

नॉर्दर्न कोलफील्ड्स लिमिटेड
(मिनिरातना कंपनी)
(कोल इण्डिया लिमिटेड की अनुषंगी कंपनी)



Northern Coalfields Limited
(Aminiratna Company)
(A subsidiary of Coal India Limited)

ककरी परियोजना/ Kakri Project



CIN- U10102MP1985GOI003160

An ISO: 9001, ISO: 14001 & OHSAS: 18001 Certified Company

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

Phone: 05446- 278094, (FAX) 05446-278375 email: gmkak.ncl@coalindia.in website : www.nclcil.in

क्रमांक: ककरी/महाप्रबंधक/वन/2019/266

दिनांक: 08.01.2020

प्रति,

प्रभागीय वनाधिकारी

रेनुकूट वन प्रभाग, रेनुकूट

सोनभद्र, उत्तर प्रदेश

विषय: रेनुकूट वन प्रभाग के अन्तर्गत नार्दर्न कोलफील्ड्स लिमिटेड की ककरी परियोजना को कोयला खनन हेतु लीज पर हस्तान्तरित 185.84 हेक्टेयर वन भूमि के लीज नवीनीकरण के संबंध में।

- संदर्भ : 1. संख्या-पी 112/81-2-2019-79/91 विशेष सचिव (अनुभाग 2) दिनांक 26.12.2019
2. प्रभागीय वनाधिकारी, रेनुकूट का पत्रांक 2338/15-117, दिनांक 06.01.2020

महाशय,

संदर्भित पत्र संख्या 1 के जवाब के क्रम में ककरी परियोजना द्वारा महाशय को पत्रांक ककरी/महाप्रबंधक/वन/2019/255 दिनांक 27.12.2019 को प्रेषित कर दिया गया था, (पत्र की छाया प्रति साथ में संलग्न है)। महाशय के संदर्भित पत्रांक 2 के क्रम में दिनांक 07.01.2020 को उप प्रभागीय वनाधिकारी (पिपरी) द्वारा ककरी परियोजना में संदर्भित विषयों की जाँच हेतु निरीक्षण सम्पन्न हुआ। इस संदर्भ में अधोहस्ताक्षरी के कार्यालय में बैठक हुई तथा इसपर चर्चा की गयी व जी0पी0एस0 कोऑर्डिनेट आधारित दो नक्से भी उपलब्ध कराये गये।

उक्त निरीक्षण के दौरान वन विभाग से उप प्रभागीय वनाधिकारी (पिपरी), क्षेत्रीय वनाधिकारी, ककरी, क्षेत्रीय वनाधिकारी, बीना व वन विभाग के अन्य स्टाफ तथा ककरी परियोजना से परियोजना अधिकारी, स्टाफ अधिकारी (खनन) व नोडल अधिकारी (वन/पर्यावरण) मौजूद थे। उक्त निरीक्षण के दौरान पाया गया कि विषयांकित 185.84 हे0 वन भूमि के सम्पूर्ण क्षेत्र पर सिर्फ खनन कार्य किया जा रहा है। इसमें से लैंको, अनपरा या हिण्डालको पावर डिविजन, रेनुसागर को कोई भी हिस्सा लीज पर नहीं दिया गया है। पुष्टि हेतु लैंको, अनपरा तथा हिण्डालको पावर डिविजन, रेनुसागर को लीज पर दी गयी भूमि का गाटावार विवरण साथ में संलग्न है।

उक्त उल्लेखित मेसर्स हिण्डालको इण्डस्ट्रीज लिमिटेड, रेनुसागर (7.43 एकड़ एवं 30.86 एकड़) तथा मेसर्स लैंको अनपरा पावर लिमिटेड (8.8 एकड़) को भूमि जो लीज पर दी गई है, के संबंध में ये कहना है कि उपरोक्त संबंधित भूमियों का अधिग्रहण सी0बी0ए0 ऐक्ट द्वारा ऊर्जा मंत्रालय द्वारा जारी अधिसूचना संख्या 3303 दिनांक 17.11.1981 व 1021 दिनांक 01.03.1982 के अन्तर्गत किया गया है। तत्पश्चात जिला कलेक्टर, सोनभद्र द्वारा, उत्तर प्रदेश द्वारा उपलब्ध कराये गये भू अभिलेखों के आधार पर संबंधित भूस्वामियों को जिला प्रशासन के प्रतिनिधियों (तहसीलदार, दुद्धी) की उपस्थिति में न केवल प्रतिकर भुगतान किया जा चुका है बल्कि भूविस्थापितों को पुनर्वास निति के तहत दी जाने वाली अन्य सुविधाओं के साथ एन0सी0एल0 में नियोजित भी किया गया है।

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8/01/2020


फिर भी यदि वन विभाग के आपत्ति के अनुसार यदि उलंघन हुआ है तो नियमानुसार उसे नियमित (Regularise) कराने के लिए वचनबद्ध हूँ। इसके अतिरिक्त इस प्रकरण में भारत व उत्तर प्रदेश सरकार द्वारा जो भी शर्तें लगायी जायेंगी, उनका अक्षरसह अनुपालन किया जायेगा।

