

F.No. 104/34/2022/NA (FTS: 354401)

Government of India/भारत सरकार

Ministry of Coal/कोयला मंत्रालय

O/o Nominated Authority / नामनिर्दिष्ट प्राधिकारी का कार्यालय

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120-F, Shastri Bhawan, New Delhi

Date : 03.03.2023

**OFFICE MEMORANDUM**

Subject : Standard Operating Procedure for deciding requests for Change Notice under CMDPA/CBDPA

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The undersigned is directed to subject captioned above and to say that Coal Mine Development and Production Agreement (CMDPA) and Coal Block Development and Production Agreement (CBDPA) provides for 'Completion Notice' by the mine allocatee upon completion of 'Vesting Conditions' provided therein.

2. The mine allocatee is under an obligation to provide the said 'Completion Notice' within the prescribed time period. However, the CMDPA/CBDPA also provides for 'Change Notice' wherein the Nominated Authority may extend the said time period. Requests for extension of time periods are being received by the Nominated Authority citing factors/reasons beyond their control in fulfilling the vesting conditions. In order to ensure uniformity of decision making on requests for extension of such prescribed time periods, the following Standard Operating Procedure ('SOP') will be adopted by the Nominated Authority: -

(i) Upon receipt of first request from a mine allocatee prior to expiry of time period prescribed in the CMDPA/CBDPA, the Nominated Authority may decide the request for allowing an extension of time period up to 30 days to be reckoned from the last day of the prescribed time period. However, if no decision is taken on the said request within 30 days of its receipt then it shall be deemed that the request has been rejected.

(ii) Upon express/deemed rejection of request by the Nominated Authority, no further request shall be entertained. If extension of time is granted by the Nominated Authority and the mine allocatee is unable to complete the Vesting Conditions even in the time period so extended then a second request may be made as mentioned in para 2(iii) below prior to lapsing of the time period so extended.

(iii) Upon receipt of second request from a mine allocatee prior to expiry of time period so extended by the Nominated Authority, Hon'ble Union Minister of Coal may decide the request for allowing

an extension of time period up to 60 days to be reckoned from last day of extended time period. However, if no decision is taken on the said request within 60 days of its receipt then it shall be deemed that the request has been rejected.

(iv) No further requests (post disposal of second request) for extensions shall be considered.

(v) It is clarified that the mine allocatee shall be at liberty to perform its obligations, including 'Vesting Conditions', under CMDPA/CBDPA during the pendency of its requests.

(vi) Upon express rejection or deemed rejection of the request, the Nominated Authority shall be at liberty to avail remedies available to it in the Tender Document or CMDPA/CBDPA, including immediate appropriation of the bid security.

(vii) The aforesaid extensions may be allowed upon satisfaction of the deciding authority as to the reasons or factors beyond the control of the mine allocatee leading to non-compliance of vesting conditions within the prescribed time period or the time periods so extended. The mine allocatee is to ensure that the documents supporting that the non-compliance was beyond the control of allocatee must accompany the request.

(viii) It is clarified that the written requests for extension must be received from the mine allocatee in the office of the Nominated Authority before expiry of the initially prescribed time period or the extended time period. Request received after lapse of the prescribed time period or the extended time period shall not be considered.

(ix) The above SOP shall, *mutatis mutandis*, be applicable also to mines allocated through allotment route. The terminology - Tender Document/ CMDPA/CBDPA shall be construed accordingly.

3. This is being issued with the approval of Hon'ble Union Minister of Coal.



(Manish Uniyal)

Under Secretary to the Govt. of India

To,

1. PS Hon'ble Minister of Coal
2. PS to Hon'ble Minister of State for Coal
3. Adviser to Secretary (Coal)
4. PPS to AS (MN) & Nominated Authority
5. Director (Tech/NA) & Director (NA)
6. MSTC: for uploading to website of MSTC ecommerce.
7. Senior (TD): for uploading to MoC website