated by Coal Controller's Office to the extent of **Rs.62.832 (Rupees sixty two crore eighty three lakh and twenty thousand only)** equal to three years royalty is to be deposited by the allocatee company within a period of one month from date of letter failing which the block may be deallocated. (The calculation of BG to be imposed is given in Annexure IV). It is further directed that in case the mine is not opened in March, 2013, the block may be de-allocated and BG forfeited in full.

Yours faithfully,

  
(V.S. Rana)

Under Secretary to the Govt. of India

Copy to:-

1. The Chief Secretary, Government of Odisha.
2. The Secretary, Ministry of Steel, Udyog Bhavan, New Delhi.
3. Chairman, Coal India Limited, 10-Netaji Subhash Road, Kolkatta
4. The Coal Controller's Organisation, 1, Council House Street, Kolkata.
5. ✓ NIC Cell, Ministry of Coal for placing the letter on the Website of Ministry of Coal.

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No. 47011/13,99-CPAM  
Government of India  
Ministry of Coal

New Delhi, the 16<sup>th</sup> August, 1999.

To

M/s. Monnet Ispat Ltd.,  
Mohla Building, 3<sup>rd</sup> Floor,  
4, Bhilaji Camma Place,  
New Delhi - 110 016.

Subject: Proposal for captive mine block for supply of coal to proposed sponge iron plant of 1.2 mt capacity.

Sir,

I am directed to refer to your letter dated 7.10.98 on the above subject and to say that your request for identification of a captive block for development on a captive basis by your company for supply of coal to the above mentioned proposed sponge iron plant was considered in the 14<sup>th</sup> meeting of the Screening Committee for screening proposals relating to captive mining held on 18.19.6.1999.

The Screening Committee after detailed deliberations decided to allot Utkal B2 block for development by your company as a captive source of supply of coal for the proposed sponge iron plant of 1.2 mt., subject to the following conditions:-

- i) Financial closure must be achieved within one year of the allotment of the block failing which the allotment will be withdrawn.
- ✓ ii) Study report on washability characteristics carried out by the party shall be provided to CIL, CMPDI for their examination.
- iii) The party will set up its own washery for washing the coal to 20% ash level. The middlings/ rejects of the washery will be used in their own captive power plant.
- iv) Exploration charges for the allotted Utkal B2 block shall be paid to CIL/MCI within six months.
- v) Necessary action for obtaining mining lease and to comply with various legal/commercial requirement shall be taken within six months.
- vi) The arrangements for transport of coal will have to be worked out in consultation with the Indian Railways.

The progress in this regard should be reported to this Ministry every three months from now.

Yours faithfully,

(B. L. Dass)  
Under Secretary to the Govt. of India

Copy to:-

1. Chairman, Coal India Ltd., 10, Netaji Subhas Road, Calcutta - 70 001.
2. Chairman-cum-Managing Director, CMPDI, Gondwana Place, Kanke Road, Ranchi - 834 008.
3. Chairman-cum-Managing Director, MCL, MCL Complex, Jagriti Vihar, Burla, P.O. UCE, Distt. Sambalpur- 768 018.
4. Shri S. K. Mishra, Joint Director (Trans. & Plg.), Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.
5. Smt. Neelkamal Darbari, Dy. Secretary, Ministry of Steel, Udyog Bhawan, New Delhi.
6. Chief Secretary, Government of Orissa, Secretariat, Bhubaneswar.
7. CA Section.



