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

> RNo.120, `F-Wing', Shastri Bhawan, New Delhi, Dated: April 13, 2022

OFFICE MEMORANDUM

Subject: - Minutes of 17th meeting of Scrutiny Committee to consider / examine the submissions/replies made by Successful Bidders / Allottees of the coal mines allocated under CM(SP)Act and MMDR Act for deviation from milestones /the scheduled production mentioned in the Mine Plan.

The undersigned is directed to refer to subject mentioned above and to forward herewith minutes of 17th meeting of Scrutiny Committee held on 02.03.2022 and 03.03.2022 through virtual mode in order to examine the replies to the Show Cause Notices (for deviation from various milestones prescribed in Efficiency Parameter) for mines allocated under CM(SP) Act and MMDR Act.

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, Chairman, Scrutiny Committee.
- 3. Shri N.C.Jha,
- 4. GM (UMD), CMPDIL,
- 5. Shri Sujoy Majumder, OSD (Mining), CCO,
- 6. Participating Allottees of coal mines.
- 7. Deputy Secretary (P&S-I)

Copy for information to :-

- 1. US (P&S -I)
- 2. US (P&S-II)

Minutes of 17thMeeting of Scrutiny committee held on 02/03.03.2021 to consider/examine the submissions/replies of Allottees for deviation from the milestones mentioned in Coal Mines Development and Production Agreement

List of participants present virtually is at Annexure-I.

The Chairman of the Committee welcomed all the committee members and participants. Mine wise discussions on Show Cause Notices and corresponding replies are recorded hereunder:

1. Moitra- M/s JSW Steel Ltd

Show Cause Notice (SCN) dated 21.03.2017 for failure in timely completion of Forest Clearance; SCN dated 19.02.2018 for failure in obtaining Mining Lease (ML); SCN dated 24.07.2019 for failure in timely completion of Land Acquisition, Opening of Escrow Account, Application for opening permission and grant of opening permission and SCN dated 23.08.2021 for non-compliance of the scheduled coal production for year 2019-20 and corresponding replies were considered by the Scrutiny Committee.

O/o Nominated Authority (NA) informed that these issues were considered in 10th& 12th Scrutiny Committee meeting also and the Committee had recommended to obtain comments from Government of Jharkhand within a stipulated time of one month. Accordingly, O/o NA sought comments of the State Government on these issues vide letters dated 19.03.2020, 10.12.2020, 24.05.2021 and 11.10.2021, however, comments have not been received so far. It was also informed that mining lease (ML) was granted within given timeline but the Allottee failed to get it executed within stipulated period of 6 months.

The Allottee stated that they had made several representations to the State government for execution of mining lease and also in several review meetings it was assured by State government officials that the issue would be resolved soon but still ML execution with State is pending. He further stated that the delay in Forest Clearance was also due to slow response of State government and other clearances like opening of Escrow Account, Mine Opening Permission, coal production etc were delayed due to absence of ML execution.

Representative of the State government informed that ML was granted within the timeline, but Allottee did not submit the relevant documents within given time for execution of ML and also delays in achievement of other Milestones too were attributable to the Allottee. He further stated that he would provide documentary evidence related to intentional delay made by

the Allottee and assured that reply to the letters of O/o NA would be given within 15 days.

Observations of the Committee:

The committee observed that the State government was indifferent to the comments sought by O/o NA and the Allottee could not be held solely responsible for the delays in achievement of Milestones like ML execution and other milestones, being dependent on execution of ML. It would be assumed that the State government had no comment to make if, it failed to give written comment within a month on the queries already made by the O/o NA.

Recommendations:

Prima facie it seems that Allottee is not responsible for delays in achievement of Milestones. However, since the representative of GoJ has sought 15 days' time for submitting written comments along with relevant documents, this much time is being given to the State and final decision will be taken after appraising the reply of the GoJ in the next meeting of the Committee.

2. Amarkonda Murgadangal, Brahmini & Chichro Patsimal-M/s ECL

The Show Cause Notice dated 02.03.2021 for delay in Completion of Exploration and Preparation of Geological Report and corresponding reply were considered by the Committee.

Due to technical glitch, the Allottee could not join the virtual meeting.

O/o NA submitted that the Allottee had informed in its reply to the Show Cause notice that exploration by drilling agency could not be done due to resistance of local villagers and due to law-and-order problem. Work order issued to drilling agency were terminated and M/s CMPDIL again floated tender for appointment of drilling agency but not a single bid was received.

O/o NA also informed that this issue was considered in the 15th Scrutiny Committee meeting also and it was recommended that the Allottee should submit a detailed reply highlighting the efforts made by them to resolve the issue of resistance of local villagers and final decision would be taken only after seeing the reply. O/o NA further informed that comments of the State government were sought several times on the reply of M/s ECL but no comment had been received yet.

In accordance with recommendation of the 15thScrutiny Committee, the Allottee submitted detailed reply highlighting the details of meetings held with DC, Dumka; CO, Shikaripara and CO, Kathikund at different dates and

the steps taken as part of CSR activities to redress the grievances of villagers.

Representative of GoJ informed that no communications/proper representations had been made to GoJ by the Allottee regarding resistance of villagers affecting exploration work and mining department has not received any letter from ECL or CMPDIL on the issue of resistance of villagers. He also mentioned that wherever interests of local people are not taken care of by project proponent, resistance against project may arise and primarily it is responsibility of the Allottee to redress the concerns of the local people.

Observations:

The Allottee had meetings with DC(Dumka), CO(Shikaripara) and CO (Kathikund) several times but still problem of resistance of villagers could not be resolved. It is also observed that the Allottee had made efforts through CMPDIL/other drilling agencies for starting exploration work but could not succeed.

Recommendations:

The issue pertaining to Law & Order are beyond the control of the Allottee and they cannot be held responsible for the delay in Exploration/GR preparation. Penalty in the form of Appropriation of PBG for delay in this activity should not be imposed.

