

By E-mail/Speed Post

F.No. NA-110/6/2017-NA-Part(1)  
Government of India  
Ministry of Coal  
Nominated Authority  
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Room No.120, ' F-Wing', Shastri Bhawan,  
New Delhi, Date: 10.01.2024

OFFICE MEMORANDUM

Subject: - Minutes of 21<sup>st</sup> meeting of Scrutiny Committee held on 07/08.12.2023 to consider / examine the submissions/replies made by Successful Bidders / Allottees of the coal mines in respect of deviation from the efficiency Parameters as mentioned in the Coal Mines Development and Production Agreement/Allotment Agreement of coal mines - Circulation reg.

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The undersigned is directed to refer to the subject mentioned above and to forward herewith minutes of 21<sup>st</sup> meeting of Scrutiny Committee held on 07/08.12.2023 in order to examine the replies to the Show Cause Notices (for deviation from various milestones prescribed in Efficiency Parameter). The recommendations of the Scrutiny Committee will be placed before the Competent Authority in Ministry of Coal for approval.

Encl: As above.



(Alok Verma)

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/ Assam/ Madhya Pradesh.
2. Principal Secretary (Mines) of the State Government of Chhattisgarh/ West Bengal/ Jharkhand/ Odisha/ Assam/ Madhya Pradesh.
3. Shri Partha S. Bhattacharyya, Chairman, Scrutiny Committee and Ex-Chairman, Coal India Limited.
4. Shri N. C. Jha, Member, Ex-Chairman, Coal India Limited.
5. CMD, CMPDIL, Gondwana Place, Kanke, Road, Ranchi.
6. Coal Controller, Coal Controller Organization, Scope Minar 5th Floor, Core-2, Laxmi Nagar, Delhi- 110092.
7. Director (NA), MoC.
8. Director (Tech)/NA, MoC
9. Allottees of coal mines as per meeting notice dated: 28.11.2023.

**Minutes of the 21<sup>st</sup> meeting of Scrutiny Committee held on 07.12.2023 and 08.12.2023 to consider/examine the submissions/replies of Allottees against the Show Cause Notices for deviation from milestones mentioned in Coal Mines Development and Production Agreement.**

The Chairman of the Scrutiny Committee welcomed all the members of the committee and the participants. Mine-wise discussions on Show Cause Notices and corresponding replies were held and Allottees were given the opportunity to share their point of views on the show cause notices.

**The list of participants is given at Annexure -I.**

**1. Kasta East Coal Mine – M/s Jitusol Developers Private Limited (JDPL)**

Show Cause Notice dated 27.06.2023 was issued for failure in approval of the Mining Plan within the scheduled date as per the CMDPA. The show cause notice and the corresponding reply of the Allottee were considered by the Scrutiny Committee.

Show Cause	Deliberation
Mining Plan Approval Due Date: 12.06.2023	<p>The show cause notice was issued due to the delay in approval of the Mining Plan whose due date was 12.06. 2023 and it has not been approved till date.</p> <p>Office of the Nominated Authority informed that the matter was earlier considered in the 20<sup>th</sup> meeting of the Scrutiny Committee held on 27/28 July 2023. The committee had then observed that the block boundary falls in two states and therefore 2 months extra time may be required for completion of DGPS survey and thus for obtaining mine plan approval. During this two-month period, the decision on delay in grant of Mining plan would be kept in abeyance and the final decision would be made based on whether the Mine Plan is approved within this specified 2-month period or not. Further Office of the Nominated Authority informed that the 2 months of extra time for approval of mining plan has been expired on 28.09.2023 but till date approval has not been obtained.</p> <p>The Allottee gave an explanation and stated that the coal block falls in two states namely West Bengal and Jharkhand. Only a small portion of the block falls within the boundary of Jharkhand state and the remaining area is in West Bengal. The Project Proponent stated that the internal committee for Mining Plan approval recommended to exclude the small area located within the Jharkhand State. Accordingly, M/s JDPL submitted a representation dated 24.08.2023 to Nominated Authority for exclusion of mine lease area which falls in the state of Jharkhand.</p> <p>O/o Nominated Authority informed that the request of the Allottee was examined and the Ministry in consultation with CMPDIL decided to delete the small portion of area which falls in Jharkhand. This change lead to change in boundary coordinates, however, the bounding co-ordinates remained the same. As such, corrigendum to the vesting order was not required to be issued. Thereafter, M/s JDPL approached CMPDIL for a revised certified boundary co-ordinates. The certified boundary co-ordinates were obtained on 16.10.2023.</p>



	M/s JDPL emphasized that due to the above-mentioned reasons, they submitted a Fresh Mining Plan on 11.11.2023 as per the revised certified boundary co-ordinates and requested for one more month of extra time from now for approval of Mining Plan.
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**Observation & Recommendation: -**

The Scrutiny Committee noted that in the previous meeting held on 27.07.2023 and 28.07.2023, the Allottee was given an extra time of two months for approval of the Mining Plan. The Allottee represented that despite their best efforts for approval of Mining plan, it could not be done within the given timeline. However, the request of Allottee for deletion of a small part in Jharkhand from the mine has been accepted by Nominated Authority and a revised Mining Plan has been submitted. The Allottee requested for one-month additional time for approval of the revised Mining Plan. However, the Scrutiny Committee is of the opinion that the Allottee should have resolved the issue of boundary coordinates before the submission of Mining Plan in the beginning itself. The Committee has already given two-month relaxation and no further relaxation can be given. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA). However, considering the progress made by the Allottee, it appears that the mine may be operational within the scheduled time which will entitle them to obtain the refund of the invoked BG as per provisions of the Agreement.

**2. Trans Damodar coal mine – M/s The Durgapur Projects Limited (DPL)**

Show Cause Notices dated 20.10.2017, 26.02.2021 & 07.07.2021 for non –compliance with the milestones of grant of mine opening permission and coal production from the year 2015-15 to 2019-20 and corresponding replies of the Allottee were considered by the Scrutiny Committee.

Show Cause	Deliberation
Due Date -23.06.2015	O/o Nominated Authority informed, that the issues were earlier considered in the 15th & 19th meeting of Scrutiny Committee. In the 19 <sup>th</sup> meeting, held on 19-20/4/2023, the Committee deferred the decision and directed Allottee to give an explanatory letter to Nominated Authority regarding what transpired in the 11 <sup>th</sup> meeting of the Monitoring Committee in respect of change in timeline for Mine opening permission. The Committee advised O/o NA to put up the explanatory letter of the Allottee for the comment/decision of Secretary (coal) and based on that decision would be taken on the show cause notices for Mine Opening Permission and for coal production from FY 2015-16 to FY 2019-20.
(i) Grant of Mine Opening Permission	
Schedule Production for	
FY 2015-16	
FY 2016-17	
FY 2017-18	O/o Nominated Authority informed that as per the advice of the Committee, the issues raised by the Allottee was put up before the Secretary (Coal). He gave the comment that decision for changes in timeline for Mine Opening Permission had not been taken in the 11 <sup>th</sup> meeting of the Monitoring Committee and it was only assured that if Allottee applied for the Mine Opening Permission, it would be granted without any delay.
FY 2018-19	
FY 2019-20	



	<p>The Allottee explained that the delay was mainly due to delay in transfer of land to them and the Chief Secretary (CS), Govt. of West Bengal had given his cognizance to this during the monitoring committee meeting held on 26.02.2019.</p> <p>The Scrutiny Committee took note of the opinion of the CS, West Bengal in the Monitoring Committee meeting where he stated that the land issue had been resolved and NOC for transfer of land from West Bengal Mineral Development Corporation to the Durgapur Projects Limited would be issued soon. The Committee observed that the said milestones were delayed due to delay in transfer of land. The representative of the West Bengal Govt. stated that the transfer of land from one State Public Sector Undertaking to other State Public Sector Undertaking happens only through the state land department and not directly from one PSU to another.</p>
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### Observation & Recommendation: -

It was brought to the notice of the Scrutiny Committee that the matter pertaining to change in timeline for Mine Opening Permission was placed before the Secretary (Coal) and he had opined that no change in timeline was agreed. The Allottee furnished the minutes of the meeting of the 11<sup>th</sup> Monitoring Committee wherein it is stated that, Chief Secretary, Government of West Bengal informed that the problems of financial distress and land issue has been sorted out and permission has been given by the Competent Authority for 368.39 acre land and direction has been issued to prior Allottee i.e. West Bengal Mineral Development Corporation to issue NOC for 282.46 acres land inside lease area and 85.93 acres land outside lease area.

