

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 Bhawan,
New Delhi, Dated : 3rd May, 2021

OFFICE MEMORANDUM

Subject :- Minutes of 14th 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 of 14th meeting of Scrutiny Committee held on 09th & 10th March 2021 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 N.C.Jha, Ex- Director /acting Chairman, CIL
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 (P&S -I)
2. US (P&S -II)

Minutes of the 14th meeting of the Scrutiny Committee held on 09th March and on 10th March 2021 for Coal Mines allocated under CMSP Act

List of participants present virtually is at Annexure.

The 14th meeting of the Scrutiny Committee has been convened on 09th Sept 2021 to consider/examine the cases involving deviation from scheduled operationalization of coal mine/production of coal in respect 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 (SB) were presented before the committee on a mine by mine basis and the representatives of the allottees 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 09th March 2021

1. Gidhmuri&Paturia

Allottee- M/s Chhattisgarh State Power Generation Company Limited

Vesting Date- 13th Oct 2015

Show Cause Notice dated 09.09.2020 were issued for Gidhmuri&Paturia Coal Mine to M/s Chhattisgarh State Power Generation Company Limited for non-compliance with the targeted coal production for FY 2019-20 and reply dated 22.09.2020 were submitted by Allottee.

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Recommendation of the Committee
1.Non compliance with production schedule for FY 2019-20	<ol style="list-style-type: none"> 1. CSPGCL is working very hard even in this pandemic time but due to unavoidable circumstances which are not attributable to CSPGCL, milestones could not be achieved timely. As stated in reply to the last three show cause notices, the conditions prevailed were not in control of CSPGCL. 2. In the 11th meeting of scrutiny committee held on 04.08.2020, M/s CSPGCL presented the difficulties being faced in development activities of coal block before the committee which was endorsed by the representatives of CG state Govt. also. The committee members agreed that due to frequent change in Land Schedule & Change in Guidelines for CA Land, the delay is not attributable to the allottee and opined that show cause notices may be revoked. 3. Without achieving the milestones stated in previous three show cause notices further milestones could not be achieved. 	M/S CSPGCL stated that the coal mine is yet to be operationalized due to various pending clearances like Environment Clearance, Forest Clearance and Mining Lease. Further, it was informed to the Committee that Forest Clearance cannot be granted till Government of Chhattisgarh takes a suitable decision regarding the

	<p>4. As per Efficiency Parameter the target of operationalization of coal mine could not be achieved within the time frame, due to various factors elaborated as follows.</p> <p>(i) Revision in Boundary Co-ordinates: As per MOC's circular dated 15.07.2015, CSPGCL had applied to CMPDI, Ranchi for certification of the geological co-ordinates of Gidhmuri&Paturia Coal Block as a prerequisite for submission of mining plan and mine closure plan. CMPDI submitted the revised co-ordinates of the Coal block to MOC vide letter dated 11.07.2016. Based on this revision, MOC issued a corrigendum-I to the 'Allotment Order' along with the revised co-ordinates vide Letter dated 22.08.2016.</p> <p>(ii) DGPS Survey (For Application for EC & FC and Mining Lease): The CCOST, Raipur was engaged to carry out the DGPS survey on 18.02.2016 but work could only be commenced on 24.08.2016 after revised co-ordinates were issued by Ministry of Coal on 22.08.2016. After that, the survey work was strongly resisted by the local villagers. They forced the survey team to stop the work many times during the period from Aug'16 to Jan'2017. They even kept the survey team staff hostages in Jan'2017. The matter was reported to the Collector, Korba, SDM, and local Police Station. Finally DGPS survey could be restarted at site on 01.02.2017 and completed on 31.03.2017.</p> <p>(iii) Undefined Land under Gidhmuri&Paturiadand villages: At the time of preparation of DGPS survey Report, it was discovered that, 2 villages namely Gidhmuri&Paturiadand are un-surveyed. The land schedule was prepared based on the "Nazarinaksha" and few old land records collected from local revenue authority wherein 339.201 Ha. of land was found undefined i.e. specific classification of land are neither available with forest authority nor revenue authority due to which land schedule could not be finalized. As a result the forest area could not be ascertained. After a lot of pursuance, a joint survey was conducted by Revenue & Forest Authorities for finalization of Un-defined land of 339.201 ha and final report of land schedule was submitted to Collector Korba vide letter dated 29.06.2018. As soon as the undefined land schedule data was available, CSPGCL submitted FC application for diversion of forest land (1466.839 Ha) on MOEF & CC portal on 10.07.2018.</p> <p>(iv) Delay in Environment Clearance application & grant of ToR:After the revision of the co-ordinates on 22.08.2016 and finalization of DGPS survey report on 21.07.2017, application for EC was submitted on 09.09.2017. MoEF& CC issued an EDS dated 12.09.2017 whose reply was submitted by M/s CSPGCL on 28.07.2018. The proposal was considered in the EAC meeting held on 27.09.2018 and ToR was issued on 05.12.2018. The EIA/EMP report had already been prepared, but due to revision of Land Schedule (i.e. Total forest area mentioned in the granted TOR is 1466.839 Ha, which is going to be revised to 1495.332 Ha, as per the certified Land Schedule dated 14.12.2019 issued by SDM, Podi-UprodaDistt. Korba,) Application for revision of ToR will be submitted shortly.</p> <p>(v) Delay in Forest Clearance: After resolving issue of undefined land on 29.06.2018, FC application was submitted online for the revised Forest land of 1466.839 Ha on the MoEF& CC portal on 10.07.2018. Wildlife conservation Plan has been approved by PCCF (Wildlife) Govt. of CG on 05.09.2019. DGPS survey report has been prepared in accordance to 30 years mine life after receiving latest revised land schedule vide dated 14.12.2019 and submitted for</p>	<p>proposed "Lemru Elephant Reserve" falling over the entire Hasdeo-Mand catchment area including Gidhmuri&Paturia coal block.</p> <p>The Committee recommends that the matter may be kept in abeyance till Government of Chhattisgarh takes a decision over the "Lemru Elephant Reserve". Also, Committee advised that the office of Nominated Authority should take up the matter with Government of Chhattisgarh to sort out the issue on urgent basis.</p>
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certification to DFO Katghora on 09.07.2020. After certification, necessary amendment will be incorporated in forest application.

Further, For diversion of 1466.839 Ha of forest land (now it is 1495.332 ha. based on certified land schedule) , approx.3000 Ha of land was needed for compensatory afforestation (CA). Earlier, approximately 2120 Ha. degraded forest land and orange area was identified for CA purpose and same was reported to MoC. But after issuance of handbook of Forest Conservation Act 1980 and Forest Conservation Rules 2003 vide letter No. 5-2/2017-FC dtd 28.03.2019 certain changes in the qualifying requirement for CA land has been incorporated. As per Part B para 2.5(i) of the guidelines, degraded forest land will be used only by central PSUs. Thus, only 574 Ha. orange area was left for CA purpose. Again, 705 Ha. Orange area was identified in JashpurDistt. for CA purpose. Meanwhile, a letter dt. 27.04.2020 has been issued by Principal Secretary (Govt. of Chhattisgarh) Forest Department in light of handbook para 2.4(i) issued dt. 28.03.2019, which implies that orange area under Administrative control and/or management of Forest Deptt, has also been restricted for use of CA purpose Due to frequent changes in guidelines for identification of CA land delayed the process of Forest Clearance.

