By E-mail/Speed Post

F.No. NA-110/6/2017-NA Government of India Ministry of Coal O/o Nominated Authority

> Room No.120, 'F-Wing', Shastri Bhawn, New Delhi, Dated: 27th October, 2020

OFFICE MEMORANDUM

Subject: Minutes of 12th meeting of Scrutiny Committee to consider/examine the submissions/replies made by Successful Bidders/Allottees of the coal mines in respect of deviation from milestones /the scheduled production mentioned in the Mine Plan.

The undersigned is to refer to subject mentioned above and to forward herewith minutes (Annexure-A) of 12th meeting of Scrutiny Committee held on 23.09.2020 & 24.09.2020 through virtual mode in order to examine the replies to the Show Cause Notices (for deviation from various milestones prescribed in Efficiency Parameter).

2. This is for your information and further necessary actions to be taken, if any.

Encl: As above.

(Manish Uniyal)

Under Secretary to the Government of India

Tel: 011-23384106

To.

- 1. The Chief Secretaries of the State Government of Chhattisgarh / West Bengal/ Jharkhand/ Odisha/ Maharashtra/ Madhya Pradesh/Telangana
- 2. Shri Partha S. Bhattacharyya, Ex Chairman, Coal India Limited and Chairman, Scrutiny Committee.
- 3. Shri R.M. Malla, Ex- MD & CEO, PTC India Financial Services Limited.
- 4. Shri Anandji Prasad, GM (UMD), CMPDIL
- 5. Shri Sujoy Majumder, OSD (Mining), CCO
- 6. The participants/ participating Allocattees of coal mines.

Copy for information to:-

- 1. US (CBA-I)
- 2. US (CBA-II)

Minutes of the 12th meeting of the Scrutiny Committee held on 23rd& 24th Sept 2020

List of participants present virtually is at Annexure.

The 12th meeting of the Scrutiny Committee has been convened on 23rd & 24thSeptember 2020 to consider/examine the cases involving deviation from scheduled operationalization of coal mine/production of coal in respect of coal blocks allocated under the provisions of the Coal Mines (Special Provisions) Act 2015.

Show Cause Notices (SCNs) and replies received from the Successful Bidders/ Allottees were presented before the committee on a mine by mine basis and the representatives of the allocattee were requested to present their case before the Committee. Mine-wise discussions held are briefed as under:

(I) Coal Mines considered by the Committee on 23rdSept 2020.

1. Chotia

Successful Bidder- M/s BALCO Vesting Date- 1st April 2015

- Show Cause Notice dated 03.12.2019 was issued to M/s BALCO for non-compliance with the below mentioned Milestones of Chotia Coal Mine.
- The said matter was considered in the 10th meeting of the Scrutiny Committee held on 05.02.2020, wherein the Committee had directed the Successful Bidder to give clear submission of all the dates along-with relevant documents to ascertain the said delays. In compliance, the detailed chronology was submitted by allocate vide its letter dated 05.02.2020.

Deviation from the Efficiency Parameters	Reply of SB to Show Cause Notice	Weightage assigned for	Recommendation of the Committee
		appropriat	
		ion	
		(In %)	
1.	1. Application for ML was submitted timely on 25.03.2015.	8	It was observed that the allocatee
Execution of	2. Govt. of Chhattisgarh issued a 5 point query which was replied by		had submitted the application for

Mining Lease Done on 19.07.2015 (Due Date- 01.07.2015) 2. Mine Opening Permission Done on 20.11.2015	M/s BALCO on 30.03.2015. 3. Subsequently, another query was raised by State Government on 01.04.2015 whose reply was submitted on 02.04.2015. 4. Mineral Administration, Govt. of Chhattisgarh forwarded the matter on 15th May 2015 and the state government took more than one and half month and issued ML (subject to conditions) on 09.07.2015. 5. District Mining Administration, Korba on 16.07.2015 issued a 5 point query (submission of Form K and Coal Grade declaration) 6. BALCO vide its letter dated 17.07.2015 submitted its reply declaring coal grade for Stamp Duty Calculation. 7. District Mining Administration, Korba on 24.07.2015 instructed BALCO to notify about Stamp Duty calculation. BALCO vide its letter		ML timely. However, due to non clarity over Stamp Duty calculation, there was delay on part of the State Government to raise the demand for Stamp Duty. Committee is also of opinion that due to delay in raising demand for stamp duty by State, there was delay in obtaining Mine opening permission.
(Due Date- 01.07.2015)	dated 25.07.2015 replied to District Registrar, Korba. Further, BALCO vide its letter dated 11.08.2015 clarified about calculation of stamp duty. 8. Again on 21.09.2015, BALCO requested to resolve the stamp duty issue so that mining lease can be executed at the earliest. 9. Chhattisgarh Government notified on amendment in Indian Stamp (Chhattisgarh Amendment) Ordinance, 2015 on 12.10.2015. 10. On 16.10.2015, Form K for Mining Lease was duly signed between District Administration and BALCO. 11. On 21.10.2015, application seeking permission for re-opening of seam was submitted to CCO. 12. On 31.10.2015, District Administration (Mines), Korba granted Ground Breaking Permission. 13. On 20th November, 2015, CCO granted Mine Opening Permission		As such, the Committee recommends that the delay cannot be attributed to the Allocatee and the relaxation may be provided to the allocatee.
3. Grant of Consent to Operate Done on 10.07.2015 (Due Date-01.07.2015)	 Application submitted to CECB for granting Consent to Operate on 30.03.2015. On 18.06.2015, BALCO submitted EC to Member Secretary, 		It was observed that the said delay is only of 08 days. Moreover the application was submitted timely by allocatee. As such, the Committee recommends that the delay cannot be attributed to the Allocatee and the relaxation may be provided to the allocatee.
4. Non Compliance with Production Schedule for FY 2017-18 and FY 2018- 19	1. As per the Calendar Plan given in the Mine Plan dated Feb 2010(vested), the mine had completed 9 years of operation in 2014-15 and was in its 10 th year. 2. As per extant Mine Plan, the open cast reserves of the Chotia I would have exhausted. After taking over, BALCO undertook assessment of the left over area and found that 0.3 MT of opencast reserves were still left. 3. As per the schedule of the Mine Plan, underground mining should have started at both sub-blocks of Chotia coal mine but no infrastructure	40 (20 % for each FY)	The allocatee submitted that the coal reserve from Chotia I got exhausted and they had to go for revision for Mine Plan which was approved on 11.03.2016. As per revised Mine Plan, the production for next 5 years was to come from Chotia-II by

