

**By E-mail/Speed Post**

F.No. NA-110/6/2017-NA  
Government of India  
Ministry of Coal  
O/o Nominated Authority  
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Room No.120, 'F-Wing', Shastri Bhawan,  
New Delhi, dated the 14th September, 2020

**OFFICE MEMORANDUM**

Subject: Minutes of 11th 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.

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The undersigned is to refer to subject mentioned above and to forward herewith minutes (**Annexure-A**) of 11th meeting of Scrutiny Committee held on 04.08.2020 & 05.08.2020 through virtual mode in order to examine the replies to the Show Cause Notices (for deviation from various milestones prescribed in Efficiency Parameter). This is for your information and further necessary actions to be taken, if any.



[ Manish Uniyal ]  
Under Secretary to the Government of India  
Tel: 23384106

Encl: As above.

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 11<sup>th</sup> meeting of the Scrutiny Committee held on 04/05<sup>th</sup> August 2020

**List of participants present virtually is at Annexure.**

The 11<sup>th</sup> meeting of the Scrutiny Committee has been convened on 04<sup>th</sup>& 5<sup>th</sup> August 2020 through VC to consider/examine the cases involving deviation from scheduled operationalization of coal mine in regard to 12 coal blocks

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

### **(I) Coal Mines considered by Committee on 04<sup>th</sup> August 2020.**

#### **1. Madanpur South**

**Allottee- M/s Andhra Pradesh Mineral Development Corporation Limited**

**Allotment Date- 29<sup>th</sup> Sept 2016**

<b>Deviation from the Efficiency Parameters</b>	<b>Show Cause Notice Date</b>	<b>Reply of SB to Show Cause Notice</b>	<b>Observation of the Committee</b>
<b>1.Application for Previous Approval(Due date- 29.09.17)</b> <b>2.Previous Approval (Due date- 29.10.17)</b>	19.03.2018	Previous Approval has already been vested vide Allotment order dated 29 <sup>th</sup> Sept 2016.	<b>Committee observed that the said Show Cause Notice was issued inadvertently and hence may be withdrawn.</b>
<b>3.Forest Clearance(Due date- 29.06.18)</b>	13.09.2018	1. Application for FC was submitted on 22.08.2017. 2. From the DGPS Survey, it was found that a part of the coal block on the western side had fallen outside the lease boundary as per Allotment order coordinates. Subsequently on 19.01.2018, a letter was sent to NA office for revision of coordinates. 3. Corrigendum to Allotment order modifying the geographical coordinates was issued on 30.05.2018.	The Allottee informed that FC Application has been submitted on 22.08.2017.Further, Tree enumeration, arrangement of CA land and NOC under FRA have been completed. The proposal is with CCF, Raigarh since 26.06.2020. The same needs to be forwarded to MoEF&CC.

		<p>4. As per revised DGPS report, it was found that the areas of forest land, revenue land and private land got changed. Revised DGPS Report was submitted to DMO, Korba on 25.08.2018. NOC under FRA is still pending.</p>	<p><b>Based on submission made by the Allottee, the Committee unanimously observed that the delay was beyond the control of the Allottee and hence relaxation may be given to the Allottee.</b></p>
<p><b>4. Delay in Environment Clearance(Due date- 29.06.18)</b></p>		<p>1. Application for EC was submitted on 12.09.2017. Tor granted on 29.09.2017.  2. As per requirements of ToR, various jobs like EIA/EMP Study, Wildlife Conservation Plan are being undertaken up by APMDCL.</p>	<p>The Allottee submitted that they have submitted the EIA/EMP report on 15.02.2019 to Chhattisgarh Environment Conservation Board (CECB), Raipur and are relentlessly pursuing for Conduct of Public hearing. However, the same is pending till date.</p> <p>The representative of State Govt. of Chhattisgarh stated that the state will conduct public hearing when it is satisfied with the confidence building measures undertaken by the Allottee company.</p> <p><b>The Committee observed that a letter should be sent to CECB to know why there is a delay in conduct of public hearing and thereafter a recommendation will be made by the Committee.</b></p>
<p><b>5. Delay in Grant of ML or Notification under Sec 11 of the CBA Act (Due Date- 29.09.18)</b></p>	23.07.2019	<p>1. ML Application submitted on 19.12.2016.  2. Corrigendum to Allotment order modifying the geographical coordinates was issued on 30.05.2018.  3. Revised Land Schedules submitted to DC, Korba office on 25.08.2018.  4. DC, Korba had forwarded the application to Directorate of Geology &amp; Mining, Raipur on 05.12.2018.</p>	<p>It was intimated by representative of APMDCL that they have now decided to go for land acquisition under CBA Act 1957. The Chairman of the Committee enquired from the Allottee as to why they made a switch to CBA Act 1957, to which the Allottee stated that it was decided due to inordinate delay in grant of EC &amp; FC.</p> <p><b>The Committee observed that a Corrigendum to Allotment order was issued on 19.12.2016 modifying the coordinates of the coal mine and also the delay with regard to grant of Forest Clearance is beyond the control</b></p>

			of the Allottee. As such, relaxation may be given to the Allottee and the Show Cause Notice for this Milestone should be withdrawn.
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## 2. Suliyari

Allottee- M/s Andhra Pradesh Mineral Development Corporation Limited

Allotment Date- 29<sup>th</sup> Sept 2016

Deviation from the Efficiency Parameters	Show Cause Notice Date	Reply of SB to Show Cause Notice	Observation of the Committee
1. Delay in Mine Plan approval(Due Date- 29.08.2017)	19.03.2018	<p>1.APMDC, having submitted the mining plan for phase – I prior to de-allocation(in 2010), requested the MOC on 20.10.2016 to consider for approval as there was no increase in the capacity of production and extent. To comply with the timelines the corporation submitted hard copies of the mining plan and mine closure plan to MOC for approval on 27.03.2017.</p> <p>2. On 28.3.2017, MOC advised APMDC to get the co-ordinates of the Suliyari coal block certified by CMPDIL. Accordingly the surface plan of Suliyari coal mine was certified by CMPDI on 13.04.2017, which was re submitted to MoC on 19.04.2017.</p> <p>3. Subsequently, MoC vide its letter dated 24.05.2017 advised APMDC to resubmit the Mining plan and Mine Closure plan since RQP signature in ink was missing. Accordingly, the Mining plan and mine closure plan were submitted to MOC on 25.05.2017. Also, as advised by MoC, checklist was submitted on 18.07.2017.</p> <p>4. Mine Plan was presented before the Standing Committee on 30.08.2017. The standing committee advised that the mining plan to be prepared for the entire area including Forest land by considering the infrastructure within the lease area or to get a certificate from CMPDIL stating that the area proposed outside the ML area for establishing the infrastructure is free from coal bearing area.</p> <p>5.As per the advice of MOC, APMDC entrusted the work of preparation of Mining plan to M/s Mecon.</p>	<p>The Allottee stated that the Mine Plan and Mine Closure Plan prepared by M/e MECON was submitted to MoC on 29.03.2019 and was approved by MoC on 08.07.2019.</p> <p><b>The Chairman of the Committee observed that there was a delay on part of the Allottee in submitting the Mine plan complete in all respects which caused delay in its approval by MoC. Hence, no relaxation is recommended for the said Milestone and Performance Bank Guarantee may be apportioned.</b></p>
2. Delay in Application for Previous		The Allottee vide its Show Cause Reply dated 22.03.2018 had not submitted any explanation against the said Milestones.	<b>The Committee recommended for appropriation of Bank Guarantee since no submission was submitted by the</b>

