

New Delhi, 7th April, 2015

Office Memorandum

Subject: Guidelines for considering requests from coal linkage/LOA holders for change of name of the company due to amalgamation, take over, change in ownership/ shareholding pattern, etc.

The undersigned is directed to say that this Ministry has been receiving requests from project developers from time to time for accepting change of name of companies for the purpose of continuation of linkage of coal. The matter has been examined in the Ministry in consultation with the Department of Legal Affairs, Ministry of Law and Justice. The conditions to be fulfilled for considering change of name of the company due to amalgamation, merger, de-merger, takeover, court order, change in ownership/shareholding pattern - etc. for the purpose of consequential transfer of linkage shall be as follows:

I. The Project for which Long Term Linkage / LoA was granted shall remain unaltered and its location should not have changed, except as provided for in accordance with Ministry of Coal's OM No. 23021/99/2008-CPD dated 05.04.2011 (copy enclosed).

II. The Terms and Conditions under which the original Long Term Linkage/LoA/FSA was granted shall remain un-altered.

III. Promoters of Linkage /LoA /FSA holder company should not have divested 50% or more shareholding in the company without achieving significant level of investment in the project. The significant level of investment may be treated as at least 50% of total project cost as certified by lead lender.

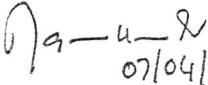
2. In addition, the following basic principles will be kept in mind:

- i) There should be a categorical certificate by the Company Secretary certifying that all procedural and legal requirements under the Companies Act, 2013 have been complied with.
- ii) The new entity should be fully eligible for the coal linkage.
- iii) It must expressly agree to comply with all the terms and conditions already in force.
- iv) It must pay its past dues, if any, related to coal supplies.
- v) It must be ready to execute necessary agreements.

3. The new policy shall apply to requests for change of name, and consequential transfer of linkage, received after the publication of the new policy guidelines. All the existing pending applications for change of name shall be disposed of as per extant instructions/guidelines already in force.

4. All name change matters as per these guidelines will be processed in the concerned subsidiary of Coal India Limited/SCCL and decided by the Board of the concerned subsidiary/SCCL.

5. On accepting any change of name for the purpose of continuation of linkage, the concerned coal company/SCCL shall inform Ministry of Coal accordingly.


07/04/2015
(Pilli Ravi Kumar)

Under Secretary to the Govt. of India

To:

1. Secretary, Ministry of Power, Shram Shakti Bhawan, New Delhi
2. Secretary, Ministry of Finance, Department of Economic Affairs, North Block, New Delhi
3. Secretary, Ministry of Finance, Department of Expenditure, North Block, New Delhi
4. Secretary, Ministry of Finance, Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi
5. Secretary (Ports), Ministry of Shipping, Transport Bhawan, New Delhi
6. Secretary, Ministry of Steel, Udyog Bhawan, New Delhi
7. Secretary, Department of Industrial Policy & Promotion, Udyog Bhawan, New Delhi
8. Secretary, Ministry of Railways, Rail Bhawan, New Delhi
9. Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi
10. Secretary, Department of Legal Affairs, Ministry of Law & Justice, Shastri Bhawan
11. Chairman, CIL, 10 NS Road, Kolkata.
12. CMD, SCCL, P.O. Kothagudem Collieries, Distt. Khammam-507101

Copy to:

1. Director (Marketing), CIL, 15, Park Street, Kolkata
2. Director (Technical), CIL, 10, NS Road, Kolkata

Copy also to: Director, NIC, MoC with the request to place the same on the website of this Ministry.

F.NO. 23021/99/2008-CPD

Government of India

Ministry of Coal

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New Delhi dated April 5, 2011

OFFICE MEMORANDUM

Subject: Revised procedure/guidelines for considering requests from Power Project developers for change of location-regarding.

The undersigned is directed to say that this Ministry has been receiving requests from power project developers from time to time for change of location of the projects, necessitated due to various reasons. The matter has been examined in this Ministry in detail.

2. Requests received to this effect from project developers, before consideration of their applications for setting up of projects by the SLC(LT), are generally agreed to by this Ministry, after examination on case to case basis. The position is, however, different in respect of projects where LoAs have already been issued. Keeping in view the underlying principle of facilitating Power Project development, the Competent Authority has now approved that the Ministry of Coal would consider the requests for change in location in respect of the projects even in cases where LoA has already been issued, provided the following conditions are met:-

- (a) the request has been made within the validity period of LoA;
- (b) change of location has been necessitated as a result of submitting alternate locations by the party to MoEF and that Ministry's approval for the grant of environment clearance being given for the new site OR the concerned State Government has asked for a change in location for some valid reasons OR the Developer himself has indicated some genuine reasons for seeking a change of location and has submitted sufficient documentary evidence to this effect. In all these cases, all the necessary arrangements for the revised location have to be in place;
- (c) the project developer has undertaken to meet the milestones, including special milestones, if any, for the changed location within the validity period of the original LoA;

G. Prakashan

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1) the request for change of location has been recommended by the concerned State Government as well as the administrative Ministry of the Central Government;

3. While considering the request relating to change of location, it will be ensured that all other conditions under which LoA was authorized will remain unchanged. Also, it will be a one time exercise and no further request for a change in location of the same project will be entertained. Further, before conveying approval for a change in location, the Ministry of Coal will check with CIL to make sure the availability of coal for the projects at the new locations, in case the source of coal supply undergoes any change.

G. Srinivasan

(G. Srinivasan)

Under Secretary to the Government of India

Tele: 23384285

To

Ministry of Power,
(Shri S.Narayanan, Under Secretary),
Shram Shakti Bhawan,
New Delhi.

Copy forwarded for information to:

- 6/4/2011
- i) Director(M), CIL, 15-Park Street, Kolkata
 - ii) Shri M.S.Puri, Chief Engineer, CEA, Sewa Bhawan, R.K.Puram, New Delhi.

Copy to Director, NIC, Ministry of Coal with a request to place this OM on the website of the Ministry, for information of all concerned.