- was developed by the prior allottee.
 4. In addition, there was a conflict between Mining Plan and Environment Clearance and as such, it was decided to go for revision in Mine Plan.
- 5. MOC issued guideline for preparation of Mine Plan for coal blocks vide its letter dated 15.07.2015 which required certificate from CMPDIL that the geological Co-ordinates used in preparation of Mine Plan are in accordance with the Vesting Order and they do not encroach into any other adjacent coal blocks.
- 6. As such, BALCO vide its letter dated 04.08.2015 submitted all the required documents to CMPDIL for obtaining the said certification.
- 7. CMPDIL on 08.09.2015 asked for certain more documents and after submission of the same, the said certificate was issued on 16.11.2015 and certificate was submitted to MoC on 25.11.2015.
- 8. MOC vide Mine Plan presentation was scheduled on 16.12.2015 and observations were issued by MoC on 23.12.2015.
- 9. Compliance to observation of MoC was submitted by BALCO on 14.01.2016 and 10.02.2016.
- 10. Revised Mine Plan was approved on 11.03.2016.
- 11. Thus at Chotia-I, production could not continue further since resources were exhausted and mining plan did not allow it further and at Chotia-II, because of conflict between EC and Mining Plan.
- 12. Further, as per approved Mine Plan(vested), 0.12 MT from Chotia I was permissible from opencast method and the same was mines after obtaining all clearances in FY 2015-16.
- 13. As per revised Mine Plan, 0.30 MT coal can be extracted from Chotia I mine, out of which 0.12 was already extracted in FY 2015-16 and therefore remaining 0.18 MT coal extracted in 2016-17.
- 14. As per production plan of revised Mine Plan, the production for next five years was to come mainly from Chotia-II by opencast method after grant of EC.
- 15. The EC of Chotia-II was for annual capacity of 0.25 MT by underground but as the vested Mine Plan provided for production of 0.5 MTPA by opencast method. Hence, there was conflict in the two approvals.
- 16. The NA office vide its letter dated 15.03.2016 clarified that EC shall prevail over the mining plan.
- 17. Subsequently, BALCO approached MoEF& CC for amendment of EC on 12.08.2015.Presentation of ToR was held on 01.09.2015 and MoEF& CC had asked to approach them after approval of revised Mine Plan.
- 18. On 27.07.2016, BALCO had intimated MoC that only 0.18 opencast reserves were left in Chotia-I as on April 2016 and post August 2016, no

underground method. However, there was no Environment Clearance(EC) for underground mining. As such, they had to approach MoEF& CC for revision of EC. After grant of revised EC on 18.07.2018, they produced 0.67 MT of coal on pro-rata basis in FY 2018-19. The Allocatee further said that they have achieved the PRC in 2019-20.

The Committee observed that the allocatee took all actions in prudent manner and is serious about developing the coal mine. As such, it is recommended that no penalty is imposed upon the allocatee for non compliance with production schedule for FY 2017-18 and FY 2018-19.

opencast mineable reserves in Chotia-I and no EC for operating opencast mining in Chotia -II. As such, operation in Chotia mine will remain temporality closed. 19. ToR was granted on 06.06.2016 (Revised Mine Plan was approved 11.03.2016) on 20. Subsequently, draft EIA/EMP report was submitted to Chhattisgarh Environment Conservation Board on 09.02.2017. Regional Officer, CECB raised queries on 04.05.2017 to which reply was submitted by BALCO 01.06.2017. on Public hearing was held on 06.01.2018 and its proceedings were 21. submitted MoEF& to CC on 30.01.2018. 22. Presentation before EAC was held on 18.04.2018. MoEF& CC raised 22.05.2018 and 27.06.2018. query ดท 23. Environment Clearance was granted on 18.07.2018. 24. After grant of EC, application for Consent to Establish was submitted 25.05.2018. on Queries were raised by CECB in the month of June & July 2018 25. which were replied by BALCO and subsequently, CTE was issued on 23.08.2018. 26. Application for Consent to Operate was submitted on 28.08.2018. Queries were raised by CECB in Sept 2018 which were replied by BALCO. CTO issued 06.10.2018. was 27. Mining operations commenced on 23.10.2018. 28. Since, EC was granted on 18.07.2018, hence on pro-rata basis, BALCO produced 0.67 MT during 2018-19.

2. Sial Ghoghri

Successful Bidder- M/s RCCPL Private Limited Vesting Date- 01st April, 2015

- Show Cause Notice dated 18.07.2018 and 03.12.2019 have been issued to M/s RCCPL Private Limited for non-compliance with the below mentioned Milestones of Sial Ghoghri Coal Mine.
- The said matter was considered in the 10th meeting of the Scrutiny Committee held on 05.02.2020, wherein the Committee had directed the Successful Bidder to give details of all the events leading to the delay which were submitted by SB vide its letter dated 05.02.2020.

