

**MINUTES OF 44<sup>th</sup> MEETING OF INTER MINISTERIAL GROUP (IMG) UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY (COAL) HELD ON 22.03.2021, 23.03.2021 and 24.03.2021 TO REVIEW THE ISSUE OF BANK GUARANTEES OF PRIOR ALLOTTEES OF COAL BLOCKS AT ROOM NO. 321 MoC CONFERENCE HALL, A- WING, SHASTRI BHAWAN, NEW DELHI-110001**

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List of participants is placed at **Annexure- I.**

2. Additional Secretary (Coal) & Chairman, IMG welcomed all participants. Convenor of the IMG informed that the issue of invocation/ release of Bank Guarantees (BG) submitted by prior allottees of cancelled coal blocks has been under review by the IMG. Previously, all the prior allottees of coal blocks were heard before IMG in physical meeting. However, due to the guidelines of government in COVID -19 pandemic, the 41<sup>st</sup>, 42<sup>nd</sup> and 43<sup>rd</sup> Meetings of IMG were conducted through Video Conferencing. The IMG in its 42<sup>nd</sup> Meeting dated 28.05.2020 decided to recommend that fresh Show Cause Notice (SCN) may be issued to the prior allottees of 31 coal blocks whose SCNs were withdrawn pursuant to recommendations made in 31<sup>st</sup> meeting of IMG - for review of the entire period for which the blocks were held by the allottees and not up to the period when last reviewed. Further, it was also recommended to issue fresh SCN to the prior allottees of 3 coal blocks whose BG amount was calculated for the entire period for which respective blocks were held by allottees but could not be communicated before cancellation of their allocation by Hon'ble Supreme Court. The recommendations of IMG were accepted by the Government. Accordingly, it was decided to give opportunity of being heard to all 34 of them and a SCN, dated 28.07.2020 was issued to these 34 prior allottees. A copy of this SCN, dated 28.07.2020 was also given to the State Governments concerned for their comments on the application made by prior allottees. Reply to the SCN received from the prior allottees, response of the State Government and comments of the prior allottees to the response of the State Government, as placed before IMG, were examined by the IMG in the case of each block during the hearing.

3. Keeping in view the limitations of the virtual hearing, it was felt appropriate to keep the number of participants small in each virtual hearing and therefore conduct the hearing State-wise. Accordingly, out of 34, prior allottees of 7 coal blocks of State of Odisha were called for hearing in 43<sup>rd</sup> Meeting of IMG, which was conducted in video conference mode on 1<sup>st</sup> February, 2021. However, there were difficulties faced during the virtual meeting such as disruptions in the internet service/link, many allottees logging in simultaneously leading to vitiated proceeding, system overload and not muting their microphones causing noise and adversely affecting clarity in hearing as to what was being said. Simultaneously, there was sharp decline in COVID cases during this period, therefore, it was decided to give a hearing to prior allottees of all blocks in physical meeting. Meanwhile, the IMG also formulated Standard Operating Procedure ('SOP') for the same. IMG was informed that the list of all 34 coal

blocks was screened and those 15 coal blocks whose Allocation Letters linked the bank guarantee to coal production only were prioritised for hearing in 44<sup>th</sup> meeting of IMG. Hence, out of these 34 coal blocks, prior allottees of 15 coal blocks were called in the 44<sup>th</sup> Meeting of IMG, held in three sessions over three days, viz., 22.03.2021, 23.03.2021 and 24.03.2021. It was decided to hear the remaining 19 coal block allottees subsequently. The Schedule of hearing of prior allottees of 15 coal blocks for 44<sup>th</sup> meeting is attached as **Annexure II**.

4. As per the SOP decided by the IMG on 08.03.2021, a fact-sheet and BG calculation details of each coal block prepared by the CCO were received. Members of IMG were provided with all relevant documents such as the Allocation Letters of coal blocks, block wise BG calculation details prepared by CCO, SCN dated 28.07.2020, reply to SCN received from the prior allottee, response of the State Government concerned, as and when received, written submission made by the prior allottees, etc. Convenor, IMG briefed each case before calling in the prior allottee for hearing.

5. Out of 15 coal blocks, the prior allottees of 9 coal blocks appeared before the present IMG meeting. No one appeared for Chitarpur, Lalgah (North), Dumri, Brinda, Sesai and Meral Blocks. List of names of the Authorised Representatives who made their arguments/ submissions in the hearing is attached as **Annexure III**. The written submissions made by prior allottees of coal blocks and other documents received from various stakeholders have been initialled by the Convenor and kept in the custody of Shri Tarun Gupta, ASO, P&S-I Section, Ministry of Coal. Deliberations and recommendations of the IMG are given below for each coal block which were called by IMG one by one and were heard.

6 (I) Radhikapur (East)

Date heard: - 22.03.2021

Called.

Present: -

(a) On behalf of Coal Block Allottee: -

1) Sh. V. Shyamohan, Advocate

2) Sh. Kundan Kumar, Officer on Deputation, Tata Sponge Iron Limited

(b) On behalf of State Government: - None

(c) Members of IMG - as per Annexure-I





6(I) (i) Radhikapur (East) coal block was allocated to M/s Tata Sponge and Iron Limited (TSIL), M/s Scaw Industries Limited, M/s SPS Sponge Iron Limited ('prior allottees') with Tata Sponge and Iron Limited vide Allocation Letter No. 13016/33/2005- CA-I dated 07<sup>th</sup> February 2006 (**Annexure IV**). As per terms and conditions at Clause 2 (iii) of allocation letter, Bank Guarantee amounting to Rs. 32.50 crores was required to be deposited by the allocatees. The progress of mining block was to be monitored annually. In case of lag in production of coal, a percentage of Bank Guarantee (BG) was to be deducted as per Clause 2 (v) of the Allocation Letter. The said BG dated 01.05.2006 was submitted by TSIL being the lead partner. The BG was "extended for a further period up to 15.04.2021" by TSIL on 10.03.2021 and is valid till 15.04.2021 in compliance of the order of Hon'ble Delhi High Court dated 03.03.2021 in the case titled as Tata Sponge Iron Limited v. Union of India (WPC 261 of 2016). Further, the period of 6 months given by Hon'ble Court to comply with the order to take an informed decision ended on 02.03.2021. However, Hon'ble Court granted extension of time till 15.04.2021. The allocation of instant coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614 vide order dated 24.09.2014.

6(I) (ii) Ministry of Coal ('MoC') issued SCN ('SCN') to the prior allottees on 28.07.2020. A copy of SCN was also sent to Chief Secretary, Govt. of Odisha with a request to provide comments on various applications made by allottees and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. In response to this SCN, TSIL sent a reply dated 07.09.2020. Reply from Government of Odisha to the SCN was received on 24.12.2020 and was also subsequently shared with the prior allottee on 20<sup>th</sup> January, 2021. Further, a Written Statement was submitted vide email dated 16.03.2021 by the authorised representatives of the coal block allottee along with annexures containing various documents in response to meeting notice.

6(I) (iii) During the course of the hearing, the authorised representatives of TSIL, Sh. V. Shyamohan and Sh. Kundan Kumar apprised the members of IMG of various meetings/correspondence including those of IMGs relevant to them and various court cases in the matter. They contended that Hon'ble Delhi High Court in WPC 261 of 2016 vide order dated 27.05.2020 directed MoC to take an informed decision and pass speaking order (para 98 page 43 of Order dated 27.05.2020). Thus, the question whether BG furnished by TSIL could be invoked on account of delay in development of coal mine is also required to be considered by MoC (para 96 page 42 of Order dated 27.05.2020). There was no milestone other than coal production mentioned in allocation letter dated 07.02.2006. Clause 2 (v) of the allocation letter links BG to lag in coal production.

