

BY FAX/SPEED POST

**F.No. 110/9/2015/NA (part)
Government of India
Ministry of Coal
Office of Nominated Authority**

120, F-Wing, Shastri Bhawan,
New Delhi, Dated: the 16th July, 2018

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

Subject: Refund of amount submitted towards compensation for Land and Mine Infrastructure in respect of Meral coal mine to the Commissioner of Payment for disbursal to the Successful Bidder i.e. M/s. Trimula Industries Limited.

Sir/Madam,

I am to convey the sanction of the President to the transfer of a sum of **Rs. 1,63,27,895/-** (Rupees One crore Sixty Three lakh Twenty Seven thousand Eight hundred Ninety Five only) to the Coal Controller's Organisation for disbursement to **M/s. Trimula Industries Limited**, the Successful Bidder of Meral 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 compensation for land and mine infrastructure for Meral coal mine were calculated as **Rs. 4,16,89,707/-** (initially computing interest upto 31st March' 2015) and "**NIL**" respectively and accordingly **an amount of Rs. 4,16,89,707/-** was paid by the Successful Bidder prior to vesting. Subsequently the compensation for land was re-estimated as **Rs. 4,39,45,722/-**, computing interest upto the date of vesting. However, the differential amount was not paid by the Successful Bidder due to the dispute

in respect of land vested to them through Vesting Order.

3. In order to examine the objections raised by M/s. Trimula Industries Limited, the Successful Bidder of the Meral coal mine, to the release of amount of compensation for land in favour of the Prior Allottee of the coal mine, M/s. Abhijeet Infrastructure Pvt. Ltd, a hearing was called on 25.11.2016 wherein the Successful Bidder submitted that as per a report of Government of Jharkhand, out of the 70.5752 acres of vested land, only 43.9169 acres of land is transferable to them and thereby requested for refund of Rs. 1,63,27,897/- in lieu of non-transferable land. After due deliberation of the submissions made by both the parties, Order dated 09.12.2016 was passed in the matter with direction as under:-

"...It is noted that despite vesting of the land for mining, the Successful Bidder is not able to get the transfer/possession of the land. As the matter is under consideration of the State Government, the O/o Nominated Authority may seek a status report from the State Government. Only after finalization of the issues regarding the title and transferability of land, a decision can be taken on the release of compensation for the same. Therefore, the compensation amount for the said land may be withheld till such time."

4. As such, the amount of Rs. 4,16,89,707/- was withheld from payment to prior allottee in compliance to Order dated 09.12.2016.

5. Subsequently, Government of Jharkhand vide letter dated 06.01.2017 followed by several reminders was requested to provide the status report. However, no report was received from the State Government. However, the Successful Bidder vide letter dated 22.01.2018 again requested for refund of Rs. 1,63,27,897/- in lieu of non-transferrable land, enclosing a letter dated 28.11.2017 from State Government of Jharkhand in support of non-transferability of the said parcel of the land.

6. In order to resolve the issue, the Successful Bidder, the Prior Allottee as well as Nodal Officer of State Government of Jharkhand were called for another hearing on 04.06.2018. Considering the submissions made by the Successful Bidder as well as the confirmation of the State Government of Jharkhand, Order dated 27.06.2018 (copy enclosed) has been passed in the matter as per which it has been decided that the amount of **Rs. 1,63,27,895/-** may be refunded to the Successful Bidder and the remaining amount may be disbursed to the Prior Allottee after settlement of admissible claims in accordance with the provisions of the Act.

7. In view of the above, the total amount payable to the Successful Bidder i.e. M/s. Trimula Industries Limited is **Rs. 1,63,27,895/-**.

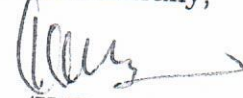
8. The aforesaid amount of **Rs. 1,63,27,895/-** may be transferred through RTGS to the account of Coal Controller, Coal Controller's Organisation who has been appointed as 'Commissioner of Payments' under the provisions of Section 15 (1) of the Coal Mines (Special Provisions) Act, 2015 for the purpose of the said Act vide Ministry of Coal's Order No. 22/2/2014-ASO dated 15th July, 2015.