Deviation from the Efficiency	Reply of SB to Show Cause Notice	Weightage assigned	Recommendation of the Committee			
Parameters		for				
		appropriat ion				
		(In %)				
1. Grant of	1.Reliance Cement Company Pvt. Ltd. applied to the Regional Officer,	8	It was observed that in the 06th			
Consent to	Madhya Pradesh Pollution Control Board (MPPCB), Jabalpur on		meeting of Scrutiny Committee,			
Operate	27.03.2015 and also to The Member Secretary, Madhya Pradesh Pollution		the Zero Date was revised to			
Done on	Control Board, Bhopal on 04.04.2015 for the transfer of existing mine		24.07.2015. As such the new			
17.11.2015	opening permission granted to the prior allottee well within prescribed		due date may be considered as			
(Due Date-	time of 1 month from the vesting date.		24.10.2015. MPPCB finally			
01.07.2015)	2. The Regional Officer, Jabalpur, vide his letter dated 15.04.2015 and		accepted the application on 02-			
	Member Secretary, Bhopal, vide letter dated 29.04.2015 asked to submit		10-2015, well within this due			
	certain documents like EC, Mining Lease deed, undertaking for		date and granted the CTO on			
* In the 06th meeting of	compliance with CTO conditions, approved Mine Plan etc. Replies were		17.11.2015 with a delay of			
Scrutiny Committee, the Zero Date was revised to	to Jabalpur and Member Secretary, Bhopal respectively.					
24.07.2015. As such due date may be considered as						
24.10.2015 i.e. 3 months from new Zero Date.	3. Also, RCCPL submitted the Mining Lease Grant Order on 21.08.2015 to the Madhya Pradesh Pollution Control Board, Jabalpur and Bhopal.		As such, the Committee recommends that no penalty			
from new Bero Bate.	Some queries were raised by MPPCB in Sept 2015 which were replied by		should be imposed upon the			
	SB.		SB for the said Milestone.			
	4. Finally, MPPCB accepted the application on 02.10.2015 and asked					
	for technical presentation on 15.10.2015.					
	5. The Madhya Pradesh Pollution Control Board granted Consent to					
	Operate on 17.11.2015					
2.Mine	1. Application for Mine opening Permission was submitted on	=	The Committee observed that			
Opening	18.04.2015 for transfer of existing Mine Opening Permission vested to		the delay in obtaining Mine			
Permission	RCCPL Pvt. Ltd.		Opening permission is			
Done on	2. Coal Controller office vide its letter dated 10.07.2015 advised to		partially attributed to the			
07.03.2016	submit fresh application in prescribed format along-with documents like		allocatee and as such, the			
(Due Date-	Environment Clearance, Forest Clearance, DGMS Permission, Ground		Show Cause Notice against			
01.07.2015)	Water clearance, Mining Lease etc.		the said Milestone be upheld			
	3. As such fresh application along-with desired documents including ML		and penalty should be			
	deed (registered on 12.10.2015) was submitted to CCO on 07.12.2015.		imposed.			
* In the 06th meeting of	4. Inspection of coal mine was done by CCO on 30.12.2015.					
Scrutiny Committee, the Zero Date was revised to	5. CCO asked for DGMS permission vide its letter dated 05.01.2016					
24.07.2015. As such due	which was submitted by SB on 12.01.2016.					

date may be considered as 24.10.2015 i.e. 3 months from new Zero Date.	6. Subsequently, Mine Opening Permission granted on 07.03.2016.		
3. & 4. Non compliance with production schedule for FY 2017-18 and FY 2018-19	1. The Mining Plan (vested) which was prepared by the Prior Allottee was from the period 2008-09. The rated production capacity of 0.3 MTPA was proposed to be achieved from 4th year i.e. 2011-12 onwards. Due to unsystematic development of the mine by the prior allottee, proposed production level could never be achieved. In the approved mining plan, it was proposed to have three inclines, continuous cutting technology, belt conveyor and coal handling plan to by 2010-11 to achieve rated production level from 2011-12, but those proposals were not executed by the Prior Allottee and hence they could not achieve the rated production level. Even the Prior allottee could not execute these proposals till 2014-15 when the mine was under their possession. 2. The total production till the mine was under possession of the Prior Allottee i.e. till 31.03.2015 was around 3000 tonnes only. The mine was not in proper shape when it was allotted to RCCPL. The production schedule as shown in the approved mining plan was already deviated by Prior Allottee by 4 years till 01.04.2015. Under the compelling situation, RCCPL proposed to revise the Mining Plan for certain deviations in the approved mining plan, primarily for the proposed production schedule. The deviations were well intimated to the Nominated Authority. 3. That it is imperative to consider the mining operation scenario of the prior allottee prior to 31st March 2015. It is submitted that the Mining Lease was executed on 07.09.2011 in lieu of which admittedly as per MoC, mine opening permission from the Coal Controller was granted on 21st March 2012. Further, DGMS Permission was granted on 10.10.2013 and Consent to Operate was granted on 22.02.2014. It is apposite to note that no coal mining can commence without the aforementioned approvals/consent and as such it becomes clear that any mining operation undertaken by the prior allottee was only after February 2014 and till 31.03.2015 i.e for a period 13 months only whereby the Approved Mine Plan become obsolete. This raise	40 (20 % for each FY)	The Successful Bidder informed the Committee that they have approached the High Court in matter of revision of Mine Plan and the decision of the Hon'ble Court is pending. As such, the Committee decided that no deliberation should be done for delay in production schedule which is contingent upon Mine Plan revision as long as the matter is sub-judice.

