

File No: NA-104/11/2015/NA-Part(1)
Government of India
Ministry of Coal
O/o Nominated Authority

Room No. 120, "F" Wing, Shastri Bhawan,
New Delhi, Dated: May 03, 2023

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

Subject: E-Payment of excess Fixed Amount deposited towards Land and Mine Infrastructure deposited by the Successful allottee, M/s Bharat Aluminium Company Limited (BALCO) in respect of Chotia coal mine.

Ref: Final Order Dated 03.05.2023

Sir/Madam,

I am directed to convey the sanction of the President for the E-Payment for a sum of INR **1,01,25,462/-** (One Crore One Lakh Twenty Five Thousand Four Hundred and Sixty Two Only) to the Successful allottee under the provisions of the Coal Mines (Special Provisions) Act, 2015 by the Coal Controller in his capacity as 'Commissioner of Payments' towards Land and Mine Infrastructure. It is stated that the above mentioned amount is a part of Fixed Amount deposited by the Successful Bidder of coal mine and interest on Fixed deposit credited to designated bank account of MoC.

2. The details in respect of transfer of the fixed amount of INR **1,01,25,462/-** is summarized below
 - a) In pursuance to O/o Nominated Authority's Order dated 13.05.2021 & 15.11.2021, revised compensation for land & mine infrastructure was determined as ₹ 16,84,52,091/- [i.e, ₹10,71,50,516 for land & ₹ 6,13,01,575/- for mine infrastructure]
 - b) Further, vide order dated. 27.07.2022 passed by Hon'ble High court of Chattisgarh, Bilaspur in WP(C) No.33808/2022, the Hon'ble court directed the petitioner i.e. M/s BALCO to deposit the total amount of INR 16,84,52,091/- and the said amount deposited by the petitioner shall be invested by Nominated Authority in any nationalized bank account which would fetch maximum interest so that, if ultimately the amount has to be refunded to any claimant or encashed by the NA, the interest part would be taken care of.
 - c) Therefore, M/s BALCO deposited INR 16,84,52,091/- which was credited to the account on Nominated Authority on 27.07.2022 and the same was deposited to SBI as fixed amount on 27.10.2022

Ajith Kumar

d) Further, Hon'ble District and Session Judge, Bilaspur cum Part time Tribunal passed order dated 28.03.2023 in PTT No.250/2021, PPT No. 251/ 2021, PTT No. 12/2022 & PTT No 13/2022 wherein it is mentioned that both parties have amicably settled the matter & to pay compensation amounting to ₹15,84,52,091.00 to M/s Prakash Industries Limited. Based on the settlement, the Hon'ble Tribunal directed the O/o Nominated Authority to make payment of Rs 15,84,52,091.00 to M/s Prakash Industries and refund of Rs 1 crore to M/s BALCO from the amount deposited by M/s BALCO which was deposited in SBI as fixed deposit (Rs 16,84,52,091) by O/o NA as per the order of High court, Chhattisgarh. The said amount should be transferred to M/s PIL & BALCO within 25 days from the court order i.e., 28.03.2023. Further the interest part will be taken care of O/o NA as per WP(C) No.33808/2022

e) The details of excess Fixed Amount deposited by M/s BALCO (Successful allottee) pertaining to Land and Mine Infrastructure, is annexed in the below Table 'A'

Table 'A' fig in INR

Particulars	Refund of Fixed cost to M/s BALCO pertaining to Chotia coal mine
Refund of Excess Fixed cost as determined by court based on Amicable settlement	1,00,00,000.00
Interest on Fixed deposit	1,25,461.78
Grand Total	1,01,25,462/- (Round off upto Zero decimal)

3. The aforesaid amount may be transferred through E-Payment to M/s Bharat Aluminium Company Limited (BALCO) under the provisions of Section 15 (1) of the Coal Mines (Special Provisions) Act, 2015.

4. The expenditure on this account is debited to the Head **8443.00.117.03.04.00**.

5. This issue with the approval of Integrated Finance Division, Ministry of Coal vide note no # 111 dated 01.05.2023 of file no NA-104/11/2015/NA-Part(1), Computer No E 353698.