Approval(Due date-29.09.2017)			Allottee in its reply to the Show Cause Notice.
3.Delay in Previous Approval (Due date-29.10.2017)			
4. Application for Environment Clearance (Due date-29.08.2017)		APMDC was the prior allottee of the said coal mine. Before de-allocation, APMDC had submitted its application for EC to MoEF & CC on 28.05.2012 and MoEF & CC had issued ToR on 19.10.2012. Public hearing was held on 04.06.2013 and EIA/EMP report was also submitted by them on 06.02.2014. However, after de-allocation, the proposal was delisted by MoEF & CC from pendency list.	The Allottee informed that application for EC has been submitted to MoEF&CC on 04.04.2018.  <b>The Committee recommended that the Show Cause Notice for the said Milestone be upheld and appropriation of Bank Guarantee may be done.</b>
5. Forest Clearance(Due date-29.06.18)	13.09.2018	<p>1. Application for FC was submitted online on 21.08.2017. Further, application was updated on 15.12.2017 and 10.07.2018.</p> <p>2. Following short comings report was received from ACCF-Bhopal.</p> <p>(i) R&amp;R approval: R &amp; R plan was prepared and submitted on 28.04.2018 and approved and uploaded into Forest online application portal.</p> <p>(ii) Uploading of application to MoEF &amp; CC: As per requirement of ToR, various activities like baseline data generation, Wildlife Conservation Plan, Hydrology and Hydro Geological studies, EIA/EMP Report needed to be undertaken.</p> <p>(iii) CA Land: APMDC requested DC, Singrauli for CA land on 14.08.2017. ADM, Singrauli advised SDM, Deosar on 12.09.2017 for allocation of CA land. Tehsildar, Chitrangi informed SDM on 31.05.2018 about availability of Revenue Land for CA purpose. SDM, Singrauli advised CCF, Siddi on 31.07.2018 about availability of revenue land for CA purpose.</p> <p>(iv) Tree Enumeration: APMDC submitted DGPS report to DFO, Waidhan on 14.08.2017 for commencement of tree enumeration. SDFO constituted a committee on 19.01.2018 for carrying out tree enumeration in Forest land. APMDC submitted reminder letters dated 07.04.2018 and 18.07.2018 for completion of tree enumeration.</p> <p>(v) Uploading of approval of Mine Plan: APMDC had prepared the Mining Plan and Mine Closure Plan and submitted to MoC on 10.08.2018.</p>	<p>It was intimated to the Committee by APMDC that the FC proposal has been forwarded by the State Government to MoEF &amp; CC on 25.01.2020. Further , MoEF &amp; CC vide its letter dated 04.03.2020 has sought certain clarifications regarding CA Land, NPV etc. from Principal Secretary(Forest), Government of MP. As per the observations of MoEF &amp; CC, fresh CA land needs to be obtained. The Allottee is in the process of conducting DGPS Survey for the same.</p> <p><b>The Committee observed that there has been a delay on part of the Allottee and recommended that the Show Cause Notice for the said Milestone be upheld and appropriation of Bank Guarantee may be done.</b></p>

		<p>(vi) Uploading of DGMS Map in 1:4000 scale showing Forest area: APMDC placed work order on Chhattisgarh Council of Science &amp; Technology on 06.05.2017 for carrying out DGPS Survey. The DGPS Survey was completed and plan was uploaded into Forest online application portal.</p> <p>(vii) NOC under FRA: APMDC requested DC, Singrauli on 14.08.2017 for issuance of NOC. DC, Singrauli issued NOC on 06.09.2018.</p>	
<p><b>6. Environment Clearance(Due date- 29.06.18)</b></p>		<p>1. Before deallocation of Suliyari Coal Block in 2014, APMDC (was also prior allottee) had submitted its application to MoEF&amp;CC on 28.05.2012 and MoEF&amp;CC has issued ToR on 19.10.2012. Subsequently public hearing was conducted on 04.06.2013. Final EIA/EMP report was submitted on 06.02.2014 for issue of Environment clearance for phase-I. However, after deallocation, the proposal was delisted by MoEF&amp;CC. The Corporation has spent Rs.23.25 crores for all the above works which has become futile because of the de-allocation of the block.</p> <p>2. Subsequently, APMDC filed online application in the MoEF&amp;CC portal on 03.04.2018 and MoEF&amp;CC has granted ToR to the Corporation on 03.07.2018</p>	<p>It was observed that now the Public hearing has been conducted and EIA/EMP report has been submitted to MoEF &amp;CC on 01.12.2019. Also, the Proposal was considered by EAC in its meeting held on 05.12.2019. EAC had sought certain clarifications to EIA/EMP report which have also been submitted by Allottee. EC is pending since FC-I is pending.</p> <p><b>The Committee recommended that the Show Cause Notice for the said Milestone be upheld and appropriation of Bank Guarantee may be done.</b></p>
<p><b>7. Grant of ML or Notification under Sec 11 of the CBA Act, 1957 (Due date- 29.09.18)</b></p>	23.07.2019	<p>1. Application for ML was submitted to Mineral Resources Department on 21.12.2016.</p> <p>2. Mineral Resources Department forwarded the ML application to District authorities on 01.03.2017.</p> <p>3. During presentation of Mine Plan, MoC advised APMDC for re submission of ML for entire coal block area of 1298 ha. According, APMDC submitted ML application for entire area to DC, Singrauli on 31.10.2017.</p> <p>4. DC, Singrauli forwarded the proposal to Secretary, Mineral Resources Department, Bhopal on 07.05.2018.</p> <p>5. Mineral Resources Department forwarded the file to MoC for grant of previous approval for ML on 19.09.2018.</p> <p>6. MoC vide letter dated 05.12.2018 requested the State Government to provide complete proposal. As directed by Mineral Resources Department, APMDC submitted Form K on 02.05.2019.</p>	<p><b>The Committee recommended that the Show Cause Notice for the said Milestone be upheld and appropriation of Bank Guarantee may be done.</b></p>

### 3-4. Gidhmuri & Paturia

Allottee - M/s Chhattisgarh State Power Generation Company Limited  
Allotment Date- 13<sup>th</sup> Oct 2015

Deviation from the Efficiency Parameters	Show Cause Notice Date	Reply of SB to Show Cause Notice	Observation of the Committee
1. Application for Forest Clearance(Due date- 13.09.16)	09.11.2016	<p>1. The said coal mine was re-allotted to CSPGCL vide Allotment order dated 13.10.2015.</p> <p>2. Meanwhile, MoC had issued a letter dated 15.07.2015 to all allottees which required them to obtain a certificate from CMPDIL to the effect, that, "the Geographical coordinates (Latitude &amp; Longitude) used in preparation of Mining Plan is in accordance with the Vesting order and the Geographical coordinates covered by the Mining Plan do not encroach into any other / adjacent coal block."</p> <p>3. Based on MoC's letter dated 15.07.2015, CSPGCL placed order dt. 22.04.2016 on CMPDIL for necessary study &amp; certification. CMPDIL gave its recommendation on 11.07.2016 according to which the geographical coordinates given in the Allotment order needed to be modified.</p> <p>4. Subsequently, <u>Corrigendum to Allotment order was issued by MoC on 22.08.2016.</u></p> <p>5. The work of DGPS survey was entrusted to Chhattisgarh Council of Science &amp; Technology (CCOST) which began DGPS Survey on 24.08.2016 who faced tremendous resistance from local villagers.</p> <p>6. As such, CSPGCL could not conduct DGPS Survey in time due to absence of revised Geographical coordinates prior to 22.08.2016 and thereafter due to stiff local resistance.</p>	<p>It was observed that Corrigendum to Allotment order modifying the Geographical coordinates was issued by MoC on 22.08.2016. Also, the Land Schedule could not be finalised due to two un-surveyed villages namely Gidhmuri &amp; Paturia Dand.</p> <p>The Committee further noted that there is issue of arrangement of Compensatory Afforestation (CA) Land in Chhattisgarh due to absence of any Land Bank.</p> <p>The representative of the Government of Chhattisgarh opined that there is genuine issue of change of Coordinates and un-surveyed villages for this coal mine and NA office may write to the state government for its comments on the said issues.</p> <p><b>The Chairman of the Committee recommended that views of the State Government should be sought by NA office and subsequent to receipt of State Government's reply, the Committee will take a view.</b></p>
2. Application for Environment Clearance(Due date- 13.09.16)			<p>The Allottee appraised the Committee that the EC application has been submitted on Application for EC was done on 09.09.2017.</p> <p>It was observed by the Committee that in case the date of issuance of Corrigendum</p>

