

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

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

FINAL ORDER

Subject: As per the Coal Mines (Special Provision) Act, 2015- Valuation of compensation payable to M/s Prakash Industries Ltd. (PIL), prior allottee for Chotia coal mine.

Chotia Coal Block/Mine was previously allotted to Prakash Industries Ltd. (PIL). After cancellation, the said block/mine was allotted to M/s Bharat Aluminium Company Limited (BALCO) on April 1, 2015. Following the provisions of the Coal Mines (Special Provisions) Act, 2015 [CMSP Act] and Rules framed thereunder, sanction letter and orders have been issued pertaining to compensation for Cost of Geological Report ("GR"), Cost of Consent, Land and Mine infrastructure, payable to M/s PIL (prior allottee) which is mentioned in 'Table A' :-

Table 'A' Fig. in 'INR'

Particulars	Cost of Geological Report (A)	Cost of Consent (B)	Land (C)	Mine infrastructure (D)	Total E=(A+B+C+D)
Amount disbursed to M/s PIL vide sanction letter dated 24-05-2016 & 04-05-2017	NIL	59,01,63,075.00	3,67,10,382.00	13,88,27,612.00	76,57,01,069.00
Revised Valuation as per order dated 13.05.2021 and 15.11.2021	-	-	14,38,60,898	20,01,29,187	34,39,90,085.00
Balance amount to be disbursed to M/s PIL	-		10,71,50,516.00	6,13,01,575.00	16,84,52,091.00

2. In pursuance to O/o Nominated Authority Order dated 13.05.2021 & 15.11.2021, M/s BALCO (successful allottee) was directed to deposit total amount of ₹ 16,84,52,091/- to designated bank account of MoC [₹10,71,50,516 for land & ₹ 6,13,01,575/- for mine infrastructure]

3. Further, vide order dated 27.07.2022 passed by Hon'ble High Court of Chattisgarh, Bilaspur in WP(C) No.33808/2022, the petitioner i.e. M/s BALCO was directed to deposit the total amount of ₹ 16,84,52,091/- and the said amount deposited by the petitioner shall be invested by Nominated Authority in any nationalized

bank account which would fetch maximum interest so that, if ultimately the amount has to be refunded to any claimant or encashed by the NA, the interest part would be taken care of. .

4. Therefore, M/s BALCO deposited ₹ 16,84,52,091/- which was credited to the account on Nominated Authority and the same was deposited to SBI as fixed amount on 27.10.2022.

5. Subsequently, vide court order dated 12.01.2023 passed by the Hon'ble High Court of Delhi in W.P No.7912 of 2019, the Hon'ble Court stated that "*at the request of learned counsel appearing on behalf of the parties, to enable them to bring on record the outcome of the amicable settlement, which is stated to be going on between the parties, list on 14/04/2023*". In PTT No.250/2021 and PTT No.251/2021 filed by M/s BALCO before the Hon'ble District and Session Judge, Bilaspur cum Part Time Tribunal, the Hon'ble Tribunal vide its order dated 24.1.2023 stated that the parties are going for amicable settlement.

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

7. Hence, vide letter dated 18.04.2023 (enclosed) O/o Nominated Authority has directed SBI for premature closure of Fixed deposit and to transfer the same to the designated account of MoC. Accordingly, a total amount of ₹ 17,05,65,521.00/- (including interest) has been credited to bank account of MoC on 21.04.2023 (enclosed), which will be deposited to M/s PIL & M/s BALCO as per Court Order dated 28.03.2023 before the Hon'ble High Court of Chhattisgarh, Bilaspur. Further, the interest of ₹ 21,13,430.00 /- will be shared proportionately between M/s PIL & M/s BALCO, detail of compensation/ excess fixed deposit to be transferred to both allottees are annexed in the below table:-

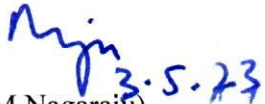
Table 'B' Fig in INR

Particulars	Amount to be transferred to M/s PIL pertaining to Chotia coal mine	Amount to be transferred to M/s BALCO pertaining to Chotia coal mine	Total amount in account of MoC pertaining to Chotia coal mine
Compensation determined by court based on Amicable settlement	15,84,52,091.00	1,00,00,000.00	16,84,52,091.00
Interest on Fixed deposit	19,87,968.22	1,25,461.78	21,13,430.00
Grand Total	16,04,40,059/- (Round off upto Zero decimal)	1,01,25,462/- (Round off upto Zero decimal)	17,05,65,521.00

8. In view of the above, as per court order dated 28.03.2023, the compensation for land and mine infrastructure with respect to of Chotia coal mine stands settled as above.

9. In accordance with Section 27 of the Act and the judgment dated March 9, 2017, it is open to M/s PIL (prior allottee) & M/s BALCO (Successful allottee) to raise disputes with regard to the quantum of compensation before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act 1957.

Enclosure as above:-


(M.Nagaraju)

Additional Secretary & Nominated Authority

To,

1. **(Prior Allottee)**- The Managing Director, **M/s. Prakash Industries Limited**, A/9 Shatabdi Nagar, Behind Songanga Colony, Seepat Road, Bilaspur 495 006(C. G.)
2. **(Successful Allottee)**- The Managing Director, M/s Bharat Aluminium Company Limited (BALCO), Aluminium Sadan, Core - 6, Scope Office Complex, Lodi Road, New Delhi - 110 003
3. **Coal Controller's Organisation**, Ministry of Coal, SCOPE MINAR ,5th Floor, Core - II, Laxmi Nagar, Delhi – 110092
4. **Under Secretary** (CBA-II Section), Ministry of Coal.
5. **Sr. TD**, NIC: for uploading on the Website of Ministry of Coal.