6(I) (iv) The authorised representatives of TSIL contended that the application for mining lease was submitted to concerned agency of the State. However, application



for mining lease remained pending with the different agencies of State Government. There was some anomaly in the common boundary of Radhikapur (East) and Utkal E coal block allotted to NALCO. It was also emphasised that repeated and aggressive follow ups were done with the Government departments by TSIL (page 16 of Written Submissions). In reply to this contention of TSIL, the Government of Odisha replied that "ML Application dated 05.10.2006 was received on 07.10.2006. T.E Report has been forwarded to Collector Angul on 11.07.2007 by DDM Talcher. The Director of Mines, Odisha intimated that the application cannot be forwarded to Govt. as it overlaps previous applied ML No. 38 & 40. Later on it has been clarified that there has been no overlapping." Hence, it was contended by TSIL that in absence of reply of the State Government to the contrary it can be presumed the delay was attributable to State. [also submitted by prior allottee vide email dated 16.03.2021 page 3 para II ( 3) of Written Submissions].

6(I) (v) It was also emphasized by TSIL that during 33<sup>rd</sup> Meeting of IMG dated 03.12.2015, it was recommended by the IMG that there were 11 coal blocks whose 100% of BG was linked to production and they had not commenced production before cancellation by Hon'ble Supreme Court vide order dated 24.09.2014, hence, in those cases it was recommended that bank guarantee was not required to be deducted. Thus, TSIL pleaded for parity in treatment because their case is exactly the same in nature as those covered in the 33<sup>rd</sup> Meeting of IMG. (also submitted in Written Submission-Para III and IV submitted by prior allottee vide email dated 16.03.2021).

6(I) (vi) Having said so, the authorised representatives still made elaborate submissions regarding delay in achieving milestones and their attributability. It was submitted that from the very first date of allocation, TSIL acted promptly and did everything which was required to be done by it for developing the coal block. Delay was caused by CMPDIL on the issue of deduction of TDS by the coal block allocatee while releasing the payment for the cost of Geological Report (GR). CMPDIL insisted that TSIL is not required to deduct TDS. The issue was resolved after a delay of 1 year and 3 months approximately when Hon'ble Orissa High Court decided in favour of TSIL (also given at page 15 & 7 page 6 para IV (A) (3) of the Written Submission). The application for Mining Lease remained pending with Government of Odisha due to overlapping of Mining lease with Utkal E (pp. 50 & pp. 8 of the Written Submission). The application for land acquisition was made in advance by TSIL. However, due to some dispute regarding compensation between the land owners, IDCO and District Collector the land acquisition process was stayed by Hon'ble Orissa High Court and hence, there was a delay of approximately 5 months. Further there was moratorium imposed by Ministry of Environment and Forest (MoEF) on processing of Environmental Clearance (EC) application of industrial projects under critically polluted areas. With regard to Forest Clearance (FC), TSIL contended that there was procedural delay at DFO and RCCF Level due to CBI enquiry and Court



monitored investigations (also given in page 13- 19 para 7 of the Written Submission submitted by prior allottee vide email dated 16.03.2021).

6(I) (vii) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 2(v) of. Allocation Letter dated 07.02.2006 stated as under:

“The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. If rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of 15% of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease.”

6(I) (viii) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also noted that the zero date for commencement of production of coal as the mining plan for the block had been approved. As informed by CCO, zero date was 07<sup>th</sup> February 2006 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6(I) (ix) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting, dated 03.12.2015, wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> Meeting (Corrigendum) and the relevant part is reproduced below:

“BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production.”



6(I) (x) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases, no deduction was made from the Bank Guarantee.

6 (I) (xi) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO and comments from State Government of Odisha, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Radhikapur (East) coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Radhikapur (East) coal block.

#### 6 (II) Jitpur

Date heard: - 22.03.2021

Called.

Present: -

On behalf of Coal Block Allottee: -

1) Sh. Kapil Dhagat, Executive Vice President, Jindal Steel and Power Limited

2) Ms. Shruti Chaudhary, Advocate

On behalf of State Government: - None

Members of IMG - as per Annexure-I

6 (II) (i) Jitpur coal block was allocated to Jindal Steel and Power Limited ('JSPL') vide Allocation Letter dated 20.02.2007 bearing Letter No. 38011/11/2006- CA-I (Part) (**Annexure V**). The amount of BG was Rs. 16.59 crore. Further, in case of lag in production of coal, a percentage of Bank Guarantee ('BG') was to be deducted [Clause 1(viii)]. However, The allocation of the instant coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614 vide order dated 24.09.2014.

6 (II) (ii) Subsequently, SCN dated 16.01.2015 was issued to the Prior allottee for showing cause as to why the delay in development of coal blocks should not be held as violation of terms and conditions of Allocation Letter indicating in detail the



reasons for slippage in respect of each milestone and agency responsible for such delay (As recommended by the 28<sup>th</sup> Meeting of IMG dated 30.12.2014 and accepted by the Government). However, the SCN dated 16.01.2015 was withdrawn by the Ministry of Coal vide letter dated 04.08.2015 as the breach of timelines in respect of the coal block has been evaluated by the Government and accordingly orders regarding the de-allocation/ BG deduction had already been issued and there were no directions by the Hon'ble Delhi Court to review the BG deduction orders in Shyam Metalics & Energy Limited v. Coal India Limited, W.P. 4653 of 2014 (As recommended by the 31<sup>st</sup> Meeting of IMG dated 07<sup>th</sup> July 2015 and accepted by Government). The prior allottee of Jitpur coal block filed a Writ Petition being WPC 7990 of 2015 before Hon'ble Delhi High Court against the withdrawal of SCN in pursuance of recommendations of 31<sup>st</sup> Meeting of IMG (subsequently accepted by the Government). Hon'ble Court vide order dated 21.08.2015 directed that no coercive steps shall be taken subject to the condition that the bank guarantee shall be kept alive by the Prior Allottee. The matter is pending before the Hon'ble Delhi High Court.

6 (II) (iii) Ministry of Coal issued a SCN dated 28.07.2020 to the prior allottee to which reply was sent on 07.09.2020 by JSPL. A copy of SCN was also sent to Chief Secretary, Govt. of Jharkhand with a request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. Further, the Government of Jharkhand was served with the Meeting notice dated 10.03.2021 and was required to submit the detailed comments with relevant documents before the IMG and also attend the meeting of IMG. However, neither comments were received from the State Government in spite of sufficient time nor any representative appeared before the IMG. In support of its contentions, additional documents were submitted by the prior allottee with relevant annexures vide email dated 17.03.2021.

6 (II) (iv) The authorized representatives Sh. Kapil Dhagat and Ms. Shruti Chaudhary from JSPL presented their case before the IMG. The main contentions of JSPL were that the terms and conditions of Allocation Letter dated 20.02.2007 provided that BG can be invoked only in case of lag in production of coal which stage was never reached in view of the cancellation of coal block (also at Page A-B para I of Additional Submission). Hence, as per the terms and conditions of the Allocation Letter there should be parity in treatment with the recommendations of 33<sup>rd</sup> Meeting of IMG wherein it was recommended that in cases where the 100% of BG was linked to production, the amount determined to deducted was Nil.

6 (II) (v) JSPL had already achieved the milestone of obtaining Geological Report, furnishing Bank guarantee, approval of mining plan, grant of Previous approval by Central Government, approval of EC and FC-1 and only FC II stage clearance was pending, which was at the advanced stage of being issued (also at Page D para iii of Additional Submission). As contended, the coal block was at the advanced stage of development although there were certain delays in the development of coal blocks not attributable to JSPL. As per the Written Submissions of JSPL submitted vide email