3. Dumri:- M/s Hindalco Industries Ltd

Show Cause Notice (SCN) dated 21.03.2017 for failure in obtaining Forest Clearance, SCN dated 19.02.2018 for failure in obtaining Mining Lease (ML), SCN dated 24.07.2019 for failure in timely completion of Land Acquisition, Opening of Escrow Account, Application for Mine Opening Permission and grant of Mine Opening Permission and SCN dated 24.08.2021 for timely approval of Mining Plan, Environment Clearance, EUP Synchronisation & scheduled coal production for year 2018-19 and corresponding replies were considered by the Scrutiny Committee.

The Allottee informed that the State government had rejected the vested Compensatory Afforestation (CA) land and they arranged new CA land and submitted the proposal to the State Forest department. The newly identified CA land had already been accepted by the State Govt. as well as the MoEF&CC and the Allottee had not been communicated that the new CA land was not acceptable to them. Instead, some details were asked for about portion of the new CA land and such details/documents had been submitted to state forest department. Regarding the payment for Integrated Wildlife Management Plan (IWLMP), they had already given undertaking that as soon as FC-II is granted, payment of Rs. ten Crores would be made. It

was also informed that IWLMP was not a part of any statutory clearance. Regarding all other milestones, the Allottee mentioned that they were pending due to absence of FC-II and once FC-II was granted they would be able to obtain all other remaining clearances in short span of time.

O/o NA stated that the issues related to Show Cause Notices dated 21.3.2017,19.2.2018 and 24.07.2019 were earlier considered in the 10th and 13thmeetings of the Scrutiny Committee and the Committee had recommended to obtain comments of the State government within one month. Accordingly, several letters were written to the State Government, seeking their comment, but no reply have been received from the State government so far.

O/o NA further informed that MoEF&CC had raised EDS on 11 points on 13.4.2020.Compliances on 2 points are still pending i.e, payment for IWLMP and arrangement of suitability certificate for 40.19 acre CA land. It was further stated that the State Government had repeatedly asked the Allottee for arrangement and transfer of additional patch of CA land (40.91acre) and for payment of fees for IWLMP in several review meetings. For example, during review meeting on 23.8.2021, PCCF (Nodal officer), Forest, GoJ asked the Allottee to arrange fresh 40.91acre CA land and for deposition of fee towards IWLMP. Secretary (Coal) had also directed the Allottee to make payment for IWLMP and for obtaining suitability certificate for additional CA land in the review meeting.

Representative of GoJ endorsed the details given by the O/o NA and stated that the responsibility of arranging the CA land lies with the Allottee. The State Govt. had been cooperative in identifying the additional land for CA but the Allottee hadn't shown any interest. The said matter was deliberated in several meeting and it was made very clear to the Allottee that the additional CA land was required for FC-II clearance. He rejected the narrative of the Allottee.

GoJ representative requested the Allottee to submit their written representations to him within 15 days so that it's status could be checked once again from the State Forest department.

Observations & Recommendation: -

The Committee observed that while Allottee cannot be fully absolved for the delay in obtaining FC-II clearance, the rejection of the vested CA land by GoJ had led to some delay that needed to be quantified. Due dates for milestones need to be revised based on the rejection of vested CA land.

The Allottee was advised to submit a comprehensive letter to the GoJ, incorporating the details related to CA land and various correspondences

with the State government, particularly in reference to the points raised by GoJ, within 15 days with a copy to O/o NA. GoJ was urged to submit its comment to O/o NA after going through the comprehensive letter of the Allottee within one month. Based letter submitted by Allottee to the GoJ and the comments of GoJ thereon a decision would be taken in the next meeting.

4. Kathautia Coal block- M/s Hindalco Industries Ltd

The Show Cause Notice dated 14.12.2021 for delay in Opening of Escrow Account and corresponding reply were considered by the Committee.

Allottee informed that the mine was not having any forest land (Jungle-Jhari) at the time of allocation and later on State Forest department declared that a big chunk of land inside the coal block was Jungle-Jhari i.e., deemed forest. The said Jungle-Jhari land is scattered all around the mining area and it cannot be ascertained whether that parcel of land is revenue land or forest land as land schedule has not been prepared by the State Government and due to this the workings have been affected. The Allottee further stated that no time limit was fixed in the CMDPA for opening of Escrow account.

O/o NA agreed with the comment made by the Allottee but disagreed with that part of reply of Allottee where it was stated that no time limit has been specified in Schedule- E of CMDPA for Opening of Escrow account. It was also informed that Peak Rated Capacity (PRC) was achieved by the allottee in 2017-18 and 2018-19 but they have failed to achieve PRC before & after that particular year.

Observations & Recommendation of the Scrutiny Committee:

The Committee observed that there was delay of only 2 months in obtaining "Opening of Escrow account" milestone while there was abnormal delay in issuing Show Cause Notice. It was also observed that the Allottee faced difficulty in obtaining Forest clearance due to change in status of a chunk of land from revenue to Forest land. Committee recommended that penalty should not be imposed in the form of PBG appropriation for this minor delay in opening of Escrow account.

5. Tokisud North -M/s NMDC

The Show Cause Notice dated 14.12.2021 for delay in grant of Mining Lease (ML), Consent to Operate (CTO) and Mine Opening Permission (MOP) and corresponding replies were considered by the Committee.

The Allottee informed that application for transfer of ML had been submitted in time on 18.8.2020. State government has raised several queries from time to time and corresponding replies were submitted as and when raised. Once again State government has sought information recently on 26.02.2022 regarding CMPDIL certified DGPS surveyed boundary plan, affidavit on surface right of land, mining lease, transfer of forest land etc., replies to which would be submitted soon. The Allottee further informed that they had got EC and FC and Senior officers of NMDC had also met with Chief Minister, Chief Secretary and other senior officials of State for resolving ML issue.

Representative of GoJ informed that they had examined the proposal for grant of ML and they had explained all the points and all the papers which are required for grant of mining lease in the meeting with the representatives of NMDC. A written communication had also been sent to the Allottee, seeking all the required information.

