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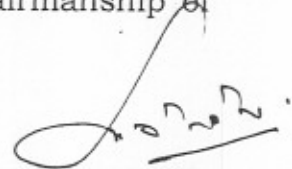
No.13016/04/2014-CA-I
Government of India
Ministry of Coal

New Delhi the 5th March, 2014

OFFICE MEMORANDUM

Sub: Minutes of 26th Meeting of the Inter-Ministerial Group (IMG) held on 25th February, 2014 under the Chairmanship of Additional Secretary (Coal) to undertake review of 10 coal blocks allocated to private companies which have not obtained Forest Clearance Stage-II in the context of submission made to the Hon'ble Supreme Court of India - reg.

Attention of members of the Inter-Ministerial Group (IMG) is invited to this Ministry's meeting notice of even number dated 18th February, 2014 on the above subject and to **circulate** herewith a copy of the **minutes** of the **26th** meeting of the IMG held on 25th February, 2014 under the Chairmanship of Additional Secretary (Coal), for information and necessary action.


(S.K. Shahi)

Director & Member-Convener
Telefax: 23382807

To

1. Ms. Sharmila Chavly, Joint Secretary, Deptt. of Economic Affairs, North Block, New Delhi.
2. Shri G. Sai Prasad, Joint Secretary, Ministry of Power, Shram Shakti Bhawan, New Delhi
3. Shri Shailender Singh, Joint Secretary, Dept. of Industrial Policy & Promotion, Udyog Bhawan, New Delhi
4. Shri Syedain Abbasi, Joint Secretary, Ministry of Steel, Udyog Bhawan, New Delhi.
5. Shri S.K. Mohapatra, Joint Secretary, Deptt. of Legal Affairs, Shastri Bhawan, New Delhi.
6. Ms. Sujata Prasad, JS&FA, Ministry of Coal
7. Shri A.K. Bhalla, Joint Secretary, Ministry of Coal
8. Shri Vivek Bharadawaj, Joint Secretary, Ministry of Coal
9. Shri D.N. Prasad, Advisor (Projects), Ministry of Coal
10. Shri A.K. Debnath, CMD, CMPDIL, Gondwana Place, Kanke Road, Ranchi.
11. Shri Amrit Acharya, Coal Controller, 1, Council House Street, Kolkata-1.

Copy also to:-

1. The Chief Secretary, State Government of Chhattisgarh, DKS Bhavan, Naya Raipur.
2. The Chief Secretary, State Government of Jharkhand, Dhurwa, Ranchi.
3. The Chief Secretary, State Government of Madhya Pradesh, Vallabh Bhavan, Bhopal.

Copy also to:

1. PS to Minister of Coal
2. PS to Minister of State for Coal
3. Sr. PPS to Secretary (Coal)
4. PPS to AS (Coal)
5. AD(Legal), Ministry of Coal
6. Director (Technical), NIC Cell, Ministry of Coal to **upload** the minutes of 26th IMG in the Website of Ministry.


(S.K. Shahi)

Director & Member-Convener

MINUTES OF THE 26TH MEETING OF THE INTER-MINISTERIAL GROUP (IMG) HELD ON 25TH FEBRUARY, 2014 UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY (COAL) TO UNDERTAKE REVIEW OF 10 COAL BLOCKS ALLOCATED TO PRIVATE COMPANIES, WHICH HAVE NOT OBTAINED FORESTS CLEARANCE STAGE-II IN THE CONTEXT OF SUBMISSION MADE TO THE HON'BLE SUPREME COURT OF INDIA

A list of participants is at **Annex.-I** and a list of allocatees which made presentation before IMG is at **Annex.II**.

2. At the outset, Additional Secretary (Coal) & Chairman, IMG welcomed the Members and informed that in this **26th** meeting was being held in continuation of 24th meeting held on 7-8th February, 2014, to review the **10** coal blocks allocated to private companies which had not come under production and which had not obtained Forest Clearance Stage-II in the context of 'Statement' submitted to the Hon'ble Supreme Court of India by Ld. Attorney General for India (AGI). The allocatees of these 10 coal blocks (as a part of 61 coal blocks) were issued notice by MoC on **15.01.2014** requiring them to submit explanation with requisite documents by **12.02.2014** on the basis of which the review would be undertaken.