			<p>i.e. 22.08.2016 is taken as Zero Date, the new due date of achievement of said Milestone comes out to be 22.07.2017(11 months from Zero Date). The Allottee submitted EC application on 09.09.2017 with a small delay of 1.5 months from new due date. <b>As such, relaxation may be given to the Allottee company and Show Cause may be withdrawn against the said Milestone.</b></p>
<p><b>3. Delay in Forest Clearance(Due date- 13.07.17)</b></p>	19.03.2018	<p>1. Corrigendum to Allotment order modifying the Geographical coordinates was issued by MoC on 22.08.2016.</p> <p>2. CSPGCL could not conduct DGPS Survey in time due to absence of revised Geographical coordinates prior to 22.08.2016 and thereafter due to stiff local resistance.</p> <p>3. Moreover, out of four villages, two villages (namely Gidhmuri &amp; Paturia Dand) could not be surveyed. As such, Land schedule was prepared based on Nazari Naksha and available revenue records. From the Land scheduled prepared, it was found that out of total area of 1751. 920 Ha, an area of 339.201 ha remains unidentified. As such, CSPGCL was not in a position to identify the total forest area that had to be proposed for forest diversion.</p>	<p>It was observed that Corrigendum to Allotment order modifying the Geographical coordinates was issued by MoC on 22.08.2016. Also, the Land Schedule could not be finalised due to two un-surveyed villages namely Gidhmuri &amp; Paturia Dand.</p> <p>The Committee further noted that there is issue of arrangement of Compensatory Afforestation (CA) Land in Chhattisgarh due to absence of any Land Bank.</p> <p>The representative of the Government of Chhattisgarh opined that there is genuine issue of change of Coordinates and un-surveyed villages for this coal mine and NA office may write to the state government for its comments on the said issues.</p> <p><b>The Chairman of the Committee recommended that views of the State Government should be sought by NA office and subsequent to receipt of State Government's reply, the committee will take a view.</b></p>
<p><b>4. Delay in Environment Clearance(Due date- 13.07.17)</b></p>		<p>1. Corrigendum to Allotment order modifying the Geographical coordinates was issued by MoC on 22.08.2016.</p> <p>2. Since the bounding coordinates given in Allotment order were erroneous, CSPGCL was unable to obtain reliable data, such as Maps, Land Schedule, land use patterns etc. for applying for EC.</p> <p>3. Application for EC was done on 09.09.2017.</p>	<p>Representative of Allottee company informed that they have not yet submitted the EIA/EMP report (which is prepared) due to continuous change in Land Schedule.</p> <p><b>The Committee observed that EC</b></p>

			cannot be granted till Forest Clearance Stage-I is granted. As such, the Committee will take up the matter again after grant of FC-I.
5. Grant of ML or Notification under Sec 11 of the CBA Act (Due Date- 13.10.17)		1. Application for ML was submitted on 08.01.2016. 2. ML could not be obtained until the geographical coordinates were modified on 22.08.2016.	The Committee observed that there has been continuous changes in Land Schedule which cannot be attributed to the Allottee.
6. Land Acquisition (Due date- 13.04.19)	23.07.2019	Without Environment Clearance and Forest clearance, it is not possible to achieve the Milestones of Land Acquisition, Escrow Account and Mine opening Permission.	As such, it was recommended that relaxation may be given to CSPGCL and Show Cause Notice against the said Milestone may not be upheld.
7. opening of Escrow Account (Due Date- 13.05.19)			
8. Application for Mine opening Permission (Due Date- 13.05.19)			
9. Mine opening Permission (Due Date- 13.06.19)			

5. Naini

Allottee- M/s TheSingareni Collieries Company Limited

Allotment Date- 13th August 2015

Deviation from the Efficiency Parameters	Show Cause Notice date	Reply of Allottee to Show Cause Notice	Observation of the Committee
<p>1. <b>Prospecting License</b></p> <p><b>Due date of completion:</b> 13-Dec-2015</p> <p>Actual date of completion: 11-May-2016</p>	23.02.2016	<p>1. After Allotment of coal mine, a team of Officers have visited site on 22.08.2015 and officers have been visiting the site regularly and are inter-acting with Odisha Government authorities for achieving the milestones as per committed time schedule. Subsequently application for Prospecting License was submitted to District Collector, Angul vide letter dated 28.09.2015 by the Allottee and acknowledgement in Form-D was obtained by them. The district Administration after Scrutiny of Application, sought further information to process the Application.</p> <p>2. Regarding the status of various activities including sensitive status of law and order which was hindering the progress of work and also proposed activities such as Vendors meet etc, was brought to the kind notice of Nominated Authority in the meeting convened on 19.01.2016.</p>	<p><b>Observation of the Committee in 10<sup>th</sup> Scrutiny Committee meeting held in the month of February 2020.</b></p> <p>The Allottee informed that the mine is located in Western Talcher of Odisha and is an isolated block and faced stiff resistance from villagers in the beginning. Logistic is a big problem along with the resistance faced. Allottee stated that delay was mainly due to Law and Order problem and as villagers insisted for acquisition of lands while it was supposed to be done later on.</p>
<p>2. <b>Completion of Exploration and</b></p>	17.07.2017	<p>1. Action was initiated for completion of Exploration &amp; preparation of GR and work order dated 16.07.2016 was placed to M/s South West Pinnacle Exploration Pvt Ltd for drilling bore holes in the coal block for exploration. While SCCL Officers were making bore holes points in the reserve forest area on 17.08.2016, a few miscreants of Brahmanbill village have taken</p>	<p>The Committee considered the submissions made by Allottee and asked the allottee to submit details of written correspondences between them and State Government officials such as DM/Commissioner etc. and</p>

<p><b>preparation of GR</b></p> <p><b>Due date of completion:</b></p> <p>13-June-2017</p> <p><b>Actual date of completion:</b></p> <p>14-May-2018</p>		<p>them hostage by threatening with dire consequences and locked them all in small room illegally for about 10 hours and beaten them severally. SCCL has not file any FIR with Police in order to ensure cordial atmosphere in the villages and avoid distraction from core activities of the Project. The matter was reported to District Collector &amp; Prl. Secretary to Steel &amp; Mines Dept, Govt of Odisha. Dist Collector, Angul had taken up the matter with villagers on 22.08.2016.</p> <p>2. During Review meeting chaired by Secretary (Coal) on 24.05.2017, efforts put up by SCCL for completion of exploration and poor law &amp; order situation prevailing in the villages were explained to which Secretary (Coal) immediately advised Spl. Secretary, Steel &amp; Mines dept to provide police protection and advised SCCL to complete the work within two months.</p>	<p>directed office of Nominated Authority to seek comments/ clarifications from the relevant Government Departments of Odisha. The matter along with the State Government comments to be put up in next Scrutiny Committee meeting.</p> <p>The office of NA was also asked to furnish its comments on the above issue.</p>
<p><b>3.</b></p> <p><b>Mining Lease application or Notification under Sec 7 of the CBA Act</b></p> <p>(13-September-2017/04-May-2019)&amp;</p> <p><b>Submission of Mining Plan</b></p>	<p>19.03.2018</p>	<p>1. Action was initiated for completion of Exploration &amp; preparation of GR and work order dated 16.07.2016 was placed to M/s South West Pinnacle Exploration Pvt Ltd for drilling bore holes in the coal block for exploration. While SCCL Officers were making bore holes points in the reserve forest area on 17.08.2016, a few miscreants of Brahmanbill village have taken them hostage by threatening with dire consequences and locked them all in small room illegally for about 10 hours and beaten them severally. SCCL has not file any FIR with Police in order to ensure cordial atmosphere in the villages and avoid distraction from core activities of the Project. The matter was reported to District Collector &amp; Prl. Secretary to Steel &amp; Mines Dept, Govt of Odisha. Dist Collector, Angul had taken up the matter with villagers on 22.08.2016.</p> <p>2. During Review meeting chaired by Secretary (Coal) on 24.05.2017, efforts put up by SCCL for completion of exploration and poor law &amp; order situation prevailing in the villages were explained to which Secretary (Coal) immediately advised Spl. Secretary, Steel &amp; Mines dept to provide police protection and</p>	<p><b>Observation in 11<sup>th</sup> Scrutiny Committee meeting held through VC:</b></p> <p>The office of NA apprised that the reply of State Government is still awaited. On receipt of the reply from State Government the decision on appropriation on no-completion of milestone can be taken.</p> <p>The Chairman of the Committee requested State Government of Odisha (attending the meeting through VC) for an early reply and further directed that only such matter whose replies have been received from State Government to be put up for decision in the Scrutiny Committee.</p>