Observations & Recommendation: -:

It seems that the Allottee has replied to the queries of the State Government from time to time and has been continuously making effort. Hence, the reasons of delay in grant of ML cannot be attributed to the Allottee and it is recommended that penalty in the form of PBG appropriation should not be imposed.

6. Kotre Basantpur & Pachmo:- M/s CCL

The Show Cause Notice dated 17.12.2021 for delay in Forest Clearance, Environment Clearance and Mining Lease and corresponding reply were considered.

Show Cause Notice details: -

Show Cause Notice date	Clearance	Due date	Present Status
17.12.2021	Forest Clearance	18.01.2020	Pending
	Environment Clearance	18.01.2020	Pending
	Mining Lease	18.04.2020	1.1.2021

The Allottee informed that the coal block is present in 2 districts namely Bokaro and Ramgarh districts and therefore two separate applications were filed. The project area has 85% forest land and due to this considerable time was taken in arrangement of CA land, tree enumeration and in obtaining NOC under FRA.CMDIL had also taken long time in preparation of EIA/EMP report. Also due to Covid-19 pandemic they faced lots of resistance from the villagers. The application of FC has now reached to PCCF (Nodal officer) and hopefully it will be forwarded to MoEF&CC soon.

Observations & Recommendation: -

Committee observed that the chronological details of the efforts made by the Allottee are neither reflected in the presentation nor in the explanation given by the Allottee. However, the Allottee has stated that the details were given in its reply to the Show Cause Notice. The Committee directed Allottee to give date wise details of the efforts made by them to NA office and advised NA office to send the reply of Allottee to the State Government and seek their comment within one month. The Committee recommended that the decision in this case would be taken in the next meeting based on detailed reply of the Allottee and comments of State government.

7. Pachwara Central:- M/s Punjab State Power Corporation Ltd(PSPCL)

The Show Cause Notice (SCN) dated 31.01.2020 for not achieving scheduled coal production in FY 2017-18 & 2018-19 and SCN dated 23.12.2021 for not achieving scheduled coal production in FY 2019-20 & 2020-21 and corresponding replies were considered in the meeting.

It was informed that the mine was scheduled to be operational in year 2015-16 but it got delayed due to court case between MDO and Allottee. The case proceeded from High court to Supreme Court of India after the verdict of High Court which was not in favour of the Allottee. The matter was finally decided in favour of the Allottee by Hon'ble Supreme Court on 21.09.2021. The Allottee further informed that they got Consent to Establish (CTE) on 26.11.2021, Consent to Operate (CTO) on 1.1.2022 and Mine Opening Permission on 22.2.2022 and coal production would start soon. The Allottee also informed that the delay was mainly due to MDO issue being subjudice and this was beyond its control.

Observations & Recommendation: -

The Committee agreed with the view that the starting of the mine/coal production got delayed due to MDO issue being subjudice and observed that CTE, CTO and MOP permissions were obtained in a short span of time after order of the Supreme court. The Committee further observed that due to court case the coal production target for the period from 2017-18 to 2020-21 were not achievable and recommended that penalty in the form of PBG appropriation should not be imposed. The Committee further recommended that annual coal production target should be reset from now onwards and coal production milestones should be monitored accordingly.

8. Lohari :- M/s Aranya Mines Private Ltd

Show Cause Notice (SCN) dated 21.03.2017 for Forest Clearance, SCN dated 19.02.2018 for Mining Lease, SCN dated 24.07.2019 for Land Acquisition, opening of Escrow Account, application for opening permission and grant of

opening permission and SCN dated 27.12.2021 for non-compliance of the scheduled coal production for years 2019-20 & 2020-21 and corresponding replies were considered by the Scrutiny Committee.

O/o NA informed that the issues were considered in 13th and 16th meeting of Scrutiny Committee also when the Committee had recommended to obtain comments of the State government within one month. Accordingly, several letters were written to the State Government seeking their comment, but reply from State has not been received so far.

The Allottee informed that Gazette Notification was issued on 6.4.2017 by the State after completion of revisional land survey and as per this notification the mine area was not having any Jungle-Jhari (JJ) land. However, the State Forest department insisted that a large part of this mine is having JJ land and it is treated as deemed forest. The Allottee stated that due to this confusion regarding land schedule it was not clear whether they would have to obtain Forest clearance or not. During the review meeting chaired by Chief Secretary, Jharkhand on 11.6.2018, the Allottee was advised to go forward for the mining operation in non-forest area in the first phase. Subsequently, Mining Plan for non-forest area (126.9 hectare) was prepared with a condition that the forest area would be worked upon in second phase and the revised Mining Plan was approved on 10.07.2019. Further, revised application for grant of EC for 126.9 ha non-forest area was submitted on 3.10.2019 and revised EC was granted on 30.9.2020. The Allottee submitted a copy of revised EC to District Mining Officer on 1.10.2020 for grant of Mining Lease (ML) but grant of ML has been pending since then.

Observations & Recommendation: -

The Committee observed that the State Government advised the Allottee for revision in Mining Plan for non-forest area in phase-I and for forest area in phase-II and it affected the timely completion of different milestones. Further, the Committee advised O/o NA to revise the milestones separately for non-forest area and forest area and then issue another Show Cause Notice (SCN), if warranted, as per the revised schedule for different clearances. The Committee decided to take up the issue in subsequent meetings based on new SCNs, if any, and the corresponding replies from the Allottee.

9. Banhardih:- M/s Patratu Vidyut Utpadan Nigam Lrd(PVUNL)

The Show Cause Notice dated 18.01.2022 for delay in obtaining Land Acquisition, Opening of Escrow Account, Application for Mine opening permission and Grant of Mine opening permission and corresponding replies were considered in the meeting.

It was informed by the O/o NA that the mine was transferred from Jharkhand Urja Utpadan Nigam Ltd (JUUNL)to PVUNL, a Joint Venture company of NTPC and JUUNL through a tripartite Deed of Adherence on 2.6.2017. Earlier Scrutiny Committee recommended penalty on PVUNL for the delay in various other clearances/approvals and accordingly Nominated Authority issued sanction orders for appropriation of Performance Bank Guarantee. The Allottee approached Court of Law against the sanction orders and presently the issue is subjudice.

