

F.No. 43015/28/2017-LAIR(Vol.II)  
Government of India  
Ministry of Coal

Lok Nayak Bhawan, New Delhi-110 003

Dated the 11<sup>th</sup> December, 2019

To

The Chairman-cum-Managing Director,  
Western Coalfields Ltd.,  
Coal Estate, Civil Lines,  
Nagpur-440001.

**Subject: Acquisition of forest land under Coal Bearing Areas (Acquisition & Development) Act, 1957 and applicability of provisions of MMDR Act, 1957 along with MC Rules, 1960 over the land/ rights acquired under Coal Bearing Areas (Acquisition & Development) Act, 1957.**

Sir,

I am directed to refer to WCL's letter No.WCL/MP(L/R)/MK/750 dated 9.10.2019 and WCL's letter No.WCL/GM/L&R)/AK/491 dated 16.05.2018 on the above mentioned subject. The requisite clarification of Ministry of Coal in the matter is as under:-

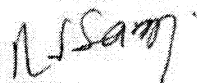
By virtue of the provisions of section 10 and 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the land or the rights in or over the land acquired under the Act vest absolutely with the Central Government or the nominee, that is, a Government Company. The land gets vested in the Central Government on the publication of notification under Section 9 and thereafter in the Govt. Company on the publication of declaration under Section 11(1) of the ibid Act. Accordingly, since the land acquired under the Act vests absolutely in the Government Company, there is no necessity for execution of Mining Lease with the State Government. The issue of requirement of Mining Lease in case of lands acquired under CBA Act has been settled by Hon'ble Supreme Court in Bharat Coking Coal Ltd Vs. State of Bihar [1987 (Suppl) SCC 394], wherein the Court observed that "once the acquisition is made under the Coal Bearing Areas (Acquisition and Development) Act, 1957, requisite declaration was issued by the Central Government, it was not open to the State Government to grant Lease as the land vests in the Central Government". The said findings of the Hon'ble Supreme Court has also been followed by the Division bench of High Court of MP in Western Coalfields Limited and Ors vs State of MP and Anr (AIR 2007 MP 75).

2. Since the subject land was acquired under the CBA(A&D) Act, 1957 and vests absolutely in the Government Company, neither the execution of mining lease with the State Government is required as per statute nor there is any necessity as it was not open to State Government to grant lease and therefore provisions of MMDR Act, 1957

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along with the Mineral Concessions Rules, 1960 does not apply over the land/rights acquired under CBA(A&D) Act, 1957. Therefore the land in respect of Tawa-II UG, Satpura-II UG, Shobhapur UG mine of Pathakhara area and similar acquisition of WCL acquired under Section 9(1) of CBA (A&D) Act, 1957, the provisions of MMDR Act, 1957 and MC Rules, 1960 does not apply.

Yours faithfully,



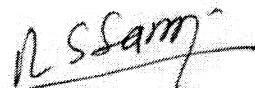
( Ram Shiromani Saroj )

Deputy Secretary to the Government of India

Tel: 011-24616989

Copy to the following for necessary action:-

1. Shri Sandeep Sharma, AIG of Forests(FC), Ministry of Environment, Forest and Climate Change, Forest Conservation Division, Indira Paryavaran Bhavan, Aliganj, Jorbagh Road, New Delhi-110003.
2. The Principal Secretary, Government of Maharashtra, Department of Land Resources and Minerals, Mantralaya Mumbai.
3. The Principal Secretary, Government of Madhya Pradesh, Department of Mines and Minerals, Vallabh Bhavan, Secretariat, Bhopal.



( Ram Shiromani Saroj )

Deputy Secretary to the Government of India