dated 17.03.2021, there was delay on part of CMPDIL in handing over the GR: JSPL followed up and sent letters to CMPDIL for this purpose. Because of the delay in receiving GR, the submission of BG, which was to be submitted as per the grade of coal and mine capacity, also got delayed. Further, there was a delay of one month in submitting Mining lease application by JSPL as completion of activities such as obtaining land schedule from district authorities, obtaining consent letter from the plot owners, villagers, obtaining NOC from district authorities etc. required considerable time. The Mine plan and Mine closure plan also got delayed as there was a delay in receipt of GR from CMPDIL. Further, it was stated that the area is Naxal affected and land belonged to tribal communities which led to slow preparation of mine plan. Subsequent to giving clarifications from JSPL, the Mine plan was submitted. JSPL submitted that the previous approval was sought from the Central Government on time although there was a delay on part of Central Government to grant previous approval. They stated that a request for change of location of end use plant was made to Ministry of Power, however, the approval by Ministry of Power was only given after a delay on 1 year and 6 months and thereafter Ministry of Coal took 2 years and 6 months from date of recommendation made by State of Jharkhand in giving previous approval. For obtaining Stage I FC, a delay was caused for a period of 4 years and 4 months. The reason for such delay, as stated by JSPL, was attributed to MoEF. The application for Stage I FC was made on 07.07.2008 and the clearance was given on 23.11.2012. It was contended that, due to the Naxal disturbance in the area, non-transfer of land by State Government of Jharkhand to State Forest Department of Jharkhand, JSPL contended that it could not carry out physical survey and pillar posting identified land for compensatory afforestation. Hence, Stage II FC was pending. The draft Mining Plan was received only on 25.03.2008, hence, the application for EC was also delayed. MoEF granted environmental clearance on 18.05.2009 after lapse of 1 year and 2 months from the date of submission of application for EC by JSPL. With regard to Land Acquisition, the reason for delay was due to finalizing of government land rates by state of Jharkhand, slow movement of files in various District and State Level authorities, enforcement of the new Land Acquisition Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act 2013) along with frequent changes to Panchayat (Extension to Schedule Areas) Act, 1996 (also from page I- K of the Additional Submissions). Further, it was contended that the milestone related to grant of MOP could not be achieved because the mining lease and also land acquisition couldn't be completed due to delay attributable to State of Jharkhand, hence, the bank guarantee shouldn't be deducted. JSPL submitted that "the application for grant of opening permission was only possible after obtaining grant of mining lease and acquisition of land. Since the Government of Jharkhand caused significant delay in completion of said milestones, the cascading delay prevented JSPL from submitting its application for grant of opening permission. Consequently, the grant of opening permission could not be made in favor of JSPL." (also at page 40 of the Volume-I of Additional Submissions).





6(II) (vi) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 1 (viii) of Allocation Letter dated 20.02.2007 which states as under:

“The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. if the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease.”

6(II) (vii) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.

6(II) (viii) As informed by CCO, zero date was 20<sup>th</sup> February 2007 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as grant of mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6(II) (ix) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> Meeting (Corrigendum) and the relevant part is reproduced below:

“BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production.”



6(II) (x) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases no deduction was made from the Bank Guarantee.

6(II) (xi) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Jitpur coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Jitpur coal block.

**6(III) Utkal A Gopalprasad West (West)**

Date heard: - 22.03.2021

Called.

Present: -

On behalf of Coal Block Allottee: -

- 1) Sh. Shantanu Dubey, Manager, JSW Steels Limited
- 2) Sh. Gaurav Juneja, Advocate

On behalf of State Government: - None

Members of IMG - as per Annexure-I

6(III) (i) Utkal A Gopalprasad West (West) coal block was allocated for working by Joint Venture company of Mahanadi Coalfields Limited ('MCL'), JSW Steels Ltd., Jindal Thermal Power Corporation limited, Jindal Stainless tell Limited, M/s Shyam DRI ltd. vide Allocation Letter No. 13016.19/2003- CB- CA- I, dated 29.11.2005 (**Annexure VI**). The Joint Venture formed was by the name of MJSJ Coal limited. As per the terms and conditions at Clause (1) (i)] of Allocation Letter, Gopal Prasad West (West) and Utkal A was to be mined as one mine [With regard to submission of Bank Guarantee, the Allocation Letter prescribed that the Joint Venture shall submit BG on one year's royalty based on mine capacity [Clause (2) (iii) of terms and conditions of Allocation Letter]. The amount of BG was later communicated to be approximately Rs. 111.24 crore. The BG was subsequently revised to approximately Rs. 22.24 Crore as per the direction of Hon'ble Delhi High Court (being the amount sought to be invoked). Further, the progress of



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mining plan was to be monitored annually. In case of lag in production of coal, a percentage of Bank Guarantee ('BG') was to be deducted [Clause 2(v) of terms of conditions of Allocation Letter]. The allocation of the instant coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614.

6(III) (ii) Subsequently, SCN dated 16.01.2015 was issued to the Prior allottee for showing cause as to why the delay in development of coal blocks should not be held as violation of terms and conditions of Allocation Letter indicating in detail the reasons for slippage in respect of each milestone and agency responsible for such delay (as recommended in 28<sup>th</sup> meeting of IMG dated 30.12.2014 and accepted by the Government). However, the SCN dated 16.01.2015 was withdrawn by the Ministry of Coal vide letter dated 04.08.2015 as the breach of timelines in respect of the coal block has been evaluated by the Government and accordingly orders regarding the de-allocation/ BG deduction had already been issued and there were no directions by the Hon'ble Delhi High Court to review the BG deduction orders in Shyam Metalics & Energy Limited v. Coal India Limited, W.P. 4653 of 2014 (As recommended by the 31<sup>st</sup> Meeting of IMG dated 07<sup>th</sup> July 2015 and accepted by Government). WP (C) No. 7871 of 2015, WP (C) 8002 of 2015, WP (C) 8090 of 2015 WP (C) 7992 of 2015 were filed by JSW Steel Ltd, JSW Energy Ltd, Shyam DRI Ltd (now Shyam Metalics Ltd) Jindal Stainless Ltd respectively against Union of India challenging the letter dated 04.08.2015 (issued in pursuance of recommendations of 31<sup>st</sup> IMG), wherein it was decided to deduct the bank guarantee. It has been directed by the Hon'ble Court that no coercive steps shall be taken subject to the condition that the bank guarantee shall be kept alive by the Prior Allottee. The matter is pending before the Hon'ble Court. The authorised representative pleaded for parity in treatment with the prior allottee whose BG determined/ calculated to be NIL and returned as per the recommendations of 33<sup>rd</sup> Meetings of IMG and subsequently accepted by the Government.

6(III) (iii) SCN dated 28.07.2020 in pursuance of 42<sup>nd</sup> Meeting of IMG was served to all the prior allottees of this block individually. Reply, dated 17.09.2020 was received from JSW Steel Limited. A copy of SCN was also sent to Chief Secretary, Govt. of Odisha with a request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. Reply from Government of Odisha to the SCN was received on 24.12.2020.

6(III) (iv) The authorized representatives from JSW Steel, Sh. Shantanu Dubey and Sh. Gaurav Juneja presented their case before the IMG. A detailed explanation leading to slippage of each milestone was given (also mentioned in Para 8 and enclosure attached with the reply dated 17.09.2020). It was contended by authorized representative of JSW Steel that no milestone chart was annexed to the



letter of allocation dated 20.11.2005 (para 1 to Enclosure 1 of reply dated 17.09.2020). As submitted by the authorized representatives, inter alia, the delay was caused mainly due to delay in formation of Joint Venture and land acquisition since Utkal A was later made a CBA Land. Further, the authorized representatives have contended that delay in achieving milestone is not attributable to them but to agencies of State and Central Government (also mentioned in para 2 to Enclosure 1 of reply dated 17.09.2020). As approval of Environment Management Plan got delayed by MoEF, and the delay in getting possession of land, the application for MOP was not made. The mine plan was approved on 13.04.2009. However, the production from the instant block could not commence before its cancellation.

6(III)(v) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 2 (v) of Allocation Letter dated 29.11.2005 which states as under:

“The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine, eg., if the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease.”

6(III) (vi ) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.

6(III) (vii) As informed by CCO, zero date was 29<sup>th</sup> November, 2005 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as grant of mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6(III)(viii) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other





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milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> meeting (Corrigendum) and the relevant part is reproduced below:

"BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production."

6(III) (ix) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases no deduction was made from the Bank Guarantee.

6(III) (x) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO and comments from State Government of Odisha, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Utkal A Gopal Prasad (West) coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Utkal A Gopal Prasad (West) coal block.

#### 6(IV) **Chitarpur:**

Date heard: - 22.03.2021

Called.

Present: -

On behalf of Coal Block Allottee: - None

On behalf of State Government: - None

Members of IMG - as per Annexure-I



6(IV) (i) The meeting notice dated 10.03.2021 was duly served to the prior allottee. The authorised representative from Corporate Ispat Limited, the prior allottee of the Chitarpur coal block were called to appear before the IMG, however, no one appeared. It was also noted by the members of IMG that no reply to SCN dated 28.07.2020 has been received. Further, no nomination with respect to authorized representative was received. IMG decided to give one more opportunity of being heard to the allottee.