The matter was deliberated at length, and it was felt that in view of:

1. Comment of Chief Secretary (CS), West Bengal in the Monitoring Committee meeting regarding the reasons for delay in Mine Opening Permission (MOP), it appears, that the delay for MOP is due to delay in land acquisition and it not attributable to the Allottee. CS, West Bengal also mentioned that the issues are now sorted out and the process of mine opening permission will be completed soon.
2. The mine opening permission was obtained on 04.03.2019, only 6 days after the Monitoring Committee meeting held on 26.02.2019.

The Scrutiny Committee concludes that the Allottee is not responsible for delay in Mine Opening Permission (MOP) and therefore they cannot be penalised for delay in MOP. The Committee further concludes that as the Allottee is not responsible for delay in MOP, they cannot be penalized for missing the coal production schedule till the date of MOP, i.e., for the period from FY 2015-16 to FY 2018-19.

However, the Committee is of the opinion that as MOP was available with the Allottee in FY 2019-20, they should have achieved the production target in FY 2019-20 and therefore they are responsible for missing the production target in FY 2019-20 as justifiable reason has not been given.

The Scrutiny Committee, therefore, recommended for not imposing any penalty for delay in getting Mine Opening Permission and for missing the coal production targets from the year FY 2015-16 to FY 2018-19. However, the Committee recommended for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA) for missing the production target for FY 2019-20.

### 3. Manoharpur Dipside Manoharpur Coal Mine: - M/s Odisha Coal and Power Limited (OCPL)

Show Cause Notice dated 06.03.2023 issued for deviation from milestones for non-compliance with the various milestones and scheduled production as per approved Mining Plan and corresponding reply of the Allottee were considered in the meeting. The details of the milestones for which show cause notices were issued are given in column 1 of the table given below.



Show Cause	Deliberation
Due Date- 22.10.2019 (i) Forest Clearance Due Date- 22.10.2019 (i) Environment Clearance Due Date- 22.08.2021 (i) Opening of Escrow Account (ii) Application for Mine Opening permission Due Date- 22.09.2021 (i) Grant of Mine Opening Permission	<p>O/o NA informed that separate timelines for achievement of various milestones have been given for Manoharpur and Manoharpurdipside blocks. Timeline given for various clearances for Manoharpurdipside block is more than those given for Manoharpur block. Manoharpur block is operational while Manoharpur dipside is non-operational, and therefore show cause notices have been given for delay in completion of milestones. There is shortage in coal production in FY 2019-20 &amp; 2020-21 from the scheduled target given in the Mining Plan of Manoharpur mine as well as from the scheduled target given in the Integrated Mining Plan of two blocks.</p> <p>O/o Nominated Authority further informed that the said show cause notices and the corresponding replies of the Allottee were earlier considered in the 20<sup>th</sup> meeting of the Committee on 27/28-07-2023. The Committee had then advised O/o NA to specify the scheduled date for completion of each milestone and based on that, decision would be taken in the next meeting. Accordingly, scheduled dates for various clearances and production targets for different years for both coal mines have been considered.</p>
Scheduled Production FY2019-20 FY2020-21	<p>The Allottee clarified that in the case of the Manoharpur mine, all clearances were obtained within the specified schedule, and it is currently in production. The Allottee emphasized that in case of the Manoharpur coal mine, the delay in Mine Opening Permission and the inability to meet the Scheduled Production targets for FY 2019-20 and 2020-2021 were primarily due to the impact of the Covid-19 pandemic.</p> <p>Regarding the delay in grant of EC and FC for Dipside part, the Allottee informed that it was mainly due to delay in identification of land for CA purpose and they did not get much help from the State Government in this issue. They stated that the State Government's delay in issuing the OM resulted in the prolonged identification process for the degraded portion of the 160 Ha of land.</p> <p>Furthermore, the Allottee conveyed that an Integrated Mining Plan for a production capacity of 16 MTPA, for combined area of Manoharpur and Dipside Manoharpur coal mines, was approved on September 26, 2019.</p>

#### Observation & Recommendation:

The case was discussed in detail. It was observed that mining plan of Manoharpur mine was vested and the Mining Plan of Manoharpur dipside was obtained by allottee. The Allottee submitted that the Integrated Mining Plan of Manoharpur & Dipside Manoharpur coal mines for a capacity of 16 MTPA was approved on 26.09.2019, i.e., with delay of nearly 9 months from the scheduled date of approval of



mining plan of Manoharpur dipside. It was further revealed during the discussions that the Allottee had also made request for extra time on account of Covid 19 pandemic for FY 20-21 & FY 21-22 and Ministry has given 6 months relaxation, 3 months for FY 2020-21 and 3 months for FY 2021-22.

Regarding delay in obtaining Forest clearance and Environmental clearances the Committee noted that these delays have not impacted the production of the block so far. In fact, the Allottee has achieved the scheduled production for FY 21-22 & FY 22-23 and they are expecting to achieve the schedule production of 10 MT (FY 23-24) provided EC is obtained by Jan 2024.

On the basis of statement of the Allottee that EC and FC for the combined mine will be obtained by January 2024, the Scrutiny Committee decided to defer the decision on all the show cause notices i.e. for the milestone related to EC, FC, Escrow account opening, mine opening permission, scheduled production for FY 2019-20 & FY 2020-21. The Committee will consider these issues in the next meeting and in the event these are further delayed and it adversely impacts the coal production, the decision on imposition of penalty will be taken in the next meeting.

#### 4 Chakla -M/s Hindalco Industries Limited (HIL)

Show Cause Notice dated 20.06.2023 for non-compliance with Milestone (MS)-3, which consists Forest Clearance I, Forest Clearance II, Wildlife Clearance, approval under PESA and Environment Clearance and corresponding reply of the Allottee were considered in the meeting.

Milestone for which show cause was given	Deliberation
<p>Due Date of MS-3 : 02.06.2023</p> <ol style="list-style-type: none"> <li>1. FC Stage –I</li> <li>2. FC stage –II</li> <li>3. Wildlife Clearance</li> <li>4. Approval Under PESA</li> <li>5. Environment Clearance</li> </ol>	<p>Regarding EC, the Allottee informed that they had applied for grant of EC on Parivesh portal within given timeline. They completed the activities recommended in the TOR and after fulfilling all necessary studies, submitted draft EIA/EMP report along with TOR compliances and executive summary to Jharkhand State Pollution Control Board (JSPCB), Ranchi on 28.10.2022. JSPCB published Public Notices on 26.01.2023. Final EIA/EMP report was submitted to MoEF&amp;CC on 06.04.2023 which was considered in EAC on 24.04.2023 and again on 26.06.2023. EC was recommended; however, grant letter is not issued for want of FC stage-I.</p> <p>Regarding FC, the Allottee informed that 1230.58-acre CA land was 'vested' to them along with Vesting Order. The entire vested CA land is not transferrable to the Forest department due to lack of proper documentations, land record etc. Conditional Suitability certificate has been issued for 422.34-acre CA land only while it has been rejected for 395.44-acre CA land. They are at advanced stage</p>



	<p>of arrangement of remaining required CA land and hopeful that suitability certificate for balance CA land would be available soon. The delay was mainly in arrangement of fresh CA land as in the beginning they were hopeful that the vested CA land would be accepted by Forest department. They also assured that both EC and FC stage-I would be obtained by March 2024 and the next milestone would be achieved within the original due date.</p> <p>O/o NA informed that even if CA land is not vested, the project proponent is required to arrange fresh CA land and obtain FC within the same scheduled time, i.e., 18 months from the date of approval of the Mining Plan.</p>
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**Observation & Recommendation: -**

The issue of Chakla coal mine was discussed in detail. It was found that the completion of Environment Clearance is identified as the final activity of MS-3 and its due date was 02.06.2023. It is observed that despite delay in certain accounts, the proposal for EC was considered in EAC on 26.06.2023 and EC was recommended, however, grant letter is not issued for want of FC stage-I.

