

MOST IMMEDIATE

File No.23014/1/2016-CPD
Government of India
Ministry of Coal
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New Delhi, the 22nd January, 2016

OFFICE MEMORANDUM

Subject: Meeting of the Standing Linkage Committee (Long-Term) for Power/Sponge/ Cement Sectors to review the status of existing coal linkages/LoAs and other related matters to be held on 27th January, 2016 at 11.30 A.M.

In continuation of this Ministry's OM of even No. dated 18.01.2016 on the above mentioned subject, I am directed to enclose herewith the agenda items to be discussed in the above meeting. The venue of the meeting is "Bhaba Chamber, Scope Convention Centre, Scope Complex, 7 Lodhi Road, New Delhi-1100 03. It is requested to kindly make it convenient to attend the meeting.

Pg-u-2
22.1.2016

(Pilli Ravi Kumar)

Under Secretary to the Govt. of India

To

	Chairperson
1. Special Secretary, Ministry of Coal	Member
2. Principal Advisor(Energy), Planning Commission, Yojana Bhawan New Delhi.	Member
3. Joint Secretary (Coal), Ministry of Coal	Member
4. Advisor (Projects), Ministry of Coal	Member
5. Joint Secretary(Thermal), Ministry of Power, Shram Shakti Bhawan, New Delhi	Member
6. Joint Secretary (Ports), Ministry of Shipping, Transport Bhawan, New Delhi	Member
7. Joint Secretary, Ministry of Steel, Udyog Bhawan, New Delhi	Member
8. Joint Secretary, Department of Industrial Policy & Promotion, Udyog Bhawan, New Delhi	Member
9. Shri Manoj K Akhouri, Executive Director, T. T. (F), Room No. 261, Railway Board, Ministry of Railways	Member
10. Chairman-cum-Managing Director, CIL, Coal Bhawan, New Town, Razar Hat, Kolkata-700156	Member
11. Director(Marketing), CIL, Coal Bhawan, New Town, Razar Hat, Kolkata-700156	Member
12. CMD's BCCL, CCL, ECL, MCL, NCL, SECL & WCL	Members
13. Chairman-cum-Managing Director, Central Mine Planning & Design Instt Ltd., Gondwana Place, Kanke Road, Ranchi.	Member
14. Chairman-cum-Managing Director, SCCL, P.O. Kothagudem Collieries, Distt. Khammam-507101	Member
15. Chairman, Central Electricity Authority, Sewa Bhawan, RK Puram, New Delhi	Member
16. Chairman, NTPC, Scope Complex,, Lodhi Road, New Delhi-110003	Member

Copy to:

(i) Director(Technical), CIL, Coal Bhawan, New Town, Razar Hat, Kolkata-700156 (ii) GM(S&M), CIL, Coal Bhawan, New Town, Razar Hat, Kolkata-700156 (iii) CGM(CP), CIL, Coal Bhawan, New Town, Razar Hat, Kolkata-700156 (iv) Shri G.K. Vashishtha, GM(S&M), CIL, Scope Minar, Laxmi Nagar, Delhi.

Copy also to:

1. OSD to Minister of State (I/C) for Coal 2. PS to Minister of State (I/C) for Power, Coal and N&RE, 3. PSO to Secretary(Coal), 4. PPS to Special Secretary(Coal), 5. PPS to Joint Secretary(RKS), 6. PPS to Joint Secretary(RPG), 7. Director (CPD).

Pg-u-2
22.1.2016

(Pilli Ravi Kumar)

Under Secretary to the Govt. of India

Copy to NIC, Ministry of Coal with a request to place it on the Website of this Ministry for information of all concerned.

Copy to: Nodal Officer, Social Media, Ministry of Coal.

No.23014/1/2016-CPD
Government of India
Ministry of Coal
CPD Section

New Delhi, Dated 22nd January, 2016

Agenda for the meeting of the Standing Linkage Committee (Long Term) for Power to be held on 27th January, 2016.

