

Through Email/Speed Post/Website of Ministry of Coal

File No 104/7/2015/NA
Government of India
Ministry of Coal
O/o Nominated Authority

120, "F" Wing, Shastri Bhawan, New Delhi – 110001,
Dated: April 22 , 2022

FINAL ORDER

Subject: The Coal Mines (Special Provision) Act, 2015 and Hon'ble High Court of Delhi, judgment dated March 09, 2017 (Valuation of compensation payable to prior allottee M/s West Bengal Mineral Development and Trading Corporation Limited for Trans Damodar coal mine).

In pursuance to order dated April 06, 2022, both the allottees i.e. M/s. West Bengal Mineral Development and Trading Corporation Limited (Prior allottee) and M/s. The Durgapur Projects Ltd (Successful allottee) were given an opportunity of hearing and to present their comments / objections, if any, on determination of the compensation towards Geological reports "GR", Cost of Consent "CC", Land and Mine infrastructure payable to M/s. West Bengal Mineral Development and Trading Corporation Limited for Trans Damodar coal mine on April 13, 2022 at 10.30 A.M. The hearing was held virtually. **List of participants is at Annexure-I.**

2. The compensation for Land and Mine Infrastructure has already been released to prior allottee following the provisions of the Coal Mines (Special provisions) Act, 2015 [CMSP] and Rules framed there under. Brief of payment as made is mentioned in the tabular form marked under ,Table 'A':

Table 'A' Fig in 'INR'

Compensation for	Sanction letter dated	Amount of compensation determined & released
Land (A)	01.12.2016	2,15,85,016.00
Mine Infrastructure (B)	01.12.2016	NIL
Geological Report "GR" (C)	No claims submitted	No claims submitted
Cost of Consent (D)	No claims submitted	No claims submitted
Total {E= (A+B+C+D)}	-	2,15,85,016 .00

The above compensation of GR & CC cost are in addition to and separate from compensation of land and mine Infrastructure as provided under Section 16 of the Act.

Accordingly, total amount of INR 2,15,85,016.00/- has been disbursed to the prior allottee so far.

3 . During the hearing representatives from M/s. Durgapur Projects Ltd. accepted the compensation finalized by Nominated Authority. No representative of M/s. West Bengal Mineral Development and Trading Corporation Limited attended

the hearing.

4 . In view of above the valuation of compensation towards Geological reports "GR", Cost of Consent "CC", Land and Mine infrastructure pertaining to Trans Damodar coal mine stands settled as **entire compensation has already been released to prior allottee and additional compensation has been decided as "NIL"**.

Enclosure as above:-

1. Order dated 06.04.2022
2. Sanction letter 01.12.2016
3. Final reminder for submission of documents dated 17.03.2022

M. Nagaraju
22/4/22

[M. Nagaraju]

Additional Secretary & Nominated Authority

To,

1. **(Prior allottees)**:- The Managing Director, M/s. West Bengal Mineral Development and Trading Corporation Limited, 13, Nelli Sengupta Sarani, 2nd Floor, Kolkata, West Bengal-700087, Email: wbpdcmine2015@gmail.com

Copy to:-

2. **(Successful Allottee)**:- The Managing Director, M/s. Durgapur Projects Limited, Administrative Building, Durgapur, Burdwan, West Bengal-713201
3. Coal Controller's Organisation, Ministry of Coal, SCOPE MINAR, 5th Floor, Core - II, Laxmi Nagar, Delhi - 110092
4. Deputy Director (CBA-II Section), Ministry Of Coal.
5. Sr. TD, NIC: for uploading on the Website of Ministry of Coal.

Annexure I

List of participants		
SI No	Participants	MoC/ Organisation/Company
1	Shri. M. Nagaraju (Chairperson)	Additional Secretary, Nominated Authority, MoC.
2	Shri Ajitesh Kumar	Director, Nominated Authority, MoC.
3	Shri Manish Uniyal	Under Secretary, Nominated Authority, MoC.
4	Shri. Shiba Prasad Dutta Majumdar	Advisor-Mining, The Durgapur Projects Limited.
5	Shri Sudarshon Ghanti	Sr. Manager (M) &TE, The Durgapur Projects Limited.

Through Email/SPEED POST/Website of Ministry of Coal

File No 104/7/2015/NA
Government of India
Ministry of Coal
O/o Nominated Authority

Room No. 120, "F" Wing,
Shastri Bhawan, New Delhi - 110001
Dated: April 06, 2022

ORDER

Subject: The Coal Mines (Special Provision) Act, 2015 and Hon'ble High Court of Delhi, judgment dated March 09, 2017 - Valuation of compensation payable to prior allottee M/s West Bengal Mineral Development and Trading Corporation Limited for Trans Damodar coal mine.