The reasons for delay in grant of FC Stage I has been explained by allottee in their submission and explained during deliberation. It is observed that a part of the vested CA land has been rejected by State Forest department and the project proponent was asked to arrange new CA land and this delayed in getting FC-I. During deliberation, Allottee has assured that both EC and FC stage-I will be obtained by March 2024, and they also agreed that the next Milestone (MS-4) will be completed within the original due date i.e. March 2025 and the mine will be operational before the scheduled date.

In consideration of these assurances, the Committee decided to defer the decision regarding the penalty for delay in completion of MS-3 till March 2024 and the issue would be reviewed holistically by the Committee after March 2024.

**5 Meral: - M/s Trimula Industries Limited (TIL)**

Show Cause Notice dated 25.05.2023 for deviation in the Scheduled production/Reaching Rated Capacity for the year 2022-23 and corresponding reply of the Allottee were considered in the meeting.

Milestone for which show cause was given	Deliberation
<p>Schedule of production/ Reaching Rated Capacity for FY 2022-23.</p> <p>Target; 0.50 MTPA</p> <p>Actual: NIL</p>	<p>The Allottee informed that they had applied for grant of mining lease (ML) to DC. Palamu on 22.07.2015. However, after verifying the land schedule and map, Jharkhand government (GoJ) informed that the 983 acres land did not have any land records and the remaining 74.01 ha is Jungle Jhari(JJ )land. The State Govt. conducted revisional survey in year 2017, as per which, there was not any Jungle Jhari land within the boundary of the mine. However, 74.01 ha land parcel is listed as forest area in the record of forest department, and they were advised by Forest Department to obtain Forest clearance for this area. Allottee further stated that they requested ministry of coal for surrendering of 74.01 ha Jungle Jhari land, which is non-coal bearing. They also applied for revised mining plan for the non-jungle Jhari area. However, their request for surrender of 74.01 ha area has not been accepted by the Ministry and the revised Mining Plan has also not been approved. Due to this progress has not taken place in the mine.</p> <p>Office of Nominated Authority informed that the request of the Allottee for surrendering a part area of a coal block cannot be accepted under existing provisions of laws. As a result, Allottee's request was taken up in the Empowered Committee of Secretaries (ECoS). The ECoS has also not accepted the request of Allottee for part relinquishment of area and instead advised the Ministry for framing a policy for such issue. Presently, Ministry has not made any policy for part surrender of any geological area of the mine. The Allottee was also repeatedly advised to apply for Mining Plan for the whole area, but they are insisting for surrender of 74.01 ha area.</p> <p>Office of Nominated Authority also informed that the Scrutiny committee in its 19<sup>th</sup> meeting on 19/20 April 2023 had recommended for penalty as per provision of CMDPA for failure in obtaining Mining Lease, FC, Land acquisition, scheduled coal production in year 2019-20,2020-21,2021-22 etc. and accordingly sanction order was issued for appropriation of BG.</p>

#### Observations and Recommendations of the Committee:

The matter was discussed in details and the Committee observed that the Allottee has not given suitable justification for delay in getting various clearances and in starting coal production. It is apparent that as against the Scheduled coal production for FY 2022-23, production has not yet started. The Committee felt that the Allottee is not serious to undertake all activities that can lead to commencement of production. Hence, the



Committee recommended to appropriate BG as per the provisions of Coal Mines Development & Production Agreement (CMDPA).

## 6 Rauta Closed –M/s Shreesatya Mines Private Limited (SMPL)

Show Cause Notice dated 20.02.2023 for delay in grant of Prospecting License, Drilling/Exploration and preparation of Geological Report and corresponding reply of the Allottee were considered in the meeting.

Milestone for which show cause was given	Deliberation
<p>Due Date- 17.02.2023</p> <p>MS-I</p> <p>(i) Prospecting License or Notification under section 4 of the CBA Act, 1957, as applicable</p> <p>(ii) Completion of Drilling/Exploration</p> <p>(iii) Preparation of geological report (GR)</p>	<p>Allottee informed that they prepared all documents/map/plan and applied to Circle office, Mandu for land verification on 04.12.2021. The same was verified by CO and reports obtained on 30.12.2021. After that they faced some problem in submission of PL-CUM-ML application regarding payment on JIMMS portal of GoJ. Finally, application of PL-CUM-ML could be submitted in DMO office, Ramgarh on 06.01.2022. DMO asked some additional documents/maps/plans which were submitted on 18.02.2022. Further, Dy. Director (Mines) advised them to submit a copy of all documents/maps/plans, which were submitted to DMO, Ramgarh office, to Director (Mines) on 27.04.2022.</p> <p>Again, DMO office Ramgarh asked some clarifications about coordinates of the block on 06.05.2022 and 06.08.2022 which were replied on 18.05.2022 and 26.08.2022 respectively. Allottee emphasized that they replied at the earliest with full sincerity as and when queries were raised by Mining Department officials. They are seriously pursuing the case and their seriousness can be assessed from the high revenue share quotation they made during auction of the coal block by Coal Ministry. DMO, Ramgarh office took more than 7 months in recommending the application to DC. They have also raised this issue during review meetings in Coal Ministry.</p> <p>Representative of State Govt stated that the queries were raised several times as the basic requirement for completion of application was not fulfilled by them. They had not provided certified exploration scheme. 4 points shown in the map were lying outside the mine boundary. Some of the issues are still unaddressed such as ; i) land details also mismatch with the land schedule , ii) boundary certification by CMPDIL is still pending etc.</p>

<b>Milestone for which show cause was given</b>	<b>Deliberation</b>
	To this the Allottee stated that certification of forest land is still pending with DFO. They are repeatedly requesting forest department for certification of forest area. The Allottee also assured that they will prepare GR within 6 months of getting prospecting License.

#### **Observations and Recommendations of the Committee:**

The matter was discussed in detail, and it was found that all the activities under Milestone (MS)-1 i.e., Prospecting License, Completion of Drilling/Exploration and Preparation of GR were to be completed by the Allottee by the due date, i.e., 17.02.2023. Representative of the State Govt did not agree with some of the points raised by the Allottee. The Committee is of the opinion that the Allottee is required to make more serious efforts to fulfill the requirement as mentioned by the State representative and if they do the right things in time bound manner, the mine will be operational within the given timeline.

The Committee finds the Allottee mainly responsible for the delay in achievement of Milestone-1, i.e., preparation of GR and therefore recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA). The Committee also stated that in the event the mine becomes operational within the scheduled timeline, the appropriated BG will be returned to them as per the provision of CMDPA.

#### **7 Rajbhar E & D: - M/s Tenughat Vidyut Nigam Limited (TVNL).**

Show Cause Notices dated 23.06.2022 and 18.05.2023 for deviation in the Scheduled production/Reaching Rated Capacity for the year 2020-21, 2021-22 and 2022-23 respectively and the corresponding replies of the Allottee were considered in the meeting.

<b>Milestone for which show cause Notices were given</b>	<b>Deliberations</b>
<b>SCN dated 23.06.2022</b>  Schedule Production for (i) FY 2020-21	The Allottee informed that after filing of FC Stage- I application, State Forest department has repeatedly made the changes in the forest area. Due to changes in the forest area we come back to zero position. Again, vide letter dated 26.07.2022 the forest area was revised for the 3 <sup>rd</sup> time.