#### 6(V) **Moitra**

Date heard: - 22.03.2021

Called.

Present: -

On behalf of Coal Block Allottee: -

1) Sh. Susanta Kumar Moitra, Associate Director  
(Business Development)

2) Sh. Rahul Pandey. Advocate

On behalf of State Government: - None

Members of IMG - as per Annexure-I

6(V) (i) Moitra coal block was allocated to Jayaswal Neco Limited vide Allocation Letter dated 13.05.2005 Letter No. 47011/7 (20)/1993-CA (**Annexure VII**). With regard to submission of Bank Guarantee, the Allocation Letter prescribed that the company shall submit BG amounting to Rs. 12.50 crore [Clause (1) (v)]. Further, in case of lag in production of coal, a percentage of Bank Guarantee ('BG') was to be deducted [Clause 1(vii)]. The allocation of the instant coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614.

6(V) (ii) Subsequently, SCN dated 16.01.2015 was issued to the prior allottee for showing cause as to why the delay in development of coal blocks should not be held as violation of terms and conditions of Allocation Letter indicating in detail the reasons for slippage in respect of each milestone and agency responsible for such delay (As recommended by the 28<sup>th</sup> Meeting of IMG dated 30.12.2014 and accepted by the Government). However, the SCN dated 16.01.2015 was withdrawn by the Ministry of Coal vide letter dated 04.08.2015 as the breach of timelines in respect of



the coal block has been evaluated by the Government and accordingly orders regarding the de-allocation/ BG deduction had already been issued and there were no directions by the Hon'ble Court to review the BG deduction orders (As recommended by the 31<sup>st</sup> Meeting of IMG dated 07<sup>th</sup> July 2015 and accepted by Government). Jayaswal Neco Industries Ltd. has filed a Writ Petition, WPC 8117 of 2015 before Hon'ble Delhi High Court challenging the order dated 04.08.2015 in Shyam Metallics & Energy Limited v. Coal India Limited, W.P. 4653 of 2014 wherein it was decided to deduct the bank guarantee in terms of its earlier order dated 20.11.2012. It has been directed by the Hon'ble Court vide order dated 24.08.2015 that no coercive steps shall be taken subject to the condition that the bank guarantee shall be kept alive by the Prior Allottee. The matter is pending before the Hon'ble Delhi High Court.

6(V) (iii) SCN dated 28.07.2020 was sent to the prior allottee to which reply was sent on 31.08.2020 by Jayaswal Neco Limited. A copy of SCN was also sent to Chief Secretary, Govt. of Jharkhand with a request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. Further, the Government of Jharkhand was served with the Meeting notice dated 10.03.2021 and was required to submit the detailed comments with relevant documents before the IMG and also be present in the IMG Meeting. However, neither comments were received from the State Government in spite of sufficient time nor any representative appeared before the IMG.

6(V) (iv) The authorized representatives from Jayaswal Neco Limited Sh. SK Moitra and Sh. Rahul Pandey appeared and presented their case before the present IMG. The main contention of the authorized representatives was that the matter regarding invocation/ release of BG was pending for consideration before Hon'ble Delhi High Court in WPC 8117 of 2015, hence, there was no requirement of issuing fresh SCN. The mine plan of the prior allottee was approved. EC and prior approval of Central Government were also granted. The prior allottee applied for FC clearance and was granted Stage I clearance after a delay of 4 years, however, Stage II FC was pending. Hence, in absence of Stage II FC clearance, Mining lease was also not granted. The land was not demarcated and this issue never got resolved. Thus, the land acquisition was pending. Further submissions were made by the authorized representatives with regard to the delay in achieving milestones being attributable to the agencies of State. Thus, in absence of Stage II FC clearance, mining lease permission and land acquisition the MOP also was not granted. Amongst other contentions, the authorized representatives of the Moitra coal block also contended that the condition of BG as per allocation letter was that the BG was linked to production only. However, the production from the instant block could not commence before its cancellation. In view of the decision already taken by the Government to release BG of similarly placed prior allottees in pursuance of the recommendations of 33<sup>rd</sup> Meeting of IMG, the authorized representatives of the instant block also pleaded similar treatment and hence release of their BG.



6(V) (v) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 1 (vii) of Allocation Letter dated 13.05.2005 which states as under:

“The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. If the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease.”

6(V) (vi ) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.

6(V) (vii) As informed by CCO, zero date was 13<sup>th</sup> May, 2005 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as grant of mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6(V) (viii) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> meeting (Corrigendum) and the relevant part is reproduced below:

“BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production.”



6(V) ( ix) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases no deduction was made from the Bank Guarantee.

6(V) (x) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Moitra coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Moitra coal block.

**6 (VI) Lalgarh (North) :**

Date heard: - 23.03.2021

Called.

Present: -

On behalf of Coal Block Allottee: - None

On behalf of State Government: - None

Members of IMG - as per Annexure-I

The meeting notice dated 10.03.2021 was duly served to the Domco Private Limited, the prior allottee of Lalgarh (North) coal block. The authorised representative from Domco Private Limited were called to appear before the IMG, however, no one appeared. Further, no nomination with respect to authorized representative was received. IMG decided to give one more opportunity of being heard to the allottee.

**6(VII) Bijahan:**

Date heard: - 23.03.2021

Called.

Present: -



On behalf of Coal Block Allottee: -

- 1) Sh. KB Singh- Head, Administration
- 2) YK Agarwal

On behalf of State Government: - None

Members of IMG - as per Annexure-I

6 (VII) (i) Bijahan Coal Block was allocated to M/s Bhushan Limited and M/s Shri Mahavir Ferro Alloys Limited under leader associate model vide Allocation Letter no. 13016/33/2005-CA-I dated 13.01.2006 (**Annexure VIII**). The Bank Guarantee amounting to Rs. 34 crore was submitted, however, it was revised to Rs. 6.5 crore by order dated 21.08.2015 of Hon'ble Delhi High Court in WPC 7740 of 2015. The allocation of coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614.

6(VII) (ii) The authorized representatives from M/s Bhushan Power and Steel appeared before the IMG. It was informed by the authorized representatives that their company is undergoing insolvency proceedings and all the communications are received by the monitoring committee. Hence, they did not have any knowledge about the SCN dated 28.07.2020.

6 (VII) (iii) In view of this, IMG through Ministry of Coal gave the physical copy of the SCN and decided to give time to the prior allottee to present their case. A time of 10 days was sought by the prior allottee and the same was granted by IMG.

6 (VIII) **North Dhadhu**

Date heard: - 23.03.2021

Called.

Present: -On behalf of Coal Block Allottee: -

- 1) Gaurav Juneja, Advocate
- 2) Prafulla Kumar Mishra, Deputy General Manager, Electrosteel Castings Limited

On behalf of State Government: - None



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Members of IMG - as per Annexure-I

6 (VIII) (i) North Dhadu coal block was allocated jointly to M/s Electrosteel Castings Limited, M/s Adhunik Alloys and Power Limited, M/s Jharkhand Ispat Private Limited and M/s Pawanjay Steel and Power Ltd. vide Allocation Letter dated 13.01.2006 Letter No. 13016/31/2005- CA-I (**Annexure IX**). As per the terms and conditions of Allocation letter, a joint venture was required to be formed by the allottees within 60 days of the Allocation Letter [Clause 1(ii& iii)]. The Bank Guarantee amounting to Rs. 56.03 crores was required to be deposited by the Joint Venture Company as per Clause 1 (ix) of the Allocation Letter. In case of lag in production of coal, a percentage of Bank Guarantee ('BG') was to be deducted as per Clause 1 (xi) . The decision to de-allocate the coal block and deduction of BG was communicated to the prior allottee vide letter dated 22.11.2012. However, this order of Ministry of Coal was challenged before Hon'ble Jharkhand High Court in WPC 7127 of 2012 and the Hon'ble High Court vide its order dated 05.12.2012 passed an interim order that no coercive steps shall be taken by Ministry of Coal. At present the matter is pending, however, the allocation of coal block had been cancelled by Hon'ble Supreme Court vide order dated 24.09.2014 in the case titled as ML Sharma v. Principal Secretary(2014) 9 SCC 614.