3. He informed that in the 24th IMG meeting, **61** coal blocks allocated to private companies in pursuance of the recommendations of the Screening Committee and which had not come into production were reviewed and thereafter 31 coal blocks were recommended for de-allocation. Out of the remaining 30 coal blocks, the IMG would review in this meeting, the 10 coal blocks which had obtained EC and FC Stage-I by 05.02.2014 i.e. the cut-off date prescribed in the notice dated 15.01.2014.

4. The relevant condition for review of these 10 coal blocks as indicated in para 2 (iii) of the notice dated 15.01.2014 issued to allocatees is reproduced below:-

"2. *The criteria for review are specified as below:-*

- (i)
- (ii)
- (iii) *Cases where Forest Clearance (FC) Stage II has not been obtained, will be reviewed and a decision will be taken within six weeks keeping in mind the guidelines of Ministry of Environment & Forests (MoEF) and after assessing the situation to ascertain whether such clearance (FC Stage II) will be forthcoming within a*

reasonable time, failing which blocks will be de-allocated. MoEF will be requested to take an appropriate decision within four weeks."

5. Accordingly, the allocatees were asked to furnish documents in support of obtaining requisite clearances as prescribed in the criteria above by 12.02.2014.

6. The Chairman, IMG further informed that since 26th IMG was required to assess the reasonable time within which forest clearance Stage-II would be forthcoming in these cases, MoC had decided to coopt a representative of MoEF and MoEF had accordingly nominated Shri M.K. Negi, IGF (FC) and Shri H.C. Chaudhary AIG(FC) for this meeting, vide its letter No.11-67/2014-FC dated 21st February, 2014. Further, representatives of concerned State Governments had also been invited for this meeting to assist the IMG in assessing the feasibility of obtaining FC Stage-II by these allocatees. The coal block allocatees concerned were invited to present their preparedness towards obtaining FC Stage-II.

7. IMG also noted that allocatees of many coal blocks, whose cases were being reviewed, had filed cases in different courts and therefore, recommendations of the IMG would be subject to the outcome of these court cases and the interim order, if any, in respect of blocks being reviewed in this meeting.

8. On the basis of the above-mentioned criteria, the coal blocks were considered *in seriatim* as per the meeting notice and the recommendations of IMG. Each allocatee was allowed to make presentation to explain his case. It was discussed by the IMG. Explanations / documents submitted and presentation made by the allocatee were carefully considered. Inputs were received from the State Government of Chattisgarh for the block situated in the State, MoEF and other Ministries. It was duly deliberated upon which is briefly mentioned in succeeding paragraphs:-

i. Durgapur II/Sarya coal block allocated to D.B.Power Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion of hectares of forest land accorded on 23.11.2012.

First report on compliance to conditions stipulated in stage-I approval has been received from the State Government vide their letter dated 19.03.2013. Examination of the same revealed that compliance of

compensatory afforestation was not in accordance with relevant guidelines issued by the MoEF under the Forest (Conservation) Act, 1980. Accordingly, this Ministry vide its letter dated 13.05.2013 conveyed the revised stipulation regarding raising of CA over non-forest land to the State Government.

The State Government vide their letter dated 4.02.2014 again submitted the compliance report on the compensatory afforestation. Consolidated compliance report received from the State Government has been submitted for approval of the competent authority of the Ministry.

In light of Ministry of Coal's letter dated 15.01.2014 wherein status of grant of forest clearance of private coal blocks was requested, the MoEF vide its letter dated 19.02.2014 has sought a clarification from the Ministry of Coal whether the Ministry can still consider issuing the Stage-II approval to the project."