(B. L. Dass)

Under Secretary to the Govt. of India



**SHOW CAUSE NOTICE**

No.13011/ 04 /2012-CA-I (pt.)  
Government of India  
Ministry of Coal

New Delhi, dated <sup>th</sup>30 April, 2012

To

M/s. Monnet Ispat Ltd.,  
Monnet House,  
11 Masjid Moth,  
Greater Kailash Part -II,  
New Delhi 110 048

**Subject: Show cause notice in respect of Utkal B2 block.**

Sir,

I am directed to refer to this Ministry's letter No.47011/13/99-CA-I dated 16.08.1999 conveying allocation of Utkal B2 coal block in pursuance of the provisions contained in Section 3(3)(a) of the Coal Mines (Nationalization) Act, 1973, subject to certain conditions. One of the conditions of allocation was that coal production from the captive block shall commence within 36 months (42 months in case the area is in forest land) in case of open cast mine and in 48 months (54 months in case the area falls under forest land) in case of UG mine from the date of allocation letter. The end- use project schedule and the coal mine development schedule should be modified accordingly and submitted to the Ministry within 3 months from the date of allocation.

2. In order to expedite the development of the coal block, various review meetings were held from time to time with the representatives of the company. In the review meeting held on 11/12.01.2012, it was noticed that no serious efforts have been made by the company to develop the coal block, even after repeated assurances tendered by the Company during the period. It is also noted that all the important/critical milestones such as Mining Lease, Land Acquisition are pending for Utkal B2 coal block. It is thus seen that the company has repeatedly





failed to keep its promises made to the Ministry and is thus non-serious about timely development of the block. The details of milestones to be achieved and the time lapsed against each milestone are given in the table below:-

Mile Stones	Schedule date of Completion	Actual date of Completion	Slippage in YY/MM
Purchase of GR	30.9.1999	16.7.2001	1Yr 10 Months
Submission of Bank Guarantee	NA	NA	
Mining Lease Application	16.11.1999	15.2.2002	2Years3 Months
Submission of Mining Plan	16.2.2000	31.8.2001	1Year 5 Months
Approval of Mining Plan	16.4.2000	25.10.2001	1Years 6 months
Application of Previous approval	16.6.2000	20.9.2007	7Years 3 Months
Granting of Previous approval	16.7.2000	15.2.2008	7Years 7 months
Application of Forest clearance	16.8.2000	24.4.2003	2 Years 8 months
Grant of Forest Clearance	16.2.2001	21.7.2011	10 Yrs 5 Months
Application EMP Clearance	16.8.2000	27.5.2002	1 Year 9 months
Grant of EMP Clearance	16.2.2001	28.7.2006	5Years 5 Months
Grant of Mining Lease	16.8.2001	Pending	10 Yrs 7 Months (as on March.12)
Application of Land Acquisition	16.3.2001	26.11.2001	8 Months
Completion of Land Acquisition	16.8.2002	Pending	9 Yrs 7 Months
Application for opening permission	16.12.2002	Pending	9 Yrs 3Months
Grant of Opening permission	16.1.2003	Pending	9Yrs 2 Months
Coal Production	16.2.2003	Pending	9 Yrs 1 Months

3. Under the above circumstances, you are hereby called upon to show cause, on each milestone separately, to this Ministry within a period of 20 days from the date of issue of the show cause notice as to why the delay in the development of the coal block should not be held as violation of the terms and conditions of the allotment of Utkal B2 coal block, failing which it would be presumed that your company has no explanation to offer and action as

appropriate would be taken against your company for de-allocation of Utkal B2 coal block.



(Sandeep Gupta)

Under Secretary to the Govt. of India

Copy to The Coal Controller, Coal Controller Organisation, Kolkata.