Yours faithfully,

Ajitesh Kumar
03/05/23
(Ajitesh Kumar)

Director to the Government of India

Copy to:

1. **The Coal Controller in the capacity as Commissioner of Payments,**

Coal Controller Organization, Scope Minar, 5th Floor, Core-II, Laxmi Nagar Delhi-110092 – for further disbursement under the provisions of the Coal Mines (Special Provisions) Act, 2015 to the Successful Allottee within ten days of the transfer of above amount from PAO. It may be ensured that Payment is made

to the prior allottee company as per the said Act. Further, an affidavit in the prescribed format (**Annexure-I**) may also be obtained from the claimant prior to disbursal.

2. **CMD, CMPDI**, Kanke Road, Ranchi

3. **US (IFD)**, Ministry of Coal.

4. **US (P&S II)**, Ministry of Coal.

5. **DDO**, Nominated Authority.

6. (**Prior Allottee**)- The Managing Director, **M/s. Prakash Industries Limited**, A/9 Shatabdi Nagar, Behind Songanga Colony, Seepat Road, Bilaspur 495 006(C. G.)

7. (**Successful Allottee**)- The Managing Director, M/s Bharat Aluminium Company Limited (BALCO), Aluminium Sadan, Core - 6, Scope Office Complex, Lodi Road, New Delhi - 110 003

8. **TD, NIC**: for uploading on the Website of Ministry of Coal.

Ajibah Kumar

(To be stamped in accordance with the relevant Stamp Act and duly sworn before Notary Public)

**UNDERTAKING FOR RECEIVING THE AMOUNT TOWARDS LAND AND MINE
INFRASTRUCTURE**

I, _____ aged _____ years, resident of _____ working as _____ an authorized signatory on behalf of _____ (name of Successful Allottee) hereby states as under:

1. That I am the Authorised Signatory of the Successful Allottee. I am conversant with facts and circumstances surrounding the subject of this Undertaking and have been authorized to undertake the same.

2. That M/s. _____ is/are the Successful Allottee(s) of the _____ (the "Coal Mine") in terms of the Coal Mines (Special Provisions) Act, 2015 (the "Act")/successor-in-interest of the Successful Allottee of the Coal Mine. As such Successful Allottee is entitled to receive refund on account of Land and Mine Infrastructure.

OR

2. That the Mining Lease for the Coal Mine has been executed in favour of M/s. _____ and therefore by virtue of the provisions of the Coal Mines (Special Provisions) Act, 2015 (the "Act"), M/s. _____ is/are deemed to be the Successful Allottee (s) of the _____ (the "Coal Mine")/ successor-in-interest of the Successful Allottee of the Coal Mine. As such the Successful Allottee is entitled to receive refund on account of Land and Mine Infrastructure obtained. [Applicable in case where Mining Lease had been executed in favour of third party Delete the clause whichever is not applicable.]

3. That M/s. _____ has been authorised by the other Joint Successful Allottee (s)/Joint Venture Partners to obtain the claim on behalf of it. A "No Objection Certificate" from the Joint Successful Allottee (s)/Joint Venture Partners in this regard is enclosed herewith for record.

4. That the Successful Allottee (s) has deposited the Land and Mine Infrastructure for _____ coal mine and is entitled to get refund of the same. The details of account for this purpose is as under: Name of the Account holder company _____ Name of the Bank/Branch _____ MICR _____ IFSC _____ File No NA-104/11/2015/NA-Part(1)

5. That the Successful Allottee(s) indemnifies the Nominated Authority &/or the Central Government against any liability, cost, damages or losses in relation to the disbursement.

6. That the Successful Allottee(s) also undertakes that it is liable to return the amount disbursed to it, in case above cost (part or in full) is claimed and established by any other party.

7. That nothing has been concealed in the information submitted as mentioned above.

Solemnly affirmed and verified on this _____ day of _____ (month) 2023 at (place).

(Signature)

Deponent-Authorised Signatory
(Name, Designation & Seal)

VERIFICATION

I, _____ aged _____ years, resident of _____ working as _____ an authorized signatory on behalf of _____ (name of Successful Allottee) do hereby solemnly declare that what is stated in paragraphs 1 to 7 above is on the basis of the books and records of the Successful Allottee, and verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

Verified at _____ day of _____ (month) 2023 at (place).

(Signature)

Deponent-Authorised Signatory
(Name, Designation & Seal)