the inclines were not built properly, two outlets were not provided, no conveyor belt was installed, no coal storagespace was provided, roofs were falling at various places, Adequate ventilation was not provided along with other issues due to which the safety and life of the workers at the mine was in danger which resulted in the issuance of the Prohibitory Order dated 27th March 2015 by the Director General of Mines Safety, Nagpur under Section 22(3) of Mines Act, 1952 for violation of Regulation 66, 99, 102 & 130 of Coal Mines Regulation, 1957 and Rule 6 of Mines Vocational Training Rules, 1966 all the employment at the Coal Mines was prohibited and mining operations was stalled prior to taking over of the Coal Mine by the Claimant in lieu of which the Claimant had received the physical possession of the SialGhoghri Coal Mine on 1st April 2015 along with prohibitory orders for not undertaking any mining operations (except such work only to remove the danger mentioned in the prohibitory order) over the subject area. It is submitted that the Director of Mines Safety after complete scrutiny and inspection of the mines vide Order dated 4th August 2016 had vacated the prohibition order for employment and working.

- 5. Further, due to prohibition order, no mining operation could take place in the year 2015-16 and further the mining operation was withheld for the maximum period in the year 2016-17 due to the prohibition order, which resulted in least mining operations. Under the compelling situation, RCCPL proposed to revise the Mining Plan for certain deviations in the approved mining plan, primarily for the proposed production level. The deviations were well intimated to NA office vide letter dated 01.07.2015.
- 6. Subsequently the revised Mining Plan cum Mine Closure Plan was submitted to MoC for approval on 16.12.2015. However, MoC did not process the application for approval of revised mining plan due to mismatch of the coal block coordinates as given in the Vesting Order. It is worth mentioning that certification of bounding coordinates by M/s. CMPDIL is prime requirement for submission of mining plan.
- 7. On request of RCCPL, your office issued corrigendum to the vesting order and bounding block coordinates has been corrected vide your letter dated 20.02.2017.
- 8. Presentation before the standing committee took place on 30.11.2017 for the revised Mining Plan. The standing committee issued letter on 27.12.2017 that the revised milestone should be in line with the CMDPA, which should be approved by the Nominated Authority and also an area of 19.90 Ha outside the ML area should be included in the ML area.

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9. The Ministry of Coal has not processed and approved the Revised			
Mining Plan filed by the undersigned till date in lieu of which the			
undersigned had preferred W.P (C) No. 9157/2018 before the Hon'ble Delhi			
High Court for directions to the Ministry of Coal for earliest approval of the			
Revised Mining Plan.			
10. The deviation in production of coal was neither intentional nor			
deliberate from the side of RCCPL and the same was due to the			
inappropriate conditions prevailing in the mining site left out by the prior			
allotee in terms of violation of laws and inadequate mine safety for the			
employees. RCCPL is determined to develop the coal mine in systematic			
manner to produce the rated production in sustainable manner and has			
been increasing production level day-by-day and would achieve the Peak			
Rated Capacity in the year 2020-21.			

3. Amelia

Allottee- M/s THDC India Limited Allotment Date- 17th Jan, 2017

• Show Cause Notice dated 23.07.2019 has been issued to M/s THDC India Limited for non-compliance with the below mentioned Milestones of Amelia Coal Mine.

Deviation from	Reply of Allottee to Show Cause Notice	Weightage	Recommendation of the Committee
the Efficiency		assigned	
Parameters		for	
		appropriat	
		ion	
		(In %)	