A meeting of the Standing Linkage Committee (Long Term) for Power will be held on 27.01.2016 under the Chairmanship of Special Secretary (Coal) to review the status of LoAs issued by Coal India Ltd and its subsidiaries in pursuance of the recommendations of the Committee and other related matters. The agenda shall be as follows:

Agenda Item & No.	Brief Description of the Agenda item
Agenda Item No. 1 Confirmation of Minutes of the SLC (LT) meeting held on 17.07.2015	Confirmation of Minutes of the SLC (LT) meeting held on 17.07.2015
Agenda Item No. 2 Coal India Limited (CIL) - Revision of ACQ of Rajghat TPS	Issue: Revision of ACQ of Rajghat TPS. CIL has stated that NCL entered into Fuel Supply Agreement with Indraprastha Power Generation Company Ltd (IPGCL) on 17.09.2009 for 8.00 Lakh Tonnes per annum as per the quantity allocated by CEA for per-2009 power plants. However, since the year 2013-14, Rajghat TPS has been lifting coal quantities even below 50% of its ACQ on the plea of reduced generation target setting by the statutory regulatory authority namely State Load Dispatch Center. The power station has lifted only 3.59 and 3.50 Lakh Tonnes of coal in the year 2013-14 and 2014-15 had approached NCL for reduction of ACQ for the said years. During the current Financial Year 2015-16, the power plant had lifted only 0.39 Lakh Tonnes and GM, Rajghat TPS vide letter dated 22.08.2015 informed NCL that the State Load Dispatch Centre has not provided any schedule for power generation since

	<p>June 2015 and reported no requirement for coal for the period from August – October, 2015. Besides this, Rajghat TPS is withholding transit fee arrear of Rs.16.04 Crore payable to forest department of UP and Outstanding dues of Rs.1.36 Crore against regular coal supplies.</p> <p>CIL has requested that appropriate action may be taken for the permanent reduction of ACQ of Rajghat TPS, since due to this short lifting of coal, the supply commitment of NCL to other power houses is getting disturbed.</p> <p>CIL has requested that the matter may be taken up in the SLC(LT) meeting. Comments of MoP have been called for in the matter. The same are awaited.</p> <p>The SLC (LT) to take a view in the matter.</p>
<p>Agenda Item No. 3 Dhariwal Infrastructure Pvt. Ltd (DIPPL)</p>	<p>Issue: Change of name from Dhariwal Infrastructure Pvt. Ltd (DIPPL) to Dhariwal Infrastructure Ltd. (DIL).</p> <p>The issue regarding change of name from DIPPL to DIL was deliberated at length during the SLC (LT) meeting held on 17.07.2015. The Committee recommended that 'in view of the judgement of the Hon'ble High Court of Chhattisgarh dated 03.03.2015, the representation of the Project Proponents dated 19.03.2015, the submissions made during the course of personal hearing granted to them on 06.05.2015, the Speaking Order dated 03.06.2015, and submissions made before the Committee (SLC/LT) today i.e. 17.07.2015, the Committee recommended that the request of the Company for change in name from Dhariwal Infrastructure Pvt. Ltd (DIPPL) to Dhariwal Infrastructure Ltd (DIL) may be approved, subject to confirmation from Deptt. of Law, of the interpretation based on the judgements quoted by the project proponents in course of meeting dated 17.07.2015:</p> <p>Accordingly views of Deptt. of Legal Affairs (DLA), Ministry of Law and Justice were sought in the matter. DLA stated that pursuant to judgment dated 03.03.2015 of Hon'ble High Court of Chhattisgarh and taking into account the representation and submissions</p>

	<p>made by the concerned party in the matter, the SL/C/LT has already approved the request for change in name from Dharawal Infrastructure Pvt. Ltd. to Dharawal Infrastructure Ltd.</p> <p>DLA has further stated that it appears that the judgment of Hon'ble High Court has attained finality as there appears nothing on record to indicate that the same has been challenged before the higher court. There is also nothing on record to indicate any violation of law in the matter and the Hon'ble High Court has pointed that the respondent themselves have waived violation of clause 5 of the LoA.</p> <p>DLA has concluded that viewed in totality and taking into account the direction of Hon'ble High Court that "let the respondent in the SLC (LT) consider issues in the light of their own policy guidelines 5.8.2008 and 18.4.2011 and take a final decision in accordance with law by passing a reasoned and speaking order displaying application of mind..." it is for the SLC (LT) to take a view in the matter as directed by the Hon'ble High Court in terms of policy and precedent prevailing in this regard.</p> <p>The SLC (LT) to take a final view in the matter.</p>
<p>Agenda No. 4 M/s. Shyam Sel Ltd.</p>	<p>Issue: Extension of the validity period of the LoA by condoning the delay, restoration of the B. G. encashed by CCL and execution of FSA enabling them to get the supply of coal</p> <p>The proposal for extension of validity period of LoA, condoning the delay, B.G. encashed by CCL and execution of FSA in respect of 3x30 MW CPP of M/s. Shyam Sel Ltd. was placed before the SLC(LT) in its meeting held on 12.3.2015. The Committee recommended that the case be re-examined by the CCL and a report sent to CIL. The report with remarks of CIL may be placed before SLC (LT).</p> <p>In this connection a report was sought from CIL. CIL vide their letter No. CIL/S&M/47252(New Pol)/981 dated 13.11.2015 forwarded the comments of CCL vide their letter no CCL/HQ/C-4/Shyam Sel/2015/10402 dated 8.10.2015.</p> <p>In their letter CCL has stated the following:-</p>