लीज रेन्ट एवं इससे जुड़े प्रिमियम भुगतान के सन्दर्भ में अवगत कराना है कि वर्ष 2011-12 तक निर्धारित भुगतान किया गया है। इसके बाद लीज रेन्ट का भुगतान बन्द कर दिया गया था जिसके लिए नार्दर्न कोलफील्ड्स लिमिटेड द्वारा माननीय उच्च न्यायालय, इलाहाबाद के समक्ष रिट याचिका संख्या 50320/2010 (एन0सी0एल0 बनाम उत्तर प्रदेश राज्य व अन्य) दाखिल किया गया था जिसमें सुनवाई के बाद एन0सी0एल0 के पक्ष में निर्णय आया। इसके खिलाफ वन विभाग द्वारा माननीय उच्चतम न्यायालय में विशेष अनुज्ञा याचिका संख्या 22793/2013 (उत्तर प्रदेश राज्य सरकार व अन्य) बनाम नार्दर्न कोलफील्ड्स लिमिटेड, के अनुसार विचाराधीन है। इस संबंध में पुनः वचनबद्धता दी जाती है कि माननीय उच्चतम न्यायालय का जो भी निर्णय आयेगा उसपर अमल किया जायेगा। वांछित लीज डीड के संबंध में कहना है कि रिट पेटिशन CMWP No. 33050/2010 (एन0सी0एल0 बनाम उत्तर प्रदेश राज्य व अन्य) के संदर्भ में माननीय उच्च न्यायालय, इलाहाबाद के निर्णयानुसार इसपर भी अमल किया जायेगा।

महाशय के अवलोकनार्थ एवं उचित कार्यवाही हेतु प्रेषित।

संलग्नक: यथोपरि

भवदीय


महाप्रबंधक
ककरी क्षेत्र

प्रतिलिपि:

1. महाप्रबंधक (भू एवं राजस्व), एन0सी0एल0, सिंगरौली
2. महाप्रबंधक (पर्यावरण/वन), एन0सी0एल0, सिंगरौली

रकोर द्वारा

नॉर्दर्न कोलफील्ड्स लिमिटेड
(मिनिरात्र कंपनी)
(कोल इण्डिया लिमिटेड की अनुषंगी कंपनी)



Northern Coalfields Limited
(Aminiratna Company)
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ककरी परियोजना/ Kakri Project



संलग्न-1
स्वीकृत
भारत
एक कदम स्वच्छता की ओर

CIN- U10102MP1985GOI003160

An ISO: 9001, ISO: 14001 & OHSAS: 18001 Certified Company

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

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क्रमांक: ककरी/महाप्रबंधक/वन/2019/255

दिनांक: 27.12.2019

प्रति,
प्रभागीय वनाधिकारी
रेनुकूट वन प्रभाग, रेनुकूट
सोनभद्र, उत्तर प्रदेश

विषय: रेनुकूट वन प्रभाग के अन्तर्गत नार्दर्न कोलफील्ड्स लिमिटेड की ककरी परियोजना को कोयला खनन हेतु लीज पर हस्तान्तरित 185.84 हेक्टेयर वन भूमि के लीज नवीनीकरण के संबंध में।

संदर्भ : संख्या-पी 112/81-2-2019-79/91 विशेष सचिव (अनुभाग 2) दिनांक 26.12.2019

महाशय,

संदर्भित पत्र में उल्लेखित बिन्दुओं पर सविनय निवेदन करना है कि-

1. (क) ककरी परियोजना के लीज नवीनीकरण हेतु प्रस्तावित 185.84 हेक्टेयर वन भूमि के सम्पूर्ण क्षेत्र पर सिर्फ खनन कार्य किया जा रहा है। इसमें से लैंको, अनपरा या हिण्डालको पावर डिविजन, रेनुसागर को कोई भी हिस्सा लीज पर नहीं दिया गया है। पुष्टीकरण हेतु नक्से (मानचित्र) की छायाप्रति संलग्न की जा रही है।

(ख) पत्र में उल्लेखित मेसर्स हिण्डालको इण्डस्ट्रीज लिमिटेड, रेनुसागर (7.43 एकड़ एवं 30.86 एकड़) तथा मेसर्स लैंको अनपरा पावर लिमिटेड (8.8 एकड़) भूमि जो लीज पर दी गई है, के संबंध में ये कहना है कि उपरोक्त संबंधित भूमियों का अधिग्रहण सी0बी0ए0 ऐक्ट द्वारा ऊर्जा मंत्रालय द्वारा जारी अधिसूचना संख्या 3303 दिनांक 17.11.1981 व 1021 दिनांक 01.03.1982 के अन्तर्गत किया गया है। तत्पश्चात जिला कलेक्टर, सोनभद्र द्वारा, उत्तर प्रदेश द्वारा उपलब्ध कराये गये भू अभिलेखों के आधार पर संबंधित भूस्वामियों को जिला प्रशासन के प्रतिनिधियों (तहसीलदार, दुख्की) की उपस्थिति में न केवल प्रतिकर भुगतान किया जा चुका है बल्कि भूविस्थापितों को पुनर्वास निति के तहत दी जाने वाली अन्य सुविधाओं के साथ एन0सी0एल0 अन्तर्गत नियोजित भी किया गया है।