(13-Dec-2017/14-May-2018)		<p>advised SCCL to complete the work within two months.</p> <p>3. After constant follow up by the Allottee, Odisha Government issued orders dated 03.06.2017 to DGP for deployment of Force and finally police force was deployed at site from 12.06.2017 to 15.06.2017. SCCL continued its effort to persuade the villagers to co-operate with SCCL and allow taking up the drilling work. On 16.01.2018, Chief Secretary, Government of Odisha also reviewed the status of Naini and directed Collector, Angul to extend necessary administrative help to SCCL to carry out the drilling work smoothly. In the 2<sup>nd</sup> Monitoring Committee meeting held on 27.02.2018, issues in regard to the difficulties in taking up at the drilling works at Naini coal project. The Allottee requested to permit SCCL to prepare &amp; submit GR &amp; Mining Plan for Naini coal block with available BH data (54 Nos of BHs with a density of 6BH per sq km). MoC agreed for submission of GR &amp; Mining plan by SCCL with the available BH data by end of March 2018 and to submit revised GR &amp; Mining Plan after completion of drilling.</p>	
<p>4.</p> <p><b>Mining Plan Approval (13.05.2018/ 08.04.2019) , Previous Approval Application (13.06.2018), Previous approval (13.07.2018) and Environment</b></p>	<p>13.09.2018</p>	<p>1. Series of incidents which took place in the mine has been briefed above in regard to reply for other show cause notices. Meanwhile, after Scrutiny of the Mine Plan, MoC informed that the boundary demarcation plan of Naini coal block is prepared by ORSAC and as per the guidelines for submission of Mine plan, the plan requires authentication from CMPDIL. Further vide letter dated 29.06.2018, MoC directed SCCL to re-submit the Mine Plan incorporating the CMPDIL are authentication certificate and necessary correction in the vesting order by the Nominated Authority.</p> <p>2. Due to likely changes in the boundary co-ordinates which are to be authenticated by CMPDIL and also to be corrected in the Vesting order to be issued by MoC, the Mine Plan Approval, Previous Approval Application, Previous Approval &amp; Environmental</p>	

Clearance application (13.05.2018/ 19.04.2019)		Clearance Application could not be completed in accordance to timeline stipulated in the efficiency parameter.	
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**6-7. Utkal -D & Utkal-E**  
**Allottee- M/s NALCO**  
**Allotment Date- 02 May 2016**

Deviation from the Efficiency Parameters	Show Cause Notice date	Reply of Allottee to Show Cause Notice	Observation of the Committee
1 & 2. Previous Approval Application( Due Date- 02.05.2017) & Grant of Previous APPROVAL (Due date -	17.07.2017	<p><b>a.</b> Allottee has replied that as per the time schedule mentioned in the Allotment Agreement signed between NALCO &amp; Ministry of Coal, GoI, Mining Lease application with all required documents in original was submitted to District Collector, Angul on 23.07.2016, well before the targeted date of 01.08.2016.</p> <p><b>b.</b> Collector, Angul forwarded the same to Dy. Director of Mines, Talcher, Tahasildar, Chhendipada &amp; DFO, Angul on 12.08.2016 for necessary field visit &amp; submission of the enquiry report.</p> <p><b>c.</b> Divisional Forest Officer (DFO), Angul on 20.08.2016 wrote a letter to Asst. Conservator of Forest (ACF), Angul for field visit and submit the inquiry report.</p>	The Allottee informed that the delayis due to constraints for approval of Mining Plan and Mine Closure Plan (Combined) and was due to non-finalization of bounding coordinates by CMPDI/ MOC which is beyond the control of NALCO. To this, office of Nominated Authority apprised the Committee that the request of bounding coordinates have made by