	<p>(i) An LOA was issued to M/s Shyam Sel & Power Ltd. by CCL on 10.9.2008 for a quantity of 4,52,000 tonnes per annum of Grade E coal for its 3x30 MW CPP.</p> <p>(ii) Due to incomplete/partial submission of the required documents related to some milestones after expiry of LOA period, LOA was cancelled and Bank Guarantee forfeited by CCL vide letter dated 22.3.2011</p> <p>(iii) Aggrieved with the action of CCL, M/s Shyam Sel & Power Ltd. approached the Hon'ble High Court of Calcutta vide GA No. 987 of 2012 and CS No.77 of 2011.</p> <p>(iv) Hon'ble High Court of Calcutta on 5.5.2015 has passed the following order:</p> <p>"The authorities concerned shall review the matter afresh taking into consideration the documents produced by the petitioner and the representation made by the petitioner on 6th December 2010. The Review Committee shall decide the matter afresh. The petitioner if desires can make any further representation to the Review Committee within two weeks from date. The Review committee shall decide the matter within a period of 12 weeks from the date of communication of this order upon giving a reasonable opportunity of hearing and shall dispose of the representation by a reasoned order. The Review Committee shall communicate its decision to the petitioner within a week from the date of passing of the order. The application, accordingly, stands disposed of with the aforesaid direction. However, there shall be no order as to costs."</p> <p>(v) Accordingly Review Committee, constituted by Dir(F), CCL, decided the matter afresh and a Reasoned Order dated 26.9.2015 was passed by the Review Committee stating the following:</p> <p>(a) Whereas M/s Shyam Sel & Power Ltd. was issued a letter No. CCL/HQ/C-4/L/OA/ShyamSel/2015/6836-38 dated 11.6.2015 requesting M/s Shyam Sel & Power Ltd. to make any further representation, if any, otherwise, decision may be taken in reference to the documents submitted earlier in the office of GM (S&M), CCL. In response to above letter, no representation was received from</p>
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the party. Again a letter No. CCL/HQ/C-4/2015/7785-88 dated 14.7.2015 was issued to M/s Shyam Sel & Power Ltd. for attending in the office of the GM (S&M), CCL on 24th July,2015 to review the matter afresh as directed by the Court. The proposed meeting of 24th July,2015 was deferred for 31st July,2015 as in view of GM Co-ordination meeting at CCL HQ and the revised date was fixed as 31st July, 2015 which was communicated to the party vide letter No. CCL/HQ/C-4/Shyam Sel/CPP/2015-16/8053-56 dated 23.7.2015. The meeting, as above, was attended by the representatives of both the CCL and M/s Shyam Sel & Power Ltd. on 31.7.2015.

(b) Whereas the representative of CCL informed that an LOA was issued to M/s Shyam Sel Power Ltd. Vide letter no. CCL/HQ/C-4/LOA/8553-58 dated 3/10.9.2008. As per Clause 2.1 of LOA, "the assured (M/s Shyam Sel & Power Ltd.) shall undertake to complete all the activities as mentioned in Annexure-I to the LOA within 24 months from the date of issue of LOA....."