वन विभाग के आपत्ति के अनुसार यदि उलंघन हुआ है तो नियमानुसार उसे नियमित (Regularise) कराने के लिए वचनबद्ध हूँ।

2. लीज रेंट एवं इससे जुड़े प्रिमियम भुगतान के सन्दर्भ में अवगत कराना है कि वर्ष 2011-12 तक निर्धारित भुगतान किया गया है। इसके बाद लीज रेंट का भुगतान बन्द कर दिया गया था जिसके लिए नार्दर्न कोलफील्ड्स लिमिटेड द्वारा माननीय उच्च न्यायालय, इलाहाबाद के समक्ष रिट याचिका संख्या 50320/2010 (एन0सी0एल0 बनाम उत्तर प्रदेश राज्य व अन्य) दाखिल किया गया था जिसमें सुनवाई के बाद एन0सी0एल0 के पक्ष में निर्णय आया। इसके खिलाफ वन विभाग द्वारा माननीय उच्चतम न्यायालय में विशेष अनुज्ञा याचिका संख्या 22793/2013 (उत्तर प्रदेश राज्य सरकार व अन्य) बनाम नार्दर्न कोलफील्ड्स लिमिटेड, के अनुसार विचाराधीन है। इस संबंध में पुनः वचनबद्धता दी जाती है कि माननीय उच्चतम न्यायालय का जो भी निर्णय

25/12/19

आयेगा उसपर अमल किया जायेगा। वांछित लीज डीड के संबंध में कहना है कि रिट पेटिशन CMWP No. 33050/2010 (एन0सी0एल0 बनाम उत्तर प्रदेश राज्य व अन्य) के संदर्भ में माननीय उच्च न्यायालय, इलाहाबाद के निर्णयानुसार इसपर भी अमल किया जायेगा। इसके अतिरिक्त प्रकरण में गान्धी व डी.ए. संस्कार कटोरा जो शर्मा लगावी ने उनका अंतराक्षी अनुपालन किया जा रहा है।

संलग्नक: यथोपरि

भवदीय

२२/१२/१९

महाप्रबंधक

ककरी क्षेत्र
महाप्रबंधक

ककरी क्षेत्र
एन.सी.एल

प्रतिलिपि:

1. विशेष सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग 2, लखनऊ
2. प्रधान मुख्य वन संरक्षक और विभागाध्यक्ष, (उत्तर प्रदेश) लखनऊ
3. मुख्य वन संरक्षक/नोडल अधिकारी (उत्तर प्रदेश), लखनऊ
4. मुख्य वन संरक्षक, मिर्जापुर मण्डल, मिर्जापुर
5. महाप्रबंधक (भू एवं राजस्व), एन0सी0एल0, सिंगरौली
6. महाप्रबंधक (पर्यावरण), एन0सी0एल0, सिंगरौली
7. महाप्रबंधक (वन), एन0सी0एल0, सिंगरौली



Case Information (click here)

SUPREME COURT OF INDIA (/)

॥ यतो धर्मस्ततो जयः ॥

संलग्न-2

Diary Number	Case Number	Party Name	AOR	Court / Tribunal	Free Text
5850					

Case Type	Number	Year	
CIVIL APPEAL	7814	2014	Submit

Diary No.- 13458 - 2013

STATE OF U.P. vs. NORTHERN COAL FIELDS LIMITED

Case Details

Diary No.	13458/2013 Filed on 25-04-2013 12:00 AM [SECTION: III-A]	✓ PENDING
Case No.	C.A. No. 007614 / 2014 Registered on 08-08-2014 S.L.P.(C) No. 011150 / 2013 Registered on 15-07-2013 SLP(C) No. 022793 / 2013 Registered on 15-07-2013	
Present/Last Listed On		
Status/Stage	PENDING (Final Hearing)	
Admitted	[ADMITTED ON 08-08-2014]	
Category	1507-Ordinary Civil Matters : Others	
Act		
Petitioner(s)	1 STATE OF U.P. THROUGH ITS SECRETARY MINISTRY OF ENVIRONMENT AND FOREST. . DISTRICT: . LUCKNOW , UTTAR PRADESH 2 DIVISIONAL FOREST OFFICER, RENUKOOT , DISTRICT: . ,SONBHADRA , UTTAR PRADESH	
Respondent(s)	1 NORTHERN COAL FIELDS LIMITED THROUGH ITS CMD, SINGRAULI, . DISTRICT: . , UTTAR PRADESH	
Pet. Advocate(s)	KAMLENDRA MISHRA(P-1)	
Resp. Advocate(s)	ASHWANI KUMAR DUBEY(R-1)	
U/Section		

