

ककरी परियोजना/ Kakri Project



CIN- U10102MP1985GOI003160

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पोस्ट- ककरी, जिला- सोनभद्रा, उ.प्र., पिन 231224/ Post- Kakri, Distt- Sonbhadra, U.P. PIN-231224

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No. GM/KKR/FORREST/2018/ 104

Date: 02.11.2018

To,
The DFO,
Renukoot Division,
Uttar Pradesh.

Sub: - Issue relating to payment of Lease Rent of the Forest land acquired under the provision of Coal Bearing Areas Act, 1957.

Ref: - Your letter 1579/Renukoot/15 dated 31.10.2018.

Sir,

With reference to the above cited letter and subject, the issue relating to payment of lease rent of the Forest land acquired under the provision of Coal Bearing Areas (Acquisition and Development) Act , 1957 by the Central Government were discussed and elaborated in detail on many occasions with the DFO, Renukoot and concerned authorities of the State of UP. However, the reply of your letter no. 1579/Renukoot/15 dated 31.10.2018 regarding payment of lease rent from 2011-12 with interest is submitted below:

1. 185.84 ha. forest land in question of Kakri project has been acquired by the Central Government under section (9) of the Coal Bearing Areas (Acquisition and Development) Act , 1957. Thereafter, it has been vested to NCL under Section 11 (1) of the said Act free from all encumbrances by issuing an order generally called as "vesting order".
2. The issue relating to payment of lease rent was earlier discussed and deliberated with the concerned authorities of the State of UP on various occasions for 235.99 ha. Forest land of Krishnashila project but it could not be resolved. Thereafter, NCL had no alternative to challenge in the Hon'ble High Court of Allahabad by filling a Writ Petition CMWP no. 50320/2010 (NCL vs. State of UP & others). The judgment of the Hon'ble High Court (Enclosed as Enclosure 1) passed on 16.01.2013 is as under:

"In view of the foregoing discussion, we are of the view that the petitioner is entitled for relief in this Writ Petition. The orders dated 23/3/2010, 11/6/2010 and 31/7/2010, issued by the respondent no.2 are set aside.

A direction is issued to the respondents not to realize further lease rent from the petitioner. The respondents shall refund/adjust the amount paid by the petitioner for the year 2010- 2011.

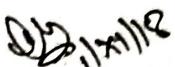
The writ petition is allowed accordingly.

Parties shall bear their own costs."

However, UP Govt. has filed Special Leave Petition in the Hon'ble Supreme Court against the aforesaid judgment. The matter is pending in the Hon'ble Supreme Court. Any decision by the Hon'ble Supreme Court in this regard would be complied by the project.

As the Hon'ble High Court of Allahbad has given judgment on the issue related to payment of lease rent in favour of NCL and the matter is subjudice in the Hon'ble Supreme Court, it is requested that the proposal of renewal of lease of 185.84 ha. forest land of Kakri project may kindly be forwarded so that renewal of lease may be obtained before expiry of the same i.e. before 30.05.2019.

Yours Sincerely,


General Manager
Kakri Project
Recd 11/11/18

Copy to:-

1. The Director (Tech./Oprn.), NCL for kind information
2. The Director (Tech./P&P.), NCL for kind information
3. The GM/TS to CMD, NCL
4. The General Manager (Forrest), NCL
5. The General Manager (Env./IMS), NCL