Accordingly, the party had to complete all the milestones within two years i.e. upto 9.9.2010. The review committee of CCL after going through the documents submitted by M/s Shyam Sel & Power Ltd. has come to the conclusion that:

- A. Documents submitted against the milestones regarding existence of business entities, land acquisition, forest clearance and water allocation have been submitted late i.e. after 9.9.2010.
- B. (i) Environment clearance that issued by MOEF dated 18.3.2009 refers to clearance of 2 x 250 MW CPP.
- (ii) Sanction for water allocation letter issued by Irrigation and Waterways Deptt., Govt. of West Bengal again refers to drawing of water from Ajay River for 1000 MW Thermal Power Project.
- Both the above referred letters are inconsistent with the LOA issued to M/s Shyam Sel & Power Ltd., i.e. 3 x 30 MW. The Committee has also gone through the letter dated 6.12.2010 submitted by M/s Shyam Sel & Power Ltd., to the office of CGM(S&M), CCL, Ranchi.

	<p>(c) Whereas representative of Shyam Sel & Power Ltd informed the committee the delay in submitting the documents as pointed out by CCL is because of communication gap between CCL and Shyam Sel & Power Ltd. CCL had pointed out the deficiencies in the documents already submitted by Shyam Sel & Power Ltd and the same was made immediately, the delay was only for few days. Regarding clearance and sanction of MOEF and Water West Department, Govt. of WB for 1000 MW instead of 3x30 MW CPP, it was obtained as the Shyam Sel & Power Ltd had plans for further extension in the future, so clearance/approval was obtained for higher MW.</p> <p>(d) Whereas on query from CCL Committee as to present installed capacity and configuration of CPP consequent upon issuance of LoA, it was informed that Shyam Sel & Power Ltd have set up 2 CPPs of capacity 18 MW and 43 MW. The Shyam Sel & Power Ltd also informed that prior permission for change of configuration from 3x30 MW for setting up of 18 MW and 43 MW was not obtained from MoC as the same was not known to them. The Committee after going through the documents submitted by Shyam Sel & Power Ltd earlier on 06.12.10 and explanation submitted by the representative of PP observed as under:</p> <p>(i) That there has been lapses on the part of Shyam Sel & Power Ltd in submission of document regarding water allocation and EC. EC has been obtained for 2x250 MW and permission for drawl of water from state Govt has been obtained for 1000 MW TPP, whereas LoA was issued for CPP of 3x30 MW.</p> <p>(ii) Shyam Sel & Power Ltd has set up/commissioned CPP of 18 MW and 43 MW i.e. total of 61 MW whereas LoA was issued for 3x30 MW CPP. This is the substantial change in configuration and capacity of CPP. The configuration and capacity have been changed without prior permission of MoC where the initial application was submitted for granting of linkage for 3x30 MW (90 MW)</p> <p>(e) In view of the above lapses, gross change of configuration and capacity of CPP by Shyam Sel & Power Ltd the action taken earlier by CCL vide their letter</p>
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	<p>dated 22.03.2011 for cancellation of LoA and encashment of Commitment Bank Guarantee dt 22.3.2011 is justified in accordance with the terms and conditions of the LoA.</p> <p>The SLC (LT) to take a view in the matter in the light of report of CIL as directed by SLC (LT) in earlier meeting of 12.03.2015.</p>
<p>Agenda Item No. 5</p> <p>Signing of FSAs and supply of coal to the power plants commissioned/ to be commissioned in 2015-16 (Part of 78000 MW)</p>	<p>Issue: Signing of FSAs and supply of coal to the power plants commissioned/ to be commissioned in 2015-16 (Part of 78000 MW)</p> <p>Ministry of Power vide their O.M. No. FU-11/2010-IPC (Vol.VI) dated 31.08.2015 forwarded the COD of CIL Linked Power Plants (Post-2009 plants) (78000 MW) commissioned by 31.03.2015 and expected commissioning schedule of CIL linked (Post-2009) Power Plants (Part of 78000 MW) commissioned/ expected to be commissioned after March, 2015.</p> <p>Accordingly, a letter No. 23011/19/2015-CPD dated 15.10.2015 was sent to CIL stating the following:</p> <p><i>“That earlier CCEA decision of 21.06.2013, conveyed through Presidential Directive of 17.07.2013 was regarding coal supplies to power utilities which had been or were likely to be commissioned by 31.03.2015. This was on the basis of Ministry of Power’s letter containing the list of plants that was annexed to the Presidential Directive. Certain power plants could not be commissioned by March, 2015 due to various reasons. SLC (LT) in its meeting held on 17.07.2015 advised Ministry of Power to give revised CoDs of power plants. MoP has provided the expected commissioning schedule of these power plants after March, 2015 covered under 78000 MW list.</i></p> <p><i>It was also mentioned that the issue of signing of FSAs and supply of coal to the power plants those are part of 78000 MW, commissioned/ to be commissioned in 2015-16 has been examined in this Ministry and it has been decided that CIL may be directed to sign FSAs with such plants as are commissioned/ to be commissioned in 2015-16 and supply coal as per FSA and Government policy to such power plants which are part of 78,000</i></p>