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Office Report

Similarities

Caveat

Correspondence

The Registrar,
Supreme Court of India,
Tilak Marg, New Delhi-110001
011-23388922-24,23388942
FAX
011-23381508,23381584
e-mail
[supremecourt\[at\]nic\[dot\]in](mailto:supremecourt[at]nic[dot]in)

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SYNOPSIS

Renewal of Lease of 185.84 ha. forest land for Kakri Project:

13/2017 JUDGMENT/ORDER IN - WRIT - C No. 50320 of 2010 at Allahabad Dated: 10.1.2013 CASE TITLE - Northern Coal Fields Limited Vs. State Of U.P. And Others
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HIGH COURT OF JUDICATURE AT ALLAHABAD

Reserved on 11/10/2012
Delivered on 16/1/2013

Case :- WRIT - C No. - 50320 of 2010
Petitioner :- Northern Coal Fields Limited
Respondent :- State Of U.P. And Others
Petitioner Counsel :- P.N. Srivastava
Respondent Counsel :- C.S.C.
Hon'ble Ashok Bhushan,J
Hon'ble Abhinava Upadhyay,J
(Delivered by Hon'ble Ashok Bhushan,J)

We have heard Shri A.K. Sinha, learned Senior Advocate, assisted by Shri P.N. Srivastava for the petitioner and Shri Yashwant Varma, learned Chief Standing Counsel for the respondents.

Counter and rejoinder affidavits in the writ petition having been exchanged, with the consent of the learned counsel for the parties, the writ petition is being finally decided.

The petitioner, which is carrying on two coal mine projects namely: "Krishnashila Project" and "Bina Project" in District Sonbhadra has come up in this writ petition praying for quashing the letters dated 23/3/2010 and 11/6/2010, by which letter the Divisional Forest Officer, Renukoot, (Sonbhadra), has written to the petitioner to deposit the lease rent for the year 2010-2011, of the forest land which has been transferred on lease to the petitioner respectively for 30 years and 23 years. A prayer has also been made for quashing the letter dated 31/7/2010, by which the Divisional Forest Officer, Renukoot, (Sonbhadra) wrote to the petitioner that since the petitioner has deposited the amount of lease rent for the period 2010-2011, under protest which is against the conditions on which the land was transferred, hence the matter is being referred to the higher level of the Government for cancelling the transfer.

Brief facts which emerge from the pleadings of the parties are: the petitioner a Government Company was incorporated with an object to carry on mining operation for extraction of coal and supply thereof to core sector and non-core sector. The Parliament has enacted an Act namely: The Coal Bearing Areas (Acquisition and Development) Act, 1957 hereinafter called the "CBA Act, 1957". In accordance with the provisions of the CBA Act, 1957, the Central Government issued notification under sub-section (1) of Section 7 of the CBA Act, 1957, giving notice of its intention to acquire the lands specified in the Schedule and after consulting the Government of U.P., issued a declaration under sub-section (1) of Section 9 of the CBA Act, 1957, for acquisition of land mentioned in the schedule measuring 1657.16 hectares. By subsequent order dated 02/11/1982, in exercise of power under sub-section (1) of Section 11 of the CBA Act, 1957, it was directed the lands and rights so vested shall, w.e.f. 05/12/1981, instead of continuing to so vest in the Central Government, shall vest in the said Government Company namely: Central Coalfields Limited, Ranchi (the petitioner). The petitioner submitted a proposal for its "Krishnashila Project" of 235.99 hectares land for obtaining approval of the Central Government for use of the land for mining purpose under the Forest (Conservation) Act, 1980 hereinafter called the "Act, 1980". Similarly, a proposal for 258 hectares forest land was submitted to the Central Government for "Bina Coal Project" for obtaining approval of the Central Government. In accordance with the provisions of the Act, 1980, Central Government vide its order dated 23/5/1996, granted approval for diversion of 258 hectares of forest land under the "Bina project" in accordance with the Act, 1980. The State Government consequently issued a letter dated 28/6/1998, communicating the approval granted by the Central Government. The State Government communicated its approval on certain conditions mentioned in the Government Order dated 28/6/1998. Similarly, with regard to the "Krishnashila Project", the Central Government vide its order dated 06/7/2006, granted prior approval for diversion of 235.99 hectares of forest land in accordance with the provisions of Section 2 of the Act, 1980. The Central Government while granting prior approval has laid down various conditions. The State Government, vide letter dated 27/7/2007, communicated approval of the Central Government. The State Government also vide letter dated 27/7/2007, communicated its decision for granting lease on certain conditions mentioned therein. The petitioner claims to carry on coal mining of open cast in consonance with the mining plan approved by the competent authority. The petitioner by virtue of Section 18-A of the CBA, Act, 1957, has been paying money equal to royalty as determined under Section 9 of the Mines and Minerals (Development and Regulation) Act, 1957, hereinafter referred to as "MMDR Act, 1957". A letter dated 23/3/2010, was issued by the Divisional Forest Officer, asking the petitioner to deposit the lease rent for the year 2010-2011 for an amount of Rs 12423015/-. The petitioner was asked to deposit the said amount by Bank Draft within two weeks. Another letter was written on 11/6/2010, asking the petitioner that according to Condition No. 7 of "Krishnashila Project" and