6 (VIII) (ii) SCN dated 28.07.2020 in pursuance of 42<sup>nd</sup> Meeting of IMG was served to all the prior allottees individually. Reply, dated 29.09.2020 was received from North Dhadu Mining Company Limited. A copy of SCN was also sent to Chief Secretary, Govt. of Jharkhand with a request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. Further, the Government of Jharkhand was served with the Meeting notice dated 10.03.2021 and was required to submit the detailed comments with relevant documents before the IMG and representative was to be present in the IMG meeting. However, neither comments were received from the State Government in spite of sufficient time nor any representative appeared before the IMG. In support of its contentions, additional documents were submitted with relevant annexures vide email dated 16.03.2021 prior allottees of by Electrosteel Castings Limited.

6 (VIII) (iii) The authorised representatives of North Dhadu Mining Company Limited Sh. Prafulla Kumar Mishra and Sh. Gaurav Juneja appeared before the IMG. At the outset, the authorised representative contended that the BG was linked to production only and requested for similar treatment as the prior allottees of 11 coal blocks decided in 33<sup>rd</sup> Meeting of IMG where BG was linked to coal production only. Thus, they requested for return/ release of BG. It was contended by the authorised representatives that the joint venture company was specifically incorporated as per terms and conditions of the allocation letter. At the relevant time, the joint venture being a newly incorporated company, it was difficult for them to obtain BG from the bank, hence, there was a two months delay (para 13 of the Additional Document). The application for Mining Lease could only be made after 3 years and 2 months, the



delay, as stated was caused due to the collection of complete land records for Mining Lease area. Further, there was a delay in grant of ML for the reasons attributable to State Government. The land could not be acquired as the allocation of coal block was cancelled by Hon'ble Supreme Court (para 13 of the Additional Document). Another contention made was that the coal block was classified as 'No go' area by Ministry of Environment Forest ('MoEF') till October 2011. The Forest Clearance and EMP Clearance wasn't given to the company. The mining plan approved by the Ministry of Coal was rejected by MoEF. Accordingly, a revised mine plan was submitted. However, in the meanwhile the allocation of coal block was cancelled by the Hon'ble Supreme Court and production could not be started.

6 (VIII) (iv) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 1 (xi) of Allocation Letter dated 13.01.2006 which states as under:

"The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. If the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease."

6(VIII) (v ) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.

6 (VIII) (vi) As informed by CCO, zero date was 13<sup>th</sup> January, 2006 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6 (VIII) (vii) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only.



Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> Meeting (Corrigendum) and the relevant part is reproduced below:

"BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production."

6(VIII) (viii) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases no deduction was made from the Bank Guarantee.

6 (VIII) ( ix) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup> ) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of North Dhadhu coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of North Dhadhu coal block.

#### 6 (IX) **Dumri**

Date heard: - 23.03.2021

Called.

Present: -On behalf of Coal Block Allottee: -

None

On behalf of State Government: - None

Members of IMG - as per Annexure-I

The meeting notice dated 10.03.2021 was duly served to the Nilanchal Iron and Power Limited (NIPL) the prior allottee of Dumri coal block. The authorised



representative from NIPL were called to appear before the IMG, however, no one appeared. IMG decided to give one more opportunity of being heard to the allottee.

6 (X) **Gondulpara**

Date heard: - 23.03.2021

Called.

Present:

On behalf of Coal Block Allottee: -

1) Jagesh Kumar Mandiye- Dy. Chief Engineer (Mining), Damodar Valley Corporation

2) Manish Kr. Saran, Advocate, Tenughat Vidyut Nigam Limited

On behalf of State Government: - None

Members of IMG - as per Annexure-I

6 (X) (i) Gondulpara coal block was allocated to M/s Tenughat Vidyut Nigam Limited and M/s Damodar Valley Corporation Ltd. vide Allocation Letter no. 13016/31/2005-CA-I dated 13.01.2006 (**Annexure X**). The Bank Guarantee amounting to Rs. 15.18 crore was submitted by the prior allottee as per Clause 2(iii) of Allocation Letter. Further, in case of lag in production of coal, a percentage of Bank Guarantee ('BG') was to be deducted [Clause 2(v) of Allocation Letter]. The allocation of the instant coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614.

6 (X) (ii) SCN dated 28.07.2020 was sent to the prior allottee to which reply was sent on 24.09.2020 by Tenughat Vidyut Nigam Limited ('TVNL'). A copy of SCN was also sent to Chief Secretary, Govt. of Jharkhand with a request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. Further, the Government of Jharkhand was served with the Meeting notice dated 10.03.2021 and was required to submit the detailed comments with relevant documents before the IMG and were also requested to be present in the IMG Meeting. However, neither comments were received from the State Government in spite of sufficient time nor any representative appeared before the IMG.



6 (X) (iii) At the outset, the authorized representatives of TVNL submitted that despite all possible steps taken, the 'zero date' as per Allocation letter had not been achieved. Thus, the production of the instant block could not commence before its cancellation and since 100% BG is linked to coal production, similar treatment should be given to them as given to the 11 prior allottees in 33<sup>rd</sup> Meeting of IMG

6 (X) (iv) As contended by the authorized representatives of Gondulpara coal block, the reason of delay in achieving of milestones is mainly attributable to State and Central Government. There was a delay of 6 months in purchase of GR. Further, the prior allottees also stated that there was a delay of 31 months by Ministry of Coal on their application to get their captive coal block developed and operated by the Joint Venture co. As stated by the prior allottees, this delay further caused cascading effect on grant of Previous Approval by Central Government as the application could have been made only after Mine plan was approved. Further, as contended by the prior allottees, the application for FC also could not be submitted. The application for FC remained pending with the DC Hazaribagh. While the application for FC was pending with the DC Hazaribagh, the Forest Land in the coal block was declared 'No Go' by MoEF. EC was pending till the cancellation of coal block by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614. In absence of previous approval by the Central Government, the grant of Mining Lease was also pending. Land acquisition also remained pending for the reasons attributable to State Government. The prior allottee also stated that the application for MOP was not submitted by prior allottee as Mining lease was not granted.

6(X) (v) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 2 (v) of Allocation Letter dated 13.01.2006 which states as under:

"The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. If the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease."

6(X) (vi ) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.



6(X) (vii) As informed by CCO, zero date was 13<sup>th</sup> January, 2006 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6(X) (viii) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> Meeting (Corrigendum) and the relevant part is reproduced below:

“BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production.”

6(X) ( ix) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases there was no deduction made from the Bank Guarantee.

6(X) (x) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Gondulpara coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Gondulpara coal block.

6 (XI) **Sitanala:**

Date heard: - 24.03.2021

Called.



Present:

On behalf of Coal Block Allottee: -

- 1) Sh. KLS Rao, Executive Director, Steel Authority of India
- 2) Sh. Yashraj Singh Deora, Advocate, Steel Authority of India

On behalf of State Government: - None

Members of IMG - as per Annexure-I

6 (XI) (i) Sitanala Coal Block was allocated to Steel Authority of India Limited (SAIL) vide Allocation letter no. 38011/4/2006-CA-1 dated 09/11.04.2007 (**Annexure XI**). As per the terms and conditions of Allocation Letter, Bank Guarantee for Rs. 4.75 crore was required to be deposited by the prior allottee (Clause 1(vi) of Allocation Letter). In case of lag in production of coal, a percentage of Bank Guarantee ('BG') was to be deducted as per Clause 1(viii) of the Allocation Letter. The allocation of the instant coal block was cancelled by Hon'ble Supreme Court in the case titled as *ML Sharma v. Principal Secretary* (2014) 9 SCC 614.