(vi) Further, the latest developments made are as below.

- Mine Closure Plan for 30 years of Mining Lease period has been submitted to MoC and presentation was made on 22.05.2019 by CSPGCL/CMPDIL before Standing Committee of MoC, in which it was advised to submit Mine Closure Plan afresh in line with the approved mining plan for 48 year mine life. The Mine Closure Plan for 48 years Mining Lease period alongwith Integrated Mining Plan has been prepared by MDO and will be submitted at the earliest.
- Land acquisition application under Sec 3 of the Coal Bearing Areas (Acquisition & Development) Act 1957 has been submitted to MoC on 06.07.2020.
- On line application for ground water clearance has been submitted on 30.06.2020 for NoC from CGWA.
- Further, field study has been completed & EIA/EMP report is prepared, which will be submitted to MoEF&CC after getting revised Term of Reference (ToR).
- It is further to add that the process of notification of land schedule of Gidhmuri&Paturiadand villages has been initiated on 08.07.2020 by the Tehsildar, Podi-Uproda and objections have been invited from all stake holders by 24.07.2020.The notification process of land schedule of Masahati villages is under consideration with Revenue authorities. Once, it is completed, necessary amendment of EIA/EMP for EC and amendment in FC application can be done.

(vii)Covid-19 pandemic: It is also to mention here that Gidhmuri&Paturia coal mines falls near Katghora in Korba district, which is one of the worst affected areas since early phase from COVID-19 Pandemic in the state. This has further delayed the field activities related to project.

(viii) Lemru Elephant Reserve: Addl. Principal Chief Conservator of Forest (Nodal officer), Raipur has intimated vide letter dt. 25.08.2020 that any further action regarding FC of coal blocks situated in area of proposed "Lemru Elephant Reserve" (wherein total 64 coal blocks fall under this Hasdeo-Mand catchment area i/c Gidhmuri&Paturia coal block) shall be taken by their office after the

	decision of the Government. Therefore, this certainly will attract delay in process for obtaining the subsequent statutory clearances. Forest Clearance (FC) stage-I is essential to obtain Environmental clearances (EC). Mining Lease & Consent to Establish, Consent to Operate from State Govt. can be obtained only after FC stage-I. Finally the Mine opening permission for Coal Controller, CIL, Kolkata may be obtained prior to opening of mines. Hence due to this decision all the works related to operationalization of coal mines has become stagnant.	
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2. Suliyari

Allottee- M/s Andhra Pradesh Mineral Development Corporation Limited

Vesting Date- 29thSept, 2016

The representatives of M/s Andhra Pradesh Mineral Development Corporation Limited did not attend the meeting, consequently, Committee decided not to consider the case during this meeting.

3. Madanpur South

Allottee- M/s Andhra Pradesh Mineral Development Corporation Limited

Vesting Date- 29thSept, 2016

The representatives of M/s Andhra Pradesh Mineral Development Corporation Limited did not attend the meeting, consequently, Committee decided not to consider the case during this meeting.

4. Gare Palma Sector II

Allottee- M/s Maharashtra State Power generation Company Limited

Allotment Date- 31st August 2015

Show Cause Notice dated 24.12.2020 has been issued to M/s Maharashtra State Power generation Company Limited for non-compliance with the below mentioned Milestones of Gare Palma Sector II Coal Mine.

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Recommendation of the Committee
1. Land Acquisition Not Done (Due Date- 17.11.2020)	1. As per Chhattisgarh State Government Authorities, the permission of starting the process of Land Acquisition can be given only after execution of Mining Lease Deed which requires grant of EC and FC. 2. As per the schedule Milestones, opening of Escrow Account will be done within one month from the date of Land Acquisition. Since, Land Acquisition process is not started, Mahagenco could not open the Escrow Account. 3. As per guidelines for filing online application for permission of mine opening, various approvals such as EC, FC, DGMS approval, Mining Lease Deed etc. are required. Till date, Mahagenco is unable to submit the online application on account of delay in approval of various clearances and approvals.	The Allottee appraised the Committee that they are facing various issues in obtaining clearances required for starting the mine and emphasized that the major hindrance is arrangement of Compensatory Afforestation Land for grant of Forest Clearance.
2. Opening of Escrow Account Not Done (Due Date- 17.12.2020)	4. Mahagenco started the various activities for development of Gare Palma-II Coal Mine after Allotment Order. Mahagenco is completely dependent on various Central and State Governments Agencies or Authorities, which are empowered to give it the requisite statutory permission/clearances/approvals i.e. Mine Plan and Mine Closure Plan, Mining Lease, Environment Clearance, Forest Clearance etc. 5. Gare Palma Sector-II Coal Mine area involves acquisition of 2583.487 ha. land from 14 Villages. At the onset of development activities of GP II coal block, Mahagenco vide letter dated 31.10.2015 informed Collector Raigarh regarding expediting land acquisition of Gare Palma-II Coal Mine under Surface Right Mode and also requested to maintain status-quo to avoid any sale and purchase & transfer of land in the 14 Villages falling under Gare Palma-II Coal Mine Area.	The Committee recommended that the submissions made by M/s MAHAGENCO with regard to delay in obtaining various clearances to be sent by office of Nominated Authority to State Government of Chhattisgarh for their comments. The Scrutiny Committee will consider the matter again subsequent to receipt of reply from State Government.
3. Application of Mine opening Permission Not Done (Due Date- 17.12.2020)	6. Mahagenco had paid the cost of Geological Report (GR) in July 2015 but received the copy of the GR from prior allocatee on dated 24.11.2015. As per the Efficiency Parameter of the Allotment Agreement, all Events start only after preparation of GR. Since, Mahagenco has received GR on dated 24.11.2015, therefore, all the activities were delayed. 7. Nominated Authority, MoC, New Delhi vide Corrigendum No.1 to the Allotment Order dated 17.02.2017 modified the geographical coordinates of the Gare Palma Sector-II Coal Mine. Mahagenco had to re-start all activities from scratch and submitted the revised data on the basis of Corrigendum to Collector, Raigarh. Accordingly, GoCG submitted the revised application for grant of previous approval of Mining Lease to Secretary Coal, MoC, New Delhi on dated 10.10.2017. Ministry of Coal granted Previous Approval of the Central Government on 20.02.2018. 8. As compliance to the Efficiency Parameter, Mahagenco submitted the online application for Environment Clearance and Forest Clearance on dated 12.04.2016 and 26.07.2016 respectively to MoEF&CC. However, the same are pending till date due to following reasons.	