10/13/2017 JUDGMENT/ORDER IN - WRIT - C No. 50320 of 2010 at Allahabad Dated: 10.1.2013 CASE TITLE - Northern Coal Fields Limited Vs. State Of U.P. An..

payments which were made without any protest.

Shri Yashwant Varma, learned Chief Standing Counsel has sought to justify the aforesaid payment made by the petitioner on the basis of the condition which is included as Condition No. 7 in the State Government's order dated 27/7/2007 as noted above. In this context it is relevant to note that prior approval was granted by the Central Government under Section 2 of the Act, 1980. Copy of the prior approval granted by the Central Government dated 06/7/2006 has been brought on record as Annexure-9 to the writ petition. The conditions under which the approval was granted were mentioned in paragraph 2 as quoted above. The further conditions which could have been imposed were with regard to protection and improvement of flora and fauna in the forest area that too by Chief Conservator of Forest, (Central). Apart from the aforesaid conditions no basis or foundation for claiming the lease rent has been laid by the State in its pleading or oral submissions.

As noted above, the area having been acquired under the CBA, Act, 1957, and the entire field being covered by the MMDR Act, 1957, the State has no legislative competence which pronouncement has already been made by the Apex Court in the Constitution Bench judgment of State of West Bengal (supra). The State shall be denuded of any power to legislate in the matter or to exercise any executive under Article 162 of the Constitution. No satisfactory basis has been disclosed by the State Government for claiming the lease rent from the petitioner. The Condition No.7 which has been put in the Government Order dated 27/7/2007, being not supported by any legal basis cannot be permitted to operate against the petitioner at least from the date when the protest has been raised by the petitioner against such illegal demand of the respondents. The proposition laid down by the Apex Court in paragraph 14 of the Bharathidasan University (supra) which has been relied on by Shri Yashwant Varma, learned Chief Standing Counsel clearly supports the petitioner's contention that such conditions which are not supported by any statute have to be ignored even though there was no specific relief sought for to strike down or declare them ultra vires.

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.

16/1/2013

SB

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Lease Rent and Lease Deed

1. In Writ Petition no. CMWP 50320/2010(NCL vs. State of UP & others), the judgement of the Hon'ble High Court has been delivered on 16.01.2013 in favour of the NCL. The relevant and operative portion of judgement of the Hon'ble High Court 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, the UP Government has filed a Special Leave Petition (SLP) bearing no. 11158/2013 in the Hon'ble Supreme Court against the aforesaid judgement. The NCL has submitted reply to the SLP.

2. NCL filed before the Hon'ble High Court, Allahabad a Writ petition CMWP No. 33050/2010 (NCL vs. State of UP & others) questioning the applicability of execution of lease deed. The Writ Petition is pending with the Hon'ble High Court, Allahabad.

Court No. - 33

Case :- WRIT - C No. - 33050 of 2010

Petitioner :- Northern Coal Fields Limited And Others

Respondent :- State Of U.P. & Ors.

Petitioner Counsel :- P.N. Shrivastava

Respondent Counsel :- C.S.C.

Hon'ble Pankaj Mishra, J.

Petitioner no.1 is Northern Coal Fields Limited and petitioner no.2 is Chief General Manager of Northern Coal Fields. They are aggrieved by the order dated 8.4.2010 whereby the petitioners have been directed to submit a draft lease deed and deposit registration (Vidhichhan) fee so that after approval of the Government the lease may be executed. It further directs the petitioners to stop using the land for dumping with immediate effect in the meantime.

The submission of learned counsel for the petitioner is that the land in dispute was acquired under Section 9 read with Section 10 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 and the land in dispute was vested in the petitioner under Section 11(1) of the aforesaid Act in the year 1981. Therefore, no lease deed in respect of the same is required to be executed and even if a lease deed is executed no stamp duty or registration fee is payable thereon by virtue of Section 3 of the Indian Stamp Act. In support it has placed reliance upon a decision of the Madhya Pradesh High Court in the case of State of U.P. and another Vs. Western Coal Field decided on 12.9.2008.

Learned Standing Counsel appearing on behalf of respondents no.1 and 2 and Sri Mithlesh Chandra Tripathi who has put in appearance on behalf of respondent 3 pray for and are allowed two weeks' time to file counter affidavit. One week thereafter is allowed to the petitioner for filing rejoinder affidavit.