The Allottee informed that they received GR on 27.07.2019 and thereafter submitted Mining Plan for approval in March 2020. Mining Plan was approved in July 2021. The Allottee further stated that the achievement of milestones corresponding to all clearances were delayed mainly due to unavailability of GR till July 2019, though they were making all out efforts for obtaining all pending clearances. The Allottee requested that milestone dates should be freshly calculated from the date of receipt of GR.

O/o NA informed that EC and FC were still pending.

Observations & Recommendation:-

The Committee observed that earlier decisions of the Scrutiny Committee for deduction of PBG being subjudice, it would not be appropriate to take decisions for other milestones failures in this meeting. The Committee recommended that the decision be taken on this issue only after the final verdict of Court of Law on other related issues.

10. Rajbhar E&D :- M/s Tenughat Vidyut Nigam Ltd(TVNL)

Show Cause Notice(SCN) dated 15.03.2016 for Submission of Mining Plan, SCN dated 29.09.2016 for application of EC & FC, SCN dated 22.03.2017 for Mining Plan Approval, Previous Approval Application and Previous Approval, SCN dated 17.07.2017 for completion of Forest Clearance, Environment Clearance & Grant of Mining Lease and SCN dated 19.12.2019 for completion of Land Acquisition, Opening of Escrow Account, Application for Mine opening permission and Corresponding replies were considered in the Committee.

Show Cause Details: -

Show Cause Notice Date	Milestones	Original date	due	Revised date (as recommend of 13th Scr	per lation rutiny	
15.3.2016	Mining Plan submission	29.12.20	15	21.6.2017		Delayed

29.9.2016	FC	30.5.2016	21.11.2017	Delayed
	application EC application	30.5.2016	21.11.2017	Delayed
22.3.2017	Mining Plan approval	30.5.2016	21.11.2017	Delayed
	Previous Approval Application	30.6.2016	21.12.2017	Delayed
	Previous Approval	30.7.2016	21.1.2018	Delayed
17.7.2017	Forest clearance	30.3.2017	21.9.2018	Pending
	Environment Clearance	30.3.2017	21.9.2018	Pending
	Mining Lease	30.6.2017	21.12.2018	Pending
19.12.2019	Land acquisition	30.12.2018	21.6.2020	Pending
	Escrow account opening	30.1.2019	21.7.2020	Pending
	Application for Mine Opening Permission	30.1.2019	21.7.2020	Pending
	Mine Opening permission	28.2.2019	21.8.2020	Pending

Representative of NA office informed that the Show Cause Notices (SCNs) dated15.3.2016, 29.9.2016, 22.3.2017 and 17.7.2017 were earlier considered in the 13th meeting of the Scrutiny Committee held on 26.11.2020. The Committee had then recommended to change the zero date from 30.6.2015 to 21.12.2016 due to corrigendum of Vesting Order and advised NA office to revise and shift the due date of clearances. Accordingly, scheduled dates for completion of various clearances have been revised.

The Allottee informed that they had not received any written communication from the O/o NA regarding revision of the zero date. The Allottee further informed that the delays in getting clearances/approvals were due to three factors: i) delay in the issuance of amendment in vesting order ii) delay in the approval of Mining Plan and iii) the delay in decision of whether a chunk of land is revenue land or forest land. The Allottee insisted that all these factors were beyond their control. Regarding delay in Mining Plan approval it was informed that initially it was submitted on 29.01.2016 but after the amendment in vesting order revised Mining Plan was again submitted on 30.05.2017.

Observations & Recommendation: -

After going through the written replies given by the Allottee and the points raised by them in the meeting, the Committee is of the view that serious efforts and timely efforts for getting various clearances/approvals have not been made by the Allottee. The Committee observed that the Allottee had not taken proactive steps such as appointment of consultant for preparation of EIA/EMP report in time and even after revision of due dates for milestones, they have failed in obtaining them within revised timeline. Some delays may be attributed to State government but overall, the Allottee is mainly responsible for delays and recommended for imposition of penalty in the form of appropriation of Performance Bank Guarantee.

11. Marki Mangli I- M/s Topworth Urja and Metals Ltd

Show Notice dated 31.08.2021 and corresponding reply dated 03.09.2021 of Allottee were deliberated in the meeting.

S.No.	Show Cause Notice Dated	Milestone	Scheduled Production	Actual Production
1	31.08.2021	Deviation from Schedule Production/Reaching Peak Rated Capacity for FY 2020-21	0.281 MT	0.108 MT

The Allottee informed that End Use Plants could not be run on full capacity due to Covid-19 pandemic and this led to reduction in coal requirement. NA office informed that due to Covid-19 pandemic the annual coal production target for year 2020-21 was relaxed to 0.281 MT and another request of Allottee for further reduction in target production to 0.15 MT was rejected by the Ministry and even this much (0.15 MT) coal was not produced.

Observations and Recommendation; -

Committee observed that Allottee should have opted for sale of coal to CIL in accordance with provisions of CMDPA in case of problems in End Use Plants, but the Allottee did not approach Ministry of Coal for this.

Allottee is responsible for failure in achievement of coal production target for year 2020-21 and penalty in the form of appropriation of PBG should be imposed as per provision of CMDPA.

12.Nerad Malegaon-M/s Indrajit Power Pvt Ltd(IPPL)

Show Cause Notice dated 03.09.2021 and corresponding reply dated 06.09.2021 of the Allottee were deliberated in the meeting.