	<p>(a) <u>Delay in grant of Environment Clearance:</u></p> <ol style="list-style-type: none"> i. Terms of Reference (TOR) applied on 12.04.2016 to MoEF&CC. TOR issued on 08.08.2016. ii. Draft EIA was submitted by Mahagenco to Chhattisgarh Environment Conservation Board, GoCG on dated 13.02.2017. Mahagenco continuously requested CECB, GoCG to conduct Public Hearing. iii. Meanwhile, NCST commission vide letter dated 04.04.2018 directed to Secretary, MoEF&CC, New Delhi, Chief Secretary, GoCG, Member Secretary, CECB, Raipur and Collector, Raigarh, Chhattisgarh submit the following reports through Ministry of Environment and Forest and till such time, it was directed not to conduct the Public Hearing for GP-II Coal Mine. <ul style="list-style-type: none"> -> ICMR -Health Assessment and projection of health of people living in Tamnar Block (Pending) -> NEERI -Analysis of drinking water available and its quality to villagers of Tamnar. (Submitted to MoEF& CC on 09.01.2019) -> CPCB- Assessment of ash disposal methodology. (Submitted to MoEF& CC on 09.07.2018) iv. Principal Secretary, Energy, Govt. of Maharashtra vide letter dated 24.06.2019 informed to NCST Commission that “as two Reports have already been submitted and third Report is under preparation under advise of MoEF&CC and ICMR, hence NCST Commission is requested to inform MoEF&CC and Regional Officer, CECB, Raigarh to conduct the Public Hearing as per schedule and issue appropriate directives”. NCST vide letter dated 02.08.2019 informed that it has no objection, if GoCG is willing to conduct public hearing. v. On 27.09.2019 ,the Public Hearing was conducted successfully. vi. ICMR, New Delhi finally submitted its Report on Health Assessment and projection of health of people living in Tamnar Block, to MoEF&CC with copy to Collector, Raigarh on dated 28.02.2020 . vii. Proposal for EC was considered in the EAC meeting held on 28.09.2020. MoEF&CC vide letter dated 01.01.2021 recommended the proposal for grant of EC subject to grant of FC stage I clearance. <p>(b) <u>Delay in grant of Forest Clearance:</u></p> <ol style="list-style-type: none"> i. Mahagenco submitted online application for Forest Clearance on dated 26.07.2016 to MoEF&CC and started all the activities regarding DGPS Survey, tree counting, NoC from Gram Sabha under FRA, preparation of all required Reports including Wild Life Conservation Plan after appointment of the Consultant. ii. Ministry of Coal, vide Corrigendum No. 1 dated 17.02.2017 modified the boundary coordinates and requested to revise and re-submit all the applications i.e. FC and Mining Lease. Accordingly, Mahagenco revised and submitted the application for FC on dated 28.12.2017 and restarted all the activities since beginning from the scratch. iii. Assembly Elections at Chhattisgarh was scheduled in November 2018, due to which, all the State Government Officials were on Election Duty for almost 04 months for the preparation. Further, Loksabha Elections 	
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	<p>were held in April & May 2019, which again hampered various activities.</p> <p>iv. The Tree Counting Report was finally submitted by Range officer to DFO Raigarh on dated 16.09.2019.</p> <p>v. Mahagenco vide letter dated 20.09.2019 submitted the FCA proposal (in 6 sets) to DFO, Raigarh along with DGPS Survey Report. DFO Raigarh vide letter dated 20.09.2019 informed to submit compliance to 14 points, which included Maps/Gram SabhaNoC's/Catchment Treatment Report and Soil Conservation Plan etc. Mahagenco completed all activities as per checklist of DFO, Raigarh and submitted complete set of documents on 16.05.2020. However, arrangement of CA land is still pending.</p> <p>(c) <u>Delay in search and identification of land for Compensatory Afforestation:</u></p> <p>i. Mahagenco had issued various letters to Collector/DFO Raigarh for availability of Land for CA purpose.</p> <p>ii. Unable to find Govt. Land for Compensatory Afforestation purpose in Raigarh District, Mahagenco vide letter dated 11.11.2019 requested District Collectors of Raigarh, Sarguja, Korla, Balrampur and Jashpur and vide letter dated 17.12.2019 requested DFO, Marwahi for availability of suitable Government Land for CA purpose for GP-II Coal Mine. Site officials of Mahagenco visited the Collector Offices and DFO Offices of the respective Districts for this purpose. Additional Collector Raigarh on dated 07.01.2020 informed Mahagenco about non-availability of Government Land for CA. Similarly, DFO, Marwahi vide letter dated 06.02.2020, Collector of Balrampur, vide letter dated 07.03.2020, Collector of Korla vide letter dated 12.03.2020, and DFO Sarguja informed non-availability of Govt. Land for compensatory afforestation in their respective district.</p> <p>iii. Mahagenco is in the process for search of Land (CA and R&R), however, District Administration, Raigarh imposed strict lockdown since 23rd March '2020 onwards which hampered the Search of CA Land activity. The activity for search of CA Land has been started again by Mahagenco in July August'2020.</p> <p>iv. Mahagenco is continuously striving and putting all its efforts towards finalisation of CA Land with support from Collector, Raigarh and DFO, Raigarh so that the proposal of FC Stage-I can be forwarded for further approval of Govt. of Chhattisgarh and MoEF&CC.</p> <p>(d) <u>Delay in getting approval of Wildlife Conservation Plan:</u></p> <p>i. Mahagenco has submitted the Wild Life Conservation Plan to DFO Raigarh on dated 14.11.2019. DFO Raigarh after scrutiny forwarded the WLCP to CCF, Bilaspur on dated 30.11.2019. CCF, Bilaspur submitted the WLCP to the office of PCCF, Raipur on dated 20.02.2020.</p> <p>ii. Mahagenco vide letter dated 30.04.2020 requested to PCCF Raipur for approval of WLCP for GP-II Coal Mine Project. PCCF Raipur raised query vide letters dated 13.05.2020 and letter dated 30.06.2020, to which replies were submitted by Mahagenco on 14.05.2020 and 14.08.2020 respectively.</p> <p>Comments of NA office:</p>	
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	<p>As informed by Allottee vide Pre Commencement report, the Wildlife Conservation Plan has recently been approved in Jan 2021.</p> <p>9. Legal issues faced by Mahagenco: Mahagenco has faced immense opposition in development of GP-II Coal Block in the form of various writ petitions to derail the activities in the year 2019 and 2020.</p> <p>10. Impact of COVID-19 Pandemic: Collector, Raigarh, Chhattisgarh, where the GP-II Coal Mine is located, ordered lockdown due to spread of COVID-19 epidemic on dated 20.03.2020 of Raigarh District. Due to this Nation-wide lockdown all the activities for the development of Gare Palma-II Coal Mine are being hampered and it is entirely beyond the control of Mahagenco.</p>	
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5. Baranji,II,III,IV,Kilori&Manoradip
Allottee- M/s Karnatka Power Corporation Ltd
Vesting Date- 31st March 2015

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice vide letter dated 9.4.2020	Recommendation of the Committee
<p>1.Non compliance with production schedule for FY 2017-18,FY 2018-19,FY 2019-20</p>	<p>Following reasons were submitted by Allottee, M/s KPCL:</p> <ul style="list-style-type: none"> • Mine is not operationalised due to litigation wherein the matter is pending for adjudication by Hon'ble Supreme Court of India. • Adequate steps were taken by both KPCL and Government of Karnataka to get the early listing of the case in Hon'ble Supreme Court of India • When the mine is not operationalised due to litigation, achieving the production as per scheduled production is not possible. • KPCL did achieve production of 2.5 MTPA prior to cancellation of coal blocks 2014. • Government of Karnataka had sent a proposal to MoC that KPCL be permitted to go for novation under Section 11 of CM(SP) Act, 2015. If the proposal is agreed by MoC, the mine can be immediately operationalised. • Matter regarding violation of Efficiency parameters be deferred till the Hon'ble High court of Karnataka adjudicates on the same. 	<p>The Allottee appraised the Committee that the delay in operationalisation of mine happened due to MDO appointment issue becoming sub judice and replied that they opted for bidding process for MDO selection as other states also opted for the same and litigation of Prior MDO is not under control of Allottee. Further allottee submitted that dewatering of the coal mine has started, rehabilitation issues are sorted out and they will be producing coal shortly and expecting to reach 2.5 MTPA in six months.</p> <p>Scrutiny committee observed that it is purely a case of operational issue between Allottee and MDO.</p> <p>Committee also inquired from the allottee reasons for opting for bidding process for MDO while there is provision in CMSP Act which allows</p>