List for admission/final disposal after expiry of the above period.

Till the next date of listing, the operation of the order dated 6.4.2010 (Annexure - 1), so far it stops the petitioners from using the land in dispute for dumping purposes, shall remain stayed.

Order Date :- 14.7.2010

BK

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17.7.10

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HIGH COURT, ALLAHABAD

Lease Deed
State of UP & others), the
2013 in favour of
Court

Peti 132017 JUDGMENT/ORDER IN - WRIT - C No. 50320 of 2010 at Allahabad Dated-16.1.2013 CASE TITLE - Northern Coal Fields Limited Vs. State Of U.P. An...
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As noted above, the area having been acquired under the CBA, Act, 1957, and the entire field being covered by the MMDR Act, 1957, the State has no legislative competence which pronouncement has already been made by the Apex Court in the Constitution Bench judgment of State of West Bengal (supra). The State shall be denuded of any power to legislate in the matter or to exercise any executive under Article 162 of the Constitution. No satisfactory basis has been disclosed by the State Government for claiming the lease rent from the petitioner. The Condition No.7 which has been put in the Government Order dated 27/7/2007, being not supported by any legal basis cannot be permitted to operate against the petitioner at least from the date when the protest has been raised by the petitioner against such illegal demand of the respondents. The proposition laid down by the Apex Court in paragraph 14 of the Bharathidasan University (supra) which has been relied on by Shri Yashwant Varma, learned Chief Standing Counsel clearly supports the petitioner's contention that such conditions which are not supported by any statute have to be ignored even though there was no specific relief sought for to strike down or declare them ultra vires.

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16/1/2013

SB

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82°44'0"E

82°45'0"E

82°46'0"E

82°47'0"E

24°12'0"N

24°11'0"N

24°10'0"N

Point	Latitude	Longitude
1	24°12'00"N	82°44'00"E
2	24°11'59"N	82°44'01"E
3	24°11'58"N	82°44'02"E
4	24°11'57"N	82°44'03"E
5	24°11'56"N	82°44'04"E
6	24°11'55"N	82°44'05"E
7	24°11'54"N	82°44'06"E
8	24°11'53"N	82°44'07"E
9	24°11'52"N	82°44'08"E
10	24°11'51"N	82°44'09"E
11	24°11'50"N	82°44'10"E
12	24°11'49"N	82°44'11"E
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24	24°11'37"N	82°44'23"E
25	24°11'36"N	82°44'24"E
26	24°11'35"N	82°44'25"E
27	24°11'34"N	82°44'26"E
28	24°11'33"N	82°44'27"E
29	24°11'32"N	82°44'28"E
30	24°11'31"N	82°44'29"E
31	24°11'30"N	82°44'30"E
32	24°11'29"N	82°44'31"E
33	24°11'28"N	82°44'32"E
34	24°11'27"N	82°44'33"E
35	24°11'26"N	82°44'34"E
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37	24°11'24"N	82°44'36"E
38	24°11'23"N	82°44'37"E
39	24°11'22"N	82°44'38"E
40	24°11'21"N	82°44'39"E
41	24°11'20"N	82°44'40"E
42	24°11'19"N	82°44'41"E
43	24°11'18"N	82°44'42"E
44	24°11'17"N	82°44'43"E
45	24°11'16"N	82°44'44"E
46	24°11'15"N	82°44'45"E
47	24°11'14"N	82°44'46"E
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49	24°11'12"N	82°44'48"E
50	24°11'11"N	82°44'49"E
51	24°11'10"N	82°44'50"E
52	24°11'09"N	82°44'51"E
53	24°11'08"N	82°44'52"E
54	24°11'07"N	82°44'53"E
55	24°11'06"N	82°44'54"E
56	24°11'05"N	82°44'55"E
57	24°11'04"N	82°44'56"E
58	24°11'03"N	82°44'57"E
59	24°11'02"N	82°44'58"E
60	24°11'01"N	82°44'59"E
61	24°11'00"N	82°45'00"E

- Legend**
- Beit Conveyor Pipeline
 - Hindalco Ash Dam Pipeline
 - Lanco Ash Dam Pipeline
 - KAPRI LEASE
 - FOREST AREA

ACQUIRED
FOREST AREA
(AREA:185.84 ha)