<p>(Scheduled Production: 1 MT)</p> <p>Actual Production: NIL)</p> <p>(ii) FY 2021-22</p> <p>(Scheduled Production: 2 MT)</p> <p>Actual Production: NIL)</p> <p><b>SCN dated 18.05.2023</b></p> <p>(i) FY 2022-23</p> <p>(Scheduled Production: 3 MT)</p> <p>Actual Production: NIL)</p>	<p>Therefore, revised forest clearance application was submitted on 21.07.2023, after getting certified land schedule on 05.06.2023 from the Circle Office. This resulted in repetition of volume of work, like preparation of revised maps, preparation of revised land schedule, verification and certification of land schedule and revision of applications for EC, FC, lease of Govt. land, acquisition of raiyati (private) land, NoC for Gair Majurwa Jungle Jhari land and FRA Certification etc. The Allottee insisted that all these factors were beyond their control.</p> <p>Allottee also informed that they have filed court case CBC No. 04 of 2022 against the sanction order issued by NA for appropriation of BG. Further, they also filed the Miscellaneous Civil Applications (MCA)i.e MCA No 297/22 and MCA No 498 of 2023 against the SCN dated 23.06.2022 and 18.05.2023 respectively before the Honorable Tribunal at Ranchi where the Honorable Tribunal passed an order dated 30.11.2023 and directed to maintain status quo in the present case till final disposal of this case.</p> <p>Office of Nominated Authority informed that in the 17<sup>th</sup> Scrutiny Committee meeting held on 02/03/March ,2022,the Committee had recommended for appropriation of PBG for failure in obtaining clearances of Submission of Mining Plan, Mining Plan Approval, Environment Clearance Application, Forest Clearance Application, Previous Approval Application, Previous Approval , Forest Clearance, Environment Clearance, Grant of Mining Lease, Land Acquisition, Opening of Escrow Account , Application for opening permission, Grant of opening permission within the schedule time. Accordingly, as per the recommendation, the sanction order for appropriation of PBG was issued and an amount of Rs 148.50 crores has been appropriated.</p>
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#### Observations and Recommendations of the Committee:

The committee observed that the Allottee has approached the Hon'ble Ranchi Tribunal against the Show Cause Notices dated 23.06.2022 and 18.05.2023. The Tribunal passed an order and directed to maintain status quo in the present case till final disposal of the case. Accordingly, the Committee decided to take a view on the matter only after injunction is vacated.

## 8 Kerandari:- M/s NTPC

Show Cause Notices dated 17.07.2017, 19.12.2019, 27.05.2022 and 18.05.2023 for delay in grant of FC, Mine Opening Permission and coal production in years 2019-20, 2020-21, 2021-22 and 2022-23 and the corresponding replies of the Allottee were deliberated in the meeting.

Milestone for which show cause Notices were given	Deliberation
<p>SCN Date- 17.07.2017 (i) Grant of Forest Clearance</p> <p>SCN Date- 19.12.2019 (i) Application for Mine Opening Permission (ii) Grant of Mine Opening Permission</p> <p>SCN Date- 27.05.2022 (i) Schedule of production FY 2019-20; FY 2020-21 &amp; FY 2021-22</p> <p>SCN Date- 18.05.2023 (i) Schedule of production FY 2022-23</p>	<p>It was informed by NA office that the issues related to grant of FC and mine opening permission were earlier considered in the 9<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup> and 18<sup>th</sup> meetings of the Scrutiny Committee. The committee had recommended in the 18<sup>th</sup> meeting to seek comments of Jharkhand Govt on the reply of the Allottee and accordingly NA office sought comments from Jharkhand State several times. Unfortunately, written comments of the State have not been received till date. It was also informed that NTPC was also the Prior Allottee and FC-I was granted long back in year 2012 itself but they took lots of time in completion of compliances for FC-II.</p> <p>M/s. NTPC informed that FC-II was granted in August 2019, however, forest land was transferred in January 2022 by the State Forest department. There was also delay in grant of permission for tree cutting, and they got permission for it in March 2022. Further, amount for NPV &amp; integrated WLMP was revised twice. Consequently, an additional demand notes for Rupees fifteen crores for WLMP, based on ML area, was issued and it was deposited by NTPC in short span of time. Later, the operationalization of mine was delayed due to delay in appointment of MDO as the issue was sub judicious. NTPC further requested to treat MDO appointment as one another separate milestone.</p> <p>O/o NA stated that during the 18<sup>th</sup> meeting held on 23.08.2022, representative of Government of Jharkhand emphasized that NTPC were not able to comply with all the necessities for grant of FC-II and required amount for WLMP was not deposited. As a result, FC-II was granted on 28.08.2019 subject to fulfillment of several conditions. In its reply given earlier, NTPC has mentioned that the delay in FC -II was mainly due to delay in approval of Integrated Wildlife Management Plan by the State Govt.</p> <p>Committee observed that the comment of state forest department is vital in deciding the factors or agency responsible for the delay in grant of FC-II and in absence of that responsibility for delay in FC-II cannot be fixed.</p>



**Observation & Recommendation: -**

As per the recommendation of the Scrutiny Committee, M/s NTPC submitted chronological details of the efforts made for grant of FC-II and Mine opening permission to the office of NA with a copy to the Director (Mines), GoJ. NA office forwarded the reply of the Allottee to the Secretary (Mines), GoJ with request to provide comment on the reply of the Allottee. As the issue was related to the forest department, Secretary (Mines), GoJ forwarded the reply to additional CS, Forest Department with request to give comment on the issue. Reply of Forest department has not been received till date. The Deputy Director, Forest Department of Jharkhand was present on the call and the Committee requested him to expedite the response of the forest department. The Committee advised O/o NA to give its point of view holistically based on the response of the State Forest Department and the Allottee. The Committee decided to defer the decision till the next meeting, and they will take the final call based on the comments of O/o NA, State Forest Department and Allottee.

**9 Durgapur –II Sarya&Taraimar – M/s Karnataka Power Corporation Limited (KPCL)**

Show Cause Notices dated 31.08.2023 for non –compliance with the Forest Clearance Stage-II and Environment Clearance milestones and the corresponding reply of the Allottee were considered by the Scrutiny Committee.

<b>Milestones for which show cause Notice was given</b>	<b>Deliberation</b>
Due Dates -  (i) Forest Clearance Stage-II (Durgapur –II/Sarya): 02.06.2022  (ii) Environment Clearance (Durgapur – II/Sarya): 02.06.2022	<p>The Allottee stated that Forest Clearance Stage-I &amp; II and Environment Clearance (EC) were initially vested to KPCL through an allotment order. Subsequently, they applied to MoEF&amp;CC for transfer FC-Stage-I &amp; II and EC, but their proposal for transfer was rejected by MoEF&amp;CC. They were advised to apply afresh by MoEF&amp;CC since the previously granted FC-I and FC-II were revoked as the amount deposited in CAMPA fund were refunded back to the prior allottee. However, KPCL repeatedly requested for reconsideration of their application for transfer of EC, FC Stage-I &amp; II but their request was not considered by MoEF&amp;CC.</p> <p>Further, Allottee stated that they had deposited a fixed amount of Rs 62 crores for the Cost of Consent to the Office of Nominated Authority, Ministry of Coal. As the FC-I &amp; II were revoked, M/s KPCL awaited the refund of the deposited amount for the Cost of Consent. They received only about Rs. 55 crores in March 2023. Therefore, they had not applied afresh for Forest Clearance and continued to request for the transfer of the previously granted EC and FC.</p> <p>The Office of Nominated Authority informed that the Ministry has advised KPCL during several review meetings to apply afresh for Forest Clearance (FC) as per the direction of the MoEF&amp;CC. However, they are insisting for transfer of vested FC itself. They have not applied afresh for EC and FC. O/o NA also informed that the fixed amount deposited for the Cost of Consent by M/s KPCL has been fully refunded by the Ministry.</p> <p>O/o NA also informed that the end-use plant (EUP) linked to the coal block is not commissioned till day and even there is not any certainty whether KPCL will go for construction of this EUP or not. This uncertainty about EUP is the major reason because of which the expected development has not taken place in the mine. They are not pursuing the issue sincerely. They were even made aware that the Ministry has given</p>