02.06.2017):	<p><b>d.</b> Dy. Director of Mines, Talcher vide his letter dated 30.08.2016 instructed NALCO to submit original certified copy of villages maps &amp; Record of Rights(RoR), location plan certified by CMPDI and DGPS map of Utkal-D &amp; E Coal Block certified by ORSAC, CMPDI, DDM Talcher, DFO Angul and Tahasildar Chhendipada, etc.</p> <p><b>e.</b> Asst. Conservator of Forest (ACF), Angul on 23.09.2016 intimated to Tahasildar Chhendipada for field visit &amp; inspection on 27 &amp; 28.09.2016.</p> <p><b>f.</b> On intimation of the field visit by the authorities, letter was issued by NALCO on 24.09.2016 to President Village Committee of Utkal-D &amp; E coal Block for field visit by statutory authorities on 27.09.2016 &amp; 28.09.2016.</p> <p><b>g.</b> Land affected village of Rajjharan village protest on 26.09.2016 for any survey work for Utkal-D&amp;E Coal Block and gave a memorandum.</p> <p>ACF &amp; his officials along with NALCO officials visited the Project affected village (Rajjharan) for field inspection &amp; submission of enquiry report as asked by DDM, Talcher for Mining Lease application on 27.09.2016.</p> <p><b>h.</b> NALCO officials apprised the issue to Collector, Angul on 07.10.2016. On further follow up with the villagers of Rajjharan, they again gave a letter with several demands on 14.12.2016 .</p> <p>Senior officials of NALCO met Collector, Angul on 16.03.2017 and explained him the criticality of Mining Lease application of Utkal-D &amp; E Coal Block as villagers are opposing DGPS survey as required for Mining Lease previous approval. Collector Angul telephonically discussed with DDM Talcher &amp; Tahasildar Chhendipada &amp; instructed them to expedite Mining Lease application of Utkal-D &amp; E Coal Block at the earliest. A letter was sent to DDM Talcher on 10.11.2016 mentioning the reason for delay in complying to his observation on available DGPS survey maps, records from ORSAC and from Prior allottee of Utkal D Coal Block.</p> <p><b>i.</b> Meanwhile on dt. 27.01.2017, ORSAC was requested to furnish DGPS map for the combined block based on earlier conducted survey data of Utkal D and Utkal E.</p> <p><b>j.</b> The consequent map prepared by ORSAC could not be submitted to the concerned authorities, as the map was not endorsed by</p>	<p>the Allottee was not pursued by the Allottee at MoC after requesting CMPDI in regard to the issues of bounding coordinates.</p> <p>The Committee considered the submissions made by Allottee and asked the allottee to submit details of written correspondences between them and MoC or the State Government officials such as DM/Commissioner etc. and directed office of Nominated Authority to seek comments/ clarifications from the relevant Government Departments of Odisha. The office of NA was also asked to furnish its comments on the above issue.</p> <p>The matter along with the State Government and MoC comments to be put up in next Scrutiny Committee meeting.</p>
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	<p>CMPDI on 17.04.2017 on the ground that the DGPS survey by the prior allottee for Utkal D was not conducted in their presence</p> <p><b>k.</b> Meanwhile the villagers of another Project affected villagers of Gopiballabhpur village gave a letter to NALCO on 27.03.2017 and protested to any activity in Utkal-D &amp; E Coal Block including DGPS survey.</p> <p>Field inquiry report (Form-14) was received by ADM, Angul from Tahasildar, Chhendipada on 18.04.2017 and Field Inspection report of DFO, Angul was received in the office of ADM, Angul on 02.01.2017.</p> <p>On repeated request and follow up by NALCO, ADM, Angul held a meeting in his chamber on 20.05.2017 with Senior Officials of NALCO. NALCO requested the ADM to organize a meeting with Project affected villagers so that they will allow Nalco &amp; its representatives to carry out DGPS survey in the project area.</p> <p><b>l.</b> With the request from NALCO to District Administration a meeting was organized with the Project affected villages in the office of ADM, Angul on 30.05.2017 where all the issues of the PAPs were discussed in detail.</p> <p><b>m.</b> The Project affected villagers had a meeting in their village and submitted a letter mentioning that unless a written assurance is given to them by District Administration &amp; NALCO to provide employment to all and revise the land cost they will not allow entry to their village for any project activity including DGPS survey. Additional Secretary, Steel &amp; Mines Dept., GoO vide his letter dated 13.07.2017 addressed to Collector, Angul informed that Director General of Police has since been requested to take necessary appropriate action in the matter. The collector was also requested to report the further steps taken by Dist. Administration for enabling early completion of the survey work in respect of Utkal-D &amp; Utkal-E Coal Block allotted to NALCO.</p> <p><b>n.</b> Due to aforesaid circumstances beyond the control of NALCO the company has not been able to achieve milestones of Application for Previous Approval on 02.05.2017 and Grant of Previous Approval on 02.06.2017 as mentioned in their reply.</p>	
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<p>3 &amp; 4.</p> <p><b>Delay in Forest Clearance(Due Date- 02.02.2018) &amp; Environment Clearance (Due date – 02.02.2018)</b></p>	<p>19.03.2018</p>	<ul style="list-style-type: none"> <li>• Out of total forest land of 143.52 Ha, the Stage-I forest clearance (FC) of Utkal D was granted for an area of 137.02 Ha mentioning separately 6.5 Ha forest land in safety zone to Odisha Mining Corporation (OMC), the prior allottee of Utkal D by MOEF on 20.10.2006.</li> <li>• Upon allotment of Utkal-D in favour of NALCO on 02.05.2016, the application was submitted to MoEF &amp; CC on 11.05.2016 for transfer of the FC in favour of NALCO.</li> <li>• MoEF&amp; CC vide letter dated 05.01.2017 conveyed its approval for transfer the Stage-I forest clearance of Utkal-D in favour of NALCO with certain terms and conditions for obtaining Stage-II forest clearance.</li> <li>• Subsequently as per instruction of DFO, Angul vide letter dated 08.02.2017, OMC, the prior allottee was paid the compensation of Rs.13.15 Crore against forest diversion proposal of Utkal-D on 30.03.2017.</li> <li>• OMC was requested on 31.03.2017 to hand over all the original documents related to the forest diversion proposal of Utkal-D and to issue the no objection certificate to DFO for issuance of transfer order of Stage-I clearance in favor of NALCO by DFO.</li> <li>• OMC on 10.05.2017 issued NoC to DFO, Angul but did not transfer any forest related documents to NALCO.</li> <li>• As per the terms and conditions issued by MoEF &amp; CC, a transfer fee of Rs. 100000/- and an additional NPV of Rs.19.87 lakhs was paid to CAMPA.</li> <li>• MoEF &amp; CC has asked NALCO on 27.07.2017 to submit the revised schemes related to forest diversion with revised current wage rates, DGPS map in original etc. as a part of issuance of final forest clearance of 137.02 Ha but NALCO could not submit the required documents as the original documents were not provided to NALCO till date by the prior allottee OMC.</li> </ul> <p>As per the prevailing guide lines of MOEF &amp; CC, the forest clearance of the total forest land within ML area of Utkal-D i.e.143.52 Ha is to be obtained including the forest land inside safety zone but the prior allottee obtained Stage-I FC for 137.02Ha leaving 6.5Ha forest land inside safety zone .</p> <ul style="list-style-type: none"> <li>• Accordingly application for diversion of 6.5 Ha of forest land</li> </ul>	
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		<p>inside safety zone was submitted to MOEF &amp; CC on 29.03.2017.</p> <ul style="list-style-type: none"> <li>• On 12.04.2017 MoEF &amp; CC asked to submit the documents such as DGPS map authenticated by ORSAC, copy of approved Mining Plan, original Topo sheet map in 1:50000 scale. Once again prior allottee OMC was requested to provide the original documents as above but OMC did not comply. NALCO requested DFO, Angul on 16.08.2017 to provide DGPS map that was submitted by ORSAC vide letter dated 05.05.2012. However DFO, Angul intimated on 23.08.2017 that their office has not received the said DGPS Map and requested OMC to provide DGPS Map to NALCO for submission.</li> <li>• NALCO again the requested OMC on 16.11.2017 and reminder on 08.01.2018 to transfer the documents related to Forest Diversion.</li> <li>• ORSAC was approached on 13.01.2018 to carry out DGPS survey afresh due to non-availability of DGPS survey map from OMC. ORSAC sought documents like land schedule as per 4(1) notification of Utkal-D etc on 29.01.2018. NALCO again requested Chairman OMC on 30.01.2018 to transfer all documents including above forest diversion documents.</li> <li>• The matter was brought to the notice of the Ministry of Coal, GOI on 27.02.2018 during a meeting with the Monitoring Committee on Operationalization of Coal Blocks where Secretary, Coal, GOI advised Addl. Secretary, Department of Steel &amp; Mines, Govt. of Odisha to take immediate steps in this matter.</li> <li>• Subsequently, the Principal Secretary, Department of Steel &amp; Mines, Govt. of Odisha convened a meeting on 12.03.2018 and advised OMC to take immediate action in this matter.</li> <li>• On 14.03.2018, Monitoring committee of MoC also advised State Govt. to ensure that NALCO gets the necessary documents.</li> <li>• MD, OMC convened a meeting on 19.03.2018 and assured to transfer the available documents to NALCO subject to approval of their Board.</li> </ul> <p>In view of procedural requirement to be adhered to in regards to forest clearance of 6.5 Ha of left out forest land by prior allottee in the lease area and non-availability of relevant documents from prior allottee in time, the forest clearance of Utkal D could not be obtained in line with the scheduled date of commencement plan.</p>	
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		<p><b>Forest Clearance Utkal-E :</b></p> <ul style="list-style-type: none"> <li>• Forest Clearance application for Utkal-D &amp; Utkal E Coal Block (Combined) was submitted online in the web portal of MoEF &amp; CC on 29.03.2017 for the forest land of Utkal-E where it has been mentioned that the Stage- I forest clearance of 137.02 Ha of Utkal D is already available.</li> <li>• MoEF has asked for some more documents on 07.04.2017 like DGPS Map authenticated by ORSAC, approved Mining Plan and copy of R&amp;R Plan of Utkal-D &amp; E Coal Mines.</li> <li>• The villagers have created continuous obstruction in completing DGPS survey of the coal block area in spite of several meetings in presence of District Authority and the task was delayed.</li> <li>• CMPDI, Bhubaneswar prepared the Mining plan &amp; Mine closure Plan for Utkal-D &amp; E coal blocks combined which was submitted to Ministry of Coal, Govt. of India on 01.11.2016 as per the milestone given in efficiency parameter mentioned in the Allotment Agreement. Accordingly presentations were held at Ministry of Coal, Govt. of India on 10.04.2017 &amp; 10.07.2017.</li> <li>• On the basis of presentation held at Ministry of Coal, Govt. of India on 10.07.2017, Technical members of Standing Committee, Ministry of Coal, Govt. of India has asked NALCO vide letter dated 21.07.2017 to furnish some additional information &amp; submit the revised Mining Plan incorporating the observations of Standing Committee.</li> <li>• Revised Mining Plan and Mine Closure Plan prepared by CMPDI, Bhubaneswar incorporating observations given by Standing Committee, MoC, GoI was submitted to Ministry of Coal, GoI on 31.01.2018. A letter was received from Under Secretary(CPAM), Ministry of Coal, GoI on 26.02.2018 mentioning that Technical members of standing committee has given some observations on the Mining Plan and Mine Closure Plan submitted to his office 31.01.2018 which may be rectified at the earliest. The same was forwarded to our consultant CMPDI, BBSR on 26.02.2018 for necessary compliance which is under process at CMPDI. R&amp;R Plan of Utkal-D &amp; E Coal Mines was submitted to Collector, Angul on 26.02.2018.</li> </ul>	
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		<p>In view of delay in approval of Mining plan by Standing Committee, MoC and obstruction encountered at site for conducting DGPS survey, the final forest clearance of Utkal-E in combined form could not be obtained as envisaged in commencement plan. In order to overcome the above said constraints NALCO plans to obtain Forest Clearance of Utkal E on standalone basis with the existing documents available.</p> <p><b>Environment Clearance (Utkal D &amp; Utkal-E)</b></p> <p>Utkal D : MoEF approval exist .  Utkal E : MoEF approval exist.  NALCO applied for EC for Utkal D &amp; E combined coal block, however as EC of individual blocks exists the compliance requirement is fulfilled as per commencement plan.</p>	
<p><b>5. Grant of Mining Lease or Notification under section 11 of the CBA Act (Due date – 02.05.2018)</b></p>	13.09.2018	<ul style="list-style-type: none"> <li>• Utkal E coal mines was previously allotted to NALCO and reallocated to NALCO on 02.05.2016. NALCO submitted the commencement plan indicating achievement of grant of Mining Lease of Utkal-D&amp;E (combined) within 24 months of allotment i.e. 02.05.2018.</li> </ul> <p><b>Issues related to processing of Mining Lease application.</b></p> <ul style="list-style-type: none"> <li>• Mining lease application of Utkal D&amp; E was submitted to Collector Angul on 23.07.2016 and the same is under process in the office of the Dy. Director, Mines, (DDM)Talcher since 03.03.2018.</li> <li>• DDM, Talcher has raised observations on 30.06.2018 indicating submission of corrected land schedule including details of sub plots, updated village maps, digital geo reference cadastral plan duly certified by concerned authorities in line with the guideline of GoO etc.</li> <li>• Meanwhile, revision of ML area of Utkal D from 319.23 Ha to 301.28Ha was under consideration of MoC, the map and land schedule of Utkal D&amp; E combined to be modified accordingly to be submitted to DDM, Talcher for necessary action. Mining lease application of Utkal D&amp; E(Combined) was submitted to Collector Angul on 23.07.2016, and the Geo reference survey of the block was completed and signed by ORSAC, Tahasildar, CMPDI and DFO, Angul, and the same is under process in the office of the Dy.</li> </ul>	