0 0.25 0.5 1 1.5 2

RF 1:10,000

Kilometers

Point	Latitude	Longitude
1	24°12'00"N	82°44'00"E
2	24°11'59"N	82°44'01"E
3	24°11'58"N	82°44'02"E
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7	24°11'54"N	82°44'06"E
8	24°11'53"N	82°44'07"E
9	24°11'52"N	82°44'08"E
10	24°11'51"N	82°44'09"E
11	24°11'50"N	82°44'10"E
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13	24°11'48"N	82°44'12"E
14	24°11'47"N	82°44'13"E
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23	24°11'38"N	82°44'22"E
24	24°11'37"N	82°44'23"E
25	24°11'36"N	82°44'24"E
26	24°11'35"N	82°44'25"E
27	24°11'34"N	82°44'26"E
28	24°11'33"N	82°44'27"E
29	24°11'32"N	82°44'28"E
30	24°11'31"N	82°44'29"E
31	24°11'30"N	82°44'30"E
32	24°11'29"N	82°44'31"E
33	24°11'28"N	82°44'32"E
34	24°11'27"N	82°44'33"E
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36	24°11'25"N	82°44'35"E
37	24°11'24"N	82°44'36"E
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47	24°11'14"N	82°44'46"E
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49	24°11'12"N	82°44'48"E
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51	24°11'10"N	82°44'50"E
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54	24°11'07"N	82°44'53"E
55	24°11'06"N	82°44'54"E
56	24°11'05"N	82°44'55"E
57	24°11'04"N	82°44'56"E
58	24°11'03"N	82°44'57"E
59	24°11'02"N	82°44'58"E
60	24°11'01"N	82°44'59"E
61	24°11'00"N	82°45'00"E

Cardinal Point Lanco Ash Dam/Wall

Point	Latitude	Longitude
1	24°11'00"N	82°45'00"E
2	24°10'59"N	82°45'01"E
3	24°10'58"N	82°45'02"E
4	24°10'57"N	82°45'03"E
5	24°10'56"N	82°45'04"E
6	24°10'55"N	82°45'05"E
7	24°10'54"N	82°45'06"E
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10	24°10'51"N	82°45'09"E
11	24°10'50"N	82°45'10"E
12	24°10'49"N	82°45'11"E
13	24°10'48"N	82°45'12"E
14	24°10'47"N	82°45'13"E
15	24°10'46"N	82°45'14"E
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29	24°10'32"N	82°45'28"E
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56	24°10'05"N	82°45'55"E
57	24°10'04"N	82°45'56"E
58	24°10'03"N	82°45'57"E
59	24°10'02"N	82°45'58"E
60	24°10'01"N	82°45'59"E
61	24°10'00"N	82°46'00"E

Hindalco Ash Pipeline

Point	Latitude	Longitude
1	24°10'00"N	82°46'00"E
2	24°09'59"N	82°46'01"E
3	24°09'58"N	82°46'02"E
4	24°09'57"N	82°46'03"E
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6	24°09'55"N	82°46'05"E
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15	24°09'46"N	82°46'14"E
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41	24°09'20"N	82°46'40"E
42	24°09'19"N	82°46'41"E
43	24°09'18"N	82°46'42"E
44	24°09'17"N	82°46'43"E
45	24°09'16"N	82°46'44"E
46	24°09'15"N	82°46'45"E
47	24°09'14"N	82°46'46"E
48	24°09'13"N	82°46'47"E
49	24°09'12"N	82°46'48"E
50	24°09'11"N	82°46'49"E
51	24°09'10"N	82°46'50"E
52	24°09'09"N	82°46'51"E
53	24°09'08"N	82°46'52"E
54	24°09'07"N	82°46'53"E
55	24°09'06"N	82°46'54"E
56	24°09'05"N	82°46'55"E
57	24°09'04"N	82°46'56"E
58	24°09'03"N	82°46'57"E
59	24°09'02"N	82°46'58"E
60	24°09'01"N	82°46'59"E
61	24°09'00"N	82°47'00"E



24°12'0"N

24°11'0"N

24°10'0"N

Schedule of the land demised.

Area in Acres

Village Aundi				Village Parasi			
PLOT No.	Area	PLOT No.	Area	PLOT No.	Area	PLOT No.	Area
1180	0.03	3	0.1	60	0.1	293	0.05
1179	0.11	4	0.22	48	0.09	289	0.11
1178	0.11	5	0.2	71	0.18	330	0.02
1177	0.11	12	0.14	75	0.01	333	0.03
1176	0.33	11	0.07	74	0.19	338	0.07
522	0.18	10	0.1	81	0.03	339	0.05
1255	0.14	13	0.01	82	0.04	340	0.03
1253	0.14	14	0.4	84	0.07	341	0.05
1263	0.45	19	0.14	87	0.12	344	0.02
1259	0.44	16	0.1	90	0.06	497	0.04
1356	0.17	37	0.01	91	0.07	406	0.01
		36	0.03	95	0.07	409	0.02
		20	0.07	97	0.23	410	0.03
		35	0.15	148	0.03	411	0.08
		58	0.09	292	0.04	417	0.24
Total Aundi		2.21		Total Parasi		5.22	

Parasi	5.22/Acres
Aundi	2.21/Acres
Total	7.43/Acres

मुख्य अधिकारी (राजस्व एवं पुनर्वासि)
एन. सी. एस. निगरीजी
द्वारा - निगरीजी (नं. प्र.)