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

10. This issues with the approval of Integrated Finance Division, Ministry of Coal vide Note dated 11.07.2018.

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 Successful Bidder 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 Successful Bidder of Meral coal mine i.e. **M/s. Trimula Industries Limited** as per the said Act. The Successful Bidder 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 Successful Bidder prior to disbursal.
2. US (IFD), Ministry of Coal.
3. US (CBA-II), Ministry of Coal.
4. DDO, Nominated Authority.
5. M/s. Abhijeet Infrastructure Pvt. Ltd.
6. M/s. Trimula Industries 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 REFUND OF AMOUNT PAID
TOWARDS COMPENSATION FOR LAND AND MINE INFRASTRUCTURE**

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

1. That I am the Authorised Signatory of the Successful Bidder. 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 Successful Bidder of the _____ (the "Coal Mine") in terms of the Coal Mines (Special Provisions) Act, 2015 (the "Act") and is liable to get the refund of Rs. _____ on account of amount paid for land which is non transferable to them.

3. The details of account for this purpose is as under:

Name of the Account holder company (must be in the name of Successful Bidder) _____

Name of the Bank/Branch _____

Account No. _____

MICR _____

IFSC _____

4. That the Successful Bidder indemnifies the Nominated Authority &/or the Central Government against any liability, cost, damages or losses in relation to this disbursement.

5. That the Successful Bidder also undertakes that it is liable to return the amount disbursed to it, in case the above cost (part or in full) is claimed and established by Prior Allottee/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) 2018 at (place).

(Signature)

BY EMAIL/SPEED POST

**F.No. 110/9/2015/NA (part-I)
Government of India
Ministry of Coal
Office of Nominated Authority**

Shastri Bhawan, New Delhi
Dated: the 27th June' 2018

ORDER

Subject: Compensation towards cost for Land and Mine Infrastructure in respect of Meral coal mine under Section 9 and 16 of the Coal Mines (Special Provisions) Act' 2015 read with Rule 15 of the Coal Mines (Special Provisions) Rules' 2014

In order to examine the objections raised by M/s. Trimula Industries Limited, the Successful Bidder of the Meral coal mine, to release of amount of compensation for land in favour of the Prior Allottee of the coal mine, M/s. Abhijeet Infrastructure Pvt. Ltd, a hearing was called on 25.11.2016, wherein the representatives of the Successful Bidder was present whereas the representative of the Prior Allottee was not present despite of notices sent to them. The Successful Bidder submitted that as per a report of Government of Jharkhand, out of the 70.5752 acres of vested land, only 43.9169 acres of land is transferable to them and thereby requested for refund of Rs. 1,63,27,897/- in lieu of non-transferable land. After due deliberation of the submissions made by both the parties, Order dated 09.12.2016 was passed in the matter with direction as under:-

"...It is noted that despite vesting of the land for mining, the Successful Bidder is not able to get the transfer/possession of the land. As the matter is under consideration of the State Government, the O/o Nominated Authority may seek a status report from the State Government. Only after finalisation of the issues regarding the title and transferability of land, a decision can be taken on the release of compensation for the same. Therefore, the compensation amount for the said land may be withheld till such time.

2. The compensation for land and mine infrastructure were calculated as **Rs. 4,16,89,707/-** (initially computing interest upto 31st March' 2015) and **"NIL"** respectively and accordingly **an amount of Rs. 4,16,89,707/- was**

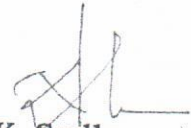
paid by the Successful Bidder prior to vesting. Subsequently the compensation for land was re-estimated as **Rs. 4,39,45,722/-**, computing interest upto the date of vesting. However, the differential amount was not paid by the Successful Bidder due to the above mentioned reason.