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1.	1. Application was submitted on 23.02.2017.	5	The Allottee appraised the Committee that
Forest	2. APCCF, Govt. of MP vide its letter dated 08.03.2017 had directed		they are in advance stage of obtaining
Clearance	THDC India Limited to comply with following.		Environment Clearance (EC) and Forest
Not Done	(a) Proposal for creation of Compensatory Afforestation Land		clearance Stage-II.
	(b) To provide FRA Certificate		The representative of M/s THDC India
(Due Date-	(c) Plan for evacuation of coal		Limited stated that the delay in obtaining
17.10.2018)	3. Allottee had complied with point no (a) & (c) on 28.03.2017 and		said clearances was because MoEF& CC
	for point no (b), Collector, Singrauli was requested vide THDC India		had excluded 411.5 ha notified forest land
	Limited's letter dated 08.05.2017 for4 issuance of FRA certificate.		from mining leasehold area while granting
	Finally, FRA certificate was issued on 15.01.2018.		FC-I and asked them to revise their Mine
	4. The proposal was considered in the FAC meeting held on		Plan which took considerable time.
	26.07.2018, 30.08.2018 & 20.09.2018.		The Committee observed that the
	5. FAC in its meeting held on 20.09.2018 recommended for		Allottee had not foreseen reduction in
	diversion of 843.76 ha of forest land for Amelia coal mine after		forest area and Mine Plan revision and
	excluding 411.5 ha notified forest land from mining leasehold area.		as such the date of grant of FC-I of
	6. In principal approval for diversion of forest land was issued by		reduced area i.e. 12.12.2018 should be
	MoEF& CC on 12.12.2018.		taken into consideration for zero date.
	7. MoEF& CC in its FC-I order had stipulated the condition of		The Committee decided that the
	revised Mine Plan along-with other conditions, due to reduced forest		matter will again be taken up in future
	area. The approved Mine Plan was rendered useless as mining		meeting of the Scrutiny Committee for
	leasehold area was reduced by 411.5 ha due to which coal reserves		a suitable decision in accordance with
	decreased and PRC of the mine was also likely to be changed.		new Zero Date and status of EC & FC
			thereof.
	8. THDC India Limited vide its letter dated 19.12.2018 requested		thereof.
	NA office for further directions and NA, MoC vide its letter dated		
	29.03.2019 advised THDC India Limited to go ahead with		
	preparation of revised Mine Plan and obtaining other clearances in		
	accordance with conditions of FC-I stipulated by MoEF& CC.		
	9. Subsequently, work order was given to M/s CMPDIL on		
	02.04.2019 for preparation of revised Mine Plan.		
	10. Also, State Forest Department, Madhya Pradesh vide its letter		
	dated 28.12.2018 and DFO, Singrauli vide letter dated 21.02.2019		
	raised a demand note against NPV and the amount was deposited by		
	THDCIL on 28.03.2019.		
2.	1. EC was already granted in favour of the prior allottee and was	5	
Environment	vested to THDCIL.		
Clearance	2. Subsequent to grant of FC-I on 12.12.2018, THDCIL vide its		
	letter dated 14.12.2018 requested MoEF& CC to transfer the vested		
Not Done	<u> </u>		
(2 2 :	EC in the name of THDCIL.		
(Due Date-	3. Thereafter, a meeting was called by NA on 04.02.2019 in which		
17.10.2018)	representative of MoEF& CC was also present and NA asked MoEF&		
	CC to transfer EC in the name of THDCIL. Also, D.O. letters dated		
	09.02.2019 & 13.06.2019 were sent to MoEF& CC by NA office for		
	transfer of EC.		
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3. Grant of Mining Lease	1. Case of grant of ML was in process by the prior allottee at Mineral Resources Department, Government of Madhya Pradesh.	5	The Committee observed that the Allottee had not foreseen reduction in		
or Notification	2. The prior approval of the Central Government for grant of Mining		forest area and Mine Plan revision and		
under Sec 11 of the CBA			as such the date of grant of FC-I i.e. 12.12.2018 should be considered as		
Act, 1957 Not Done	3. In a meeting held on 12.12.2017 in the office of Secretary, Mineral Resources Department, Government of MP, THDCIL was		Zero Date. The Committee decided that the		
•	directed to submit fresh proposal for grant of ML incorporating revised mining lease area along-with other documents.		matter will again be taken up in future meeting of the Scrutiny Committee for		
17.01.2019)	4. Mining Lease area was finalized by CMPDIL in Jan 2018 and forest land was finalized after detailed survey of forest department		a suitable decision in accordance with new Zero Date and status of ML		
	on 02.07.2018. 5. Subsequently, THDCIL submitted application for Mining Lease in Form I to Collector, Singrauli on 17.11.2018.		thereof.		
	6. Collector, Singrauli forwarded the application to Director(Geology & Mining), Bhopal on 07.12.2018.				
	7. During meeting held on 16.07.2019, Director(Geology & Mining), Mineral Resources Department, Govt. of Madhya Pradesh informed that ML; can be granted after issue of Forest Clearance Stage-II.				

Gangaramchak, Gangaramchak Badhulia Allottee- M/s West Bengal Power Development Corporation Limited Allotment Date- March 31st, 2015.

Show Cause Notices dated 21.07.2016, 06.11.2017 and 22.07.2020 has been issued to M/s WBPDCL for non-compliance of Milestones of Gangaramchak, Gangaramchak Badhulia coal mine. The show cause dated 21.07.2016 and 06.11.2017 were taken up in the 5th Scrutiny Committee meeting where decision on certain milestones were taken up and other milestones were not clear. The office of Nominated Authority apprised in this meeting that for the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates; only 05 clearances are to be considered as Statutory clearances i.e. ML, EC, FC, CTO and MOP.

Recommendation of the Committee:

The Committee recommended that in regard to the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates, where decision has been taken by Nominated Authority in regard to five clearances to be considered as statutory clearance, the other clearances under the head of Milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission may be dropped from the show cause notice. Accordingly, the remaining milestones where no decision has been taken, may be taken up in next Scrutiny Committee meeting.

5. Barjora

Allottee- M/s West Bengal Power Development Corporation Limited Allotment Date- March 31st, 2015.

Show Cause Notices dated 21.07.2016, 06.11.2017 and 22.07.2020 has been issued to M/s WBPDCL for non-compliance of Milestones of Barjora coal mine. The show cause dated 21.07.2016 and 06.11.2017 were taken up in the 5th Scrutiny Committee meeting where decision on certain milestones were taken up and other milestones were not clear. The office of Nominated Authority apprised in this meeting that for the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates; only 05 clearances are to be considered as Statutory clearances i.e. ML, EC, FC, CTO and MOP.

Recommendation of the Committee:

The Committee recommended that in regard to the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates, where decision has been taken by Nominated Authority in regard to five clearances to be considered as statutory clearance, the other clearances under the head of Milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission may be dropped from the show cause notice. Accordingly, the remaining milestones where no decision has been taken, may be taken up in next Scrutiny Committee meeting.

6. Barjora (North)

Allottee- M/s West Bengal Power Development Corporation Limited Allotment Date- March 31st, 2015.

Show Cause Notices dated 21.07.2016, 06.11.2017 and 22.07.2020 has been issued to M/s WBPDCL for non-compliance of Milestones of Barjora (North) coal mine. The show cause dated 21.07.2016 and 06.11.2017 were taken up in the 5th Scrutiny Committee meeting where decision on certain milestones were taken and for some of the milestones, it was not clear. The office of Nominated Authority apprised in this meeting that for the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates; only 05 clearances are to be considered as Statutory clearances i.e. ML, EC, FC, CTO and MOP.