		<p>allottee to continue the previous contracts.</p> <p>In the absence of specific details, the committee was not satisfied with the reply of the allottee. However, on request of the allottee, it recommended that allottee should submit in details within 2 weeks to the Office of NA and based on that issue will be considered in next meeting.</p>
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6. MarkiMangli III

Allottee- M/s B S Ispat Ltd

Vesting Date- 17th April 2015

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Recommendation of the Committee
<p>1. Non compliance with production schedule for FY 2015-16, FY 2016-17, FY 2017-18, FY 2018-19, FY 2019-20</p>	<p>1. Allottee mentioned that delay in obtaining various clearances were not intentional and it got delayed due to non clarity and insufficient data in tender documents as there was combined Mine of MarkiMangli-II, III & IV and all the approvals were combined but auction was done only for MarkiMangli-III.</p> <p>2. Mismatch in Coordinates of Coal Mine</p> <p>The Coordinate of Coal Mine mentioned in the Vesting Order was at variance with the actual one. After 20 months revised coordinates were given to us. In view of the variance of Coordinates neither the earlier Mining Plan nor given Mine Area remain valid. Hence this required fresh working and approvals.</p> <p>3. Transfer of EC</p> <p>We were advised in the month of September 2015 to submit the fresh application for the Environment Clearance. EIA/EMP report submitted by allottee was not considered and orders were issued by MoEF for Fresh Mining Plan with Mine Closure Plan along with public hearing. Finally EC obtained on 13.06.2019.</p> <p>4. Mining Lease</p>	<p><u>Deliberation in the meeting</u></p> <p>Allottee mentioned that Statutory Clearances, such as, Revised Mining Plan along with the Mine Closure Plan and EC were required afresh, as earlier all clearances were combined for three mines i.e. MarkiMangli II coal block, MarkiMangli III Coal Block and MarkiMangli IV coal block whereas allottee was allotted only MMIII coal block. EC is one of the main documents required for Execution of Mining Lease Deed. Thus, the allottee has to start afresh with each of these clearances, which involved public hearing. The allottee also mentioned that calculation of the amount of Stamp Duty was flawed by the State government and correction of the same caused the delay.</p>

	<p>The villages mentioned in the Vesting order were wrong. As EC is required for obtaining Mining Lease, after obtaining EC on 13May 2019 we applied for Mining Lease on 24.05.2019 but Payment for Stamp duty was not clear by Stamp duty collector Yavatmal which took almost 08 months by authorities of Govt of Maharashtra to give exact duty amount to be paid. Finally paid the stamp duty on 17.03.2020. But due to COVID -19 the execution of Registration got delayed till July 2020.</p> <p>5. Mine opening permission In the month of July 2020, we tried to apply for Mine opening permission through online but the portal was inactive and we got information from the office of CCO that it-is under repair and apply offline and the said application we received on 15th July 2020. After sending revised ESCROW amount as per latest WPI a format of ESCROW agreement was forwarded by CCO office it got executed on 29.12.2020 .</p>	<p>Now,after obtaining all the clearances, the allottees ready to produce coal in a month's time from now.</p> <p>O/o NA submitted that even though the allottee was made to apply for various statutory clearances afresh, the delay caused is even more than what is required for Schedule III coal mines .</p> <p><u>Recommendation of Scrutiny Committee</u> Committee observed that prima facie it appears that various delays could not be attributed to Allottee and it recommended O/o Nominated Authority to seek comments from state government in the matter within stipulated time period and based on that committee will take decision in next meeting. Committee also recommended that If no reply is received from the state government, then based on submission of Allottee, decision will be taken.</p>
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7. Nerad Malegaon

Allottee- M/s Inderjeet Power Pvt Ltd

Vesting Date- 22ndApril 2015

Show Cause Notice dated 19.11.2020 were issued for non-compliance with the targeted coal production for FY 2018-19 & FY 2019-20 and reply were given on 7.12.2020.

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Recommendation of the Committee
<p>1.Deviation from Scheduled Production for FY 2018-19 & 2019-20 (Actual Production: NIL)</p>	<p>Major Reason: Delay in Acquisition of Land ML has area of 450 Ha spread out in four villages. On 14.02.2019, allottee received final TILR Survey Documents. Huge time was consumed in completing the Survey (two years). Initial stages of acquisition of Balance Land is under process. To acquire the minimum land in first Phase(72 Ha) for Mine Opening Permission is under process. Once the minimum land required has been acquired, first phase of process of opening of Escrow account, application of mine opening permission and subsequent grant of opening permission from respective authorities will be carried out. IPPL started discussions and conducted meetings with private land owners/ collectively/individually for purchase of land with land compensation at par with government rates in that region. IPPL has been trying to purchase the land but certain land owners who are demanding unreasonable amounts have been creating civil commotion in the area. They are preventing the Company from purchasing the land which is not even owned by them by obstructing the survey of the land and the meetings with the actual landowners.</p> <p>IPPL is negotiating with the land owners to reach to an amicable commercial settlement at the earliest and to acquire the land by avoiding and handling the civil commotion through Government Authorities. IPPL has also initiated discussions with the Government to use the Land Acquisition Act/ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to end the civil commotion and to acquire the land for the start of mining operations. Company has also sought assistance from State Civil Authorities on the matter.</p>	<p>O/o Nominated Authority mentioned during deliberation that another Show Cause notice dated 24.07.2018 was issued against the M/s IPPL for the delay in land acquisition, delay in opening escrow account, delay in Mine opening permission and the Matter was considered in the 10th scrutiny committee and Committee members were not satisfied with the reply given by the Allottee and found lack of seriousness of effort of Allottee and recommended appropriation of BG.</p> <p>Order for appropriation of BG was issued. However, allottee approached High Court of Delhi and got stay order.</p> <p><u>Recommendation of Scrutiny Committee</u> Committee observed that delay in coal production is because of non - acquisition of land and recommended that as matter of land acquisition is a commercial</p>

	<p>IPPL was vested 61.92 ha of land at the time of vesting order but they cannot start mining operation since western pit mining operation is planned from 10th year onwards as per approved mine plan. Company has acquired substantial land and is actively seeking to acquire the balance land. Revision of mining plan is a lengthy process hence cannot initiate the same. Further they pointed out since even land acquisition is not complete, the matter related Scheduled production should not be considered at this stage.</p>	<p>issue and delay in acquiring land could not be/has not been attributed either to State Government or Central Government, therefore Show cause notice should be upheld and penalty should be imposed as per CMDPA including appropriation of Bank Guarantee.</p>
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8. MarkiMangli -I