# Status Note

Sl No	Items	Remarks
1	Name Of the Coal Block	Utkal B2
2	Name Of the allocate	M/s Monnet Ispat Ltd.
3	Date Of allocation	16-06-1999
3	End Use and Plant Capacity	Sponge Iron of 1.2 MT capacity.  Investment made as per CA certificate:-  Coal Mining and Washery Project: Rs.7667.18 Lakhs invested.
5	Important terms and conditions of allocation	A copy of allocation letter is enclosed.
6	Milestones of allocation	Stage -II FC obtained on 21.7.2011
7	Slippages against Milestones as stated in the SCN	Mining Lease and Land Acquisition Pending.
8	History Previous review / action	The company was issued show cause notice on 21.09.2010 on the recommendation of the Review Committee meeting held in July, 2010. The show cause notice mentioned about the pendency of critical milestones such as Forest Clearance, mining lease execution, land acquisition despite passage of 11 years from the date of allocation.
9	Condonation of delay or extension of Zero date granted if any and permissible grace period if any whether any request for condonation is pending with the Ministry	No.
10	Litigation any orders of the court , if any	No.
11	Summary of reply of the company including reasons for delay	Financial Closure completed. 2x350 TPD kiln DRI unit & 40 MW CPP is targeted for production by Oct., 2014. Proposed 650x2 TPD + 600x1 TPD and 300 TPD kiln DRI Plant will be commissioned in a phased manner. Delay is attributed to land acquisition and R& R.
12	Comments of MOC with the respect to issue pertaining to delay in purchase of GR,	



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transfer of surface rights by coal companies, sanction of mining plan etc.	
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Office of the Coal Controller, MOC, Kolkata

Updated Status of Coal Block as on June.2012

(As per Report furnished by Block Owners)

1. Name of Company:- M/s. Monnet Ispat & Energy Ltd.
2. Name of Coal Block:- Utkal-B2 (Explored) OC Mine
3. Date of Allocation:- 16.8.1999
4. Location: Talcher, OR
5. Total cost:- 38.68 Crs
6. Total investment: - 79crs.
7. Reserve (Mill tonnes):-114
8. Yearly rated capacity (MTPA):-2.2
9. Cost of GR:-
10. BG Amount :-NA
11. Type of EUP:- SIP ✓
12. Location of Project:- Angul
13. Capacity of Project:- 1.2 mtpa sip
14. Explored/Un explored:- E
15. Zero Date:- 16.8.99
15. Previous recommendation- Warning

Mile Stones	Schedule date of Completion	Actual date of Completion	Slippage in YY/MM	Remarks
Purchase of GR	30.9.1999	16.7.2001	1Yr 10 Months	Block boundary was disputed due to late receipt of GR.
Submission of Bank Guarantee	NA	NA		-
Mining Lease Application	16.11.1999	15.2.2002	2Years3 Months	Delay in fixing the boundary submission of ML and ML application got delayed.
Submission of Mining Plan	16.2.2000	31.8.2001	1Year 5 Months	-do-
Approval of Mining Plan	16.4.2000	25.10.2001	1Years 6 months	-do-

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COAL CONTROLLER



Application of Previous approval	16.6.2000	20.9.2007	7Years 3 Months	-
Granting of Previous approval	16.7.2000	15.2.2008	7Years 7 months	-
Application of Forest clearance	16.8.2000	24.4.2003	2 Years 8 months	After fixation of block boundary, FC application was submitted.
Grant of Forest Clearance	16.2.2001	21.7.2011	10 Yrs 5 Months	Stage-II clearance of forest diversion proposal for 17.240 Ha of forest land within the ML are of Utkal-B2 coal block lease hold area has been accorded by MOEF under section 2 of FCA, 1980 dated 21.7.11. Compliance report submitted on 23.8.2011.
Application EMP Clearance	16.8.2000	27.5.2002	1 Year 9 months	-
Grant of EMP Clearance	16.2.2001	28.7.2006	5Years 5 Months	Grant of EMP was delayed 5 years by MOEF.
Grant of Mining Lease	16.8.2001	Pending	10 Yrs 10 Months (pending with State Govt.)	5(1) approval under MMRD Act obtained by State Govt on 15.2.2008. Grant order of signing of ML is awaited from the last 1 year.
Application of Land Acquisition	16.3.2001	26.11.2001	8 Months	-
Completion of Land Acquisition	16.8.2002	Pending	9 Yrs 7 Months	295.52 Acres of land for the project for which company approached IDCO on 4.12.2001 and deposited 13 Crs to IDCO

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*[Signature]*  
COAL CONTROLLER



