

**THROUGH E-MAIL/ ON MOC WEBSITE**

File No NA-203/9/2023-NA

Government of India

Ministry of Coal

Office of Nominated Authority

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Room No. 120, "F" Wing, Shastri Bhawan,  
New Delhi – 110001, Dated: October 09, 2023

**FINAL COMPENSATION ORDER**

Subject: The Coal Mines (Special Provisions) Act, 2015 and Hon'ble High Court of Delhi, Judgment dated March 09, 2017– Valuation of Compensation for payment to prior allottee, M/s Jaiprakash Associates Limited Reg., for Mandla North coal mine

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Pursuance to the Provisional Compensation Order dated September 21, 2023, M/s Jaiprakash Associates Limited [hereinafter referred as 'JAL'] (Prior allottee) and M/s Dalmia Cement (Bharat) Limited [hereinafter referred as DCBL] (Successful allottee) were called on September 29, 2023 at 11:00 AM to present their comments/objections, if any, on the determination of compensation amount made.

2. Accordingly, both allottees, M/s JAL and M/s DCBL attended the meeting on September 29, 2023. M/s DCBL accepted the compensation determined, however, they stated that JAL has not handed over to them the Original land documents for around 30 Hectares of land. Further, JAL raised objections to the compensation determined vide Provisional Compensation Order dated September 21, 2023 which are summarized below:-

- a. Payment of INR 3,66,35,000/- had been made by them on 28.02.2014 for afforestation and plantation on 840 hectares of land in the office of DFO, which had not been accounted for in the Provisional Compensation Order.
- b. Only the basic cost per hectare of land was considered in Provisional Compensation Order, excluding additional expenses such as tree felling, well, stamp duty, and documentation charges, which amounted to INR 1,16,27,303/-.
- c. They had invested INR 16,06,36,410 for 30-year mining lease which had not been considered for compensation.

- d. They have submitted an amount of INR 64,54,83,151/- as Fixed Cost when they initially got Mandla North coal mine in 2015. The same should be considered as cost for acquisition of coal mine and should be compensated.
- e. In respect of original land documents, JAL stated that the same are in custody of their Bank and they are in talks with their Bankers for its release.

3. Here, it is pertinent to mention that vide Notices dated August 04, 2023 published in Dainik Jagaran (Hindi Newspaper) and Times of India (English Newspaper), claims of Secured Creditors and Central / State Governments were invited in compliance of Section 9 of CMSP Act r/w Rule 15 of the CMSP Rules, 2014 regarding priority of disbursal of compensation for land and mine infrastructure. Last date of submission of claims was September 04.2023, however, no claim of any secured creditor for land in respect of Mandla North coal mine was received in Office of Nominated Authority within the stipulated timeline.

4. After deliberation of above requests, comments and objections from M/s. DCBL and M/s JAL, the following has been decided:-

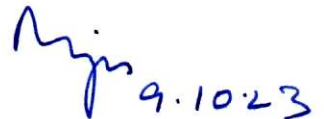
- i. In respect of the cost of consent for an amount of INR 3,73,89,465/-, the same will be taken into consideration once MoEF&CC confirms it. In the meanwhile, the aforementioned sum will not be refunded to M/s DCBL.
- ii. Valuation of land has determined as per the provisions of CMSP Act 2015 and Judgement of Hon'ble High Court of Delhi dated March 09, 2017 passed in WP No.973/2015. Valuation of land has been done through a Land Valuer details of which have been mentioned in the provisions compensation order dated 21.09.2023. However, since original land documents are yet to be handed over to DCBL, compensation for land amounting to INR 13,54,18,566/- will be withheld with Nominated Authority. The same shall be released as and when M/s JAL hands over the original documents to M/s DCBL.
- iii. The claim of JAL in respect of cost incurred by them towards tree felling, well, stamp duty, documentation charges, etc. cannot be agreed as there is no provision for the same in CMSP Act, 2015. CMSP Act provides only for compensation for land for which registered sale deeds are available.
- iv. In respect of claim of JAL for an amount of INR 64,54,83,151/- deposited as Fixed Cost when they initially got Mandla North coal mine in 2015, the same has been released to JAL vide Sanction Order dated 14.07.2015.

5. In view of above, the compensation /refund for cost of Geological Report (GR), Cost of consents (CC), Land and Mine Infrastructure is determined and settled as under :-

- A. **Prior Allottee**, M/s JAL is entitled to INR 73,00,66,292/- for the compensation of GR, CC, Land and Mine Infrastructure. However, the compensation pertaining to land amounting to INR 13,54,18,566/- is put on hold and will be released to M/s JAL after the handover of the original land documents to M/s DCBL. The remaining amount shall be released to M/s JAL amounting to INR 59,46,47,726/- (73,00,66,292 minus 13,54,18,566).
- B. **Successful Allottee**, M/s DCBL is entitled for refund of excess fixed deposited amounting to INR 2,21,25,40,424/- by them for GR, CC, Land and Mine Infrastructure. However, the claim of Cost of Consents amounting to INR 3,73,89,465/- as claimed by JAL will remain in the account of Nominated Authority until any confirmation for the same is received from MoEF&CC. Therefore, the said amount is put on hold until the final determination of Cost of Consent and the remaining amount shall be released to M/s DCBL amounting to **INR 2,17,51,50,959/-** (2,21,25,40,424 minus 3,73,89,465).

6. In accordance with section 27 of the Act and the judgement dated 09.03.2017, it is open to M/s Jaiprakash Associates Limited (Prior allottee) and M/s Dalmia Cement (Bharat) Limited (Successful allottee) to raise disputes with regard to the quantum of compensation before the Tribunal constituted under the Coal Bearing area (Acquisition and Development) Act 1957.

Encl.: DCBL's letter dated 21.09.2023 and JAL's e-mail dated 23.09.2023



[M. Nagaraju]

Additional Secretary/Nominated Authority

To,

1. (Prior Allottee) Shri Mukti Nath Jha, Advisor (Coal), Jayprakash Associate Limited, Nirman Sadan, Sector 128, Noida, Uttar Pradesh-201304.
2. (Successful Allottee), M/s Dalmia Cement (Bharat) Limited, registered office is at Dalmiapuram, Dist. Tiruchirappalli, Tamil Nadu- 621651, India and principal place of business is at Fagun mansion, 4th Floors, 26, EthirajSalai, Egmore, Chennai, Tamil Nadu 600008, India.

Copy to:-

1. The Coal Controller, Coal Controllers' Organisation, 1, Council House Street, Kolkata.
2. U.S, P&S-II (For Kind information).
3. Sr.T.D, NIC, MOC with request to upload this on the website of MOC.

<b><i>List of Participants in meeting dated 29.09.2023</i></b>			
<b>SL No</b>	<b>Participants</b>	<b>Designation</b>	<b>Organisation</b>
1	Shri M Nagaraju	Additional Secretary	Ministry of Coal
2	Shri Ajitesh Kumar	Director	
4	Shri Manish Uniyal	Under Secretary	
5	Shri Harishchand	Manager	
6	Smt Reshma Mohan	Financial Analyst	
7	Shri V. Karthikeyan	Deputy Executive Director	
8	Shri Arindam Mukherjee	Asst. Executive Director, Corp Affairs	
9	Shri M.N. Jha	Advisor	M/s Jaiprakash Associates Limited
10	Shri Y.K. Sharma	DGM Finance	
11	Shri S.N. Chawla	DGM - Coal	
12	Shri Abhimanyu Sharma	Sr. Manager - Coal	