		<p>Director, Mines, (DDM)Talcher since 03.03.2018.</p> <p>DDM, Talcher on 30.06.2018 has pointed out many discrepancies in the map and documents that were submitted to his office. He further indicated that the discrepancy needs to be corrected and resubmit with fresh DGPS/ Geo reference cadastral map along with land schedule, duly authenticated by all concern for processing of the Mining lease application, further. Due to want of the revised bounding coordinates, NALCO could not comply with the queries raised by Dy. Director of Mines, Talcher.</p>	
<p>6,7, 8 &amp;9.</p> <p><b>Land acquisition to reach the rated capacity (Due date: 02.11.2019)</b></p> <p><b>Opening of Escrow account (Due date : 02.12.2019)</b></p> <p><b>Application for opening permission (Due date : 02.12.2019)</b></p> <p><b>Grant of</b></p>	13.04.2020	<p><b>Land acquisition to reach the rated capacity :</b></p> <p>The Allottee has mentioned that milestone of Land Acquisition to reach rated capacity by 02.11.2019 was beyond the control of NALCO because of following reasons:</p> <p>a) NALCO Submitted the commencement plan indicating land acquisition to reach the rated capacity of 4 MTPA of combined Utkal D &amp; E Coal Block by 02.11.2019.</p> <p>b) NALCO as Allottee was entitled to take possession of mines with the lease hold land for mining of 157.88 Ha out of 301.28 Ha of ML area as per allotment order which stood transferred and vested in the favour of NALCO from prior allottee i.e M/s OMC, on 02.05.2016.</p> <p>c) However said 157.88 Ha acquired by prior allottee i.e Non forest Govt. land and Pvt. Land of Utkal D inside ML area of 301.28 Ha was transferred by IDCO/District Administration, GoO in favor of NALCO in April'2018 after a lapse of two years of issuance of the vesting order, upon continuous follow up by NALCO with Govt. Of Odisha as the compensation amount to be paid to the prior allottee against the lease hold land acquired could not be finalized.</p> <p>d) NALCO has already deposited the cost of total private land of Utkal E (i.e about Rs. 74.74 Cr) to IDCO/Govt of Odisha in phases between the year 2009 to 2012. e) Out of 354.55 Ha in Mining Lease area of Utkal E, 308.542 Ha in Mining lease area has been alienated in favour of NALCO by the Nodal Agency IDCO, Govt of Odisha as on 01.05.2020.</p> <p>f) Out of the Balance 46.05 Ha (Private land 31.52 Ha and Govt Land 14.53 Ha) for Utkal E, acquisition of private land of Gopinathpur and Kundajhari village by IDCO/ District</p>	

<p><b>opening permission</b> (Due date: 02.01.2020)</p>	<p>Administration is progressing slowly due to dispute among the family members for apportionment of compensation. For Govt. land, sanction of land in favour of NALCO by district administration and lease deed execution is pending with IDCO.</p> <p><b>. Opening of Escrow account:</b> The delay due to constraints for approval of Mining Plan and Mine Closure Plan (Combined) was due to non-finalization of bounding coordinates by CMPDI/ MOC which is beyond the control of NALCO. The escrow account could not be opened as per calculation prepared by RQP, (CMPDIL) in the Mining Plan and Mine Closure Plan of Utkal-D and E Coal Block (Combined) submitted to MoC, GoI. In view of the above, achieving the milestone of Opening of Escrow account by 2.12.2019 was beyond the control of NALCO.</p> <p><b>. Application for opening permission</b> The milestone of Application for opening permission by 02.12.2019 was beyond the control of NALCO as the prerequisite to submit application for mine opening permission are approved Mining plan, Forest Clearance, Environmental Clearance and Mining lease deed which are still pending.</p> <p><b>. Grant of opening permission:</b> The milestone of Grant of opening permission by 02.01.2020 was beyond the control of NALCO as they could not submit the application for opening permission as per the reason mentioned above.</p>	
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**(II) Coal Mines considered by Committee on 05<sup>th</sup> August 2020**

**8. Coal Mine – Banhardih**

**Allotment Order- 30<sup>th</sup> June 2015**

**Allocatee- PVUNL**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<p>Show Cause Notice dated 19.12.2019 was given for delay in grant of Forest Clearance, Environment Clearance and Grant of Mining Lease.</p> <p>The Due date was 30.01.2019 (for Fc &amp; EC and 30.04.2019 (for ML). However, the clearances are pending till date.</p>	<ul style="list-style-type: none"> <li>Without the availability of GR, the immediate next activity of preparation of Mining Plan which is dependent on GR cannot be taken up and the process for subsequent activities like Environment Clearance, Forest Clearance, grant of Mining Lease etc which are dependent upon the approved Mining Plan could not be initiated.</li> <li>Prior Allottee i.e JSEB had entrusted DoMG for detailed exploration of the block and preparation of Geological Report in 2013-14. JSEB had submitted a partial/incomplete draft GR to MoC in 2014. The Coal Block was re-allocated to JUUNL on 30.06.2015. (Further the mine was assigned to PVUNL on 02.06.2017)</li> <li>PVUNL approached JUUNL to get final GR, However JUUNL could not get the GR completed by the agencies. Vide Secretary (Energy )GoJ, letter to MoC dated 27/07/2019 it was clarified that the main reason for delay in preparation of GR was i) wrong entry of names of the villages and time taken in rectification of the same through an amendment in the ministry of coal. li) time taken in certified boundary maps with co-ordinates from CMPDIL.</li> <li>PVUNL was not in a position to start the detailed exploration activities on its own, afresh, and to get GR prepared from alternative sources since as per the Clause 19.2(d) of the allotment agreement, a sum of Rs 70.19 Cr was also paid by PVUNL to JUNL which included the cost of exploration and drilling works required for preparation of GR. Hence it was the responsibility of JUUNL, as they had already got the</li> </ul>	<p><b>Observation/deliberation :-</b></p> <p>After hearing the submissions made by the Allottee the committee observed that the delay in clearances were due to delay in obtaining GR. The Coal Mine was allocated on 30.06.2015 and the corrigendum to Vesting order with correct villages name was issued on 01.12.2015 i.e within 2 month as intimated by CMPDIL about the correction. However, the GR was prepared on 27.07.2019. This delay is attributable to Allottee.</p> <p>The Committee member, representing State Government has submitted the GR of the coal mine was prepared and ready to be handed over in 2015-16 by agency appointed for preparation of same. However the same was not handed over due to non-payment to agency by JUUNL. Later the coal mine was transferred to PVUNL on 02.06.2017. Then also the payment to agency was held up by PVUNL. Later the GR was handed over to PVUNL on 27.07.2019 on the payment for the same. It was observed that there has been delay on account of JUUNL and PVUNL for obtaining the GR from the agency as both the allottee and assignee were reluctant to make payment for the work done for GR by agency. The JUUNL/PVUNL could have made the</p>