Recommendation of the Committee:

The Committee recommended that in regard to the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates, where decision has been taken by Nominated Authority in regard to five clearances to be considered as statutory clearance, the other clearances under the head of Milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission may be dropped from the show cause notice. Accordingly, the remaining milestones where no decision has been taken, may be taken up in next Scrutiny Committee meeting.

7. Tara (East) and Tara (West) Allottee- M/s West Bengal Power Development Corporation Limited Allotment Date- March 31st, 2015.

Show Cause Notices dated 21.07.2016, 25.10.2017 and 22.07.2020 has been issued to M/s WBPDCL for non-compliance of Milestones of Tara (East) and Tara (West) coal mines. The show cause dated 21.07.2016 and 25.10.2017 were taken up in the 5th Scrutiny Committee meeting where decision on certain milestones were taken up and other milestones were not clear. The office of Nominated Authority apprised in this meeting that for the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates; only 05 clearances are to be considered as Statutory clearances i.e. ML, EC, FC, CTO and MOP.

Recommendation of the Committee:

The Committee recommended that in regard to the milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission obtained by prior allocates, where decision has been taken by Nominated Authority in regard to five clearances to be considered as statutory clearance, the other clearances under the head of Milestones (a) Application for transfer of Statutory permission to the successful bidder (b) Completion of transfer of Statutory permission may be dropped from the show cause notice. Accordingly, the remaining milestones where no decision has been taken, may be taken up in next Scrutiny Committee meeting.

(II) Coal Mines considered by the Committee on 24th Sept 2020.

Talaipalli Allottee- M/s NTPC Limited Allotment Date- 08th Sept, 2015

• Show Cause Notices dated 22.03.2017 & 03.12.2019 have been issued to M/s NTPC Limited for non-compliance with the below mentioned Milestones of Talaipalli Coal Mine.

Deviation from the Efficiency Parameters		Weightage assigned for appropriat ion (In %)	
1. Forest Clearance Application Done on 30.11.2016	 M/s NTPC Ltd. is also the prior allottee of the coal mine. FC-II dated 29.01.2014 has been vested vide the Allotment order dated 08.09.2015. In respect of 204 cancelled coal blocks, MoEF& CC vide its letter dated 31.03.2015 addressed to various State & Central Ministries stated the following. " Provided that in case of 204 coal blocks whose 		The Committee observed that the Allottee had taken timely action for submission of Affidavit for transfer of FC. As such, the delay cannot be attributed to M/s NTPC Limited and relaxation may be provided.

(Due Date-	allocation has been cancelled by the Hon'ble Supreme Court, no		
08.08.2016)	objection certificate from the original user agency for such transfer is		
00.00.2010,	not required to be obtained. In such cases, Ministry of Coal is required		
	to submit the details of the new user agency along with an		
	undertaking from the new user agency that they shall abide by all the		
	conditions on which the forest land was leased to the original user		
	agency ad any other condition which may be stipulated by the Central		
	Government / State Government in future"		
	3. From the MoEF& CC's letter dated 31.03.2015, it was clear		
	that an Undertaking from the New User Agency to abide by the		
	conditions on which the forest land was leased to the original user		
	agency is required for transfer of Forest Clearance. However, there		
	was no mention about the cases where the original user agency (prior		
	alottee) and the new user agency (present alottee) are the same.		
	4. However, as directed by MoEF& CC, MOC vide its e-mail dated		
	10.09.2015 forwarded the said communication of MoEF& CC along-		
	with format for the Undertaking to be submitted by Successful		
	Bidder and advised to submit the duly filled in and sworn-in-Affidavit		
	to the office of Nominated Authority.		
	5. Accordingly, NTPC Ltd. Took immediate action and submitted		
	the Affidavit to the office of Nominated Authority on 11.09.2015.		
	Subsequently, MOC vide its letter dated 18.09.2015 forwarded the		
	said Undertaking to MoEF& CC.		
	6. MoEF& CC re-validated the Environment Clearance of		
	Talaipalli coal mine in favour of NTPC Limited vide its letter dated		
	28.10.2015. However, regarding transfer of Forest Clearance Stage-II,		
	MoEF& CC during the discussion with NTPC at that time opined that		
	transfer of FC is not required since NTPC Limited was also the prior		
	allottee of the said coal mine.		
	7. Accordingly, NTPC proceeded with the process for appointment		
	of MDO and other development activities of the coal block. However,		
	when NTPC Limited approached CCO for grant of Mine Opening		
	Permission, CCO vide its letter dated 04.11.2016 asked NTPC to		
	obtain clearances/NOC/revalidation of Statutory clearances		
O N.	including Forest Clearance.		
2. Non	1. As per the timelines of Milestones stipulated in SchE(Efficiency	20	The Committee observed that as per the
compliance	Parameters) of the Allotment Agreement, the scheduled date of Mine		Allotment Agreement, the scheduled date
with	opening was May 2019 and coal production was scheduled in Nov 2019.		of operationalization was May 2019. As
production schedule for			such, the first year of production should be 2019-20.
FY 2018-19	2. With the aim to start mining operations from Talaipalli coal mine early, NTPC Limited took proactive action and obtained Mine		As such, the Committee recommends
11 4010-19	Opening Permission from CCO on 31.01.2018. But the mine could		that the Show Cause Notice issued for
	not be opened since the MDO Contract ran into legal dispute and		non adherence with production
	not be opened since the MDO Contract rail into legal dispute and		non aunerence with production

subsequently the contract was terminated on 04.07.2019.	schedule for FY 2018-19 be dropped.
3. However, NTPC was successful in starting the mining operations	
w.e.f. 15 th Oct 2019 and coal production from 16 th Nov 2019 from the	
area beyond the disputed MDO Contract.	