	<p>permission for sale of coal up to 50 % of the coal produced in a year for all the captive coal mines.</p> <p>O/o Nominated Authority also informed that the Scrutiny Committee in its 19<sup>th</sup> meeting held on 19/20 April 2023 had recommended for penalty for delay in grant of FC stage- I.</p> <p>The Scrutiny Committee inquired from the State Government official regarding the status of FC for the said mine. The forest department official informed that the user agency had not fulfilled the compliances for Forest Clearances till date, resulting in pending FC.</p> <p>During deliberations, the Scrutiny Committee clarified that the fixed amount for the Cost of Consent and the milestones outlined in Scheduled E (efficiency parameters) are separate from each other. The Allottee is obligated to meet efficiency parameters, failure of which may lead to penalty in the form of encashment of the Bank Guarantee.</p> <p>Subsequently, M/s KPCL informed that they filed a writ petition (No. 16910 of 2023) challenging the appropriation order dated 31.07.2023 for the delay in FC Stage-I. The Hon'ble High Court in Bengaluru issued an interim order restraining the Office of Nominated Authority from taking further actions, including encashment of the bank guarantee.</p> <p>The Office of Nominated Authority clarified that the milestones and penalties related to FC-I &amp; II are distinct. The interim stay granted by the Hon'ble court applies solely to the appropriation order issued for the delay in FC-I.</p>
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### **Observations and Recommendations of the Committee:**

In this case, the delay in grant of Forest Clearance Stage –II and Environment Clearance were deliberated upon. The due date for both the milestones, after the relaxation of 3 months due to the COVID-19 pandemic was 02.06.2023. However, the Allottee has not achieved these milestones till date. Despite the reasons provided by the Allottee for the delays, the Committee is not in a position to conclude that the delay is not attributable to the Allottee. The Committee had earlier found Allottee responsible for delay in grant of FC stage-I and had recommended for imposition of penalty for delay in grant of FC stage-I. The Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA) for delay in grant of FC stage-II and EC.

#### **10 Parsa– M/s Rajasthan RajyaVidyutUtpadan Nigam Limited (RVUNL)**

Show Cause Notice dated 17.05.2023 for deviation in the scheduled production/Reaching Rated Capacity for the year 2022-23 and the corresponding reply of the Allottee were considered by the Scrutiny Committee.



Milestone for which show cause Notice was given	Deliberation
<p>Due Dates -</p> <p>(i) Scheduled production/ Reaching Rated Capacity for the year 2022-23</p>	<p>O/o NA informed that Show Cause Notice dated 17.05.2023 was issued for deviation in the scheduled production/Reaching Rated Capacity for the year 2022-23</p> <p>The O/o NA informed that the previous show cause notices i.e. 17.07.2017, 23.07.2019, 09.09.2020, 29.07.2021 &amp; 09.06.2022 for non-compliance of various milestones such as FC, Mine opening permission ,production for years 2019-20 ,2020-21 ,2021-22 etc. were considered in the 19<sup>th</sup> meeting of the Scrutiny Committee. The Committee had recommended, <i>"the representatives of Chhattisgarh government agreed that the local villagers and NGOs are resisting the tree cutting and other mining activities in this block. The committee is of the view that allottee has made serious efforts at all levels for obtaining clearances and for completion of milestones within the scheduled timeline. The Allottee is thus not responsible for the delay in achievement of milestones mentioned in the show cause notices and therefore, penalty should not be imposed on them"</i></p> <p>The Allottee stated that the mine has obtained all necessary clearances, including mine opening permission. The State Government of Chhattisgarh has also granted approval for tree felling activities. The tree felling activities were commenced but it was halted due to agitations carried out by public/NGOs at site.</p> <p>During deliberations, the Scrutiny Committee noted that the Allottee faced challenges in coal production for the fiscal years 2019-20, 2020-21, 2021-22, and 2022-23 due to resistance of villagers against tree cutting and other mining activities. The Committee inquired about the resolution of this issue soon, and the Allottee expressed that despite their best efforts, they have failed to resolve the issue till date, however, the ground situation has just changed, and they are hopeful for early resolution now. The Allottee also committed for coal production of 0.25 MT in FY2023-24 and 5 MT in FY2024-25.</p> <p>Officials from the State Government of Chhattisgarh also affirmed that local villagers and NGOs are indeed resisting tree cutting and other mining activities in the specified block.</p>

#### **Observations and Recommendations of the Committee:**

The Allottee expressed that despite meeting all other milestones and compliances, they were unable to obtain permission for tree cutting which has been holding them back from coal production in the mine since FY 2019-20 to FY 2021-22. Further, the Allottee stated that they received the permission for tree cutting on 19.04.2022, however, tree cutting could not been done due to resistance of local villagers and NGOs. Furthermore, Allottee expressed that there is a distinct hope that the resistance will wane soon and the production of 0.25 MTPA could be achieved in FY 2023-24 and from FY 2024-25 the scheduled production of 5 MTPA will be achieved. The Allottee requested for allowing further time accordingly.

After deliberation, the Scrutiny Committee took note of the earlier decision of the Committee for waiving off penalty for the delay in achievement of FC, MOP, Production in FY 2019-20, FY 2020-21 and FY 2021-22 etc. as the Committee had not found the Allottee responsible for these delays. Regarding the present case of failure in achievement of target production in FY 2022-23, the Committee recommends to defer the decision on imposition of penalty, which will be reviewed in its first meeting of FY 2024-25.



## 11 Jhigador-M/s CG Natural Resource Private Limited

Show Cause Notice dated 29.05.2023 for deviation in the scheduled Prospecting License, Completion of Exploration/ Drilling and Preparation of GR, and corresponding reply of Allottee were considered by the Scrutiny Committee.

Milestone for which show cause Notice was given	Deliberation
Due Dates - (i) Prospecting License: 18.02.2023 (ii) Completion of Exploration/ Drilling: 18.02.2023 (iii) Preparation of GR: 18.02.2023	<p>O/o NA informed that Show Cause Notice dated 29.05.2023 was issued for deviation in the scheduled date for Prospecting License, Completion of Exploration/ Drilling and Preparation of GR.</p> <p>The Allottee informed that Preparation of the Geological Report (GR) is dependent on grant of a Prospective License by the Government of Chhattisgarh. Allottee had applied for PL-cum-ML to the Director of Geology and Mining (DGM), Chhattisgarh, for Jhigador coal block on 23.11.2021 and followed up continuously. The O/o Nominated Authority, Ministry of Coal, has also corresponded with the State Government, Chhattisgarh, to expedite the grant of PL-cum-ML, but the license is still pending.</p> <p>Further, the Allottee informed that the State Government of Chhattisgarh, through a letter dated 30.10.2023, cited local resistance against coal mining in the Hasdeo-Arand area, leading to a law-and-order situation. This situation has resulted in the non-issuance of the PL cum ML license for the Jhigador Coal Mine to M/s CGNRPL.</p> <p>During deliberations, the Committee inquired inputs from the Mining department of Chhattisgarh regarding the delay in granting the Prospective License. The Office of Nominated Authority conveyed that the official from the Mining department of Chhattisgarh was not available in the meeting.</p>

### Observations and Recommendations of the Committee:

The comments of the Mining Department of Chhattisgarh are necessary to draw a conclusion on this matter. Since the representative of the Mining Department of Chhattisgarh is not present in the meeting, the Committee recommends to put on hold the decision on imposition of penalty for non-achievement of this milestone. The matter is deferred till the first meeting of the Scrutiny Committee to be held in FY 2024-25.

## 12 Khargaon- M/s CG Natural Resource Private Limited

Show Cause Notice dated 29.05.2023 for deviation in the scheduled Prospecting License, Completion of Exploration/ Drilling and Preparation of GR, and corresponding replies of Allottee were considered by the Scrutiny Committee.

