

F.No NA-104/32/2015-NA
Government of India/भारत सरकार
Ministry of Coal/कोयला मंत्रालय
O/o Nominated Authority / नामनिर्दिष्ट प्राधिकारी का कार्यालय

120, F-Wing, Shastri Bhawan, New Delhi
Dated – the 12th September, 2022

To,

1. The Chairman,
Topworth Urja & Metals Ltd,
308, 3rd Floor, Ceejay House,
Dr. Annie Besant Road, Worli,
Mumbai – 400 018
Email: - abhay.lodha@topworthgroup.com
anand.azami@topworthgroup.com

2. The Branch Manager,
State Bank of India,
Backbay Reclamation Branch (Branch Code 01593),
PB No 11642, I Floor,
Tulsiani Chambers, Nariman Point,
Mumbai – 400 021
Email:- sbi.01593@sbi.co.in
Ph no: 2222745802

TERMINATION NOTICE

Subject: Termination of Coal Mine Development & Production Agreement (CMDPA) and Vesting Order no. 104/32/2015/NA dated September 30, 2015 in respect of Marki Mangli-I coal mine allocated to M/s Topworth Urja and Metals Limited(TUML).

Reference:

- i. Letters dated 30.06.2022, 13.07.2022 and 05.08.2022 issued by O/o Nominated Authority(NA) (enclosed)
- ii. Coal Mine Development and Production Agreement (CMDPA) dated 31-08-2015 in respect of Marki Mangli –I coal mine

Sir,

With reference to the above mentioned documents, I may state that vide letter dated 30.06.2022, it was intimated to M/s TUML that in terms of Clause 6.1.3 of the CMDPA, the

revised amount of Bank Guarantee submitted as Performance Security (PBG) comes to Rs.41,47,27,500/- INR (Rupees Forty One Crore Forty Seven Lakh Twenty Seven Thousand and Five Hundred only/-) and accordingly TUML was directed to submit the same within 15 days of issuance of the aforementioned letter. On the request of M/s TUML, O/o NA vide letter dated 13.07.2022 granted 14 working days extension period (till 04.08.2022) to submit the revised PBG. Further, on request of TUML, a final extension of seven days was granted by O/o Nominated Authority vide letter dated 05.08.2022.

However, till date O/o Nominated Authority is still not in receipt of PBG of revised value of Rs.41,47,27,500/- INR.

2. Attention is invited to following Clauses of CMDPA:

Clause-6.1.3 *The amount of Performance Security shall be revised in following events:*

c. In case of any revision in the Mine Plan in accordance with Clause 14.....

Clause 6.2 *Events for appropriation of the Performance Security*

6.2.1 *The Performance Security may be appropriated by the Nominated Authority upon occurrence of any of the following events (the "Appropriation Event") to be determined by the Nominated Authority in its sole discretion:*

(j) any other breach or non-compliance of any of the provision of this Agreement including in case of the Warranties being untrue or misleading or incorrect in any manner whatsoever.

Clause 24.3 *Termination*

24.3.1 *This Agreement may be terminated upon occurrence of any of the following events (each a "Termination Event"):*

(n) any other breach of any of the provision of this Agreement (including in case of the Warranties being untrue or misleading or incorrect in any manner whatsoever), which is not cured by the Successful Bidder within thirty Business Days of becoming aware of the same, on its own accord or upon receipt of a notice from the Nominated Authority.

24.3.2 *Upon occurrence of a Termination Event, the Nominated Authority may elect to terminate this Agreement by providing a 15 Business days written notice to the Successful Bidder. The determination of the Nominated Authority regarding occurrence of a Termination Event shall be final and binding on the Successful bidder.*

3. It is clear that TUML was required to submit (after grant of extensions) the PBG of amount Rs.41,47,27,500/- INR within seven days of issuance of letter dated 05.08.2022 and non compliance of the same constitutes Termination Event as per *Clause 24.3.1(n)* mentioned above. Nominated Authority, vide its letter dated 30.06.2022 notified TUML for submitting the revised performance guarantee. However, TUML remains non-compliant till date.

4. In view of above, M/s TUML is hereby served with **Termination Notice** under clause 24.3.2 of the CMDPA. On completion of Notice period of 15 business days from date of issuance of this Notice, CMDPA and Vesting Order in relation to Marki Mangli I coal mine shall stand terminated.

5. Further, in view of Clause 24.3.3, since the Nominated Authority has elected to terminate the CMDPA, the **Performance Security and all other payments made by the Successful bidder shall be appropriated immediately** and TUML shall not be entitled to any benefit under CMDPA but would continue to be liable towards any antecedent liability, obligations accrued before the effective date of the termination and also for the obligations that must be fulfilled after the termination.

M. Nagaraju 12/9/22
[M. Nagaraju]

Additional Secretary/ Nominated Authority



Enclosures (for Bank):

Bank Guarantees no 0159315BG0000118, 0159317BG0000048, 0159319BG0000061, 0159319BG0000105 & 0159322BG0000041 with combined total amount of Rs.33,17,82,000/-.

Copy to :-

1. The Hon'ble Chief Secretary, Government of Maharashtra – for information
2. Deputy Secretary (P& S Section), Ministry of Coal – for information
3. The Manager, State Bank of India- Backbay Reclamation Branch-TULSIANI CHAMBERS, Free Press Journal Marg, Nariman Point, Mumbai, Maharashtra 400021 , with the request to treat this notice as TERMINATION NOTICE for immediate **100 % appropriation of Bank Guarantees no 0159315BG0000118, 0159317BG0000048, 0159319BG0000061, 0159319BG0000105 & 0159322BG0000041 with combined total amount of Rs.33,17,82,000/- (Rupees Thirty Three Crore Seventeen Lakh Eighty Two Thousand only/-) submitted as Performance Security and deposit the entire amount of Rs.33,17,82,000/- in the account of Ministry of Coal on 15 business days of issuance of this Notice** with account details as below:

Bank Name	PUNJAB NATIONAL BANK (PNB)
Bank Branch	CONNAUGHT CIRCUS
Account No.	0276050414586
IFSC	PUNB0027620
MICR Code	110024773
Bank Address	J C DAS BUILDING 90/8, CONNAUGHT CIRCUS

	NEW DELHI-110001
Bank Contact No	(011)-23360661, 23347012

4. Coal Controller, Coal Controller Organisation, Ministry of Coal, SCOPE MINAR, 5th Floor, Core – II, Laxmi Nagar, Delhi – 110092
5. Pay and Accounts Officer, Pay & Account Office, Ministry of Coal- `with request to deposit the amount received from Indian State Bank of India, Backbay Reclamation, Tulsiani Chambers Nariman Point, Mumbai-400 021 in detailed head 8443.00.117.03.07.00 until further directions from this office to deposit the above mentioned amount in CFI.
6. TD (NIC) , Ministry of Coal – for uploading on the website of Ministry of Coal.