6 (XI) (ii) Subsequently, SCN dated 16.01.2015 was issued to the Prior allottee for showing cause as to why the delay in development of coal blocks should not be held as violation of terms and conditions of Allocation Letter indicating in detail the reasons for slippage in respect of each milestone and agency responsible for such delay (As recommended by the 28<sup>th</sup> Meeting of IMG dated 30.12.2014 and accepted by the Government). However, the SCN dated 16.01.2015 was withdrawn by the Ministry of Coal vide letter dated 04.08.2015 as the breach of timelines in respect of the coal block has been evaluated by the Government and accordingly orders regarding the de-allocation/ BG deduction had already been issued and there were no directions by the Hon'ble Delhi Court to review the BG deduction orders in *Shyam Metallics & Energy Limited v. Coal India Limited*, W.P. 4653 of 2014 (As recommended by the 31<sup>st</sup> Meeting of IMG dated 07<sup>th</sup> July 2015 and accepted by Government). The prior allottee of Sitanala coal block filed a Writ Petition being WPC 8432 of 2015 before Hon'ble Delhi High Court against the withdrawal of SCN in pursuance of recommendations of 31<sup>st</sup> Meeting of IMG (subsequently accepted by the Government). Hon'ble Court vide order dated 02.09.2015 has directed that no coercive steps shall be taken subject to the condition that the bank guarantee shall be kept alive by the Prior Allottee. The matter is pending before the Hon'ble Delhi High Court.

6 (XI) (iii) SCN dated 28.07.2020 in pursuance of 42<sup>nd</sup> Meeting of IMG was served the prior allottees. Reply dated 26.10.2020 was received from Steel Authority of India Limited. A copy of SCN was also sent to Chief Secretary, Govt. of Jharkhand with a



request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. Further, the Government of Jharkhand was served with the Meeting notice dated 10.03.2021 and was required to submit the detailed comments with relevant documents before the IMG and also be present in the IMG Meeting. However, neither comments were received from the State Government in spite of sufficient time nor any representative appeared before the IMG. In support of its contentions, additional documents were submitted by the prior allottee with relevant annexures vide email dated 19.03.2021.

6 (XI) (iv) The authorized representatives from SAIL, Sh. KLS Rao and Sh. Yashraj Singh Deora appeared before the IMG. It was contended that the clearance for land could not be acquired due to non-clearance from Central Government. The prior allottee purchased GR from CMPDIL in compliance of Clause (v) of the Allocation Letter. Further, it was contended by the prior allottee that application for Mining Lease was submitted to Government of Jharkhand. However, it was stated by the prior allottee that the Mining lease was kept pending with the State Government for more than 6 years; EC was kept pending with MoEF for 3 years approximately. The Sitanala Coal Block was in command area of BCCL, hence, to transfer the rights, approval of Central Government was required. Further, the approval of mining plan took more than 10 months as per the contention of SAIL. As stated by the authorized representatives, the MOP wasn't granted to the prior allottees. The authorized representatives also emphasized that as per the terms and conditions of Allocation letter, the BG was linked with coal production only. Hence, deduction of BG on the basis of lag in milestone would not be prudent. The authorised representative contended that the BG was linked to coal production only and requested for similar treatment as the prior allottees of 11 coal blocks decided in 33<sup>rd</sup> Meeting of IMG where BG was linked to production only. Thus, they requested for return/ release of BG.

6 (XI) (v) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 1 (viii) of Allocation Letter dated 09/11.04.2007 which states as under:

"The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. If the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  will lead to deduction of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease."



6(XI) (vi) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.

6 (XI) (vii) As informed by CCO, zero date was 11<sup>th</sup> April, 2007 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as mining lease, acquisition of land, forest and environmental clearances, etc. Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6(XI) (viii) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> Meeting (Corrigendum) and the relevant part is reproduced below:

"BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production."

6 (XI) (ix) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases no deduction was made from the Bank Guarantee.

6(XI) (x) In view of the recommendations of the 33<sup>rd</sup> Meeting of IMG, duly accepted by the Government, comments of the CCO, replies of the prior allottee submitted in writing and in physical hearing, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Sitanala coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Sitanala coal block.

6 (XII-XIV) **Brinda, Sesai and Meral (3 separate coal blocks):**



Date heard: - 24.03.2021

Called.

Present: - On behalf of Coal Block Allottees: -

None

On behalf of State Governments: - None

Members of IMG - as per Annexure-I

6 (XII-XIV) (i) Prior allottees for these blocks did not turn up for physical hearing. The IMG was informed that the meeting notice dated 10.03.2021 had been served to Abhijeet Infrastructure Limited, the prior allottee of Brinda, Sesai and Meral coal blocks via email. The meeting notice was also sent vide Speed Post but returned undelivered and all attempts to make contact telephonically also failed. IMG decided to give another opportunity of being heard to the prior allottee.

#### 6(XV) **Kosar Dongergaon**

Date heard: - 24.03.2021

Called.

Present:

On behalf of Coal Block Allottee: -

- 1) Sh. Pradeep Kumar Dey, Advisor, Coal Mine Allocation and Acquisition, Chaman Metalics Limited
- 2) Sh. Jagarnath Karmarkar, Advisor, Geology and Mining, Chaman Metalics Limited

On behalf of State Government: -

Sh. Shekhar Fakirchand Chahande, Director

Members of IMG - as per Annexure-I

6(XV) (i) Kosar Dongergaon was allocated to Chaman Metalics Limited vide Allocation Letter no. 3800/11/2006-CA-I (Part) dated 20.02.2007 (**AnnexureXII**). As per Clause



(vi) of the Allocation Letter, a Bank Guarantee of Rs. 2.55 crore was required to be deposited. In case of lag in production of coal, a percentage of Bank Guarantee (BG) was to be deducted as per Clause viii of the Allocation Letter. The allocation of the instant coal block was cancelled by Hon'ble Supreme Court in the case titled as ML Sharma v. Principal Secretary (2014) 9 SCC 614.

6 (XV) (ii) SCN dated 28.07.2020 in pursuance of 42<sup>nd</sup> Meeting of IMG was served to the prior allottee. Reply dated 24.09.2020 was received from ChamanMetallics Limited. In support of its contentions, additional documents were submitted with relevant annexures vide email dated 16.03.2021 by Sh.PK Dey, Advisor, Coal Mine Allocation and Acquisition, Chaman Metallics Limited before IMG. A copy of SCN dated 16.03.2020 was also sent to Chief Secretary, Govt. of Maharashtra with a request to provide comments on various applications made by allottee and their disposal, within three weeks from the date of issue of SCN with a copy of comments to the office of Coal Controller. In reply to the SCN Government of Maharashtra sent a reply vide email dated 22.03.3021. Sh. Shekhar Fakirchand Chahande, Director was authorized by the State of Maharashtra to attend the meeting and he attended the meeting.

6 (XV) (iii) As stated by Authorised Representative of Chaman Metallics Limited, Sh. Pradeep Kumar Dey and Sh. Jagarnath Karmarkar, Clause (v) of Allocation Letter required that GR was required to be bought from CMPDIL/ Directorate of Geology & Mining, (DGM) Government of Maharashtra. GR was required to be purchased in 1.5 years, however, there was a slippage of 1 month attributable to State Government of Maharashtra. The reason for such delay stated was that the State of Maharashtra directed the prior allottee to file Affidavit before DGM, Maharashtra. Further, the mining lease was not granted to the prior allottee and the same was pending with the Government of Maharashtra. During the course of hearing the representative from Government of Maharashtra neither had any reasonable explanation for the delay nor any argument was given for delay on part of prior allottee. Environmental Clearance was granted to the prior allottee on dated 11.07.2011 by MoEF. The previous approval was also granted by MoC with 5 year delay as the same was shuttling between the State and Central Government. Land acquisition could not be completed and Mine Opening Permission (MOP) was not granted for want of execution of Mining Lease. Delay in completion of steps required for MOP were not attributable to the prior allottee. Thus, the production from the instant block could not commence before its cancellation. Hence, similarity in treatment was demanded with the prior allottees of 11 coal blocks whose BG deduction was determined to be NIL and returned in pursuance of the recommendations of 33<sup>rd</sup> Meeting of IMG.