	<p>detailed exploration done in this block.</p> <ul style="list-style-type: none"> <li>Preparation and completion of GR is the 2<sup>nd</sup> milestone activity and without the attainment of this milestone, the subsequent milestone activities could not be taken up by PVUNL.</li> </ul> <p>Allottee has stated that GR has now been made available (on 27.07.2019) and the activities, which are dependent upon it, can now be expedited. In fact, since then lot of activities, have already been completed like finalization of land schedule, topographical survey, socio –economic study, certification of Forest Land etc.</p>	<p>payment earlier to get the GR at an early date and to avoid the further delay in said clearances.</p> <p>It was further observed that the GR was obtained on 27.07.2019, however, the company submitted the Mine Plan to MOC on 30.03.2020. Further, the application fees of same was submitted on first week of July 2020. It took one year for submitting the Mine Plan to MOC though the Allottee had a draft copy GR.</p> <p>Recommendation: - The Committee expressed that delay in clearances totally attributable to allocate due to inordinate delay in making payment to the agency who prepared the GR. Though the GR has been obtained on 29.07.2019, the timelines for other Efficiency Parameter as mentioned in Allotment Agreement would prevail. The Committee recommended that office of Nominated Authority may proceed with the imposition of penalty as per relevant terms and conditions of the Allotment Agreement.</p>
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**9. Coal Mine - Saharpur Jamarpani**  
**Vesting Date – 13<sup>th</sup> August 2015**  
**Successful Bidder – UPRVUNL**

Deviation from the Efficiency Parameters		Reply of Allottee to Show Cause Notice	Observation of the Committee
A Show Cause Notice dated 13.09.2018 was given following deviation :-		The Allocattee has stated that due to the issue of Law and Order no agency was ready for drilling of coal mine and non-grant of PL by GoJ , GR has not been prepared. Mine Plan approval, Pervious Approval, FC & EC application are dependent on GR. On 14.12.2017 the allocattee had appointed PFCCL f For the development of coal mine i.e for detailed exploration, land acquisition, FC, EC etc. Further, MOC vide letter dated 28.02.2018 had advised allocattee to appoint CMPDIL for exploration and GR. As per the direction of MOC, the CMPDIL was appointed on 28.05.2018, who had sought 36 months for the preparation of GR which is more that time limit of 22 months as per the Allotment Agreement.	<b>Observation/Deliberation:-</b>  The matter pertaining to Show Cause Notice dated 13.09.2015 was presented during the 9th meeting of the Scrutiny Committee wherein the committee observed that there is no development in the coal mine. The Allottee had initiated the development of coal mine through MDO Model. The Process of which was started. The Committee was of the view that first let there be some development on ground and based on the committee will consider the said case in its meeting after three months.
Clearance	Due Date		
Mine Plan Approval	13.05.2018		
Previous Approval Application	13.06.2018		
Previous Approval	13.07.2018		
Forest Clearance Application	13.05.2018		
Environment Clearance Application	13.05.2018		
The Show Cause notice dated 19.12.2019 was given for following deviation :-		The Allottee has reiterated that due to the issue of Law & Order in the Dumka District, no agency is ready to carry out the drilling work in the coal mine. As per the direction of Ministry of Coal, CMPDIL has been entrusted with the work of Exploration and preparation of GR. However, GR could not be prepared as the drilling work has not yet started by CMPDI.  GR is must for grant of EC, FC and Mining Lease. Due to the said reason FC, EC and Grant of Mining Lease in respect of the Coal Mines could not obtained	The Committee observed that no substantial progress has been made in coal mine by the Allottee since the 9th meeting of the Scrutiny Committee was held i.e since December 2019.  CMPDIL also stated that they could not mobilize the drilling equipment due to issue of Law & order in District. The contract awarded to agency for exploration of Coal Mine has also been terminated by CMPDIL
Clearance	Due Date		
FC	30.03.2019		
EC	30.03.2019		
Grant of ML	30.06.2019		

due to reluctance of contractor to start drilling.

The State Government submitted that there is no issue of Law and Order in the district. A series of meetings in this regard have been conducted at state level wherein the Both CMPDIL as well as the Allocatee were directed to start the exploration work in Coal Mine. During the meetings DC, Dumka had assured that adequate support will be provided to the allocate and their team for carrying out the exploration work in the mine and asked to start the exploration immediately. Further, the Police Adhikashk , Dumka also advised CMPDIL and Allottee to inform local Police Officers as well as District Authorities in regard to carrying out Exploration in the coal mine. However, the Allottee has been reluctant to start the exploration in the coal mine. Further, DC,Dumka also directed CMPDIL and Allottee to submit to submit an exploration plan, however, the same was not submitted by either of them.

**Recommendation:-**

The Committee is of view that Allottee has not made serious efforts for even starting the exploration work though the adequate support was offered by State Government during the series of meetings. The delay in exploration and consequent delay in further

		clearances is totally attributable to Allocate. As such, the office of Nominated Authority may proceed with imposition of penalty as per relevant terms & conditions of the Allotment Agreement
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# **10. Coal Mine – Badam**

**Vesting Date – 31st August 2015**

**Successful Bidder – NTPC Limited**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee										
<b>Show Cause dated 19.12.2019 was issued for following deviation :-</b> <table><tr><th>Clearance</th><th>Due Date</th></tr><tr><td>Land Acquisition</td><td>28.02.2019</td></tr><tr><td>Opening of Mine Opening Permission</td><td>31.03.2019</td></tr><tr><td>Application for Mine Opening permission</td><td>31.03.2019</td></tr><tr><td>Grant of Mine Opening Permission</td><td>31.04.2019</td></tr></table>	Clearance	Due Date	Land Acquisition	28.02.2019	Opening of Mine Opening Permission	31.03.2019	Application for Mine Opening permission	31.03.2019	Grant of Mine Opening Permission	31.04.2019	<p>The Badam Coal Mine was assigned to NTPC Limited vide Deed of Adherence dated 5th July '19 and Deed of Assignment dated 16th July'19.</p> <p>As per the Point no 4 of Deed of Assignment :</p> <p>“ The allottee undertakes to meet all the liabilities arising out of non-performance , if any , as per the efficiency parameters stipulated in the Allotment Agreement prior to effective date and the Assignee undertakes to meet all the liabilities arising out of non-performance , if any, as per the efficiency parameters stipulated in the Allotment Agreement after the Effective date of such assignment . For avoidance of any doubt , it is clarified that any liability on account of non-performance determined after the Effective date, but pertaining to the period</p>	<p>The committee observed that the Coal Mine was transferred from BSPGCL (Allottee) to NTPC (Assignee) vide Deed of Adherence (DOA) dated 05.07.2019 signed between Nominated Authority, NTPC and BSPGCL. As per the clause 3.2(d) of Deed to Adherence, <u>the Assignee shall be solely responsible towards the Nominated Authority and any other Government Authority, with respect to any obligations under the Agreement, or with respect of the coal mine, including regarding any obligation which pertains to any period prior to the Effective Date but not prior to the date of allotment of the Coal Mine, which is discovered or</u></p>
Clearance	Due Date											
Land Acquisition	28.02.2019											
Opening of Mine Opening Permission	31.03.2019											
Application for Mine Opening permission	31.03.2019											
Grant of Mine Opening Permission	31.04.2019											

	<p>on or before the effective date shall be the sole liability of the Allottee and shall not have any recourse to the Assignee”.</p> <p>As all the efficiency parameter mentioned in this show cause were schedule prior to the to the “Effective Date”, NTPC may not be held responsible</p>	<p><u>accrued subsequent to the Effective Date.</u></p> <p>Further, to safeguard the interest of both NTPC &amp; BSPGCL, DOA also specifies that the Assignee and Alottee may enter into mutual agreement with respect to apportionment of such obligations amongst themselves. It was an option given to the Assignee and NTPC</p> <p>It is also observed that before, the signing of Deed of Adherence, the Alloteee and Assignee i.e BSPGCL and NTPC Limited were given full opportunity to go through the Deed of Adherence, even before submitting the performance security by NTPC Limited. Only after the consent of Allottee and Assignee the Deed of Adherence was signed.</p> <p>The Deed to Assignment dated 16th July 2019 was signed between BSPGCL and NTPC i.e a mutual agreement between them with respect to apportionment of such obligation among themselves. Neither the Nominated Authority is the part of</p>
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the Deed of Assignment nor the Allotment Agreement required NA to enter such agreement with the Alottee and the Assignee. The Allotment Agreement only required NA to enter into Deed of Adherence.