Allottee- M/s TopworthUrja& Metals Ltd

Vesting Date- 30thSeptember 2015

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice and Recommendation of the Committee
<p>1.Deviation from Scheduled Production for FY 2015-16 & 2016-17</p>	<p>Representative of O/o Nominated Authority informed that show cause notice and reply of allottee were earlier considered in 7th Scrutiny committee meeting on 25.6.2018 and committee recommended that Nominated Authority may take appropriate decision including the appropriation of Performance Security for the deviation from the scheduled production for the Financial Year 2015-16 & 2016-17,however, Committee also expressed that as representative of Maharashtra Government did not attend any of the meetings of the scrutiny committee Nominated Authority may seek relevant informations/comments from the State Govt. within a stipulated time frame before taking final action. Three letters dated 19.10.2018, 06.11.2018 & 02.08.2019 have been sent to the Govt of Maharashtra but no reply have been received till date.</p> <p><u>Recommendation of Scrutiny Committee</u> Committee recommended that oneletter should be issued to State Government soliciting the reply in the matter. If no reply is received, then O/o NA should proceed with the recommendation of 7th Scrutiny committee meeting and take appropriate decision including appropriation of Performance Security.</p>

**9. Talabira II & III mine
Allottee- M/s NLCIL
Vesting Date- 2nd May2016**

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Recommendation of the Committee						
<p>Show Cause dated 19.03.2018 was issued for following deviations:</p> <table border="1" data-bbox="241 439 814 566"> <thead> <tr> <th>Clearance</th> <th>Due Date</th> </tr> </thead> <tbody> <tr> <td>Forest Clearance</td> <td>02.02.2018</td> </tr> <tr> <td>Environment Clearance</td> <td>02.02.2018</td> </tr> </tbody> </table>	Clearance	Due Date	Forest Clearance	02.02.2018	Environment Clearance	02.02.2018	<p>Forest Clearance (Date of completion is 28-March-2019) & Environment Clearance (Date of completion is 11-October- 2018) :</p> <ol style="list-style-type: none"> The CA land (2092 Hectares) proposed by the prior Allottee was verified by FAC and declared that the identified CA land is not suitable, as the forest canopy falls under moderate category (i.e. more than 40%). Hence, the FAC in its meeting held on 16.11.2017 has advised the State Nodal Officer of Odisha to identify fresh double the degraded forest land for CA, after analyzing the same on the DSS portal, prior to submission to MoEF& CC. Accordingly, the Add. PCCF/ Nodal Officer, Odisha issued a letter to DFO of Sonapur, Bolangir, Bawanipatna, Boudh, Sambalpur and Jharsuguda to identify 2000 Ha of degraded forestland. <p style="text-align: center;">*****</p> <p>Recommendations of the Committee in its 10th Scrutiny Committee meeting:</p> <p>The matter was presented before 10th Scrutiny Committee meeting on 05.02.2020 & 06.02.2020, where the Committee considered the reply submitted by the Allottee on non- compliance of Efficiency Parameters and opined that the Nominated Authority may seek the comments from State Government on the submissions made by the Allottee and furnish the same to the Committee in the next meeting to arrive at appropriate recommendations.</p> <p style="text-align: center;">*****</p> <p>Reply received from the State Government of Odisha</p> <ol style="list-style-type: none"> After allocation of the Talabira-II & III coal mines to NLC India Limited on 02.05.2016, NLC India requested on 29.05.2017 for processing of forest 	<p>The Committee considered the submissions made by the Allottee and the State Government of Odisha and observed that the mine opened on 29.03.2019 which is much before the scheduled date of operationalisation which was 02.01.2020. This is despite the delay in obtaining the milestones of EC is (less than a year)& FC(year and two months) due to the reasons beyond the control of Allottee. In view of the above observations, Committee recommends that the show cause notice to be withdrawn for both the milestones.</p>
Clearance	Due Date							
Forest Clearance	02.02.2018							
Environment Clearance	02.02.2018							

	<p>div</p> <ol style="list-style-type: none"> 2. diversion proposal from the stage it was pending with MoEF&CC, GoI. 3. The GoI, MoEF&CC, New Delhi vide letter dated 07.12.2017 have intimated that the proposal of M/s NLC India Limited was placed before the Forest Advisor Committee (FAC) in its meeting held on 16.11.2017 and the observation made is as under: “ Nodal Officer of State shall identify double the degraded forest land for Compensatory Afforestation after analysing the same on the LjSS prior to submission to MoEF&CC”. 4. In compliance to the above, GoO, F&E was intimated by PCCF Odisha, vide letter dated 17.04.2018 that against the diversion of 1038.187 ha of forest land in the proposal, the compensatory afforestation is proposed to be taken up over 1034.0 ha degraded forest land and 534.081 ha of degraded revenue forest land. 5. The stage-I approval of the proposal was accorded vide letter dated 03.07.2018 with following condition no. (ii) & (iii) in the order: Condition No. (ii) The user agency is a Central PSU, Compensatory Afforestation can be raised over double degraded forest land. From analysis of the area it is learnt that user agency had provided only 1568.08 ha of degraded forest land for CA instead of stipulated requirement of 2076.34 ha of CA area. Status of land identified for CA, as per record submitted, is degraded forest and degraded forest kism land State Government shall clarify the status of degraded and revenue forest kism and (i.e 534.081ha at Rengali Tehsil and Maeswar Tehsil) and further submit detail CA scheme of CA for balance area after DSS analysis before Stage-II approval. Condition No (iii) An approved revised CA scheme for 2076.34 ha shall be submitted by the State Government. The amount shall be deposited in Ad-hoc CAMPA account. 6. The compliance to the conditions stipulated in Stage-I approval order was submitted by PCCF, Odisha to GoI, MoEF& CC on 17.01.2019. 7. In compliance to condition No. (ii) of stage-I approval of Government of India, MoEF& CC, New Delhi, the DFO Sambalpur division has reported that mutation and change of RoR for 524.063 ha of Government Revenue land(Non- forest land) 	
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	<p>have been completed in favour of Forest & Environment department, GoO which was intimated to GoI, MoEF& CC, New Delhi vide letter dated 25.03.2019 of PCCF, Odisha.</p> <p>8. In compliance to the condition no. (iii) the user agency deposited cost of six sites specific CA through online portal on 03.12.2018 and in second phase, they deposited the differential cost of six site specific through online portal in the account of Ad-hoc CAMPA on 14.01.2019.</p> <p>9. The Stage-II approval has been accorded vide letter dated 28.03.2019 of GoI, MoEF& CC, New Delhi.</p>	
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10. Dulanga

