

F.No.13016/9/2014-CA-III (Vol.II)

Government of India

Ministry of Coal

Shastri Bhawan, New Delhi
Dated the 19th January, 2016

OFFICE MEMORANDUM

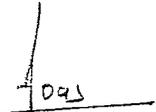
Subject: Directions of the Central Government under the provisions of the Coal Mines (Special Provisions) Act, 2015.

The undersigned is directed to refer to Section 16 (3) of the Coal Mines (Special Provisions) Act, 2015, Clause 3.4.3 (b) of the Allotment Document & Clause 3.3.2 (g) of the Tender Document and to say that if the Successful Bidder/Allottee is the Prior Allottee for the same coal mine, then, the *compensation payable* to such prior allottee under the provisions of the Coal Mines (Special Provisions) Act, 2015 and the Rules shall be set off or adjusted against the Fixed Amount already taken or to be taken from such successful bidder/allottee.

2. However, before such set off or adjustment, the Nominated Authority shall obtain an undertaking of the successful bidder/allottee on affidavit in the enclosed format that their secured creditors have chosen to continue with the facility agreements and security interest in terms of Section 12 (1) (a) of the Coal Mines (Special Provisions) Act, 2015 along with confirmation from such secured creditors to this effect.

3. This is issued with the approval of the Competent Authority.

Encl. as above


(A.K Das)

Under Secretary to the Government of India
Tel. No. 23073936

The Nominated Authority,
Ministry of Coal

Copy to:

TD (NIC), M/o Coal — for uploading on the website of the Ministry of Coal.


19/01/2016
(Ajay Kumar)
SO (CA-III)

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

UNDERTAKING-CUM-AFFIDAVIT

I, _____ aged _____ years, resident of _____ working as
_____ an authorised signatory on behalf of _____
(name of Successful Allottee/Bidder) (the "Successful Allottee/Bidder") hereby
states as under:

1. That I am the Authorised Signatory of the Successful Allottee/Bidder. I am conversant with the facts and circumstances surrounding the subject of this Undertaking and have been authorized to undertake the same.
2. That the Successful Allottee/Bidder of the _____ coal mine (the "Coal Mine") is also the Prior Allottee of the Coal Mine in terms of the Coal Mines (Special Provisions) Act, 2015 (the "Act")/ successor-in-interest of the Prior Allottee of the Coal Mine.
3. That the Successful Allottee/ Bidder is entitled to set off or adjustment of the Fixed Amount against the compensation payable to the Prior Allottee in accordance with Section 16 of the Act and Clause 3.4.3(b) of the Allotment Document/ Clause 3.3.2(g) of the Tender Document.
4. That the Successful Allottee/ Bidder undertakes that it's secured creditor(s) have chosen to continue with the facility agreements and security interest with it in terms of Sec. 12(1) (a) of the Act. That the Successful Allottee/ Bidder is also submitting confirmation from such secured creditor(s) regarding continuance with the facility agreements and security interest to the Nominated Authority alongwith this Undertaking.
5. That the Successful Allottee/ Bidder also undertakes that if any revenues, taxes, cess, additional levy and rates are due from the Prior Allottee to the Central Government or a State Government or to a local authority, the same shall be payable by it.
6. That nothing has been concealed in the information submitted as mentioned above. Solemnly affirmed and verified on this _____ day of (month) 2016 at (place).

(Signature)
Deponent-Authorised Signatory
(Name, Designation & Seal)

VERIFICATION

I, _____ aged _____ years, resident of _____ working as
_____ an authorised signatory on behalf of _____ (name of
Successful Allottee/Bidder) do hereby solemnly declare that what is stated above in
paragraphs 1 to 6 above are on the basis of the books and records of the Successful
Bidder, and verify that the contents of the above affidavit are true and correct, no
part of it is false and nothing material has been concealed therefrom.

Verified at _____ day of (month) 2016 at (place).

(Signature)
Deponent-Authorised Signatory
(Name, Designation & Seal)