S. No.	Show Cause Notice Dated	Milestone	Scheduled Production	Actual Production
1	03.09.2021	Deviation from Schedule Production/Reaching Peak Rated Capacity for FY 2020-21	0.281MT	O MT

The Allottee (IPPL) stated that the coal block is allotted for captive power plant of 80 MW capacity and power generated is to be used in the steel plant of Uttam Value Steels Limited(UVSL) at Wardha. However, UVSL and Uttam Galva Metallics Limited (UGML), earlier owned by Uttam Group, had undergone severe financial stress in year 2016-17. Subsequently, the lenders-initiated Insolvency Resolution Process for Corporate (CIRP) and after completion of CIRP, both UVSL and UGML at Wardha were handed over to the successful resolution applicant Carval/Nithya Group on 29th Dec 2020. During the CIRP process lenders completely stopped funding all capital payments for the last three years. Formalities for takeover of UVSL UGML having been successfully completed now, activities/approvals including opening of the coal block would be done in 2-3 months.

The Allottee further informed that decisions taken during previous Scrutiny Committee meeting for imposition of penalty is subjudice and requested to delay the decision for 2-3 months in this case.

Observations and Recommendation; -

The Committee is of the view that as earlier decisions of the Committee are subjudice and the Allottee has requested for delay in decision due to financial distress situation of the company, recommendation may be put on hold for the time being. The Committee recommended that the decision on the show cause notice and corresponding reply of Allottee be reviewed again after 2 months' time.

13. Takli Jena Bellora (North) and Takli Jena Bellora (South)- M/s Aurobindo Realty & Infrastructure Pvt. Ltd

Show Cause Notice dated 09.01.2022 and corresponding reply dated 20.01.2022 of Allottee were deliberated in the meeting.

and the same of th	Show Cause	The street of th	Due Date of	Status
	Notice Dated	*	Achievement	

			of Milestone	
1	09.01.2022	Approval of Mining Plan/ Project Report subject to the provision of clause 15.		16.02.2022

The Allottee stated that the Mining Plan had been prepared by 30.07.2021 but due to glitches in the Single Window Clearance System documents could be uploaded on15.08.2021. Compliances of observation of Mining Plan approving committee were submitted on 02.09.2021. The Allottee emphasised that his intention was not only in achieving the milestone within given timeline but achieving it earlier than the time given in CMDPA.

Observations and Recommendation; -

The Committee agreed with the explanation given by the Allottee and observed that the delay is not attributable to the Allottee and recommended that penalty should not be imposed through appropriation of PBG and Show Cause notice be waived off.

14.Bicharpur- M/s Ultratech Cement Ltd

Show Cause Notices dated 22.07.2016, 18.07.2018, 09.09.2020 and 03.09.2021 and corresponding replies of the Allottee were deliberated in the meeting.

S No	Show cause notice dated	Milestone as per Efficiency Parameters		Actual Date of achievement of Milestone
1	22.07.2016	Application for CTO	01.05.2015	10.09.2021
2		Execution of ML	01.07.2015	30.09.2015
	18.07.2018	Mine opening permission	01.07.2015	10.03.2016
		Consent to Operate	01.07.2015	02.10.2021

3		Deviation in	Scheduled	
		Schedule	Production	
		production in:	FY17-18	Actual Production:
	09.09.2020	FY 17-18	=0.75MT	NIL in each
		FY18-19 FY19-20	FY18-19=0.75MT	financial year
	*		FY19-20=0.75MT	
4	03.09.2021	Deviation from Schedule Production/Reach ing Peak Rated Capacity for FY 2020-21		ОМТ

Show Cause Notices mentioned at Sl.Nos. 1 and 2 and corresponding replies were already discussed in the 16th Scrutiny Committee meeting and the Committee had then recommended that these issues would be considered only after seeing the comments of the State Government. It was also informed to the Committee that Ministry of Coal has decided that wherever comments of state governments are required, one last letter would be given to the concerned state government for their comments and even if reply was not received, the matter would be put up before the Scrutiny Committee for its recommendation. In view of this, a letter has been sent to the State Government for its comments, but reply has not been received.

The Allottee stated that Forest Clearance was granted to the Prior Allottee without NOC under FRA and they had to obtain fresh NOC under FRA which delayed the starting of coal block. O/o Nominated Authority stated that even if fresh FC was required to be taken, time given for it is 21 months in CMDPA and FC was finally granted in July 2018 which was more than 21 months. The Allottee further stated that there was delay in deciding the stamp duty amount by the State government.

Observations: -

The Committee observed that stamp duty issue was resolved long back and even Forest Clearance issue was resolved by July 2018 and delays due to these issues do not explain the abnormal delay in starting of mining operations.

Recommendation:

The Committee is of the view that the reasons submitted by the Allottee for delay in obtaining Mining Lease, Mine Opening Permission and for coal production in 2017-18 are justified and for these milestones penalty in the form of appropriation of PBG should not be imposed. However, the reasons submitted by the Allottee for delay in application for CTO, grant of CTO and for coal production in the year 2018-19,2019-20 and 2020-21 are not justified and these delays are attributable to the Allottee and therefore recommended for imposition of penalty for these milestones in the form of appropriation of PBG as per CMDPA.

15. Sarisatolli coal mine- M/s CESC

In the beginning, Chairman of the Committee informed that he would not participate in deliberation/decision related to this coal block due to conflict of interest. Discussion was steered by Sri N C Jha, Member of SC.

Reply dated 23.12.2020 to show cause notice dated 13.10.2020 and replies dated 29.07.2021 and 14.09.2021 to Show Cause Notice dated 30.06.2021 were considered.

Year	Show Cause	Clearances	Scheduled	Actual Coal
	Notice dated		Coal	Production(MT
			Production(MT)	
2017-18	13.10.2020	Annual	3.5	1.87
2018-19	Considered in	Scheduled	3.5	1.85
2019-20	14th Scrutiny	coal	3.5	1.97
	Committee	production		
	meeting			
2020-21	30.6.2021		3.5	2.04

The Allottee informed that Performance Bank Guarantee (PBG) had been appropriated for shortage in coal production in year 2015-16 and 2016-17 in accordance with recommendation of previous Scrutiny Committee. They approached High Court of Delhi against this decision and Hon'ble court referred the issue to Godda tribunal and the case has not yet been disposed of.