Milestone for which show cause Notice was given	Deliberation



Due Dates -	O/o NA informed that Show Cause Notice dated 29.05.2023 was issued for deviation in the scheduled Prospecting License, Completion of Exploration/ Drilling and Preparation of GR
(i) Prospecting License: 18.02.2023	The Allottee informed that Preparation of the Geological Report (GR) is dependent on grant of a Prospective License by the Government of Chhattisgarh. Allottee had applied for PL-cum-ML to the Director of Geology and Mining (DGM), Chhattisgarh for Khargaon coal block on 25.11.2021 and followed up continuously. The O/o Nominated Authority, Ministry of Coal, has also corresponded with the State Government, Chhattisgarh, to expedite the grant of PL-cum-ML, but the license is still pending.
(ii) Completion of Exploration/ Drilling: 18.02.2023	
(iii) Preparation of GR: 18.02.2023	Further, the Allottee informed that the State Government of Chhattisgarh, through a letter dated 30.10.2023, cited local resistance against coal mining in the Hasdeo-Arand area, leading to a law-and-order situation. This situation has resulted in the non-issuance of the PL cum ML license for the Khargaon Coal Mine to M/s CGNRPL  During deliberations, the Committee inquired inputs from the Mining department of Chhattisgarh regarding the delay in granting the Prospective License. The Office of Nominated Authority conveyed that the official from the Mining department of Chhattisgarh was not available in the meeting.

#### **Observations and Recommendations of the Committee:**

The comments of the Mining Department of Chhattisgarh are necessary to draw a conclusion on this matter. Since the representative of the Mining Department of Chhattisgarh is not present in the meeting, the Committee recommends to put on hold the decision on imposition of penalty for non-achievement of this milestone. The matter is deferred till the first meeting of the Scrutiny Committee to be held in FY 2024-25.

#### **13.Dhirauli Coal Mine: - M/s Stratatech Mineral Resources Private Limited**

Show cause notice dated 23.08.2023 for the delay in grant of FC Stage-I, FC Stage-II, Environmental Clearance, Wildlife Clearance and approval under PESA and the corresponding replies of the Allottee were considered in the meeting.

<b>Milestone for which show cause Notice was given</b>	<b>Deliberations</b>
For delay in Grant of FC Stage-I, FC Stage-II, Environmental Clearance, Wildlife Clearance and approval under PESA.  Due date: 04.02.2023	It was apprised to the Committee that a Show Cause Notice had been issued to the Allottee for the delay in achievement of MS-3, whose due date was 04.02.2023. However, the same is pending till date.  <b>Environment Clearance:</b> The Allottee informed that they got the approval of Mining Plan within 2 months of issuance of Allocation Order. Immediately in June 2021, they applied for TOR, however, TOR was granted in August 2021. Draft EIA/EMP report was also prepared by December 2021 and Public Hearing was conducted in May 2022. Subsequently, it came to notice that a Nallah is passing



<p>Actual date: Still pending.</p>	<p>through the mine and diversion of which was not granted in the ToR. MoEF&amp;CC advised them for some additional studies and submit a revised proposal. Consequently, hydrological studies were conducted, leading to the amendment of ToR in January 2023 and EC was subsequently recommended on May 31, 2023.</p> <p>The Allottee further stated that the counting of time for MS-3 started from the date of actual date of completion of MS-2, instead of the scheduled date of completion of MS-2 (Mining Plan approval) and due to this the time for MS-3 was reduced by 4 months.</p> <p>The Scrutiny Committee observed that the Allottee should have taken more sincere steps for early grant of revised TOR. The Committee also noted that even after getting recommendation for EC, they have not got the grant letter due to absence of FC stage-I.</p> <p><b>Forest Clearance:</b> -The Allottee stated that they had to arrange a huge quantity of about 1400 ha CA land. The process for identification of CA land was initiated on June 9, 2021, spanning 15 districts. Due to exhaustive nature of the work, including negotiations with private landowners and the identification of suitable government-owned CA land, lots of time was consumed.</p> <p>The Committee opined that the proponent was aware of all these problems before signing the agreement and mentioned that these issues are being faced by all coal mining companies and such issues are very common and inquired about the present status. The Allottee informed that the identification of CA land has been successfully concluded in June 2023, site inspection conducted on November 9, 2023. Subsequently, due to election in the State, the progress of the proposal has been temporarily halted. Despite this delay, they expressed confidence in adhering to the overall project timeline and assured that they will operationalize the mine ahead of the scheduled date.</p>
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#### Observation & Recommendation:

The Allottee represented that the Environment Clearance has been recommended and expected to be granted once FC Stage- I is obtained. However, there is delay in grant of FC Stage-I involving various authorities and the Allottee and as a result this Milestone has been breached. Scrutiny Committee deliberated and obtained the views of the State Government representative. The Committee observed that due to delay in arrangement of land for CA and in getting suitability of that CA land, FC stage- I is still pending and therefore concluded that the Allottee is mainly responsible for delay in grant of EC and FC stage-I. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA). However, considering the progress made by the allottee in various activities, it appears that the mine may be operational within the scheduled time which will entitle the allottee to obtain the refund of the invoked BG as per provisions of the Agreement.



#### 14. Sahapur East Coal block M/s Chowgule and Company Private Limited:

Show cause notice dated 11.07.2023 for the delay in grant of FC Stage-I, FC Stage-II, Environmental Clearance, Wildlife Clearance, and approval under PESA and the corresponding replies of the Allottee were considered in the meeting.

Milestone for which show cause Notice was given	Deliberations
For delay in Grant of FC Stage-I, FC Stage-II, Environmental Clearance, Wildlife Clearance, and approval under PESA.  Due date: 02.12.2022  Actual date: Still pending.	<p>It was apprised to the Committee that a Show Cause Notice had been issued to the Allottee for the delay in achievement of MS-3 whose due date was 2.12.2022, but is still pending.</p> <p>The Allottee stated that TOR was first granted on 7.7.2021, however due to observation of MoEF&amp;CC, revised application was submitted, and the amended ToR was granted on 16.12.2021. Draft EIA/EMP report was prepared in January 2022, and they applied for Public Hearing (PH) in March 2022. However, PH was held in July and August 2022. Thereafter, the proposal was considered in the Expert Appraisal Committee (EAC) meeting held on 17.11.2022 wherein it imposed additional conditions, namely the establishment of a 7 MW Solar Power Plant, undertaking for non-diversion of Nallah and revision in the Mining Plan as per approved TOR for which EIA/EMP had been prepared. Subsequently, a comprehensive study has been conducted on these aspects, and efforts are underway to prepare the revised Mining Plan. The proposal was reconsidered in the EAC meeting in June 2023, during which two additional conditions were imposed regarding afforestation covering a minimum of 20% of the project area and a Cost-Benefit Analysis of the Project. They are actively engaged in compliance of these conditions.</p> <p>The Scrutiny Committee asked for the reasons behind the EAC's demand for a revised Mining Plan. The Allottee explained that the initially assigned mining plan covered an area of 693 hectares, while the approved ToR was for an area of 659 hectares. The Allottee also informed that the studies mandated by the EAC in the January 2023 required four additional months for completion. The Committee noted that even with this consideration for 4 months' time taken for stipulated studies, the Allottee has not met the timeline for this milestone.</p> <p>Then the committee also sought clarification on why the Allottee did not apply for same area for ToR corresponding to the area for the Mining Plan. The Allottee stated that this was oversight by a different team which had prepared it earlier. The Committee noted that the EAC's directive in November 2022 for the preparation of a revised Mining Plan has not yet been fulfilled. The Committee also underscored that the studies mandated by the EAC in subsequent meetings are within the prerogative of the clearance-granting authority and whatever directives are given by EAC, the Allottee is supposed to comply it.</p>



**Observation & Recommendation:**

The Scrutiny Committee observed that the show cause was given for delay in achievement of MS-3, i.e. grant of Environment clearance whose due date was 02.12.2022. Upon discussion it transpires that the Allottee had submitted application of ToR for different area than the approved Mining Plan area. It was also noted that the Allottee had not complied with the observations of the EAC such as submission of revised Mining Plan within the stipulated timeline. The Committee also noted that FC stage- I has also not been granted till date and even in case the EC is recommended by EAC, the grant letter for EC will not be issued till the grant of FC-I. The Allottee should have made parallel effort for grant of FC stage-I also. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA).

