

BY FAX/SPEED POST

F.No. 110/9/2015/NA (Part-II)
Government of India
Ministry of Coal
Office of Nominated Authority

131, Ground Floor, World Trade Centre, Babar Road
New Delhi, Dated: December 01, 2016

To,
The Pay & Accounts Officer,
PAO, Ministry of Coal,
Trikoort II, Bhikaji Camma Place,
R.K.Puram,
New Delhi-110066.

Subject: Transfer of compensation towards cost for Land and Mine Infrastructure in respect of **Amelia North coal mine** to the Commissioner of Payment for further disbursement to the prior allottees i.e. **M/s. Madhya Pradesh State Mining Corporation Ltd.**

Sir/Madam,

I am to convey the sanction of the President to the transfer of a sum of **Rs. 50,53,76,548/-** (Rupees Fifty Crore Fifty three Lakh Seventy Six thousand Five hundred and Forty Eight only)to the Coal Controller's Organisation for disbursement to **M/s. Madhya Pradesh State Mining Corporation Ltd**, the prior allottee of **Amelia North coal mine** under the provisions of the Coal Mines (Special Provisions) Act, 2015 by the Coal Controller in his capacity as 'Commissioner of Payments' towards compensation for Land and Mine Infrastructure.

2. The amount of compensation for Land and Mine Infrastructure for Amelia North coal mine has been calculated as **Rs.1,11,00,674/-** and **Rs. 49,42,75,874/-** respectively.

3. Here, it is pertinent to mention that in accordance with the Coal Mines (Special Provisions) Act, 2015 ("Act") and the Coal Mines (Special Provisions) Rules, 2014 ("Rules"), the Nominated Authority had issued notices dated March 12, 2015, April 22, 2015, September 17, 2015, December 15, 2015 and June 02/03, 2016 inviting claims from Secured Creditors/Government Authorities in respect of Schedule I coal mines.

4. In pursuance to the aforesaid notices, ICICI Bank lodged its claim for Rs. 1,35,00,00,000/- against the said coal mine. The claim of ICICI Bank was forwarded to M/s. MPSMCL for confirmation. M/s. MPSMCL vide letter dated 17.08.2016 has stated that it had formed a JV company named Madhya Pradesh Jaypee Minerals Ltd. with 51% shareholding of MPSMCL and 49% of Jaiprakash Associates Ltd. Further, M/s. MPSMCL has stated that ICICI Bank has granted loan to the JV Company. The debt is secured by way of movable/immovable properties (except mining land) of the JV company. Further, JAL has substantial dues payable to MP state government.

5. As Mining Lease has been executed in favour of M/s. MPSMCL, M/s. MPSMCL is the prior allottee in terms of the Coal Mines (Special Provisions) Act, 2015. The loan has been granted by ICICI Bank to the JV Company i.e. Madhya Pradesh Jaypee Minerals Ltd. As such, the claim of ICICI Bank is hereby rejected.

6. Further, Coal Controller Organisation has lodged its claim for an amount of Rs. 2,78,11,613/- against amount outstanding towards escrow account stating it as security deposit. Since security deposit is not a permissible claim under the Act, the same has been decided as not admissible and has been rejected.

7. The aforesaid amount may be transferred through RTGS to the account of Coal Controller, Coal Controller's Organisation who has been appointed as

'Commissioner of Payments' under the provisions of Section 15 (1) of the Coal Mines (Special Provisions) Act, 2015 for the purpose of the said Act vide Ministry of Coal's Order No. 22/2/2014-ASO dated 15th July, 2015.

8. The expenditure on this account is debitable to the Head **8443.00.117.03.04.00.**

9. This issues with the approval of Integrated Finance Division, Ministry of Coal vide Note dated 18.10.2016.

Encl: as above.

Yours faithfully,



(N.K. Singh)

Deputy Secretary to the Government of India

Copy to:

1. **The Coal Controller in the capacity as Commissioner of Payments**, Coal Controller Organisation, No. 1 Council House Street, Kolkata-700001 - for further disbursement to the prior allocattees under the provisions of the Coal Mines (Special Provisions) Act, 2015 within **ten days** of the transfer of above amount from PAO. It may be ensured that payment is made to the prior allottee as per the said Act. The prior allottees may be intimated of the sanction & requested to submit the required document(s) for receiving the amount. For this purpose an affidavit in the prescribed format (**Annexure-I**) may be obtained from the prior allottee prior to disbursal.
2. US (IFD), Ministry of Coal.
3. US (CA-III), Ministry of Coal.
4. DDO, Nominated Authority.
5. M/s. Madhya Pradesh State Mining Corporation Limited.
6. M/s. Jaiprakash Power Ventrues Limited.
7. TD, NIC: for uploading on the Website of Ministry of Coal.

ANNEXURE-I

(To be stamped in accordance with the relevant Stamp Act and duly sworn before Notary Public)

**UNDERTAKING FOR RECEIVING THE AMOUNT TOWARDS
COMPENSATION FOR LAND AND MINE INFRASTRUCTURE**

I, _____ aged _____ years, resident of _____ working as _____ an authorized signatory on behalf of _____ (name of Prior Allottee) hereby states as under:

1. That I am the Authorised Signatory of the Prior Allottee. I am conversant with facts and circumstances surrounding the subject of this Undertaking and have been authorized to undertake the same.
2. That M/s. _____ is/are the Prior Allottee (s) of the _____ (the "Coal Mine") in terms of the Coal Mines (Special Provisions) Act, 2015 (the "Act")/successor-in-interest of the Prior Allottee of the Coal Mine. The Mining Lease has been executed in favour of M/s. _____. As such the Prior Allottee is entitled to receive compensation on account of cost of Land and Mine Infrastrucutre.
3. That the Prior Allottee (s) has incurred the cost of Land and Mine Infrastructure for _____ coal mine and is entitled to get refund of the same. The details of account for this purpose is as under:

Name of the Account holder company (must be in the name of Prior Allottee) _____

Name of the Bank/Branch _____

Account No. _____

MICR _____

IFSC _____

4. That the Prior Allottee (s) indemnifies the Nominated Authority &/or the Central Government against any liability, cost, damages or losses in relation to this disbursement.
5. That the Prior Allottee (s) also undertakes that it is liable to return the amount disbursed to it, in case thr above cost (part or in full) is claimed and established by any other party.
6. That nothing has been concealed in the information submitted as mentioned above.

Solemnly affirmed and verified on this _____ day of (month) 2016 at (place).

(Signature)
Deponent-Authorised Signatory
(Name, Designation & Seal)

VERIFICATION

I, _____ aged _____ years, resident of _____ working as _____ an authorized signatory on behalf of _____ (name of Prior Allottee) do hereby solemnly declare that what is stated in paragraphs 1 to 8 above is on the basis of the books and records of the Prior Allottee, and verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

Verified at _____ day of (month) 2016 at (place).

(Signature)
Deponent-Authorised Signatory
(Name, Designation & Seal)