The Allottee further informed that the shortage in coal production was due to presence of fire in a large area of the mine, DGMS restriction on blasting district road within mine. of and presence in some part CMPDIL was asked to submit their comments on reply of SCN issued to the Allottee. CMPDIL has since replied that there is a problem on production due to fire. However, for assessing the impact of fire on the annual production, detailed study would be required, involving considerable resources in terms of time and money.

Observation and Recommendation: -

The Committee observed that reply of CMPDIL is not conclusive and detailed study is required to find out the annual coal production capacity of the mine. The Committee recommended that CMPDI should be asked by Ministry of Coal to examine and conduct detailed study and final decision would be taken based on that study.

16. Talaipalli coal mine- M/s NTPC Limited

The Show Cause Notice dated 21.6.2021 for shortage in coal production for the year 2019-20 and 2020-21 and corresponding replies were considered.

Year	Show Cause Notice dated	Milestone	Scheduled Coal Production (MT)	Actual Coal Production (MT)
2019-20 2020-21	21.6.2021(Also considered in 16 th Scrutiny Committee meeting held on 24.9.2021	Annual Scheduled coal production	1.5	0.19 0.812

The Allottee informed that the shortage in coal production was due to MDO issue. Dispute with MDO is subjudice and the next hearing is scheduled on 07.03.2022. Meanwhile, they have also floated another tender for extraction of 6.03 million metric tonne from south pit which is beyond the boundaries awarded to the present/ main MDO. Bid opening for appointment of new MDO for extraction of coal from south pit is on 17.03.2022 and the term of period is three years. The PRC of the mine is 18 MT which is to be achieved in 5th year but due to failure on the part of MDO, the PRC will be achieved in 8th year.

Observation and Recommendation: -

Committee observed that the major reason for failure of not meeting the target production is failure on the part of the MDO of the Allottee and the selection of MDO is duty of Allottee alone as no other agency is involved in selection of MDO. Factors affecting the coal production are within the control of the Allottee who should have ensured the production from this coal mine. It seems that the Allottee has not selected proper MDO. Therefore, Committee recommended imposition of penalty in the form of appropriation of Performance Bank Guarantee as per CMDPA.

17. Gidhmuri & Paturia coal mine- M/s Chhattisgarh State Power Generation Company Limited

Show Cause Notice dated 9.11.2016 for failure in timely application for FC, SCN dated 19.3.2018 for completion of FC and SCN dated 9.9.2020 for scheduled coal production in year 2019-20 and corresponding replies were considered.

Clearances	Show Cause Notice Date		Due date for completion	Actual date of completion
Forest Clearance application	9.11.2016	Considered in 16 th Scrutiny	13.9.2016	10.7.2018
Forest Clearance	19.3.2018	Committee meeting	13.7.2017	pending
Scheduled coal production in year 2019-20	9.9.2020	Considered in 14 th Scrutiny Committee meeting	1.0 MT	Nil

It was informed that the delay was due to proposed Lemru Elephant Reserve (LER)of the state government. Gazette notification for Lemru Elephant Reserve had been made by the state government on 22.10.2021. It was informed that a letter dated 25.11.2021 had been sent by O/o NA to Chhattisgarh government seeking information about impact of LER on this coal block.

Representative of GoCG mentioned that clarification about impact of LER on this coal block can be given only by State Forest department. He assured that he would seek details from the Forest department and requested the Committee to keep the decision on Show Cause Notice in abeyance till then. The decision may be taken after receiving comments of the Forest department.

Observation and Recommendation: -

The Committee agreed with the view of representative of GoCG and recommended that the decision would be taken in the next meeting based on comments of the State Forest department.

18. Madanpur South coal mine- M/s Andhra Pradesh Mineral Development Corporation Limited

Milestones	Show	Cause	Due	date	of	Actual	Date	of
	Notice D	Notice Date		completion		completion		
EC	13.9.201	13.9.2018		29.6.2018		Pending	<u> </u>	
Land acquistion	9.9.2020)	29.3.2	2020		Pending	7	

Escrow	account	Considered	in	29.4.2020	Pending
opening		16th Scr	rutiny		
Mine	opening	Committee		29.4.2020	Pending
permission	on	meeting	on		
application	on	24.9.2021			
Mine	opening			29.5.2020	Pending
permission	on				

The above-mentioned Show Cause Notices and corresponding replies were considered in the meeting.

It was informed that the delay was due to proposed Lemru Elephant Reserve (LER)of State government. Gazette notification for Lemru Elephant Reserve had been made by the State government on 22.10.2021. It was informed that a letter dated 25.11.2021 had been sent by O/o NA to the Chhattisgarh government seeking information about impact of LER on this coal block.

Representative of GoCG mentioned that clarification about impact of LER on this coal block can be given only by the State Forest department.

He assured that he would seek details from the Forest department and requested the Committee to keep the decision on Show Cause Notice in abeyance till then. The decision may be taken after receiving comments of the Forest department.

Observation and Recommendation: -

The Committee observed that like the previous case, the issues are related with Lemru Elephant Reserve notification, and agreed with the view of representative of GoCG and recommended that the decision would be taken in the next meeting on the basis of comments of the State Forest department.

19. Parsa coal mine- M/s Rajasthan Vidyut Utpadan Nigam Ltd (RRVUNL)

Milestones	Date of Notices	Show Cause	Due dates	Actual dates
Forest Clearance	17.7.2017		8.6.2017	21.10.2021
Opening of Escrow Account		Considered in 13 th	8.4.2019	11.8.2021
Application for Mine Opening Permission	23.7.2019	meeting of Scrutiny Committee	8.4.2019	26.10.2021
Mine Opening Permission		on 26/27- 11-2020	8.5.2019	2.11.2021
Target coal production in	9.9.2020		Target is 1.5 MT	Nil

2019-20				
Target production 2020-21	coal in	29.7.20121	Target is 3.0 MT	Nil

The above-mentioned Show Cause Notices and corresponding replies were considered in the meeting.

It was informed that the Scrutiny Committee in its 13th meeting held on 26-27/11/2020 had recommended that decision would be taken only after FC-II was obtained. FC-II has since been granted on 21.10.2021.