**15.Sahapur West Coal block (M/s Sarda Energy and Minerals Limited):**

Show cause notice dated 07.07.2023 for the delay in grant of FC Stage-I, FC Stage-II, Environmental Clearance, Wildlife Clearance, and approval under PESA and the corresponding reply of the Allottee were considered in the meeting.

Milestone for which show cause Notice was given	Deliberations
For delay in Grant of FC Stage-I, FC Stage-II, , Environmental Clearance, Wildlife Clearance and approval under PESA.  Due date: 02.12.2022  Actual date: Still pending.	<p>It was informed to the Committee that the Show cause notice dated 07.07.2023 has been issued for the delay in achievement of MS-3 whose scheduled due date was 02.12.2022. However, the same is pending as on date.</p> <p>The Allottee apprised to the Committee that the Mining Plan, initially vested to them, covered a smaller area than the geological block area. Consequently, they had to revise the Mining Plan to facilitate the application for Environmental Clearance.</p> <p>Upon inquiry by the Committee regarding the time taken to obtain approval for the revised Mining Plan and the status of EC and FC, the Allottee stated that they got the approval of the revised Mining Plan in April 2022. The Environment Clearance has been recommended by EAC in May 2023, however, grant letter has not been issued for want of Forest Clearance Stage-I.</p> <p>The Committee noted that, even accounting for efficiency parameters for Mining Plan approval (six months) and a three-month COVID-related relaxation, the calculated due date for MS-3 achievement would be June 2023. The Committee further stated that even if the calculation of the due date is based on the approval of the revised mining plan in April 2022, the scheduled due date would fall in October 2023. However, the milestone has not been achieved till date.</p> <p>The Allottee further contested that the Environmental Clearance has already been recommended on 09.05.2023 and it will be granted post-Forest Clearance Stage-I. However, the Committee reiterated that the completion of Milestone MS-</p>



	<p>3 is contingent upon the grant of Environmental Clearance, which remains pending, and such argument is not accepted.</p> <p>Regarding delay in grant of FC stage-I, The Allottee informed that this delay was mainly due to following reasons: i) Limited availability of private land for CA purpose, ii) Consumption of more than 12 months in getting consent of their owners iii) Delay in issuance of suitability certificate by the state forest department, and iv) As the mine is located in 2 districts, each and every activity is almost doubled and extra efforts and time are required.</p> <p>The Committee also took note of the fact that the Ministry has granted considerable flexibility in the agreements of commercial coal mines, including the reduction of the number of milestones, a non-cascading effect between consecutive milestones, and a provision for the return of appropriated amount to the Allottee if the mine is operationalized within 51 months from the date of allocation.</p>
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#### **Observation & Recommendation:**

The Scrutiny Committee observed that the show cause was given for delay in achievement of MS-3, i.e. grant of Environment clearance whose due date was 02.12.2022 and it is still pending. The EC has been recommended but not granted so far for want of FC Stage-I. The reasons of delay were discussed at length, and it was observed that a lot of time was taken by the Allottee in arrangement of CA land and in getting suitability certificate for them. It is expected that some more time will be taken in obtaining FC stage-I. The Committee concludes that the Allottee is responsible for the delay in grant of EC and FC. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA). However, if the Allottee operationalizes the mine within the scheduled time, the appropriated amount can be refunded as per the provisions of the CMDPA.

#### **16. Bikram Coal mine: - M/s Birla Corporation Limited**

Show Cause Notice dated 05.09.2022 for the delay in grant of FC Stage-II, Wildlife Clearance and approval under PESA and the corresponding reply of the Allottee were considered in the meeting.

<b>Milestone for which show cause Notice was given</b>	<b>Deliberations</b>
<p>For delay in Grant of FC Stage-II, Wildlife Clearance and approval under PESA</p> <p>Due date: 10.08.2022,</p>	<p>The Office of the Nominated Authority apprised the Committee that the issue of delay in grant of FC stage-II was previously deliberated upon in the 19<sup>th</sup> and 20<sup>th</sup> meetings of the Scrutiny Committee held on April 19/20, 2023, and July 27/28, 2023, respectively. During the 20<sup>th</sup> Scrutiny Committee meeting on 27/28 July 2023, the Allottee gave the commitment for securing Forest Clearance Stage-II (FC-II) within a span of two months. Additionally, the Allottee assured to commence coal production ahead of the scheduled timeline in the fiscal year 2023-24 itself. In</p>



Actual date: Still pending.	<p>response, the Committee deferred the decision and recommended for re-consideration of the case after a two-month period. However, FC Stage-II has not been obtained till date.</p> <p>The Allottee informed that the proposal was considered in the Forest Advisory Committee (FAC) meeting held in September 2023. The FAC observed a discrepancy in land records for 2.51 ha land between the State Government record and the DSS system. As per the state government record, this patch of 2.51 ha land is non-forest while as per DSS system it is forest land. The FAC further recommended that either the State Government rectify the boundary or the Allottee acquire additional CA land as necessary for its acceptance,</p> <p>The Scrutiny Committee is of the opinion that the Allottee should have procured additional CA land so that they could counter the situation of rejection of a part of CA land. The Allottee clarified that the discrepancy arose due to the unavailability of DSS data on a public platform, preventing them from foreseeing the mismatch. Allottee also highlighted that forest department had rejected one or another patch of previously accepted land for CA purpose several times. In compliance to the observation of FAC, the details of additional CA land were submitted to the State Government, and they are optimistic that the issue will be resolved soon. They are hopeful to get FC stage-II within 2 months and they assured that the remaining milestones and the operationalization of the mine will be completed within the stipulated timelines.</p> <p>The Scrutiny Committee advised the Allottee to give an undertaking to the Office of the Nominated Authority about the assurance for FC -II and other clearance as promised.</p>
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#### **Observation & Recommendation: -**

The Scrutiny Committee observed that the show cause notice was given for delay in grant of FC stage-II whose due date was 10.08.2022 and it is still pending. The Allottee expressed that, it has reached the final stage of FC Stage-II and FAC has recommended that either State Government rectify the boundary of forest land or the Allottee acquire additional 2.51 ha CA land as necessary for its acceptance, The Allottee further stated that they have already procured the additional non –forest land for CA purpose and they are convinced that the FC Stage-II would be obtained within the next two months.

The Scrutiny Committee noted that several relaxation and additional time has been given in the earlier meetings. However, considering the progress achieved, the Committee recommends to keep the decision in abeyance for another two months subject to an undertaking that the Allottee will obtain FC stage-II within next two months and will complete the remaining milestones within the scheduled timeline. The Committee will then give the final recommendation on this issue in next meeting.



### 17. Garampani-M/s Assam Mineral Development Corporation Ltd.

Show Cause Notice dated 14.06.2023 for delay in completion of Milestone (MS)-II, i.e.: Mining lease application, Submission and grant of Mining Plan and corresponding reply of the Allottee were considered in the meeting.

Milestone for which show cause Notice were given	Deliberation
Due Date- 10.04.2023 MS-II Mining lease application i. Submission of Mining Plan subject to the provision of clause 15 ii. Approval of Mining Plan	<p>Allottee informed that the Mining Plan was submitted on 24.2.2023 to the portal of Ministry of Coal (SWCS Portal) before the schedule date, i.e., 10.04.2023. They received observations on Draft Mining Plan from Internal Committee on 12.03.2023 and 22.05.2023. Further, they submitted the compliances on the observation in SWCS portal on 22.03.2023 and 06.06.2023 respectively.</p> <p>Further, the project proponent mentioned that Mining Plan was prepared based on the Geological Note prepared by DGM, Govt. of Assam. This Geological Note was forwarded to CMPDIL by Ministry of Coal for preparation of Mine Dossier before auctioning of the coal mine vide letter No GM/ET/841/Part B(I) dated 6.8.2021. The same Geological note was provided to them in the Mine Dossier, and they prepared the Mining Plan based on that in the beginning.</p> <p>The representative of CCO stated that Mining Plan was prepared based on Geological note and not based on GR. Further, he stated, "According to Rule 22(B) (4) of Mineral Concession (Amendment) Rules 2020, all mining plans are to be prepared on the basis of Geological Report. Since the mining plan has not been prepared on the basis of the Geological Report, therefore, committee recommended for rejection of mine plan of Garampani coal mine".</p>

#### Observations and Recommendations of the Committee:

The Committee observed that the approval of Mining Plan was due on 10.04.2023, however, it is still pending. The reasons for the delay were discussed in detail and it transpired that the initial submitted Mining Plan was not prepared based on the Geological Report and that has led to the rejection of Mining Plan. The Allottee confirmed that a new Mining Plan has since been prepared based on the Geological Report and has been submitted. The Committee noted that preparation/procurement of GR is the responsibility of the Allottee, and the preparation of Mining Plan based on GR is their responsibility. Thus, the reason for the delay in approval of Mining Plan is fully attributable to the Allottee. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA). The Allottee assured that

the mine would be operational before the scheduled date. The Committee mentioned that in that event the appropriated BG will be returned to them as per the provision of CMDPA.