				<p>towards the cost of land. 218 acres land is in physical possession and balance 53.81 Acres Pvt land and balance Govt land 22.82 of Govt to be handed over by Govt of Orissa by June, 2012 as per report submitted to CCO.</p> <p><b>R &amp; R Site:-</b> Total 1001 persons are to be displaced and resettled at some other suitable site and for which 140 acres of land is required. Villagers are refused to accept the location at Jamunali village for their R &amp; R site delaying the entire process of R&amp;R. Construction work for rehabilitation at Gallgodia villagers are already been started and likely to be completed by 30.9.2012.</p>
Application for opening permission	16.12.2002	Pending	9 Yrs 3 Months	Immediately after signing of ML.
Grant of Opening permission	16.1.2003	Pending	9 Yrs 2 Months	-do-
Coal Production	16.2.2003	Pending	9 Yrs 1 Months	

- Likely production Schedule:- March 2013 (Box Cut)  
PRC by 2013 (Production)

Mine Closure Plan:- MCP submitted to MOC on 31.5.12. Presentation held to technical members of SC on 31.5.12.

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**EUP:-**

**Proposed:-**The block is allocated for 1 MTPA SIP (7 klins) and 40 MW CPP at Mongalpur, Dhenkanal, Orissa.

**2x350 TPD kiln DRI unit & 40 MW CPP is targeted for production by Oct. 2014.**

**Proposed:-** 650x2TPD +600 x1 TPD & 300 TPD kiln DRI Plant will be commissioned in a phased manner.

**Financial closure completed.** Company is hopeful to synchronise EUP production with coal production from the block.

Erection of equipment is expected by Dec.2012. Balance land will be handed over by Sept.2012. Civil works will start after receipt of physical possession of balance land from Sept,2012. Road transportation system applied.

**Investment made for EUP :- N/A.**

**Investment made for Mining development: Rs.7667.18 Lakhs as per CA Certificate**

Company represented that GR was not readily available with CMPDIL and block boundary was also in dispute due to late receipt of GR and delay in fixing the boundaries, submission of MP.

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Office of the Coal Controller, KolkataBG deduction calculation as per IMG recommendation in the meeting held on 12.09.2012

1. Name of Company:- M/s Monnet Ispat & Energy Ltd.
2. Name of Coal Block:- Utkal-B2 (Explored) / OC Mine.
3. Date of Allocation:- 16.8.1999
4. Normative Date of production:- 16.02.2003 (as per allotment letter)
5. Yearly Rated Capacity:- 2.2 MTPA
6. BG Amount:- To be determined on the basis of three years royalty as recommended by IMG
7. IMG Recommendation: Even though as per the terms and conditions of the allocation the necessary action for obtaining mining lease and to comply with various legal commercial requirement was to be taken by the company within six months and it this stands in breach of the terms and conditions of allocation, it may at this stage be asked to submit BG amounting to three years royalty within a period of one month from date of letter in this regard failing which the block may be de-allocated.

The IMG also recommended that in case the mine is not opened by March 2013 the block may be de-allocated and BG forfeited in full.

Calculation of amount of B.G. to be submitted-

Average Grade of the block as per approved mine plan = G

Average GCV for G grade as per approved mine plan = 3330 Kcal/Kg

Price/Tone for GCV 3330 = Rs. 680 (As per CIL Notification No. CIL-S&M:GM (F):Pricing:1965 dt.31.01.2012)

Royalty/Tone =  $Rs. 680 \times 14\% = Rs. 95.2$  (Royalty rate = price  $\times 14\%$  as per gazette notification No. G.S.R.349(E) dt.10.05.2012)

The Royalty for Peak rated capacity of 2.2 MT/year =  $Rs. 95.2 \times 2.2 = Rs. 209.44$  Million = Rs. 20.944 Crore

Bank Guarantee may be asked to submit for 3 year royalty =  $Rs. 20.944 \times 3 = Rs. 62.832$  Crore

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Coal Controller