Trans Damodar coal mine was previously allotted to M/s West Bengal Mineral Development and Trading Corporation Limited. After the cancellation of coal block in pursuant to the decision of Hon'ble Supreme Court of India, Trans Damodar coal mine was vested to M/s The Durgapur Project Limited vide Vesting order dated March 23, 2015. The compensation for Land and Mine Infrastructure has been released to prior allottee vide Sanction letters, following the provisions of the Coal Mines (Special provisions) Act, 2015 [CMSP] and Rules framed there under, i.e., mentioned in the tabular form marked as Table 'A'


Table 'A' Fig in 'INR'

Compensation for	Sanction letter, Dated	Amount of compensation determined & released
Land (A)	01.12.2016	2,15,85,016.00
Mine Infrastructure (B)	01.12.2016	NIL
Total {C= (A+B)}		2,15,85,016 .00

Accordingly, a total of INR 2,15,85,016 .00/- has been disbursed to the prior allottee till date.

2. In pursuance of the judgment dated 09.03.2017 of the Hon'ble High Court of Delhi in W.P © 973/2015, Nominated Authority vide order dated February 01, 2018 has decided to re-estimate the compensation of lease hold land and mine infrastructure.

3. Further, M/s West Bengal Mineral Development and Trading Corporation Limited (prior allottee) was directed to furnish the details of amount incurred by them for Geological reports "GR", Cost of Consent "CC", Land & Mine Infrastructure with respect to Trans Damodar coal



mine.


4. Vide this office letter dated March 17, 2022; M/s West Bengal Mineral Development and Trading Corporation Limited was directed to submit claims within stipulated time i.e. 24.03.2022. Since, no claims has been received so far, it is presumed that entire compensation has already been released to prior allottee and additional compensation has been estimated as "NIL".

5. The above final determination of compensation for GR, CC, Land & Mine Infrastructure is being made. However in case of any objections are raised by Prior Allottee, viz M/s West Bengal Mineral Development and Trading Corporation Limited or by present allottee M/s The Durgapur Project Limited; an opportunity of hearing is to be given as per OM dated November 16, 2018. The same would be examined and further determination would be made. If required M/s West Bengal Mineral Development and Trading Corporation Limited and M/s The Durgapur Project Limited are hereby called upon to present their comments/objections if any on the above determination on **April 13, 2022 at 10.30 A.M**

13. In accordance with Section 27 of the Act and the judgment dated March 9, 2017, it is open to M/s West Bengal Mineral Development and Trading Corporation Limited and M/s The Durgapur Project Limited to raise disputes with regards to the quantum of compensation before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act 1957.

Enclosure as above:-

1. Sanction dated 01.12.2016 for Land & Mine infrastructure
2. Nominated Authority order dated 01.02.2018 (re estimation of compensation)
3. Nominated Authority order dated 17.03.2022 (final reminder for submission of documents)

 6/4/22

(M.Nagaraju)

Additional Secretary & Nominated Authority

To,

1. **(Prior allottees):-** The Managing Director, M/s West Bengal Mineral Development and Trading Corporation Limited, 13, Nelli Sengupta Sarani, 2nd Floor, Kolkatta, West Bengal-700087, Email: wbpdcmine2015@gmail.com

Copy to:

2. **(Successful Allottee):-** The Managing Director , M/s Durgapur Projects Limited, Administrative Building, Durgapur, Burdwan, West Bengal-713201
3. **Coal Controller's Organisation**, Ministry of Coal, SCOPE MINAR ,5th Floor, Core - II Laxmi Nagar, Delhi - 110092
4. **Under Secretary** (CBA-II Section), Ministry Of Coal.
5. **Sr. TD**, NIC: for uploading on the Website of Ministry of Coal.

104/7/2015/NA

2453289/2022/Nominated Authority

I/29054/2022

Through Speed post/Email

File No NA-104/7/2015/NA
 Government of India
 Ministry of Coal
 O/o Nominated Authority

120, F-Wing, Shastri Bhawan, New Delhi
 Dated: 17.03.2022

To,

The Managing Director,
 West Bengal Mineral Development and Trading Corporation Limited,
 13, Nelli Sengupta Sarani,
 2nd Floor, Kolkatta,
 West Bengal-700087

Subject: - The Coal Mines (Special Provisions) Act, 2015- Valuation of compensation for Cost of Geological Report ("GR"), Cost of consent ("CC"), Land and Mine Infrastructure, to furnish the details of amount with documentary proof and supporting documents incurred by prior West Bengal Mineral Development and Trading Corporation Limited with respect to Trans Damodar coal mine - Reg.