6 (XV) (iv) IMG deliberated in detail and without going into merits of all other submissions, be as these may, it considered Clause no. 1 (viii) of Allocation Letter dated 20.02.2007 which states as under:



"The progress of the mine will be monitored annually with respect to the approved mining plan, which will mention the zero date. In case of lag in the production of coal, a percentage of the bank guarantee amount will be deducted for the year. This percentage will be equal to the percentage of deficit in production for the year with respect to the rated/ peak capacity of the mine eg. If the rated/ peak rated capacity is 100, production as per the approved mining plan for the relevant year is 50 and actual production is 35, then  $(50-35)/100 \times 100 = 15\%$  of the mine eg. If the rated/ peak rated capacity of the original bank guarantee amount for that year. Upon exhaustion of the Bank Guarantee amount the block shall be liable for de- allocation/ cancellation of mining lease."

6(XV) (v ) Accordingly, IMG observed that BG is linked to coal production for which zero date is required to be established. The IMG also discussed the zero date for commencement of production of coal as the mining plan for the block had been approved.

6 (XV) (vi) As informed by CCO, zero date was 20<sup>th</sup> February 2007 to be effective subsequent to the approval of the mining plan, along with various other requirements, such as grant of mining lease, acquisition of land, forest and environmental clearances, etc., Mine Opening Permission (MOP), is a mandatory requirement to commence mining operations. Hence, in the absence of MOP, zero date for coal production was inconsequential. IMG also noted that submissions made by prior allottee have been substantiated with supporting documents and delays were not solely attributable to prior allottee.

6 (XV) (vii) IMG deliberated the case in view of submissions made on behalf of allottee including their written submissions and noted that in this case, as per the allocation letter, bank guarantee was linked only to coal production and not with any other milestone. Thus, this case was similar to the 11 cases decided by IMG in its 33<sup>rd</sup> Meeting dated 03.12.2015 wherein the 100% BG is linked to coal production only. Those 11 coal blocks could not commence production before their cancellation by Hon'ble Supreme Court. IMG perused the minutes of its 33<sup>rd</sup> Meeting (Corrigendum) and the relevant part is reproduced below:

"BG amount determined to be deducted for any lag in production, the financial year in which mine opening permission was granted by CCO, will be considered as the first year and targeted production for that year may be calculated on pro- rata basis of production schedule mentioned in the approved mining plan. The BG determined to be deducted for lag in production in subsequent year may be calculated as per schedule given in mining plan for each year of production vis-a-vis actual coal production."

6 (XV) (viii) IMG was informed that recommendation of 33<sup>rd</sup> Meeting of IMG was concurred by the IFD of MoC, accepted by the Government and has been implemented. In all those cases no deduction was made from the Bank Guarantee.



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6 (XV) (ix) In view of the recommendations of the 33rd Meeting of IMG, duly accepted by the Government, comments of the CCO, replies of the prior allottee submitted in writing and in physical hearing and views of the State Government of Maharashtra, the IMG in its present (44<sup>th</sup>) meeting, after due deliberations and scrutiny of relevant documents, observed that the prior allottee of Kosar Dongargaon coal block could not start production for the reasons beyond its control. As 100 % BG in this case was linked to coal production only, the IMG, in the interest of natural justice, fair play and parity in treatment, decided to recommend that the amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee of Kosar Dongargaon coal block.

7. With this, physical hearing in the 44<sup>th</sup> Meeting of IMG ended. Thus, opportunity of being heard has been afforded to all prior allottees who had been invited.

8. Gist of recommendations for each coal block is given below.

**(i) Radhikapur (East):** The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

**(ii) Jitpur:** The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

**(iii) Utkal A and Gopalprasad (West):** The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

**(iv) Chitarpur:** Another chance of hearing may be given to the prior allottees of the coal block.

**(v) Moitra:** The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

**(vi) Lalgarh (North):** - Another chance of hearing may be given to the prior allottees of the coal block.

**(vii) Bijahan:** - Another chance of hearing may be given to the prior allottees of the coal block.

**(viii) North Dhadu:** - The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

**(ix) Dumri:** - Another chance of hearing may be given to the prior allottees of the coal block

**(x) Gondulpara:** - The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

**(xi) Sitanala:** - The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.



**(xii-xiv) Brinda, Sesai Meral:** Another chance of hearing may be given to the prior allottees of the coal block

**(xv) Kosar Dongargaon:-** The amount of BG deduction is NIL. Hence, the original Bank Guarantee may be returned to prior allottee.

9. The 44<sup>th</sup> Meeting of IMG ended with a vote of thanks to and from chair.

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A handwritten signature in blue ink, appearing to read 'H. H. Wai', written over a horizontal line.A handwritten signature in blue ink, consisting of stylized, cursive letters.



**ANNEXURE I****MEMBERS OF IMG FOR HEARING DATED 22<sup>ND</sup> MARCH 2021**

<b>S. NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>MINISTRY/ DEPARTMENT/ ORGANISATION</b>
1.	Sh.Vinod Kumar Tiwari	Additional Secretary (Coal)/ Chairman of IMG	Ministry of Coal
2.	Sh. B. P. Pati	Joint Secretary	Ministry of Coal
3.	Sh. Sanjeev Kumar Kassi	Chief Engineer (Thermal)	Ministry of Power
4.	Sh. Anand Kumar Pal	Advisor (Energy)	Department of Economic Affairs
5.	Sh. Sunil Kumar Jain	Director	CEA, MoP
6.	Sh. R.K. Srivastava	Addl. Legal Advisor	Department of Legal Affairs, Ministry of Law and Justice
7.	Sh. S.K. Gomasta	Director	CMPDIL
8.	Ms. Santosh	Coal Controller	Coal Controller Organisation
9.	Sh. K. Mukhopadhyay	OSD	Coal Controller Organisation
10.	Sh. Pawan Kumar Kalarwal	Director	Ministry of Power
11.	Sh.Darshan Kumar Solanki	Deputy Secretary/ Convenor	Ministry of Coal
12.	Sh. M. Sudheer Babu	Under Secretary	Ministry of Coal
13.	Sh. Arun Kumar	Under Secretary	Department for Promotion of Industry and Internal Trade

**Officers of MoC in Attendance**

14.	Sh. Rishan Ryntathiang	Under Secretary	Ministry of Coal
15.	Sh. Mukesh	Under Secretary	Ministry of Coal
16.	Ms. Ankita Mathur	Assistant Manager (Legal)	Ministry of Coal
17.	Sh. Manish Bhardwaj	Assistant Manager (Legal)	Ministry of Coal

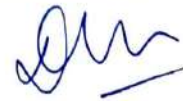


**MEMBERS OF IMG FOR HEARING DATED 23.03.2021**

S. NO.	NAME	DESIGNATION	MINISTRY/ DEPARTMENT/ ORGANISATION
1.	Sh. Vinod Kumar Tiwari	Additional Secretary (Coal)/ Chairman of IMG	Ministry of Coal
2.	Sh. B. P. Pati	Joint Secretary	Ministry of Coal
3.	Sh. Sanjeev Kumar Kassi	Chief Engineer (Thermal)	Ministry of Power
4.	Sh. Anand Kumar Pal	Advisor	Department of Economic Affairs
5.	Sh. R.K. Srivastava	Addl. Legal Advisor	Department of Legal Affairs, Ministry of Law and Justice
6.	Ms. Santosh	Coal Controller	Coal Controller Organisation
7.	Ms. Yatinder Prasad	Joint Secretary & FA	Ministry of Coal
8.	Sh.S.K. Gomasta	Director	CMPDIL
9.	Sh. K. Mukhopadhyay	OSD	Coal Controller Organisation
10.	Sh. Pawan Kumar Kalarwal	Director	Ministry of Power
11.	Sh. Darshan Kumar Solanki	Deputy Secretary/ Convenor	Ministry of Coal
12.	Sh. Arun Kumar	Under Secretary	Department for Promotion of Industry and Internal Trade
13.	Sh. M. Sudheer Babu	Under Secretary	Ministry of Coal
14.	Sh. Peeyush Kumar	Chief Manager	Ministry of Coal

**Officers of MoC in Attendance**

15.	Sh. Rishan Ryntathiang	Under Secretary	Ministry of Coal
16.	Sh. Mukesh	Under Secretary	Ministry of Coal
17.	Ms. Ankita Mathur	Assistant Manager (Legal)	Ministry of Coal
18.	Sh. Manish Bhardwaj	Assistant Manager (Legal)	Ministry of Coal