2. Coal Mine – Badam Allotment Date – 31st August 2015 Allottee– NTPC Limited

Deviation from the Efficiency Parameters		Deliberation at meeting	Observation of the Committee
Show Cause dated 19.12.2019 was issued for following deviation:- Clearance Due Date Land Acquisition 28.02.2010		During the 7th meeting of Scrutiny Committee, the Allottee submitted that as per recommendation of 7th Scrutiny Committee meeting, BSPGCL was not solely responsible for delay in FC-II, as there was an unresolved issue	during the 7 th meeting of the Scrutiny Committee, the Committee recommended that delay in Forest
Land Acquisition Opening of Mine Escrow Account Application for Mine Opening permission Grant of Mine Opening Permission	28.02.2019 31.03.2019 31.03.2019 31.04.2019	 of CA alnd. Committee also recommended that delay in ML may not be attributable to BSPGCL as required document were not available with the Allottee. NTPC submitted that earlier Scrutiny Committee of MoC had accepted that the slippage of basic milestone of Efficiency Parameter were not attributable to BSPGCL, hence NTPC should not be held responsible for the subsequent milestones, which are actually directly dependent upon those basic Milestone. 	Mine Opening Permission, are directly linked to Mining Lease and cannot be done until Mining Lease is done. The delay in Mining lease of the coal mine led to delay in said Clearances. However, the Land Acquisition is not linked to either Forest Clearance or Mining Lease. Allottee could do the Land Acquisition parallely with the other clearances.
			Recommendation:- 1. The Committee is of view that

delay in grant of Mining Lease led to delay in opening of Escrow Account, application and grant of Mining Opening Permission. Hence these delays are not attributable to allottee and hence relaxation may be given to Allottee for "Opening of Escrow Account", "Application of Mine Opening Permission" and "Grant of Mine **Opening** Permission". 2. With regard to Land Acquisition, the committee is of view that delay in Land Acquisition of the coal is totally attributable to mine Allottee. As such, the office of Nominated Authority may proceed with imposition of penalty as per

3. Coal Mine – Kerandari Allotment Date – 8th September 2015 Allottee – NTPC Limited

Deviation from the Efficiency		
Parameters	Deliberation at meeting	Observation of the Committee

relevant terms & conditions of the

Allotment Agreement.

Show Cause Notice dated 17.07.2017 was given for delay in grant of Forest Clearance. The Due date was 17.07.2016 whereas the same was granted on 28.08.2019

The Matter was presented in 9th meeting of the **Recommendation**:-The Committee Scrutiny Committee held on , the Allottee was asked is of view that NA may again write to to submit the complete details along with State documentary evidences in respect of Forest comments on specific reasons given Clearance. The Allottee submitted the chronology by Allottee for delay in Forest with Documentary evidences indicating the various Clearance, within a stipulated time of query raised by the MoEF&CC time to time. The one month. It may be mentioned in matter was again presented in 10th meeting of the the said communication that in the Scrutiny Committee wherein the Committee absence of any response from the recommended that NA may obtain the comments of State Govt within the due date, the State Government within a Stipulated time of one Committee will be within its right to month. The Committee would take the final decision consider the submission of the in respect of waiving or imposition of penalty, after Allocatee taking into consideration The o/o of NA sent a letter recommend actions accordingly. dated 19.03.2020 to State Government of Jharkhand for comments . However no reply has been received from State Government in this regard.

Government their as sacrosanct and The Show Cause dated 19.12.2019 was given for delay in application for Mine Opening Permission and approval of Mine Opening Permission. The due dates were 08.04.2019 and 08.05.2019 respectively, however, obtained on 25.10.2019 and 13.01.2019.

The matter was presented in 10th meeting of the Scrutiny Committee and Committee recommended that the final decision in respect of delay in application and approval of Mine opening permission will be taken subsequent to receipt of comments from State Government inn respect of delay in Forest Clearance.

The committee is of view that Forest Clearance is essential for Mine Opening Permission. As per the Allotment Order, it would take 23 months to get Mine Opening Permission from the date of Forest Clearance.

As per the Opening Permission from the date of Forest Clearance. However, the Forest Clearance was granted on 28.08.2019 and subsequently the Mine Opening Permission granted was on 13.01.2020 i.e within 4-5 months instead of 23 months. Hence, apparently, the delay in Forest Clearance resulted in delay of Mine Opening Permission. However, no comments of the State Government has been received on delay of Forest Clearance.

Recommendation:- The final decision in this respect will be taken subsequent to receipt of comments from State Government in respect of Forest Clearance.