	<p><i>MW. This may be got ratified by CCEA in due course.</i></p> <p><i>CLL may take necessary action for signing of FSAs and supply of coal for the power plants that are commissioned/to be commissioned (part of 78000MW) in 2015-16 as mentioned above.”</i></p> <p>This has to be got ratified by CCEA in due course. This is for information of the SLC (LT).</p>
<p>Agenda Item No. 6</p> <p>Extension of Condition Precedent – Clause No. 2.8.2.3 of FSA</p>	<p>Issue: Extension of Condition Precedent – Clause No. 2.8.2.3 of FSA</p> <p>The issue was discussed in the SLC (LT) meeting held on 17.07.2015 in the context of a particular TPP. However, a general recommendation was made by SLC (LT).</p> <p>As per Clause no.2.8.2.3 of FSA, company having LoA has to furnish long term Power Purchase Agreement, entered directly with the Distribution Companies (Discoms) or through Power Trading Companies who have back to back PPA's with Discoms within 24 months from the date of signing of FSA. It was stated by Project proponents that power distribution companies can enter into long term power purchase agreement through tariff based competitive bidding only. Discoms use the standard bidding document issued by Ministry of Power for such bidding processes which restrict participation from Power Trading Companies. Hence, it leaves with only option for direct power tie-up with Discom. Power distribution companies invite tenders for long term power supply as and when long term power purchase need arises. However, the number of opportunities available to enter into a competitive bidding and securing PPA for last more than six years were very low as compared to capacities being commissioned. Project proponents have stated that finalization of schedule of above mentioned bids and petition is beyond their control, and requested to grant extension of time for fulfilling this Condition Precedent (clause 2.8.2.3 of FSA).</p>

	<p>The SLC(LT) recommended in its meeting held on 17.07.2015 that extension of time for fulfilling all the Conditions Precedent of all such projects, except COD and Commissioning (which are being dealt with separately), may be granted upto 31.03.2016.</p> <p>The above recommendation of SLC (LT) was placed before the Competent Authority for approval. Competent Authority directed that “as suggested by Representative of MoP, a Policy may be formulated, since a large number of projects are affected and not many PPA’s have been offered in recent years. This may be finalized quickly and this case also be considered along with any other pending cases under a policy.”</p> <p>Accordingly an OM has been sent to MoP on 18.01.2016 with the request to furnish inputs for policy and a list of such projects which are affected so that a Policy could be formulated. Reply from MoP is awaited.</p> <p>The SLC (LT) to take a view in the matter.</p>
<p>Agenda Item No. 7</p> <p>M/s Arasmeta Captive Power Company Pvt. Ltd. (ACPCPL)</p>	<p>Issue: Change in category of 2x43 MW CPP to IPP</p> <p>M/s Arasmeta Captive Power Company Pvt. Ltd. (ACPCPL) had earlier requested for change in category of their 2x43 MW CPP to IPP and the issue was discussed in SLC (LT) meeting held on 21.02.2014. Brief background of the case is as follows:</p> <p>i) The original linkages of two units of 43 MW each were granted to CPP of M/s Lafarge India Pvt. Ltd. (LIPL) for meeting the requirement of captive power for their cement plants.</p> <p>ii) Linkage for first Unit of 43 MW CPP was approved in SLC(LT) meeting of 02.06.2005. Subsequently, on request of the parties concerned, the competent authority approved transfer of this coal linkage of LIPL to ACPCPL. ACPCPL was stated to be an SPV, wherein LIPL held 49% of shares and consumed 85% of power generated, thereby fulfilling the requirements of being a CPP under the</p>

