

**GOVERNMENT OF ODISHA
STEEL & MINES DEPARTMENT**

No. 10728 /SM, Bhubaneswar, the
IV (Coal) SM-13/2015(pt)

31.12.2016

Sub: Grant of Mining Lease U/R 22(4) of the Mineral Concession Rules, 1960 for coal in respect of Manoharpur Coal block in the district of Sundargarh.

Read: Application No. 2009 Dated 10.1.2008 for Mining Lease (M.L.) for Coal over an area of 652.8853 hecets in village – Manoharpur, Kathapali, Dulinga, San Ghumra, Durubaga and Paramanandapur under Sadar Subdivision of Sundargarh District (Manoharpur Coal Block) previously allocated in favour of Odisha Power Generation Corporation Ltd. (OPGC) and subsequently allotted to Odisha Coal and Power Ltd (OCPL), who in turn applied for ML to the State Government.

Order

1. Whereas, the Nominated Authority, Ministry of Coal, GoI vide their Order No. 103/25/2015NA dated 31.08.2015 have issued allotment order of Manoharpur and Dipside Manoharpur coal mines under clause (e) of sub-rule (2) of Rule-7 and sub rule (1) of Rule -13 of the Coal Mines (Special Provisions) Rules, 2014 in favour of Odisha Coal and Power Ltd (OCPL) for utilization in end use plant of Odisha Power Generation Corporation Ltd.
2. Whereas, M/s Odisha Coal and Power Ltd has applied to the State Govt. for grant of Mining Lease in their application read above;
3. Whereas, the mineral i.e. Coal occurring in the land in respect of which the Mining Lease has been applied for belongs to State Govt. and the land is at their disposal;
4. Whereas, the applicant-company (OCPL) is a company incorporated under the Companies Act, 2013;
5. Whereas, OCPL by itself or with any other joint in interest does not, in respect of Coal or associated group of minerals, hold such area in the State over which the Mining Lease has now been asked for will exceed ten (10) square kilometers in the aggregate;

6. Whereas, the Director of Mines, Odisha vide his letter No. 4480 dated 12.05.2016 has intimated that after final DGPS survey conducted by ORSAC, the actual mining lease area of Manoharpur coal block has been computed to 652.8853 hecets.
7. Whereas, the Ministry of Coal, Government of India in their letter No.13016/62/2015-CA-III dated 28.07.2016 have conveyed their previous approval for the grant of ML under section 5(1) of the Mines & Minerals (Development & Regulation) (MMDR) Act, 1957 over an area of 652.8853 hecets subject to following conditions;
 - i) The provisions of the Allotment Agreement for Manoharpur and Dipside Manoharour coal mines shall be included in the lease-deed to be executed between OCPL and the State Govt.in Form K i.e. the Model Form of ML, appended to the Mineral Concession Rules, (MCR) 1960.
 - ii) The allottee Company i.e. OCPL shall carry on coal mining in accordance with the provisions of the Mines and Minerals (Development & Regulation) Act, 1957, Mineral Concession Rules, 1960 and any other applicable laws.
 - iii) Mining operations shall be undertaken as per the approved Mining Plan within the allotted area, which shall not encroach upon any adjacent coal block/mine.
8. Whereas, the Mining Plan in respect of the allotted area submitted by OPGC earlier, duly approved by the MoC, stands transferred to OCPL vide Allotment Order No. 103/25/2015/NA dated 31.8.2015 of the Nominated Authority of the MoC, GoI.
9. Whereas, OPGC had obtained the Environmental Clearance from MOEF, Government of India vide letter No.J-11015/139/2008-IA.II (M) dated 21.02.2014 for Manoharpur coal block which was subsequently transferred in favour of OCPL vide MOEF letter No. J-11015/139/2008-IA.II (M) dated 30.12.2015.
10. Whereas, the OPGC had obtained the Consent to Establish issued by Odisha State Pollution Control Board vide letter No.23672 dated 30.12.2013 for

Manoharpur coal block which was subsequently transferred in favour of OCPL vide SPCB O.M. No. 5481 dated 28.03.2016.