Allottee- M/s NTPC

Vesting Date- 8th Sep 2015

Deviation from the Efficiency Parameters			Reply of Allottee to Show Cause Notice			Recommendation of the Committee																	
<p>Show Cause notice dated 08.10.2020 for deviation from schedule production</p> <table border="1"> <thead> <tr> <th>FY</th> <th>Schedule Production</th> <th>Actual Production</th> </tr> </thead> <tbody> <tr> <td>2018-19</td> <td>1MT</td> <td>0.50MT</td> </tr> <tr> <td>2019-20</td> <td>2.5 MT</td> <td>1.54MT</td> </tr> </tbody> </table>			FY	Schedule Production	Actual Production	2018-19	1MT	0.50MT	2019-20	2.5 MT	1.54MT	<p>Reply dated 19.10.2020 of the Allottee:</p> <p>a) As per the timelines mentioned in the Schedule E - Efficiency Parameters of Allotment Agreement, signed by NTPC with Nominated Authority, the target for start of coal production from Dulanga mine was Nov'19. Allottee mentioned that they have been proactive and started coal production from Sep.'18.</p> <p>b) As per the schedule of production of Allotment Agreement, the targets for coal production from Dulanga mine in the 1 & 2nd year as per the submission of Allottee are as follows:</p> <table border="1"> <thead> <tr> <th>As per efficiency parameters of Allotment Agreement signed by NTPC</th> <th>As per actual</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>Start of coal production</td> <td>Nov.19</td> <td>Sep.18 Achieved 14 months</td> </tr> </tbody> </table>			As per efficiency parameters of Allotment Agreement signed by NTPC	As per actual	Remarks	Start of coal production	Nov.19	Sep.18 Achieved 14 months	<p>Allottee submitted that the schedule date of operationalisation of was 08.05.2019 and the mine opening permission obtained on 28.02.2018 which is more than a year before the schedule date of operationalisation. The Allottee also mentioned that they faced lot of resistances from the villagers, mine operator etc. for being proactive & for putting pressure to start the coal production 14 months ahead of the agreed schedule. Despite</p>		
FY	Schedule Production	Actual Production																					
2018-19	1MT	0.50MT																					
2019-20	2.5 MT	1.54MT																					
As per efficiency parameters of Allotment Agreement signed by NTPC	As per actual	Remarks																					
Start of coal production	Nov.19	Sep.18 Achieved 14 months																					

			ahead of schedule	<p>of that they have been issued show cause notice for deviation in production which started from November 2019.</p> <p>Recommendation:</p> <p>Committee recommended that when mine opening permission(MOP) has been obtained before scheduled date ,milestones for production should be based on CMDPA for giving show cause notice and not on basis of actual date of MOP.</p> <p>Accordingly,there is no slippage in coal production in FY 2018-19 & FY 2019-20 and corresponding showcause noticesshould be dropped.</p>
Production in 1st year	Scheduled Period: Nov.19 to Oct.20	Actual Period: Sep.18 to Aug.19	Best-effort schedule - advanced by 14 months	
	Scheduled Qty: 1 Million MT	Actual Qty: 0.8 Million MT	Achieved 80% in spite of difficulties as elaborated below	
Production in 2nd year	Scheduled Period: Nov.20 to Oct.21	Actual Period: Sep.19 to Aug.20	Best-effort schedule – advanced by 14 months	
	Scheduled Qty: 2.5 Million MT	Actual Qty: 1.8 Million MT	Achieved 72% in spite of difficulties as elaborated	
<p>3. Referring the table, Allottee has mentioned that they have achieved the quantities close to the targets despite having faced a lot of resistances from the villagers, mine operator etc. for being proactive & for putting pressure to start the coal production 14 months ahead of the agreed schedule. In fact, Allottee have tried to achieve more to meet the target but considering the following facts, restraints had to be put in: --</p>				

	<p>a. Darlipali Super Thermal Power Project (DSTPP) (2x800 MW), the end-use plant (EUP) of Dulanga coal mine, was under construction at the time of start of coal production from this mine. Apprehending, the likely difficulty for coal off take by the EUP, NTPC approached Nominated Authority, vide letter dated 30.03.2018, for diversion of the coal from this mine to Lara Super Thermal Power Project (Lara STPP). located at a distance of 118 Km. Subsequently, NTPC, vide letter dated 10.04.2018, approached MoEF&CC for amendment in the Environmental Clearance (EC) for incorporating road transportation of coal to Lara STPP for a maximum quantity of 7000 Metric Tonnes Per Day (MTPD) but permission was accorded by MoEF&CC on 08.08.2018 for transport of only 2000 MTPD and till Sep.'19 Due to this restriction on the quantity of coal transportation, the coal production from Dulanga mine had have to be restricted.</p> <p>b. To enhance the coal offtake, so as to increase the coal production from Dulanga mine, NTPC had also attempted to despatch coal to TalcherKaniha Super Thermal Power P/ant via the nearest railway siding located at Hemgir. However, after lots of persuasion, NTPC could get the permission from the siding user agency & Railways to load coal rakes for transportation. Additionally, for this mode of coal transportation, NTPC again had to approach MoEF&CC for amendment of the EC. NTPC finally got the amendment on 07.01.20 to transport 12000 MTPD.</p> <p>c. NTPC progress during the year 2020 has been severely affected due to the ongoing COVID pandemic. The supply chain was disrupted and the recent surge in number of cases at mine site has incited a sense of fear amongst</p>	
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	the workforce and operational manpower due to which many have fled the site. Owing to lack of sufficient manpower and delayed availability of spares etc, the operations slowed down taking a toll on production figures”.	
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11. Sarisatoli

Allottee- M/s CESC

Vesting Date- 23rd March 2015

Deviation from the Efficiency Parameters			Reply of Allottee to Show Cause Notice	Recommendation of the Committee												
<p>Show Cause notice dated 13.10.2020 for deviation from schedule production</p> <table border="1"> <thead> <tr> <th>FY</th> <th>Schedule Production</th> <th>Actual Production</th> </tr> </thead> <tbody> <tr> <td>2017-18</td> <td>3.5 MT</td> <td>1.87 MT</td> </tr> <tr> <td>2018-19</td> <td>3.5 MT</td> <td>1.85 MT</td> </tr> <tr> <td>2019-20</td> <td>3.5 MT</td> <td>1.97 MT</td> </tr> </tbody> </table>			FY	Schedule Production	Actual Production	2017-18	3.5 MT	1.87 MT	2018-19	3.5 MT	1.85 MT	2019-20	3.5 MT	1.97 MT	<p>Reply from Allocattee dated 23.12.2020:</p> <p>1. Preliminary ground: Allottee mentioned that previously in the year 2017, a similar show cause notice bearing reference no. F.No-110/2/2017/NA dated 03.072017 was issued for deviation from scheduled production of coal during the Financial Year 2015-16 and 2016-17 as per Mine Plan in respect of Sarisatolli coal mine as per clause mentioned in CMDPA. In response to the same various impediments which affected the mining operations were brought to the knowledge which led to deviations and still exist. The impediments are beyond the control of M/s CESC. Allocattee has filed a petition on 16.05.2018 before the Special Tribunal, Godda constituted under the Coal Mines (Special Provisions) Act, inter alia, raising all the impediments that had caused deviations in the schedule production for the FYs 2015-16 and 2016-17.</p> <p>2. Safety constraints on account of fire:</p>	<p>In the beginning, Chairman of the committee informed that previously he was associated with M/s CESC and therefore kept himself aside from participation in its deliberation and advised other members of the committee to take a decision based on merit of the case. Allottee briefed the Committee regarding constraints on account of fire which is the main reason for not achieving the target of production.</p> <p>Recommendation:- Committee is of view that when the mineable region is under fire, it may affect the coal production and recommended Nominated Authority to take opinions/comments of CMPDIL whether the existing fire is affecting the targeted annual coal production and if so then what should be the possible annual</p>
FY	Schedule Production	Actual Production														
2017-18	3.5 MT	1.87 MT														
2018-19	3.5 MT	1.85 MT														
2019-20	3.5 MT	1.97 MT														