### 18. Koilajan-M/s Assam Mineral Development Corporation Ltd.

Show Cause Notice dated 14.06.2023 for delay in completion of Milestone (MS)-II, i.e.: Mining lease application, Submission and grant of Mining Plan and corresponding reply of the Allottee were considered in the meeting.

Milestone for which show cause Notice was given	Deliberation
<p>Due Date- 10.04.2023</p> <p>MS-II</p> <p>i. Mining lease application</p> <p>ii. Submission of Mining Plan subject to the provision of clause 15</p> <p>iii. Approval of Mining Plan</p>	<p>Allottee informed that the Mining Plan was submitted on 21.3.2023 to the portal of Ministry of Coal (SWCS Portal) before the schedule date, i.e, 10.04.2023. They received observations on Draft Mining Plan from Internal Committee on 10.04.2023. Further, they submitted the compliances on the observation in SWCS portal on 18.04. 2023. Presentation before the internal committee was made on 10.5.2023.</p> <p>Further, the project proponent mentioned that Mining Plan was prepared based on the Geological Note prepared by DGM, Govt. of Assam. This Geological Note was forwarded to CMPDIL by Ministry of Coal for preparation of Mine Dossier before auctioning of the coal mine vide letter No GM/ET/841/Part B(I) dated 6.8.2021. The same Geological note was provided to them in the Mine Dossier, and they prepared the Mining Plan based on that in the beginning.</p> <p>The representative of CCO stated that the Mining Plan was prepared based on Geological note and not based on GR. Further, he stated that <i>"According to Rule 22(B) (4) of Mineral Concession (Amendment) Rules 2020, all mining plans are to be prepared on the basis of Geological Report. Since the mining plan has not been prepared on the basis of the Geological Report, therefore, committee recommended for rejection of mine plan of Koilajan coal mine"</i>.</p>

#### Observations and Recommendations of the Committee:

The committee observed that the approval of Mining Plan was due on 10.04.2023, however, it is still pending. The reasons for the delay were discussed in detail and it transpired that the initial submitted Mining Plan was not prepared based on the Geological Report. And that has led to the rejection of Mining Plan. The Allottee confirmed that anew Mining Plan has since been prepared based on the Geological Report and has been



submitted. The Committee noted that preparation/procurement of GR, being the responsibility of the Allottee, preparation of Mining Plan based on GR is their responsibility. Thus, the reason for the delay in approval of Mining Plan is fully attributable to the Allottee. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA). The Allottee assured that the mine would be operational before the scheduled date. The Committee mentioned that in that event the appropriated BG will be returned to them as per the provision of CMDPA.

**List of participants:****Members of the Scrutiny Committee and State Govt. Representatives:**

S.N.	Name	Designation
1.	Shri P.S.Bhattacharya	Chairman of the Committee, Ex-Chairman, CIL
2.	Shri N.C.Jha	Member, Ex Chairman, CIL
3.	Shri S.K Swain	Special Secretary (Mines), Govt. of Odisha
4.	Shri P. Mohangandhi	Secretary (Mines), Government of West Bengal
5.	Shri Rupam Banerjee	Additional Secretary (Mines), Government of West Bengal
6.	Shri N. Anand (IFS)	Director (Mines) /PCCF, Govt. of Assam
7.	Shri Anup Mishra	Director, Directorate of Geology and Mining , Govt. of Madhya Pradesh
3.	Shri Ved Pakash Kamboj	Deputy Director, Forest Department, Govt. of Jharkhand
4.	Shri Manoj Toppo	Assistant Mining Officer, Mines & Geology Department, Govt. of Jharkhand
5.	Smt. Satovisha Samajdar I.F.S	DCF, FMIS Division, Govt. of Chhattisgarh
8.	Shri S.K Anand	CCF, Forest Department, Govt. of West Bengal
10.	Shri Satyanarayan Behura	CF Nodal, Forest Department, Govt. of Odisha
12.	Shri. H.S. Mohanta, IFS	APCCF (Land Management), Govt. of Madhya Pradesh
14.	Shri C. Patra	GM, CMPDIL
15.	Shri Ashish Verma	Office of CCO

**Ministry of Coal:-**

S.N.	Name	Designation
1.	Shri MarapallyVenkateshwarlu	Director (Tech.)/ NA
2.	Shri Jitendra Kumar	Chief Manager, O/o NA
3.	Shri Alok Verma	Under Secretary, NA
4.	Shri Prince Kumar	Executive Engineer, O/o NA
5.	Shri Jaibant Kishore Dev Varma	Dy. Chief Manager, O/o NA



6	Shri Harishchand	Manager, O/o NA
7	Shri Komirineni Venkateshwarlu	Additional Manager, O/o NA
8	Management Analysts, O/o NA	

**Allottees:**

S.N.	Name	Company
1.	Shri Anup Kumar Roy (Vice President)	Jitusol Developers Private Limited (JDPL)
2.	Shri Lal Babu Chaurasia (Sr Vice President)	
3.	Shri AR Choudary (General Manger-Mines)	The Durgapur Projects Limited (DPL)
4.	Shri. Jayanta Kumar Bishoi (Deputy General Manger)	
5.	Shri LRC Reddy (Head of Mines)	Odisha Coal and Power Limited (OCPL)
6.	Shri FaizTaiyab (HoP I/C)	NTPC
7.	Shri Srikant Sinha (General Manager)	
8.	Shri Vivek Mishra (Joint President)	Hindalco Industries Limited
9.	Dr. Vinod k Verma (Sr Vice President)	
10.	Ms. Sumita Singh (General Manager)	
11.	Shri Anand Mohan prasad, Vice president ( mining)	Trimula Industries Limited
12.	Shri Sudhanshu Bansal, Director	Shreesatya Mines Private Limited
13.	Shri Bhim Ray, GM Operations	
14.	Shri Mrigank Shekhar, Business Head	
15.	Shri Anil Kr Sharma (MD)	Tenughat Vidyut Nigam Limited
16.	Shri Rajesh Ranjan	
17.	Shri N Anand, Managing Director	AMDCL
18.	Shri Amit Kumar, Mining Engineer, AMDCL	
19.	Shri. S. N. Sharma, (Resident Officer)	KPCL
20.	Shri DevendraShringi (Director)	RRVUNL
21.	Shri Shanto Mukherjee	CG Natural Resources Private Limited
22.	Shri Rajkumar	
23.	Shri Raj Kishore Singh (Site Head)	

24.	Shri Rakesh Kumar (HCA)	Stratatech Mineral Resources Private Limited
25.	Shri Tamal Pal - Joint President (Corporate Stretegy)	Birla Corp. Ltd
26.	Shri Bhupendra Singh Chaudhary - Vice President (Mines)	
27.	Shri DebashishChoudhury Vice President	
28.	Shri VishwanathMalayekar (Sr. Manager)	Chowgule and Company Private Limited
29.	Shri SS Shrivastava (VP Coal)	Sarda Energy and Minerals Limited
30.	Mr. Upendra Kumar, Advisor	
31.	Shri RajatMehrotra (Asst. GM)	

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