3. As such, the amount of Rs. 4,16,89,707/- was withheld from payment to prior allottee in compliance to Order dated 09.12.2016.
4. Subsequently, Government of Jharkhand vide letter dated 06.01.2017 followed by several reminders was requested to provide the status report. However, no report was received from the State Government. However, the Successful Bidder vide letter dated 22.01.2018 again requested for refund of Rs. 1,63,27,897/- in lieu of non-transferrable land, enclosing a letter dated 28.11.2017 from State Government of Jharkhand in support of non-transferability of the said parcel of the land. The same was forwarded to the Prior Allottee as well as State Government of Jharkhand vide email dated 09.04.2018. However, no reply to the same was received neither from the Prior Allottee nor from the State Government.
5. In order to resolve the issue, the Successful Bidder, the Prior Allottee as well as Nodal Officer of State Government of Jharkhand were called for a hearing on 04.06.2018. The representative of the Successful Bidder (Shri Ayush Goel) and Nodal Officer of State Government of Jharkhand (Shri Arun Kumar) was present whereas no representative of the Prior Allottee was present in the hearing. Here, it is pertinent to mention that in the notice for hearing dated 30.05.2018 it was clearly mentioned that – *In case where the concerned party/ stakeholder is/ are not present on the date of hearing, it will be presumed that they have no submissions to make and decisions will be taken accordingly*
6. The Successful Bidder submitted the representation dated 04.06.2018 showing deed-wise breakup of the land transferred as well as land non transferrable. The details of the same are as under:-

Sr. No.	Deed number	Area as per deed (A)		Deed-wise sale consideration Rs.	Re-estimated compensation by NA (B) Rs.	Land transferrable to Trimula by GOJ (C) Acres	Re-estimated compensation for land transferrable by GOJ (D=B/AxC) Rs.
		Hectares	Acres				
1	8836/8651	8.40229861	20.76250	93,98,246	1,20,95,672	10.5146	61,25,522
2	606/588	8.19692033	20.25500	81,02,000	1,12,74,432	18.6925	1,04,04,706
3	1762	5.39649137	13.33500	60,00,000	82,25,096	7.625	47,03,139
4	3007/2925	2.91888063	7.21270	30,94,163	42,02,975	7.0848	41,28,445
5	4967/4859	3.64622326	9.01000	60,82,000	81,47,547	Nil	Nil
Total		28.5605	70.5752	3,26,76,409	4,39,45,722	43.9169	2,53,61,812
Admissible compensation amount for Land & Mine Infrastructure (Rs) (E)							2,53,61,812
Amount already paid by M/s. TIL as compensation for Land & Mine Infrastructure in April ' 2015 (Rs.) (F)							4,16,89,707
Refund to be made to M/s TIL (Rs.) (G= F - E)							1,63,27,895

7. The above fact submitted by the Successful Bidder has been confirmed by the Nodal Officer of the State Government of Jharkhand.

8. Considering the submissions made by the Successful Bidder as well as the confirmation of the State Government of Jharkhand, it is decided that the amount of **Rs. 1,63,27,895/-** may be refunded to the Successful Bidder and the remaining amount may be disbursed to the Prior Allottee after settlement of admissible claims in accordance with the provisions of the Act.


(N.K. Sudhansu)

Joint Secretary to the Government of India and Nominated Authority

1. M/s. Trimula Industries Ltd.
2. M/s. Abhijeet Infrastructure Pvt. Ltd.
3. Shri Arun Kumar, Nodal Officer, State Government of Jharkhand.

Deponent-Authorised Signatory
(Name, Designation & Seal)

VERIFICATION

I, _____ aged _____ years, resident of _____ working as _____ an authorized signatory on behalf of _____ (name of Successful Bidder) do hereby solemnly declare that what is stated in paragraphs 1 to 6 above is on the basis of the books and records of the Successful Bidder, 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) 2018 at (place).

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