11. Whereas, OPGC had obtained the Forest Clearance under Section-2 of Forest Conservation Act, 1980 for diversion of 276.655 hectas of forest land in Manoharpur coal block for coal mining from MOEF&CC, Government of India vide letter No.F.No. 8-63/2011-FC dated 17.10.2012 & F.No. 8-63/2011-FC dated 20.08.2014, which was subsequently transferred in favour of OCPL vide MoEF & CC Order No. F.No. 8-63/2011-FC dated 30.11.2015.
12. Whereas, the allottee Company i.e. OCPL was asked vide Steel and Mines Department letter No. 7578/SM, dated 03.09.2016 to accept the terms & conditions under which the ML was proposed to be considered for grant and the Company in their letter No: OCPL/695 dated 14.09.2016 accepted those terms and conditions; as cited below and will also abide by the same.
 1. The grant will be subject to all the terms and conditions laid down in the Model Form of Mining Lease adopted by the State Government and since vetted by Ministry of Coal, Government of India and to the following conditions:-
 - i. Royalty and Dead Rent should be paid at rates provided in the Second Schedule of the Mines and Minerals (Development & Regulation) Act, 1957 and as amended from time to time.
 - ii. Surface Rent shall be paid at the rate equivalent to 1 percent of the market value of land per annum subject to a minimum of Rs. 1,000/- per hect. per annum in respect of land not assessable to land revenue which is equal to 1 percent of the market value of land per annum and cess as admissible in respect of land assessable to land revenue. (vide Notification No. 10291 dated 07.11.2013 of the Govt. of Odisha, Steel & Mines Department)
 - iii. The lease shall be granted for a period of 30 (thirty) years.
 - iv. An amount of Rs. 10,000/- (Ten thousand) shall be deposited towards security deposit for due observance of the terms and conditions of the Mining Lease. The deposit shall be forfeited to the State if the conditions are not observed in addition to such other remedies or action as may be available under the Lease.

- v. The assignment shall be liable for cancellation if it would be in excess of the limits of the authority possessed by the State Government.
- vi. The assignment shall be subject to the result of any appeal or revision that may be preferred by any aggrieved party against the decision of the State Government granting you lease and in the event of the cancellation of the assignment or the decision of Government of Odisha to lease out the area to you either on such appeal or in revision, you shall not be entitled to compensation for anything done or attempted to be done in pursuance of the order.
- vii. The Allotee Company shall not cut any tree or clear the forest during the mining operations without prior approval of the Central Government. They shall not also damage any objectionable land during mining operations.
- viii. The area shall be surveyed and demarcated by the State Government through ORSAC by DGPS survey at your expense as required under Rule 33 of the Mineral Concession Rules, 1960. You shall deposit the required amount of survey and demarcation fees within two weeks of the receipt of the grant-order, if not done already.
- ix. The mined out area shall be reclaimed to the satisfaction of the State Government before it is abandoned.
- x. The assignment is subject to the provisions of Article-226 of the Constitution of India, and any suit in relation to any dispute arising out of the leased area shall be filed in the Civil Courts in the State of Odisha.
- xi. The allocation of Manoharpur Coal Block to Odisha Coal and Power Limited (OCPL) has been made for utilization of Coal for its end use Plant OPGC situated at ITPS, Banharpali in the District of Jharsuguda, Odisha for its Expansion Power Project (Unit 3, 4, 5 and 6) in accordance with the provisions contained in the Coal Mines (Special Provision) Act, 2015 and the Coal Mines (Special Provision) Rules, 2014 pursuant to the Order No. 103/25/2015/NA dated 31.08.2015 of the Nominated Authority, Ministry of Coal, Government of India.
- xii. All Coal mined from this Block shall exclusively be used by the grantee Company to meet the requirement of the Expansion Power Project (Unit 3, 4, 5 and 6) of Odisha Power Generation Corporation Ltd.

- xiii. There shall be complete synchronization between the Coal mining operations and the development of End-Use (power generation) Plant so that no situation would arise where the grantee Company will be left with Coal extracted from the captive Block when the End Use Plant is yet to be operational.
- xiv. In case the captive Block has been offered for washing-cum-end use, the Mining Lease Deed must clearly specify that the beneficiated Coal from the washery will be exclusively be used for the end use (power generation) as approved by the Central Government and not for any commercial purposes or otherwise. Tailings, Middlings or Rejects as the case may be, shall be used for captive consumption only by Odisha Power Generation Corporation Limited (OPGCL) as approved by the Central Government.
- xv. The grantee Company shall furnish detailed Plan for disposal of the unusable carbon materials obtained during the process of mining or any ancillary process thereafter including washing etc. so as to avoid any need for disposal of the same through sale etc. at a later stage, within 30 days of or submission of Mining Plan, to the Ministry of Coal.
- xvi. No Coal shall be sold, delivered, transferred or disposed of except for the stated purpose of captive consumption (power generation) except with the previous approval of the Central Government in writing.
- xvii. Odisha Coal and Power Limited shall undertake coal mining in accordance with the provisions of the Coal Mines (Special Provision) Act, 2015, the Coal Mines (Special Provisions) Rules, 2014, the Mines Act, 1952, the Coal Mines Regulation, 1957, the Mines and Minerals (Development & Regulation) Act, 1957, Mineral Concession Rules, 1960, the Contract Labour (Regulation & Abolition) Act, 1970, the Forest (Conservation) Act, 1980, the Forest Conservation Rules, 2003 and all other applicable laws including Environmental and Labour Laws Regulations/ Statutes/ Orders governing Coal Mining Industry.
- xviii. The grantee Company shall undertake mining of Coal in the allocated Block proposed to be granted under Mining Lease in accordance with the Mining Plan approved by the Central Government.