**Recommendation:-**

The Committee noticed that as per DOA the effective date is 05.07.2019, the date on which DOA was signed. The DOA was signed between NA, NTPC and BSPGCL and as per DOA, the assignee shall be solely responsible for all the obligations which pertains to period prior to the "Effective Date" i.e 05.07.2020 but not to the date of Allotment i.e 31st August 2015. The NTPC and BSPGCL was given an option through DOA that they may enter into mutual agreement with respect to appropriation of obligation. The signing of deed of assignment between NTPC and BSPGCL was not a compulsory action . Moreover, the NA is not the part of deed of assignment dated 16.07.2019 signed between NTPC and BSPGCL. The NA is only the part of DOA date 05.07.2019 and bound by that only. As per DOA NTPC will be held

		responsible for all the delays . However, on the request of the Allottee, the matter will again be taken up in next meeting.
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## MMDR Blocks

11. Coal Mine – Mahjanwadi  
Allotment Date – 24<sup>th</sup> Feb., 2016  
Allottee – M/s MAHAGENCO

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<b>Show Cause dated 6<sup>th</sup> September, 2016 was issued to explain the delay in development of the Coal Block</b>	<p>Mahajanwadi coal block was allotted to MAHAGENCO <u>on 24.02.2016</u> for the specified end use 'Power'. Coal Block Development and Production Agreement (CBDPA) was signed between Central Government and allocatee company <u>on 19.04.2016</u>.</p> <p>The allottee was required to obtain Prospecting Licence (PL) within 4 months of the signing of the CBDPA i.e., within 18th August, 2016. However, as <b>no information was received regarding achievement of the milestone of obtaining Prospecting Licence in time, a Show Cause Notice was issued on 6th September, 2016 to explain the delay in development of the coal block.</b></p> <p>MAHAGENCO vide letter <u>dated 20.03.2017</u> sent the reply of Show cause Notice informing MoC that they do not want to develop coal block and requested to</p>	<p>The Committee is of view that Allottee do not want to develop coal block and requested to cancel the coal block. Article 6.3.1 (Point No 5) of CBDPA provided that in the event of any breach of non-compliance with any of the provisions of the Agreement. In the instant case MAHAGENCO i.e. block allottee of Mahajanwadi, has not completed the Exploration period and is requested for cancellation of Mahajanwadi coal block.</p> <p><b>As such the request of Allottee has been accepted.</b></p> <p>Issue of return of Performance Security submitted by MAHAGENCO may be settled with Administrative Section of Ministry of Coal as the Allottee has surrendered this coal block.</p>

	<p>cancel the coal block. In this regard they also attached a letter dated 03.12.2016 of Govt of Maharashtra whereby Secretary (Energy), Govt of Maharashtra conveyed decision to keep in abeyance all mandatory activities for milestone achievement and requested to cancel the coal block and return of Performance Security submitted by MAHAGENCO.</p> <p>Government of Maharashtra vide D.O. letter dated 05.08.2017 followed by a letter dated 05.12.2017 <b>requested MoC to cancel the allotment of Mahajanwadi coal block and return of Performance Security submitted by MAHAGENCO.</b></p> <p>Article 6.3.1 (Point No 5) of CBDPA provided that in the event of any breach of non-compliance with any of the provisions of the Agreement. In the instant case MAHAGENCO i.e. block allottee of Mahajanwadi, has not completed the Exploration period and is requested for cancellation of Mahajanwadi coal block. The cancellation of Mahajanwadi coal block may lead 100% of their Performance Security submitted by MAHAGENCO appropriate for failure to comply with the milestones set forth in Schedule IV-A of the CBDPA.</p>	
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**12. Coal Mine Banai**

**Allotment Date – 31st August 2015**

**Allottee – M/s NTPC Limited**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Observation of the Committee
<p>Show Cause dated 24.02.2020 was issued for cancellation of Banai Coal block, as the request of NTPC for merging Banai and Bhalumuda coal blocks was not agreed by MoC.</p>	<p>Banai coal block located in Mand-Raigarh Coalfield, Chhattisgarh <b>was allotted to NTPC Ltd. on 31.03.2015</b> for its 2640MW Power Plant [Barethi-I], Madhya Pradesh. The Coal Block Development and Production Agreement (CBDPA) in respect of Banai coal block was <b>signed on 26.10.2015.</b></p> <p>A letter dated 09.03.2018 received from NTPC for merging Banai and Bhalumuda coal blocks into a single block for optimal utilization of reserves and placement of OB dump within the block boundary.</p> <p>Further, in letter dated 10.04.2019. NTPC informed <b>that Barethi power plant for which Banai coal block was allocated to them is being developed by NTPC as solar plant</b> and coal is not required for this station. The matter was processed in detail in the Ministry, views of CMPDIL, NTPC and Technical wing of the Ministry were obtained and it was decided not to merge</p>	<p>The committee has observed that the NTPC has shelved Barethi STPP which was end use plant for banai coal block. Due to non-development of Barethi STPP, NTPC has become <b>ineligible for Banai Coal Block as per clause 25.2.1 sub clause (h) and (m) of CBDPA .</b></p>

	<p>both the blocks.</p> <p>A show cause notice was sent to NTPC on 24.02.2020. Reply of NTPC was received in Ministry of Coal vide email dated 30.04.2020. Whereby following reasons were submitted for not cancelling the allocation of Banai coal block.</p> <p>(a) Due to difficult geo-mining conditions of Banai mine (with high stripping ratio of 7.5 Cu.m./tonne) and non-availability of any non-coal bearing land in the vicinity for OB dumping, extractable coal reserves from Banai mine, as estimated by CMPDIL, indicated availability of only about 5-6 MMT per anum, which is inadequate to meet the coal requirement of the specified EUP, Barethi STPP (2640 MW).</p> <p>(b) Similarly, for the adjacent Bhalumuda mine, there is also no non-coal bearing land available in the vicinity for OB dumping, thus compelling NTPC to keep the expected coal extraction to about 5-6 MMTPA, as per the extractable reserves estimated by CMPDIL.</p> <p>(c) Since, Kudgi STPP (2400 MW), the specified EUP for Bhalumuda mine, is already operational with the coal being received through the Bridge Linkage granted by MOC, to meet its total coal requirement of about 12 MMTPA NTPC decided to use the coal from both Banai (about 5-6</p>	
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	<p>MMTPA) &amp; Bhalumuda (about 5-6 MMTPA) coal mines.</p> <p>(d) Hence, because of the uncertainty over coal availability being one of the major reasons, NTPC had no option but to shelve Barethi STPP.</p> <p>In the reply of NTPC the reasons submitted by NTPC are not satisfactory and with non-development of Barethi EUP which was linked with Banai block, NTPC has become ineligible for the instant block as per clause 25.2.1 sub clause (h) and (m) of CBDPA.</p> <p>Further, as per clause <u>25.2.3</u> of CBDPA, upon any such termination under Article 25.2.1 or Article 25.2.2, the Performance Security, if outstanding, shall be forfeited. Furthermore, the Upfront Amount if already received by the Government on the date of such termination shall not be refunded upon termination.</p>	
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