4. Coal Mine - Moitra Vesting Date - 22ndApril 2015 Successful Bidder - JSW Steel Limited

Deviation from efficiency		ciency	Deliberation at meeting	Observation of the Committee
Parameter				
		grant of The due	The matter was again presented in 10th meeting of the Scrutiny Committee wherein the Committee recommended that NA may obtain the comments of State Government within a Stipulated time of one month. The Committee would take the final decision in respect of waiving or imposition of penalty, after taking into consideration The o/o of NA sent a letter dated 19.03.2020 to State Government of Jharkhand for comments. However no reply has been received from State Government in this regard.	the delay in getting clearances are on the part of the Allottee as well as on the part of State
dated 1 given for Lease. Th	The Show Cause notice dated 19.02.2018 was given for delay in Mining Lease. The due date was		During the meeting, the Successful Bidder reiterated the same reasons as mentioned in the last meeting.	Limited for getting FC Stage II. Hence denied that delay is totally attributable to State Government.
24.04.201				
dated 2 given				Recommendation - As there is delay on the part of the allocate as well as State Government ,allocate has been asked to submit the complete details
Particular	Due date	Actual		along with documentary
Land Acquisition	22.10.2018	Pending		evidence in respect of the delays in clearances. On the
Opening of Escrow A/c	22.11.2018	Pending		basis of documents submitted by allocate, NA may again write
Application for Mine Opening permission	22.11.2018	Pending		to State Government for their comments on specific reasons given by Allottee for delay in
Mine Opening Permission	22.12.2018	Pending		clearances, within a stipulated time of one month. It may be mentioned in the said

communication that in the absence of any response from the State Govt within the due date, the Committee will be within its right to consider the submission of the Allocatee as sacrosanct and recommend actions accordingly.

5 .Coal Mine – Penagadappa Allotment Date – 15th December 2016 Allottee – SCCL

Deviation from the Efficiency Parameters	Deliberation at meeting	Observation of the Committee
Show Cause Notice dated	The matter was not discussed in the any	Recommendation :-The Committee
17.07.2017 was given for delay in	Scrutiny Committee before. Allottee, M/s	approved the submission of
Prospective License. The Due date	SCCL, submitted that it does not require to	Allottee and recommended no
was 15.04.2017	obtain Prospecting License for Penagaddppa	deviation has occurred for this
	coal mine as per the Gazette Notification, dated	milestone.
	05.01.2016. Hence it can be treated as the 1st	
	Milestone is already achieved by SCCL.	

The Show Cause dated 25.07.2019 was given for delay in Completion of exploration and preparation of GR. The due date was 15.10.2018. However, GR completed on 14.12.2019 with delay of 14 months.

Allottee submitted before the committee that:

- Most of the area of Penagaddppa Coal Mine is covered under forest and hence thus heavy dependence on approvals from MoEF&CC. for taking up prospecting drilling.
- Initially the survey & fixing of the coal block boundary and fixing of the bore holes location in the forest land was delayed due to stiff resistance from the local villagers. However, after continuous persuasion with the villagers and with the cooperation of local forest authorities, the survey work was completed and after fixing of the block boundary and finalising the borehole location, the online application was submitted on 18.04.2017 for permission to take up drilling in Penagadappa Reserve Forest.
- Vide R.B., dated 08.11.2018, Stage I approval was accorded for drilling of 11 nos. boreholes in Penagadappa R.F. subject to conditions, including payment of NPV(Rs. 72,30,300/-) and Plantation cost (Rs.87,925/-). Thus from 18.04.2017 to 08.11.2018, there is a delay of about 17 months at the end of MoEF& CC.
- Plantation cost amount of Rs.87,925/- was paid by M/s SCCL on 01.12.2018. But due to Technical Problem in the portal of MoEF& CC amount for NPV could be paid by the allottee. The online challan for payment of NPV was generated on 14.03.2019 and amount of Rs.72,30,300/- was deposited in the Ad-Hoc CAMPA on 18.03.2019 by the allottee. Thus there is delay of around 4 additional months in payment of NPV due to technical fault in

The Committee is of the view that the Allottee submitted the online application for permission for prospecting drilling to MoEF& CC on 18.04.2017 and Stage-I approval was received dated 08.11.2018, subject to conditions, including payment of NPV(Rs. 72,30,300/-) and Plantation cost (Rs.87,925/-). This delay of about 17 months cannot be attributed to the Allottee.

Further, due to Technical Problem in the portal of MoEF& CC amount for NPV could be paid by the allottee. The online challan for payment of NPV was generated on 14.03.2019 and amount of Rs.72,30,300/- was deposited in the Ad-Hoc CAMPA on 18.03.2019 by the allottee. This further attributed to delay of 4 months which cannot be ascribed to Allottee.

Recommendation:-The Scrutiny committee recommended that the Allottee, M/s SCCL cannot be attributed for the deviation of Efficiency Parameter of delay in submitting the GR and no penalty shall be imposed on them.

the portal.	
- Compliance Report for various conditions	
stipulated in the Stage – 1 Clearance was	
submitted by Allotee to DFO vide letter dated	
23.3.2019. Final Stage II Clearance was	
received on 30/7/2019 for Geological Survey	
Investigation in an area of 2.31 Sq. KM in	
Penagadappa Block and same was completed	
on 24.11.2019.	
- Geological Report was prepared and	
submitted on 14.12.2019.	

ANNEXURE

A. List of Committee Members

Sl. No.	Name	Designation and Company
	(S/Shri)	
1	Partha S. Bhattacharya	Chairman of the Committee
2	Anandji Prasad	GM, CMPDIL
3	AnuragDiwan	Joint Director, Govt. of Chhattisgarh
4	Sudhir Mukherjee	OSD, CCO
5	Arun Kumar	Deputy Director, Department of mines, GoJ

B. List of Allocatees

Sl. No.	Name	Company
	(S/Shri)	
1	Sandeep Modi	BALCO
2	Gaurav Saini	
3	Vijay Jain	
4	Dibakar Das	
5	R.K. Vishnoi	THDC India Limited
6	U.C. Kannaujia	
7	Sanjay Singhal	
8	Sandeep Jain	RCCPL Private Limited
9	BhupendraChaudhary	
10	Harsh Pathak	

11	Partha Majumdar	NTPC Limited
12	Mr. D.N. Prasad	SCCL
13.	Shri Debal Gangopadhyaya	Advisor (Mining), WBPDCL