Sir,

In pursuance of the judgment dated 09.03.2017 of the Hon'ble High Court of Delhi in W.P. @ 973/2015. Nominated Authority vide order dated February 01, 2018 has decided to re-estimate the compensation of lease hold land and mine infrastructure. Accordingly the prior allottee (M/s West Bengal Mineral Development and Trading Corporation Limited) was directed to furnish the details of amount incurred by them for Cost of Geological Report ("GR"), Cost of consent ("CC"), Land & Mine Infrastructure with respect to Trans Damodar coal mine.

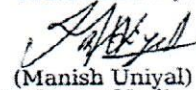
2. Further reminders were also sent vide office letter dated February 03, 2022 and March 03, 2022.

3. Therefore, this is to be treated as a final reminder letter vide which the prior allottee is directed to submit the details of amount incurred by them, for Cost of Geological Report ("GR"), Cost of consent ("CC"), Land & Mine Infrastructure along with documentary proof, annexure (Excel Sheet) and statutorily audited balance sheet of the nearest previous quarter, duly certified by the Statutory Auditor within 7 days, or else the earlier order shall stand still and revised valuation of compensation shall be considered as "NIL".

Enclosed

Order dated February 01, 2018

Yours faithfully,



(Manish Uniyal)
 Under Secretary to the Govt. of India
 Tel No. 011- 23384106

Copy to: -

DD (CBA-II), MoC

BY FAX/SPEED POST

F.No. 110/9/2015/NA (Part-II)
Government of India
Ministry of Coal
Office of Nominated Authority

131, Ground Floor, World Trade Centre, Babar Road
New Delhi, Dated: December 01, 2016

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

Subject: Transfer of compensation towards cost for Land and Mine Infrastructure in respect of **Trans Damodar coal mine** to the Commissioner of Payment for further disbursal to the prior allottees i.e. **M/s. West Bengal Mineral Dev. & Trading Corp. Ltd.**

Sir/Madam,

I am to convey the sanction of the President to the transfer of a sum of **Rs. 2,15,85,016/-** (Rupees Two Crore Fifteen lakh Eighty Five thousand and Sixteen only) to the Coal Controller's Organisation for disbursement to **M/s. West Bengal Mineral Dev. & Trading Corp. Ltd.**, the prior allottee of **Trans Damodar coal mine** under the provisions of the Coal Mines (Special Provisions) Act, 2015 by the Coal Controller in his capacity as 'Commissioner of Payments' towards compensation for Land and Mine Infrastructure.

2. The amount of compensation for Land and Mine Infrastructure in respect of **Trans Damodar coal mine** has been calculated as **Rs. 2,15,85,016/-** and **"NIL"** respectively.

104/7/2015/NA

2452734/2022/Nominated Authority

3. Here, it is pertinent to mention that in accordance with the Coal Mines (Special Provisions) Act, 2015 ("Act") and the Coal Mines (Special Provisions) Rules, 2014 ("Rules"), the Nominated Authority had issued notices dated March 12, 2015, April 22, 2015, September 17, 2015, December 15, 2015 and June 02/03, 2016 inviting claims from Secured Creditors/Government Authorities in respect of Schedule I coal mines.

4. In pursuance to the aforesaid notices, Coal Controller Organisation (CCO) has lodged its claim against amount outstanding towards escrow account stating it as security deposit in respect of Trans Damodar coal mine. In its claim it has been stated by CCO that outstanding amount could not be calculated due to non-availability of Mine Closure Plan and non-execution of Escrow Agreement. Since security deposit is not a permissible claim under the Act, the same has been decided as not admissible and has been rejected.

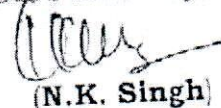
5. The aforesaid amount may be transferred through RTGS to the account of Coal Controller, Coal Controller's Organisation who has been appointed as 'Commissioner of Payments' under the provisions of Section 15 (1) of the Coal Mines (Special Provisions) Act, 2015 for the purpose of the said Act vide Ministry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

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

7. This issues with the approval of Integrated Finance Division, Ministry of Coal vide Note dated 18.10.2016.

Encl: as above.

Yours faithfully,



(N.K. Singh)

Deputy Secretary to the Government of India

Copy to:

1. **The Coal Controller in the capacity as Commissioner of Payments**, Coal Controller Organisation, No. 1 Council House Street, Kolkata-700001 - for further disbursement to the prior allocattees under