The Allottee informed that forest land has not yet been transferred to them even after getting FC-II and due to this mining operation could not be started.

Representative of GoCG mentioned that forest land has not been transferred to the Allottee, but he was not aware of the reasons for non-transfer of forest land. He requested for some time for seeking comments of the state forest department regarding non-transfer of forest land for arriving at conclusion.

Observation and Recommendation: -

Committee observed that prima facie it appears that the delay in getting FC is not due to lapses by the Allottee and the state forest department seems to be responsible for this. All other clearances are dependent on FC-II and so the decision on them will be in line with decision of FC-II. In the light of request of State representative, the Committee recommended to give one month time to the State representative to obtain and provide comments of forest department on issue of delay transfer of forest land to the Allottee and final decision would be taken based on that in the next meeting.

20. Gare Palma Sector- II coal mine- M/s MAHAGENCO

The Show Cause Notice (SCN) dated 24.12.2020 for failure in Land acquisition, opening of Escrow Account, application for Mine opening permission and SCN dated 19.1.2022 for failure in Grant of Mine opening permission and corresponding replies were considered in the meeting.

Milestones	Show Cause Notice Dates		Revised due dates	Actual dates
Land acquistion		Considered in 14 th meeting	17.11.2020	Pending
Opening of Escrow Account	24.12.2020	on Scrutiny Committee on 9-	17.12.2020	Pending
Mine Opening Permission application		10/3/2021	17.12.2020	Pending

Mine	19.1.2022	17.1.2021	Pending
Opening			
Permission			

It was informed that in 14th meeting of the Scrutiny Committee, office of NA was advised to send the replies of the Allottee to the State government and seek their comments. Accordingly, comments were sought from GoCG. The reply of CoCG dated 3.7.2021 is not conclusive and they have commented that PBG should be appropriated on merit basis.

The Allottee informed that they had consistently tried to acquire land. Delay has happened mainly due to delay in arrangement of CA land as state government has not timely given CA land details to them. Due to problems of CA land, they have still not got EC/FC. Due to absence of EC/FC, all the successive milestones are getting delayed. Representative of CoCG agreed about problems of availability of CA land in the State and stated that the Allottee had consistently tried for CA land.

The Committee examined the reasons given by the Allottee in the reply and found that it is not clear from it that who may be made accountable for delay in arrangement of land.

Observation and Recommendation: -

Committee advised the Allottee to submit the chronological details of the efforts made by them for purpose of obtaining EC/FC and especially for obtaining CA land and other categories of land to NA office. The Committee further advised office of NA to send these chronological details along with Show Cause Notices to the State Government with a copy to Shri Anurag Diwan, Joint Director (Mines), CoCG and seek their comments and final decision will be taken based on this comment in the next meeting.

21. Baitarni West coal mine- M/s Odisha Mining Corporation Ltd (OMC)

The Show Cause Notice (SCN) dated 21.9.2021 for delay in submission of Mining Plan and grant of Mining Plan approval and corresponding reply were considered in the meeting.

Milestones	Show Cause Notice Dates	Revised Due dates	Actual dates
Submission of Mining Plan	21.9.2021	14.2.2021	30.6.2021
Grant of Mining Plan		14.7.2021	10.11.2021

The Allottee informed that subsequent to the revision of bounding coordinates on 14.8.2020 they had requested CMPDIL for revised boundary plan. However, they received the revised block boundary plan on 17.03.2021. Upon receipt of revised block boundary plan they were ready to submit the Mining Plan on 30.04.2021 but they were asked to submit the Mining Plan on Single Window Portal. The Allottee further informed that due to technical glitches in the online portal, they succeeded in uploading the Mining Plan on 30.06.2021only. The Allottee further informed that compliances to the observation of the Mining Plan approval Committee were submitted immediately.

Observation and Recommendation: -

The Committee observed that the Allottee submitted Mining Plan proposal on Single Window Portal in about three months after getting block boundary plan from CMPDIL and submitted compliances to the queries raised by the Mining Plan approving committee without delay. The Committee therefore recommended to provide relaxation for both the milestones and decided that penalty should not be imposed.

22. Utkal D & Utkal E coal mine- M/s NALCO

The Show Cause Notice (SCN) dated 8.11.2021 for delay in grant of approval of Mining Plan and corresponding reply were considered in the meeting.

Clearance		Show	Cause	Revised Due date	Actual Date
		Notice Da	te		
Mining	Plan	8.11.2021		21.7.2021	14.2.2022
Approval					

The Allottee submitted that due to technical glitches in Single window Portal, the submission of Mining Plan got delayed and also due to revision of bounding coordinates it got delayed. The draft Mining Plan was provided by CMPDIL on 16.03.2021 which the NALCO board approved on 28.06.2021 and uploaded on SWCS portal on 05.08.2021. The Allottee explained that approval of Board of directors of company got delayed due to covid-19 pandemic.

Observation and Recommendation: -

The Committee observed that the factor of revision of bounding coordinates had already been considered and zero date had been accordingly revised and scheduled dates for different clearances/milestones including Mining Plan approval date had been revised. The Committee is of the view that the reason given for getting the approval of the Board of directors of company is not satisfactory.

The Committee advised the Allottee to submit chronological details related to efforts made for early approval of Mining Plan by end of March and advised O/o NA to make point wise comments on the reply of the Allottee. The Committee recommended that based on detailed reply of the Allottee and point wise comments of O/o NA the decision would be taken in the next meeting.

23. New Patrapara coal mine- M/s SCCL

The Show Cause Notice (SCN) dated 9.8.2021 for delay in grant of Prospecting Licence, completion of drilling/exploration and preparation of GR and corresponding reply were considered in the meeting.

Milestones	Show	Cause	Revised	Due	Actual Date
	Notice D	ate	Date		
Prospecting Licence			30.1.2020		18.9.2020
Drilling/Exploration	9.8.2021		30.12.2020(after first revision)		NA
completion GR preparation			30.7.2021		28.10.2021
			2nd revisio	n)	

The Allottee informed that GR of only 9.52 sq. km of the coal mine and boundary coordinates were provided to them by CMPDIL on 07.01.2020 and based on that the block boundary was delineated and notification under section 4(1) of CBA act published on 16.9.2020. Exploratory drilling started.