**MEMBERS OF IMG FOR 24<sup>TH</sup> MARCH 2021**

<b>S. NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>MINISTRY/ DEPARTMENT/ ORGANISATION</b>
1.	Sh. Vinod Kumar Tiwari	Additional Secretary (Coal)/ Chairman of IMG	Ministry of Coal
2.	Sh. B. P. Pati	Joint Secretary	Ministry of Coal
3.	Sh. Sanjeev Kumar Kassi	Chief Engineer (Thermal)	Ministry of Power
4.	Sh. Anand Kumar Pal	Advisor	Department of Economic Affairs
5.	Sh. R.K. Srivastava	Addl. Legal Advisor	Department of Legal Affairs, Ministry of Law and Justice
6.	Ms. Santosh	Coal Controller	Coal Controller Organisation
7.	Sh. Yatinder Prasad	Joint Secretary & FA	Ministry of Coal
8.	Sh. S.K. Gomasta	Director	CMPDIL
9.	Sh. Sunil Kumar Jain	Director	CEA, MoP
10.	Sh. K. Mukhopadhyay	OSD	Coal Controller Organisation
11.	Sh. Pawan Kumar Kalarwal	Director	Ministry of Power
12.	Sh. Darshan Kumar Solanki	Deputy Secretary	Ministry of Coal
13.	Sh. M. Sudheer Babu	Under Secretary	Ministry of Coal
14.	Sh. Arun Kumar	Under Secretary	Department for Promotion of Industry and Internal Trade

**Officers of MoC in Attendance**

15.	Sh. Rishan Ryntathiang	Under Secretary	Ministry of Coal
16.	Sh. Mukesh	Under Secretary	Ministry of Coal
17.	Ms. Ankita Mathur	Assistant Manager (Legal)	Ministry of Coal



**Annexure II****Schedule of hearing of prior allottees on 22.03.2021**

SL. NO.	TIME	NAME OF COAL BLOCK	STATE	NAME OF ALLOTTEE COMPANY
1.	2:30 pm- 2:50 pm	Radhikapur (East)	Odisha	<p>Joint Venture</p> <p>M/s Tata Sponge Iron Ltd., Jamshedpur-931001, Jharkhand.</p> <p>M/s Scaw Industries Ltd., 813-814, E-Block, International Trade Tower, New Delhi-110019.</p> <p>M/s SPS Sponge Iron Ltd., Himalaya House, 38-B, Chowringhee Road, 8th Floor, Kolkata-700071.</p>
2.	2:50 pm- 3:10 pm	Jitpur	Jharkhand	Jindal Steel & power Ltd.
3.	3:10 pm – 3: 30 pm	Utkal A	Odisha	<p>1. Mahanadi Coalfields Limited (MCL) Jagruti Vihar, Burla, Dist. Samabalpur, Odisha</p> <p>2. M/s JSW Steel Limited.</p> <p>3. M/s Jindal Stainless Steel Ltd. (JSSL)</p> <p>4. M/s Shyam DRI Ltd.</p>
4.	3:30 pm- 3: 50 pm	Chitarpur	Jharkhand	M/s Corporate Ispat Alloys Ltd.
5.	3:50 pm- 4: 10 pm	Moitra	Odisha	M/s Jayaswal Neco Industries Ltd.





**Schedule of hearing of prior allottees on 23.03.2021**

SL. NO.	TIME	NAME OF COAL BLOCK	STATE	NAME OF ALLOTTEE COMPANY
1.	10:30 am-10:50 am	Lalgarh (North)	Jharkhand	M/s Domco Private Limited
2.	10:50 am-11:10 am	Bijahan	Odisha	M/s Bhushan Ltd. M/s Shri Mahavir Ferro Alloys Pvt. Ltd.
3.	11:10 am – 11:30 am	North Dhadu	Jharkhand	M/s Electrosteel Castings Ltd. M/s Adhunik Alloys and Power Ltd. M/s Jharkhand Ispat Pvt. Ltd. M/s Pawanjay Steel & Power Ltd.
4.	11:30 am-11:50 am	Dumri	Jharkhand	M/s Nilachal Iron & Power Ltd. M/s Bajrang Ispat (P) Ltd.
5.	11:50 pm-12:10 pm	Gondulpara	Jharkhand	M/s Tenughat Vidyut Nigam Ltd. M/s Damodar Valley Corporation

**Schedule of hearing of prior allottees on 24.03.2021**

SL. NO.	TIME	NAME OF COAL BLOCK	STATE	NAME OF ALLOTTEE COMPANY
1.	10:30 am-10:50 am	Sitanala	Jharkhand	M/s Steel Authority of India Ltd.
2-4	10:50 am-11:10 am	Brinda, Sisai & Meral	Jharkhand	M/s Abhijeet Infrastructure Pvt. Ltd.
5.	11:10 am – 11:30 am	Kosar Dongergaon	Maharashtra	M/s Chaman Metalics Ltd.



**Annexure III****LIST OF NAMES OF THE AUTHORISED REPRESENTATIVES FOR HEARING  
DATED 22<sup>ND</sup> MARCH 2021**

<b>S. NO.</b>	<b>NAME (Sh./ Smt./ Ms.)</b>	<b>DESIGNATION</b>	<b>Name of Coal Block</b>	<b>Company</b>
1.	Sh. Kundan Kumar	Officer on Deputation	Radhikapur (East)	Tata Steel Long Products (Tata Sponge Iron Ltd.)
2.	Sh. V. Shyamohan	Advocate	Radhikapur (East)	Tata Steel Long Products (Tata Sponge Iron Ltd.)
3.	Sh. Kapil Dhagat	Executive Vice President	Jitpur	Jindal Steel & Power Limited
4.	Ms. Shruti Chaudhary	Advocate	Jitpur	Jindal Steel & Power Limited
5.	Sh. Shantanu Dubey	Manager	Utkal A Gopalprasad (West)	JSW Steel Ltd.
6.	Sh. Gaurav Juneja	Advocate	Utkal A Gopalprasad (West)	JSW Steel Ltd.
7.	Sh. Susanta Kumar Moitra	Associate Director (Business Development)	Moitra	Jayaswal Neco Limited
8.	Sh. Rahul Pandey	Advocate	Moitra	Jayaswal Neco Limited



**LIST OF THE AUTHORISED REPRESENTATIVES FOR HEARING ON 23.03.2021**

<b>S.No.</b>	<b>Name of Representative</b>	<b>Designation</b>	<b>Organization</b>	<b>Coal Block</b>
1.	Sh. KB Singh	Head, Administration	Bhushan Power & Steel	Bijahan
2.	Sh. YK Agrawal		Bhushan Power & Steel	Bijahan
3.	Sh. Gaurav Juneja	Advocate	Electrosteel Ltd.	North Dhadhu
4.	Sh. Prafulla Kumar Mishra	Deputy General Manager	Electrosteel Ltd.	North Dhadhu
5.	Sh. JK Mandiye	Dy. Chief Engineer (Mining)	Damodar Valley Corporation	Gondulpara
6.	Sh. Manish Kr. Saran	Advocate	Tenughat Vidyut Nigam Limited	Gondulpara



**LIST OF THE AUTHORISED REPRESENTATIVES FOR HEARING ON 24.03.2021**

<b>S.No.</b>	<b>Name of Representative</b>	<b>Designation</b>	<b>Organization</b>	<b>Coal Block</b>
1.	Sh. KLS Rao	Executive Director	SAIL	Sitanala
2.	Sh. Yashraj Sigh Deora	Advocate	SAIL	Sitanala
3.	Sh. Shekhar Fakirchand Chahande	Director	Directorate of Geology & Mining, Government of Maharashtra	Kosar Dongergaon
4.	Sh. Pradeep Kumar Dey	Advisor, Coal Mine Allocation and Acquisition	Chaman Metalics Ltd.	Kosar Dongergaon
5.	Sh. Jagarnath Karmarkar	Advisor, Geology and Mining	Chaman Metalics Ltd.	Kosar Dongergaon