- xix. Detailed Boundary Description with coordinates of all the Boundary, Pillars with distances from Pillar to Pillar as defined in the Allotment Order has to be incorporated in the Mining Lease (Form K):-

The Block proposed to be granted under Mining Lease is bounded by Latitude $21^{\circ} 56' 19''$ N and $21^{\circ} 58' 04''$ N Longitude $83^{\circ} 46' 00''$ E and $83^{\circ} 47' 26''$ E.

- xx. The grantee Company shall take all the necessary precautions to ensure safety of mine workings and persons engaged there in.
- xxi. Additional land to be acquired shall not encroach in to any other adjacent Coal Block.
- xxii. Mining shall be carried out in the approved area by maintaining the prescribed distance from the boundaries public places/restricted areas.
- xxiii. The grantee Company shall submit Forestry Clearance obtained under the F.C. Act, 1980 and Environmental Clearance under the Environment (Protection) Act, 1986, before commencement of Mining Operations in the approved area.
- xxiv. De-reservation/exchange of land in lieu of Gochar land shall be made as per the provisions of the Orissa Government Land Settlement Act, 1962/Land Acquisition Act, 2013.
- xxv. The Lessee Company shall contribute to the District Mineral Foundation of Sundargarh District at the applicable rates according to the provisions of Section 9B of the Mines and Minerals (Development & Regulation) Act, 1957 and the applicable rules.
- xxvi. The Lessee Company shall also contribute to the National Mineral Exploration Trust at the rate of 2% of the royalty payable by the lessee company in accordance with the provisions of section 9C of the Mines and Minerals (Development & Regulation) Act, 1957.
- xxvii. The grantee Company shall obtain permissive possession of land recorded as Nala, Rasta etc. in the Record of Rights as per the instructions issued by the erst while Revenue and Excise Department No. 44485/R dated 05.10.1991 of the State Government.

Wherever communal lands are absolutely necessary by the lessee company shall have to provide equal extent of suitable land for the same purpose which can be reserved under Rakhit khata/

Sarbasadharan Khata and utilized for the common benefit of the villagers in terms of R&DM Department instruction contained in Circular No. 25616 /R&DM dated 27.08.2014.

- xxviii. The grantee Company shall obtain necessary permission from the competent authority for conversion of agricultural land for non agricultural purposes, where ever necessary as per the provisions of the OLR Act 1960 & guidelines/ instructions issued by R&DM Deptt., Govt. of Odisha
- xxix. The above mentioned conditions in addition to the terms and conditions stipulated in the Allotment Order No. 103/25/2015/NA dated 31.08.2015 and the previous approval Order No. 10316/62/2015-CA-III dated 28.07.2016 (copy enclosed) of the Nominated Authority, Ministry of Coal, Government of India, shall be incorporated in the Mining Lease in form 'K' to be executed between the State Government and the grantee Company.
- xxx. The grantee Company shall abide by the approved policy of Government of Odisha for coal mining, coal washery and washery reject power plants.

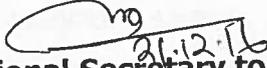
Now, therefore, in pursuance of powers conferred under sub-rule-4 of Rule 22 of Mineral Concession Rules, 1960, the State Govt., are hereby pleased to order that a ML for Coal in respect of area over 652.8853 hecets in village – Manoharpur, Kathapali, Dulinga, San Ghumra, Durubaga and Paramanandapur under Sadar Subdivision of Sundargarh District (Manoharpur Coal Block) be granted to M/s Odisha Coal and Power Ltd for a period of 30 (thirty) years. The Collector, Sundargarh may execute the lease deed within six months from the date of this order as provided under Rule 31 of the said Rules, 1960.

By Order of the Governor

Special Secretary to Government

31/1/16

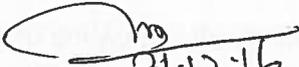
Memo No. 10729 /SM, Bhubaneswar, the 31.12.2016
Copy forwarded to M/s Odisha Coal and Power Ltd, Zone-A, Ground Floor,
Fortune Towers, Bhubaneswar-751023, Odisha for information and necessary action.


31.12.16
Additional Secretary to Government

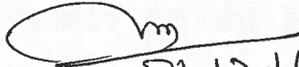
Memo No. 10730 /SM, Bhubaneswar, the 31.12.2016
Copy forwarded to the Collector, Sundargarh for information and necessary
action. On verification of the compliance of the terms and conditions laid down in
Govt. Memo No. 7579/SM, dated 03.09.2016, he will please take steps for execution
of lease and forward the copy of registered lease deed to Government with a report
about the security deposit and any other matter which the Collector might consider
necessary to bring to the notice of Government.


31.12.16
Additional Secretary to Government

Memo No. 10731 /SM, Bhubaneswar, the 31.12.2016
Copy forwarded to the Director of Mines, Odisha /Deputy Director of Mines,
Rourkela for information and necessary action.


31.12.16
Additional Secretary to Government

Memo No. 10732 /SM, Bhubaneswar, the 31.12.2016
Copy forwarded to the Under Secretary, Ministry of Coal, Government of
India, New Delhi for information and necessary action with reference to Allotment
Order No. 103/25/2015/NA dated 31.08.2015.


31.12.16
Additional Secretary to Government