	<p>M/s CESC has informed that the incidence of fire was present at the Mine since its inception, particularly at the old openings of the galleries making the movements of the vehicle and personals in these affected zones highly risky. The fire has continued to move rapidly affecting large area of the coal seam close to working area, thus severely restricting CESC's ability to mine in these area. Although, Allocattee has taken all safety precautions as directed by DGMS, working in fiery seams can only be done in a limited area to prevent spreading of fire and destruction of coal thus slowing down the operations of the mine. With reference to the meeting held on 12.12.2018 between Allocattee and GoWB, the concern regarding presence of fire in the mine restricting the mining operations.</p> <p>3. Issues faced on account of the Khandeswar Temple</p> <p>Allocattee has submitted that a religious place, by name Khandeswar Temple lies within the mine boundary and was located at an extremely crucial area of the mining zone (N:10835 and E:155881). On account of this, there was constant influx of locals who visited the temple for worship and efforts were made by the Allocattee to shift the religious place to an alternative location outside the mining boundary. After continuous diligent efforts, ultimately the temple could be shifted to a different location during October 2017. The Allocattee has further mentioned that due to existence of such temple within the core mining zone, mining activities had to be re-designed at different locations and accordingly, the long term Mining plan had been affected to a large extent.</p>	<p>production capacity of the mine in the current scenario.</p>
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	<p>4. Impending Shifting of the District Board Road: Allocatee has submitted that a portion of the district Board Road passing from village Kapista to Village Rasunpur in Barabani block (used as thoroughfare by the villagers) has also created obstacles for CESC in carrying out mining operations. M/s CESC has further submitted that the coal beneath the said portion is under fire and collapse/ subsidence has taken place. Moreover, structures such as a water pipeline and High Tension Electric Lines passing along the road are also in the danger of being affected. CESC has continued the process of engaging with various concerned authorities such as West Bengal State Electricity Distribution Company Limited (WBSEDC) for shifting of electric line and Public Health Engineering Directorate for shifting of water pipeline situated on the road. However, until the shifting of the road is complete, CESC has mentioned that they are disabled from excavating coal in the concerned area of the mine.</p> <p>5. Delay in grant of permission for disposal of Jhama: Allocatee has submitted that Jhama is required to be extracted from B-VI seam where current mining operations are going on. The presence of Jhama seam has blocked up extraction of coal from the underlying coal seam which would otherwise be available for mining. Allocatee has submitted that various letters have been written by them to concerned authorities regarding disposal of Jhama but no permission for disposal of Jhama has been received so far.</p>	
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12. Utkal D & E
Allottee- M/s NALCO
Vesting Date- 2ndMay 2016

Deviation from the Efficiency Parameters	Reply of Allottee to Show Cause Notice	Recommendation of the Committee
<p>Show Cause Notice dated 17.07.2017 for 1.Delay in Previous Approval Application (Due Date- 02.05.2017) Grant of Previous APPROVAL (Due date - 02.06.2017):</p>	<p>The reply dated 26.07.2017 submitted by Allottee :</p> <p>a) Allottee has replied that as per the time schedule mentioned in the Allotment Agreement signed between NALCO & 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) Collector, Angul forwarded the same to Dy. Director of Mines, Talcher, Tahasildar, Chhendipada& DFO, Angul on 12.08.2016 for necessary field visit & submission of the enquiry report.</p> <p>c) 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> <p>d) Dy. Director of Mines, Talcher vide his letter dated 30.08.2016 instructed NALCO to submit original certified copy of villages maps & Record of Rights(RoR), location plan certified by CMPDI and DGPS map of Utkal-D & E Coal Block certified by ORSAC, CMPDI, DDM Talcher, DFO AngulandTahasildarChhendipada, etc.</p> <p>e) Asst. Conservator of Forest (ACF), Angul on 23.09.2016 intimated to TahasildarChhendipada for field visit &inspection on 27 & 28.09.2016.</p> <p>f) 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 & E coal Block for field visit by statutory authorities on 27.09.2016 & 28.09.2016.</p> <p>g) Land affected village of Rajjharan village protest on 26.09.2016 for any survey work for Utkal-D&E Coal Block and gave a memorandum. ACF & his officials along with NALCO officials visited the Project affected village</p>	<p>The replies to the show cause notices submitted by the Allottee were presented in the 11th meeting of the Scrutiny Committee on 14.09.2020.</p> <p>Following observation were made by the Committee in the 11th meeting of Scrutiny Committee :</p> <p>The Allottee informed that the delays 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 the O/o Nominated Authority apprised the Committee that the request of bounding coordinates have made by 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</p>

	<p>(Raijharan) for field inspection & submission of enquiry report as asked by DDM, Talcher for Mining Lease application on 27.09.2016.</p> <p>h) NALCO officials apprised the issue to Collector, Angul on 07.10.2016. On further follow up with the villagers of Raijharan, they again gave a letter with several demands on 14.12.2016. Senior officials of NALCO met Collector, Angul on 16.03.2017 and explained him the criticality of Mining Lease application of Utkal-D & E Coal Block as villagers are opposing DGPS survey as required for Mining Lease previous approval. Collector Angul telephonically discussed with DDM Talcher&TahasildarChhendipada& instructed them to expedite Mining Lease application of Utkal-D & 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>i) 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>j) The consequent map prepared by ORSAC could not be submitted to the concerned authorities, as the map was not endorsed by 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>k) 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 & E Coal Block including DGPS survey. 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. 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 & its representatives to carry out DGPS survey in the project area.</p>	<p>DM/Commissioners 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 comment 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> <p>In regard to the above recommendation made by the Scrutiny Committee members in its 11th meeting in respect to Utkal-D &Utkal-E coalmine, Allottee submitted the following which were presented in the 14th meeting of Scrutiny Committee held on 10.03.2021.</p> <p>Allottee has enclosed documents pertaining to issues relating to bounding coordinates of Utkal -D &Utkal-E. They submitted that O/o Nominated Authority on 21.08.2020 revised the bounding coordinates of Utkal-D &Utkal-E coal mine therefore Allottee wish that the zero date be revised to 21.08.2020.</p> <p>In regard to the submissions made by the Allottee, O/o Nominated Authority apprised the Committee that it was the decision of the Allottee to proceed separately for Utkal-D and Utkal-E and accordingly</p>
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	<p>l) 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>m) 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 & 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 & 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 & Utkal-E Coal Block allotted to NALCO.</p> <p>n) 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>	<p>make it operational. Later on in the year 2020, they again raised the issue of combined mine plan to which CMPDI was asked to submit its comments and accordingly bounding coordinates in respect of Utkal-D and Utkal- E was revised on 21.08.2020 by this office.</p> <p>The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine. Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D & Utkal -E coalmine and the milestones reworked accordingly.</p>
<p>Show Cause Notice dated 19.03.2018 issued for i.Delay in Forest Clearance (Due Date- 02.02.2018) ii.Environment Clearance (Due date - 02.02.2018): Forest Clearance</p>	<p>The reply dated 10.04.2018 submitted by Allottee are as under.</p> <ul style="list-style-type: none"> • 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. • Upon allotment of Utkal-D in favour of NALCO on 02.05.2016, the application was submitted to MoEF& CC on 11.05.2016 for transfer of the FC in favour of NALCO. • MoEF& 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. • Subsequently as per instruction of DFO, Angul vide letter 	<p>The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine. Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D & Utkal -E coalmine.</p>

