

F.No NA-203/2/2022/NA
Government of India
Ministry of Coal
Office of Nominated Authority

120-F, Shastri Bhawan, New Delhi
Dated : September 02, 2022

ORDER

Subject: The Coal Mines (Special Provisions) Act, 2015 and Hon'ble High Court of Delhi, Judgment dated March 09, 2017– Valuation of Compensation for payment to the prior allottee of Moitra Coal Mine, viz. M/s Jayaswal Neco Industries Limited (hereinafter referred as "JNIL").

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It may be noted that in respect of Moitra coal mine, the cost of GR (Rs.2,11,03,422/-) and Cost of Consent (Rs.1,14,93,037/-) was released to M/s. Jayaswal Neco Industries Limited (JNIL), prior allottee vide Sanction Order dated 24.05.2016. Incremental amount for Cost of Consent (Rs.8,36,48,510/-) was also released to JNIL vide sanction letter dated 28.03.2017. The compensation for land and mine infrastructure amounting to Rs.23,31,23,753/- and NIL respectively was disbursed to the secured creditor (UCO Bank as Lead Bank) instead of JNIL vide sanction letter dated 27.12.2016. Further, in the same sanction letter dated 27.12.2016, in accordance with speaking order dated 09.12.2016, Rs.1,30,67,200/- for disputed land (alleged by JSW Steel Ltd., present allottee) and Rs.1,33,99,160/- for incremental compensation was withheld. For this disputed land and amount withheld, clarification was furnished by JNIL and provisional order dated 03.08.2022 was issued mentioning that JNIL is entitled to receive Rs.2,62,84,165/-. JNIL, M/s JSW Steel Limited (JSW) [present allottee] and secured creditor (UCO Bank as Lead Bank) were called upon 10.08.2022 at 5.00 P.M to present their comments/objection, if any, on the determination of withheld compensation for land made by the Nominated Authority (Refer Annexure-I for List of Participants).

2. Successful allottee, M/s JSW submitted their objections vide letter dated 08.08.2022. The said objections were also raised by JSW Ltd. on 10.08.2022 before the Nominated Authority. The gist of objections raised, reply of M/s JNIL and decision taken on the same are as under:-

(i) **Issue of cheque Bounce (Area-0.93ha~2.30 acres and amount involved Rs.18,31,843/-) :** Representatives of JSW objected that despite execution of registered sale deeds for land owners from whom M/s JNIL had purchased the land, they were not paid total consideration amount by JNIL on account of "insufficient funds" whereas they had deposited Rs.18,31,843/- for land under this head. Representatives of JNIL stated that they had already furnished clarification in this regard and they accept the determination of compensation made by the Nominated Authority. It was decided that since registered sale deeds have been transferred in the name of M/s JSW, therefore, compensation may be released to the prior allottee.

(ii) **Excess Land Issue (Area-2.7070ha ~ 6.69 acres) and amount involved Rs.84,13,436/- for 2.70 ha of land :-** Representatives of JSW objected that the land parcel with an area of 2.707 Ha (6.69

acres), purchased by prior allottee from land owners was greater than the quantum of land under the land owners' ownership, i.e. greater than the land recorded in the record of right of land in their favor. JNIL stated that they had already furnished clarification in this regard and they accept the determination of compensation made by the Nominated Authority. It was decided that since registered sale deed has been transferred in the name of M/s JSW, therefore, compensation may be released to the prior allottee.

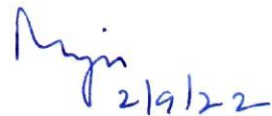
(iii) **Issue of CA Land (Area-14.669ha ~ 36.25 acres) and amount involved is Rs.26,49,130/- :-** Representatives of JSW stated that in respect of compensatory afforestation land to the extent of 36.25 acres, the Revenue Authorities had permitted registration of only 35.05 acres of land in their favour but even thereafter the Department of Forest had only accepted 15.89 acres out of the above 35.05 acres of land for the purpose of compensatory afforestation. JNIL stated that they had already furnished clarification in this regard and they accept the determination of compensation made by the Nominated Authority. It was decided that as registered sale deed has been transferred in the name of M/s JSW, therefore, compensation may be released to the prior allottee.

(iv) **Issue of CA Land with encroachment (Area 1.6750 Ha ~ 4.14 acres) :** No objection was raised by representatives of M/s. JSW and representatives of JNIL also accepted the determination of compensation made by the Nominated Authority.

3. Further, secured creditors (UCO Bank as Lead Bank) informed that all outstanding dues from prior allottee, i.e M/s Jayaswal Neco Industries Limited, have been received and "No Objection Certificate" has been issued to JNIL vide letter dated 25.06.2021. Representative of UCO bank stated that they will inform the same to Nominated Authority through official letter.

4. In view of the above, prior allottee, M/s JNIL is entitled to get compensation amounting to Rs.2,62,84,165/- and successful allottee is entitled to get back Rs.1,82,195/- against the withheld amount of Rs.2,64,66,360/- pertaining to Moitra coal block. Therefore, Order dated August 03, 2022 stands final and hence, valuation of compensation for land in respect of Moitra coal mine stands settled.

5. Nevertheless, in accordance with Section 27 of the Act, it is open to M/s. Jayaswal Neco Industries Ltd., and M/s. JSW Steel Limited to raise dispute with regard to the quantum of compensation before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957.



(M. NAGARAJU)

Additional Secretary & Nominated Authority

To,

1. **Prior Allottee.-** The Managing Director, Jayaswal Neco industries Limited, 156-159, F-8 MIDC Industrial Area, hingna Road, Nagpur-440016, Maharashtra, India.
2. **Secured creditor:-** The Deputy General Manager , FC Branch Mumbai ,UCO bank Flagship Corporate Branch ,1st Floor, Mafatlal Centre, Nariman Point, Mumbai-400021. Email mumfcc@ucobank.co.in. Phone 022-40549122

3. **Successful Allottee:** - The Managing Director, JSW Steel Limited, Bandra Kurla Complex, Bandra (East), Mumbai, Maharashtra-400051, India.

Copy to :-

1. U.S, CBA-II (For Kind information).
2. Sr.T.D, NIC, MOC with request to upload this on the website of MOC.

ANNEXURE-I

S. No.	Name of Officer / representative	Designation	Ministry/ Company /Secured creditor
1	Shri M. Nagaraju	AS&NA	Ministry of Coal
2	Shri Ajitesh Kumar	Director	
3	Shri Harishchand	Manager (Finance)	
4	Shri Manish Bharadwaj	Assistant Manager	
5	Shri Pranshu Dhingra	Legal Consultant	
6	Shri Sanjay Singh	Sr. Vice President	M/s JSW Steel Limited
7	Shri Rajeev Raman	GM, Mining Operations	
8	Shri Arindha Sinha	Sr. Manager (Legal)	
9	Shri Shantanu Dubey	Sr. Manager	
10	Shri Susanta Kumar	Associate Director	M/s Jayaswal Neco Industries Limited
11	Shri Rahul Pandey	Legal Head	
12	Shri Chinmaya Sahoo	AGM	Secured Creditors (UCO Bank)