Further, coal block plan was submitted to CMPDIL in May 2021 for area authentication certificate for the purpose of notification under section 7(1) of CBA Act and for Mining Plan. CMPDIL informed in October 2021 that the eastern boundary of this coal block along the 'nala' and the western boundary of Machakuta block need to be realigned in accordance with the approved Mining Plan of Machakuta block to avoid the overlapping. Due to this land schedules, GR etc will be changed and this resulted in delay.

Observation and Recommendation: -

Committee observed that the delay is due to change in coal block boundary and change in land schedule and for this Allottee is not responsible and therefore recommended that penalty in the form of BG appropriation should not be imposed.

24. Barjora coal mine- M/s WBPDCL

The Show Cause Notices (SCN) for delay in opening of Escrow Account and Mine Opening Permission and for shortage in coal production in the years 2015-16, 2016-17,2017-18, 2018-19 and 2020-21 and corresponding replies were considered in the meeting.

Milestones	Show Caus	e Notice Dates	Due Date/Scheduled coal production	Actual Date/Actual coal production
Mine Opening permission	6.11.2017		1.7.2015	25.8.2017
Escrow Account Opening	6.11.2017	Considered in 13 th meeting of Scrutiny	1.7.2015	25.8.2017
Production in 2015-16	22.7.2020	Committee held on 26-	0.5 MT	Nil
Production in 2016-17	22.7.2020	27/11/2020	0.5 MT	Nil
Production in 2017-18	22.7.2020		0.5 MT	Nil
Production in 2018-19	22.7.2020		0.5 MT	0.4 MT
Production in 2020-21	30.6.2021		0.5 MT	0.31 MT

The Allottee informed that Mining Plan was vested to them without Mine closure Plan at the time of allocation. Later on, due to change in rule, Mine closure Plan was required to be approved before mining operation started. They submitted Mine Closure Plan on 19.08.2016 but MoC directed them to prepare a fresh Mining Plan with Mine Closure Plan since the earlier Mining Plan had expired due to lapse of time period by which the coal was required to be extracted by the prior Allottee. The revised Mining Plan and Mine Closure plan was approved on 19.07.2017.

The Allottee further informed that as per the revised Mining Plan, total extractable reserve is 1.24 MT with PRC of 0.5 MT and mine life of 3 years. About 1.29 MT coal has already been extracted till now. The shortage in coal production in 2020-21 was due to Covid-19 pandemic and requested relaxation on account of Force Majeure.

Observation and Recommendation: -

The Committee opines that Show Cause Notices have been issued mechanically without going into details of situation arising due to revision of Mining Plan and without because extractable reserve is only 1.24 MT. The Committee is of the view that the Allottee is not responsible for delay in Mine Opening Permission and Opening of Escrow Account and for shortage in coal production over the years. The Committee therefore recommended that penalty in the form of BG appropriation should not be imposed.

25. MMDR Coal blocks: -

A presentation was given by the P&S-I section of the ministry. The Committee observed that presentation has not been made in proper format and it is not clear that for which milestones Show Cause Notices have been issued and what are their scheduled timelines and what are the achievement dates and status. Due to this, the Committee is of the view that deliberation/decision cannot be made.

Committee directed the P&S-I section of the ministry to come up with presentation in proper format as it is being made by other section of the ministry and it should have the following details-

- i) what are the milestones
- ii) what are their due dates?
- iii) What are the details of Show Cause Notices?
- iv) What are the corresponding replies and
- v) What are the comment of the ministry on the replies?

Committee also advised that Issues of MMDR coal blocks should be considered in separate meeting and it should not be clubbed together with issues of CMSP coal blocks.

Annexure -I

List of Paticipants:-

Committee Members-

S.No.	Name and designation	
1	Shri P. S. Bhattacharya, Chairman of the Committee	
2	Shri N.C.Jha,Member	
3	Shri Sambhu Sharan, Chief Manager, CMPDIL	
4	Shri Sujoy Majumdar, OSD, CCO	
5	Shri Arun Kumar, Deputy Director, Jharkhand Government	
6	Shri Anurag Diwan, Joint Director, Chhattisgarh Government	
7	Representative of Maharashtra Government	
8	Representative of West Bengal Government	

MoC Officials-

S.No.	Name and designation
1	Shri Jitendra Kumar, Chief Manager
2	Shri Harish Chandra, Manager
3	Shri Abhisek Kumar, ASO
4	Ms Swati, Manager

Allottees-

S.No.	Name and designation
1	Shri Dipankar Panda, JSW Steel Ltd
2	Shri VivekMishra, Vice President , Hindalco Industries Ltd
3	Dr Mohanty of NMDC
4	Shri Girish Rathore,GM,CCL
5	Shri ,J S Bhatia, Superintending Engineer, PSPCL,
6	Representative of Aranya Mines Pvt Ltd
7	Shri FaizAhmad,GM ,PVUNL
8	Shri Rajesh Ranjan, Tenughat Vidyut Nigam Ltd
9.	Shri ,TopworthUrja& Metals Ltd
10	Shri Rajiv Munjal of Indrajeet Power Pvt Ltd
11	Representative of Aurobindo Reality & Infrastructure Pvt .Ltd
12	Shri Syed Kadri,Ultratech Cements Ltd
13	Shri ,S.Talukdar,CESC
14	Shri ParthaMazumdar,ED,NTPC
15	Representative of CSPGCL
16	Representative of APMDCL
17	Shri Devendra Shringi,Additional Chief Engineer,RRVUNL
18	Representative of MAHAGENCO
19	Dr K .Brahma ,Director,OMC
20 .	Shri K.K. Panda ,ED,NALCO
	Representative of SCCL
22	Shri DebalGangopadhyay,Adviser,WBPDCL