<p>Utkal-D:</p>	<p>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.</p> <ul style="list-style-type: none"> • 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. • OMC on 10.05.2017 issued NoC to DFO, Angul but did not transfer any forest related documents to NALCO. • As per the terms and conditions issued by MoEF& CC, a transfer fee of Rs. 100000/- and an additional NPV of Rs.19.87 lakhs was paid to CAMPA. • MoEF& 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. <p>As per the prevailing guide lines of MOEF & 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"> • Accordingly application for diversion of 6.5 Ha of forest land inside safety zone was submitted to MOEF & CC on 29.03.2017. • On 12.04.2017 MoEF& 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 	
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	<p>DGPS Map and requested OMC to provide DGPS Map to NALCO for submission.</p> <ul style="list-style-type: none"> • NALCO again the requested OMC on 16.11.2017 and reminder on 08.01.2018 to transfer the documents related to Forest Diversion. • 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. • 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 & Mines, Govt. of Odisha to take immediate steps in this matter. • Subsequently, the Principal Secretary, Department of Steel & Mines, Govt. of Odisha convened a meeting on 12.03.2018 and advised OMC to take immediate action in this matter. • On 14.03.2018, Monitoring committee of MoC also advised State Govt. to ensure that NALCO gets the necessary documents. • MD, OMC convened a meeting on 19.03.2018 and assured to transfer the available documents to NALCO subject to approval of their Board. <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> <p><u>Forest Clearance Utkal-E :</u></p> <ul style="list-style-type: none"> • Forest Clearance application for Utkal-D &Utkal E Coal Block (Combined) was submitted online in the web portal of MoEF& CC on 29.03.2017 for the forest land of Utkal-E 	
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	<p>where it has been mentioned that the Stage- I forest clearance of 137.02 Ha of Utkal D is already available.</p> <ul style="list-style-type: none"> • MoEF has asked for some more documents on 07.04.2017 like DGPS Map authenticated by ORSAC, approved Mining Plan and copy of R&R Plan of Utkal-D & E Coal Mines. • 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. • CMPDI, Bhubaneswar prepared the Mining plan & Mine closure Plan for Utkal-D & 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 & 10.07.2017. • 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 & submit the revised Mining Plan incorporating the observations of Standing Committee. • 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 CMPDIL. R&R Plan of Utkal-D & E Coal Mines was submitted to Collector, Angul on 26.02.2018. <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</p>	
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	<p>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>Environment Clearance (Utkal D &Utkal-E) Utkal D :MoEF approval exist . Utkal E : MoEF approval exist. NALCO applied for EC for Utkal D & E combined coal block, however as EC of individual blocks exists, the compliance requirement is fulfilled as per commencement plan.</p>	
<p>Show Cause Notice dated 13.09.2018 issued for non compliance (v) Grant of Mining Lease or Notification under section 11 of the CBA Act (Due date – 02.05.2018):</p>	<p>The reply dated 25.09.2018 submitted by Allottee :</p> <ul style="list-style-type: none"> • 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&E(combined) within 24 months of allotment i.e. 02.05.2018. • Issues related to processing of Mining Lease application: Mining lease application of Utkal D& 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. • 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. • 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& E combined to be modified accordingly to be submitted to DDM, Talcher for necessary action. Mining lease application of Utkal D&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. Director, Mines, (DDM)Talcher since 03.03.2018.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 	<p>The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine.</p> <p>Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D &Utkal –E coalmine.</p>

	<p>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>Show Cause Notice dated 13.04.2020 issued for non compliance of the timelines of Milestones (vi) Land acquisition to reach the rated capacity (Due date: 02.11.2019):</p>	<p>The reply dated 12.05.2020 submitted by Allottee : 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> <ol style="list-style-type: none"> a) NALCO Submitted the commencement plan indicating land acquisition to reach the rated capacity of 4 MTPA of combined Utkal D & E Coal Block by 02.11.2019. 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 . 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. 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. e) 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 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>The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine. Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D &Utkal –E coalmine.</p>

<p>vii. Opening of Escrow account (Due date : 02.12.2019)</p>	<p>The reply dated 12.05.2020 submitted by Allottee: 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>The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine. Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D &Utkal –E coalmine.</p>
<p>viii. Application for opening permission (Due date : 02.12.2019)</p>	<p>The reply dated 12.05.2020 submitted by Allottee : 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>The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine. Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D &Utkal –E coalmine.</p>

ix. Grant of opening permission (Due date: 02.01.2020):	The reply dated 12.05.2020 submitted by Allottee : 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.	The Committee observed that based on CMPDI inputs vide their letter dated 18.08.2020 to MoC, if the bounding coordinates are changed then everything changes for a coal mine. Therefore the Committee broadly agrees to the submissions of the Allottee and recommends that the zero date in respect of combined Utkal-D and Utkal-E to be changed to 21.08.2020 i.e. the date of issuance of Corrigendum no.1 to the Allotment order of Utkal D &Utkal -E coalmine.
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Minutes of the 14th meeting of the Scrutiny Committee held on 10th March 2021 for Coal Mines allocated under MMDR Act

A Power Point Presentation was made by CBA-I section of the ministry before the committee on show cause notices given to various allottees and replies received from them. Committee observed that details regarding dates and milestones involved for each show cause notice, their corresponding replies as given by Allottees and the comments of the ministry were not explicit and due to this Committee is unable to discuss and decide on the show cause notices and their replies. Committee advised CBA-I section of ministry to prepare the PPT and other details for MMDR Act mines in line with presentation made for CMSP Act mines and then it will be taken up for decision in next meeting of the committee.

List of virtual participants

Committee members

Sl. No.	Name and designation
1.	ShriPartha S. Bhattacharya Chairman of Committee
2.	Shri N C Jha, Member
3.	ShriAnandji Prasad GM, CMPDIL
4.	ShriAnuragDiwan Joint Director, Govt. Chhattisgarh
5.	Dr. U.C.Jenna, Director Mines, Odisha
6.	ShriSujoyMajumdar OSD, CCO

MoC Officials

Sl. No.	Name and designation
1.	ShriAjitesh Kumar Deputy Secretary
2.	ShriJitendra Kumar, Chief Manager
3.	ShriManish Uniyal Under Secretary
4.	Smt. Swati Deputy Manager, CIL, O/o. NA
5.	ShriAbhisekh Kumar, ASO

List of Allocatees

Sl. No.	Name and designation
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1.	ShriAnandAazmi, Chief (Mir TopworthUrja& Metals Ltd.
2.	ShriSanjay Dak, Senior Manager
3.	ShriB.P. Mishra (MD)
4.	ShriRaghvendraAgrawal (E.D.)
5.	ShriDharanipati (V.P.)
6.	ShriV.Ponnuraj-(MD)
7.	ShriDebpriyoSen
8.	ShriParthaMazumdar, ED, NTPC
9.	ShriManasa Prasad Mishra, Director (Project & Technical), NALCO
10.	ShriK.K.Panda, ED, NALCO
11.	ShriPrabhakarChowki, Director, NLC India
12.	ShriDevendraNath, Advisor, CSPGCL