Allocatees during presentation informed that they had received FC Stage-II on **21.02.2014** and produced a copy of the same. The allocatee has been asked to furnish a copy formally to Ministry of Coal for record.

ii. Mahan coal block allocated to Essar Power Ltd. and Hindalco Industries Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

*"Proposal has been accorded Stage-II approval on **12.02.2014**."*

iii. Moitra coal block allocated to Jayaswal Neco Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I approval for diversion of 104.17 ha. of forest land accorded on 11.12.2013. Report on satisfactory compliance to conditions stipulated in the Stage-I FC is awaited."

iv. Ganeshpur coal block allocated to Tata Steel Ltd. and Adhunik Thermal Energy Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion of 168.00 hectares of forest land accorded on 19.12.2013. Report on compliance to conditions stipulated in Stage-I approval is awaited from the State Government."

v-vi. Brinda and Sisai coal block allocated to Abhijeet Infrastructure Pvt. Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion of 49.07 hectares of forest land located in Brinda-Sisai and Meral coal Block accorded on 11.02.2011. Report on satisfactory compliance to conditions stipulated in the Stage-I FC is awaited."

vii. Lohari coal block allocated to Usha Martin Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion 85.300 ha. of forest land located in Lohari Coal Block was accorded on 3.4.2013. Report on satisfactory compliance to conditions stipulated in the Stage-I FC is awaited."

viii. Dumri coal block allocated to Nilanchal Iron & Power Ltd. & Bajrang Ispat (P) Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion of 158.64 hectares of forest land accorded on 30.12.2012. Report on satisfactory compliance to conditions stipulated in the State-I FC is awaited from the State Government."

ix. Jitpur coal block allocated to Jindal Steel & Power Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion of 139.00 hectares of forest land accorded on 23.11.2012. Report on satisfactory compliance to conditions stipulated in the State-I FC is awaited."

x. Rohne coal block allocated to JSW Steel Ltd., Bhushan Power & Steel Ltd. and Jaibalaji Industries Ltd.

IMG noted that MoEF vide its letter dated 21st February, 2014 informed the following status with regard to Forest Clearance (FC-Stage-II) :-

"Stage-I FC for diversion of 778.23 hectares of forest land has been accorded on 25.01.2013 read with letter dated 07.11.2013 and 24.01.2014. Report on satisfactory compliance to conditions stipulated in the Stage-I FC is awaited."

9. All the allocatees gave a presentation before the IMG informing about steps taken by them in obtaining FC (Stage-II). The common thread which emerged from the presentations made was that acquiring of land for compensatory afforestation and getting it mutated in the name of allocatee and thereafter transferring it to Forest Department was a major activity towards obtaining FC-Stage II. Further, the resolution of the gram sabha under Forests Rights Act was another time taking exercise. The confirmation of the compliance to the various conditions prescribed while granting FC Stage-I is furnished by the State Government to MoEF. IMG noted that out of 10 blocks, allocatees of 02 blocks had already obtained FC Stage-II as indicated in para 8 above, leaving 8 blocks in which FC Stage-II was yet to be obtained. The presentation made by these 8 block allocatees revealed that they were at different stages of fulfilling the requirement of obtaining FC Stage-II. These allocatees indicated a time line of about six months for obtaining FC Stage-II. However, allocatees also expressed their apprehension that after imposition of Model Code of Conduct by Election Commission of India for the ensuing General Elections to the Lok Sabha, 2014, the machinery of the State Governments would be busy with conduct of elections and normal administrative processes might slow down. Thus, they requested for keeping an allowance for the delay which would be caused by the same.

10. The representatives of MoEF informed that validity period of FC Stage-I was five years for obtaining FC Stage-II. FC Stage-I can then be summarily withdrawn.

11. IMG thereafter deliberated upon the reasonable time to be prescribed in respect of 08 blocks for obtaining FC Stage-II. IMG was unanimous that a single time line may be prescribed in respect of all the 08 blocks without any differentiation. IMG felt that at the most, six months' time could be allowed to these block allocatees for obtaining FC Stage-II. However, keeping in view the fact that General Elections are

going to be held in April-May, 2014 and the Model Code of Conduct is likely to imposed in the first week of March, 2014 which would slow down the administrative processes, nine months' time would be a reasonable period.

12. IMG, thus recommends that allocatees of 08 coal blocks may be advised to obtain FC Stage-II by November, 2014, failing which their coal blocks may be de-allocated.

The meeting ended with a vote of thanks to the Chair.

Annexure-I

List of participants of 26th IMG meeting held on 25th February, 2014.