मुख्य अधिकारी (राजस्व एवं पुनर्वासि)
नं. ११ कोनलीरुद्वारा १५ नं. ११
निगरीजी



**Details of land For Belt Pipe Conveyor (BPC) Coal Transportation Systems from Krishnashila Coal Mine to
Renusagar Power Division**

(1) JAMSHILA			(2) BANSHI			BANSHI (CONTINUED)		
S.No.	Plot No.	Area in Acres	S.No.	Plot No.	Area in Acres	S.No.	Plot No.	Area in Acres
1	4	0.65	1	173	0.15	42	147	0.12
2	62	0.60	2	175	0.02	43	148	0.06
3	76	0.20	3	176	0.42	44	149	0.13
4	81	0.30	4	177	0.38	45	153	0.06
5	82	0.42	5	178	0.16	SUB TOTAL		12.33
6	83	0.63	6	205	0.55	(3) KAKRI		
7	84	0.37	7	206	0.16	1	918	0.05
8	85	0.22	8	208	0.06	2	919	0.06
9	86	0.08	9	219	2.55	3	1015	0.03
10	87	0.10	10	390	0.75	4	1016	0.05
11	88	0.07	11	392	0.08	5	1017	0.08
12	89	0.06	12	393	0.12	6	1138	0.16
13	90	0.12	13	394	0.28	7	1139	0.22
14	91	0.31	14	395	0.38	8	1141	0.00
15	92	0.11	15	396	0.45	9	1142	0.46
16	93	0.06	16	397	0.28	10	1143	0.52
17	94	0.05	17	398	0.31	11	1146	0.00
18	95	0.08	18	442	0.45	12	1155	0.68
19	113	0.35	19	443	0.17	13	1156	0.16
20	114	0.01	20	444	0.36	14	1157	0.04
21	115	0.06	21	446	0.24	15	1158	0.12
22	116	0.38	22	452	0.06	16	1183	0.19
23	117	0.60	23	453	0.14	SUB TOTAL		2.92
24	118	0.13	24	470	0.55	(4) PARASI		
25	119	0.30	25	492	0.20	1	47	0.09
26	120	0.09	26	495	0.05	2	96	0.07
27	121	0.40	27	496	0.48	3	97	0.05
28	124	0.03	28	95	0.05	SUB TOTAL		0.21
29	125	1.65	29	99	0.13			
30	126	1.32	30	100	0.18			
31	127	0.29	31	101	0.15			
32	128	0.50	32	102	0.13			
33	157	2.00	33	103	0.12			
34	158	0.08	34	104	0.20			
35	160	1.08	35	105	0.01			
36	161	0.25	36	113	0.01			
37	162	0.44	37	114	0.35			
38	164	0.36	38	115	0.10			
39	165	0.60	39	116	0.12			
40	166	0.07	40	119	0.02			
SUB TOTAL		15.49	41	124	0.06	TOTAL LAND		30.86

Mayank
Mayank Shrivastava
Head (Coal Quality & Linkage Coal)

Prakash
महा प्रबन्धक [राजस्थान एवं पुनर्वसि]

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100

ONE

HUNDRED RUPEES

रु. 100

28 SEP 2019



सत्यमेव जयते

मोड संस्करण-68

हस्ताक्षर

भारत INDIA
INDIA NON JUDICIAL

उत्तर प्रदेश UTTAR PRADESH

AKN267236

SCHEDULE OF LAND TO BE USED BY M/s LANCO ANPARA POWER LTD.

For construction of Railway Siding/Warf-wall and Approach rad total 8.8 Acres

S.N.	VILLAGE	PLOT NO.	TOTAL AREA (In Acres)	AREA TO BE USED BY LANCO In Acres
1	Kakri	1103 Ka	4.59375	3.2
2	Kakri	1103 Kha	0.8125	
3	Kakri	1108	1.21875	0.35
4	Kakri	1152	0.09375	0.09
5	Kakri	1153 Ka	0.5625	0.63
6	Kakri	1153 Kha	0.53125	
7	Kakri	1154	1.84375	0.9
8	Kakri	1155	2.25	1.3
9	Kakri	1156 Ka	0.125	0.35
10	Kakri	1156 Kha	0.546875	
11	Kakri	1157	0.28125	0.06
12	Kakri	1158	0.96875	0.16
13	Kakri	1159	0.1875	0.06
14	Kakri	1160 Ka	2.03125	0.3
15	Kakri	1160 Kha	1.9375	
16	Kakri	1160 Ga	0.25	
17	Kakri	1165	0.78125	0.11
18	Kakri	1167 Ka	0.3125	0.1
19	Kakri	1167 Kha	0.65625	
20	Kakri	1047	0.21875	0.06
21	Kakri		0.21875	0.02
22	Kakri	1061 Ka	0.84375	0.48
23	Kakri	1061 Kha	0.65625	
24	Kakri	1064	0.28125	0.01
25	Kakri	1066	0.40625	0.14
26	Kakri	1073	0.85	0.78
27	Kakri	1161 Ka	0.78125	0.2
28	Kakri	1161 Kha	0.3125	
Total			8.8	