	<p>Electricity Rules, 2005. This approval dated 27.01.2006 was valid till such time the provisions of Electricity Rules, 2005 were complied with.</p> <p>iii) LoA for second unit of 43 MW CPP was approved by SLC(LT) on 29.10.2010. ACP CPL confirmed on 10.08.2011 that second unit of 43 MW CPP of ACP CPL remains the SPV of LIPL. As certified by Company Secretary on 05.11.2011, LIPL held 49% of shares and consumed more than 51% of power generated.</p> <p>iv) ACP CPL informed MoC on 05.12.2013 that PPA with LIPL is being terminated with effect from December, 2013 and that the entire power generated from 2x43 MW shall be supplied to Chhattisgarh State Power Trading Company (CSPTCL) who will execute back to back PPA with CSPDCL. Therefore, ACP CPL requested for approval of change in status from CPP to IPP.</p> <p>v) Pursuant to LIPL's decision not to take power from ACP CPL, SECL stopped coal supplies from October, 2013 to their first unit and January, 2014 to their second unit.</p> <p>vi) ACP CPL informed on 13.01.2014 that they had executed a long term PPA dated 09.12.2013 with CSPDCL and started supplying 75 MW power to them. CSPDCL also certified that they had started purchasing power from their plant w.e.f. 07.09.2013.</p> <p>vii) MoP recommended on 18.02.2014 for change in status of 2x43 MW power plant from CPP to IPP subject to the condition that PPA dated 09.12.2013 is approved by the regulator and the power supply from ACP CPL to CSPDCL would be at the lower of variable charge of M/s Arasmeta and M/s KSK Mahanadi Power.</p> <p>viii) The issue of conversion of this unit from CPP to IPP was discussed by SLC(LT) in its meeting held on 21.02.2014. MoP representative requested for change in category of 2x43 MW CPP to IPP. The Committee recommended that the matter be examined and put up for decision. Meanwhile, coal supply would continue to the plant in the manner supplied to CPP's as was being done earlier.</p> <p>ix) Thereafter, SECL resumed coal supplies to this unit, treating it as a CPP as per decision of SLC(LT). However, FSA was renewed by SECL upto 31.12.2013 only due to exit of LIPL from CPP arrangement with ACP CPL.</p> <p>x) The coal supplies are going on at present to this unit as a CPP, in line with SLC(LT) decision of 21.02.2014. However, the plant is not supplying captive power to LIPL. The plant is supplying all its power generated to CSPTCL in terms</p>
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	<p>of the PPA executed between them.</p> <p>xi) The applicant has also mentioned that they will apply to the concerned coal company for approval of change in name as per extant guidelines in vogue.</p> <p>In the light of above, it is a fact that the LoA was granted to this unit as a CPP of M/s LIPL. After it started supplying power to CSPTCL w.e.f. December, 2013, the unit has ceased to be a CPP. However, coal supplies are being continued to this plant in the manner as supplied to CPPs, as per SLC(LT) decision of 21.02.2014. Further, it is also a fact that the power generated is being supplied to CSPTCL in the manner as a power utility and not CPP.</p> <p>SLC (LT) to take a view on request of applicant for change in category of 2x43 MW plant form CPP to IPP and continuation of coal supply or otherwise.</p>
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No.23014/1/2016-CPD
Government of India
Ministry of Coal
CPD Section

New Delhi, Dated 22nd January, 2016

Agenda for the meeting of the Standing Linkage Committee (Long Term) for Sponge Iron to be held on 27th January, 2016.

A meeting of the Standing Linkage Committee (Long Term) for Sponge Iron will be held on 27.01.2016 under the Chairmanship of Special Secretary (Coal) to review the status of LOAs issued by Coal India Ltd and its subsidiaries in pursuance of the recommendations of the Committee and other related matters. The agenda shall be as follows:

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New Delhi, Dated 22nd January, 2016

Agenda for the meeting of the Standing Linkage Committee (Long Term) for Cement to be held on 27th January, 2016 2016.

A meeting of the Standing Linkage Committee (Long Term) for Cement will be held on 27.01.2016 under the Chairmanship of Special Secretary (Coal) to review the status of LOAs issued by Coal India Ltd and its subsidiaries in pursuance of the recommendations of the Committee and other related matters. The agenda shall be as follows:

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