Members of IMG

S.NO	Name & Designation	Name of the Ministry /Deptt./Organisation
1.	Dr. A.K. Dubey, Chairman, Additional Secretary, Ministry of Coal	Chairman, IMG
2.	Shri A.K. Bhalla, Joint Secretary	Ministry of Coal
3.	Shri Vivek Bharadwaj, Joint Secretary	Ministry of Coal
4.	Shri M.K. Tyagi, Secretary	Government of Chhattisgarh
5.	Shri Mudit Kr. Singh, Additional PE/CF	Government of Chhattisgarh
6.	Shri M.S. Negi, IGF	Ministry of Environment & Forests
7.	Shri H.C. Chaudhary, AIGF	Ministry of Environment & Forests
8.	Shri Amrit Acharya, Coal Controller	Ministry of Coal
9.	Shri V. Apparao, Director	Ministry of Power
10.	Shri S.K. Shahi, Director	Ministry of Coal
11.	Shri Shekhar Saran, Director (Tech.)	CMPDIL, Ranchi
12.	Shri Anupam Prakash, Director	Ministry of Steel
13.	Shri Abhijit Phukan, Joint Director	Department of Economic Affairs
14.	Dr. R.S. Shrinet, Assistant Legal Advisor	Ministry of Law & Justice, Department of Legal Affairs

Officers of Ministry of Coal in attendants:

S. No.	Name & Designation
1.	Shri A.S. Sahay, US (CA-1)
2.	Shri Ram Naresh, SO (CA-I/A)
3.	Shri Manish Uniyal, SO (CA-I/B)
4.	Shri Kamal Kishore, AD (Legal)
5.	Shri Sambhav Jain, AM (Legal)
6.	Shri Hrishikesh, MT (Legal)
7.	Shri Sevak Paul, Assistant
8.	Ms. Malashree Sarkar, UDC
9.	Shri Arjun Singh Negi, LDC
10.	Shri Malkhan Singh, MTS

Annexure-II

Details of participants of allocatee companies attended 26th meeting of the Inter-Ministerial Group (IMG) held on 25.02.2014 under the Chairmanship of Additional Secretary (Coal).

S.NO	Name & Designation	Name of the Company
1	Shri Girish Agarwal	D.B. Power Ltd.
2	Shri Sanjay Gh	D.B. Power Ltd.
3	Shri Vaibhav Alshi	D.B. Power Ltd.
4	Shri Pankaj Bhardwaj	D.B. Power Ltd.
5	Shri Prashant Jain	JSW Steel Ltd.
6	Shri R.P. Goyal	Bhushan Power & Steel Ltd.
7	Shri R.N. Chaubey	JSW Steel Ltd.
8	Shri R.P. Nangalia	JSW Steel Ltd.
9	Shri KVB Reddy	Essar Power Ltd.
10	Shri Sanjeev Anand	Essar Power Ltd.
11	Shri R.K Tiwari	Mahan Coal Ltd
12	Shri A.K. Mukherjee	Neelachal Ispat
13	Shri A. Banrat	Neelachal Ispat
14	Shri S.K. Moitra	Jayaswal Neco (C)
15	Shri Anand Goel	Jindal Steel and Power Ltd.
16	Shri R.S. Sharma	Jindal Steel and Power Ltd.
17	Shri T.K. Prasad	Jindal Steel and Power Ltd.
18	Shri R.K. Kapur	Usha Martin Ltd.
19	Shri Chanakya Chaudhary	Tata Steel Ltd.
20	Shri Vinod K. Verma	Hindalco
21	Shri Prsmani	Hindalco
22	Shri Vishal K. Jaiswal	Abhijeet Infrastructure
23	Shri Subhash Jetly	Adhunik Power & Natural Resources Ltd.
24	Shri Manoj Kr. Agarwal	Adhunik Power & Natural Resources Ltd.
25	Shri Bikash Mandal	Adhunik Power & Natural Resources Ltd.
26	Shri R.R. Srivastava	Tata Steel
27	Shri R.P. Goyal & Shri S.C Wahie	Bhushan Power & Steel Ltd
28	Shri A.K. Mukherjee, Jai Balaji Industries	JSW
29	Shri G. Gajodra	J.B.I.I.