

**GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT**

NOTIFICATION

No. MG.38/2020/Pt-III/212,

Dated Shillong; the 20th October, 2023.

Revised comprehensive Plan for handing over of extracted coal to Coal India Limited for auction prepared jointly by the Mining and Geology Department in Government of Meghalaya and Coal India Limited.

In the interest of the local people and with the previous approval of the Hon'ble Justice (Retd.) B.P. Katakey, the Government is pleased to modify Clause (f) of Para 8 of Chapter-I of the Notification No.MG.38/2020/Pt-III/108, dated 25-10-2022 fixing the EMD to be submitted by the prospective bidders @ ₹200/- (Rupees two hundred) only per MT in respect of the quantity of coal they intend to purchase.

Sd/-

(Shri. E. Kharmalki, IAS)
Secretary to the Government of Meghalaya,
Mining and Geology Department.

Memo. No. MG.38/2020/Pt-III/212-A,

Dated Shillong; the 20th October, 2023.

Copy to:-

1. The Commissioner & Secretary to the Governor of Meghalaya for kind information of the Hon'ble Governor.
2. P.S. to the Hon'ble Chief Minister for kind information of the Chief Minister.
3. P.S. to the Hon'ble Deputy Chief Minister for kind information of the Deputy Chief Minister.
4. All Hon'ble Ministers, Meghalaya for information.
5. P.S. to Leader of Opposition, Meghalaya Legislative Assembly for kind information of Leader of Opposition.
6. Hon'ble Justice (Retd.) B.P. Katakey for information.
7. P.S. to the Chief Secretary to the Government of Meghalaya for kind information of the Chief Secretary.
8. The Director General of Police, Meghalaya, Shillong for kind information.
9. The Commissioner & Secretary to the Government of Meghalaya, Transport Department for kind information.
10. The Secretary to the Government of Meghalaya, Home (Police) Department for kind information.
11. The Secretary to the Government of Meghalaya, Home (Political) Department for kind information.
12. The Secretary to the Government of Meghalaya, Law Department for kind information.
13. The Secretary to the Government of Meghalaya, Mining & Geology Department for kind information.
14. The Secretary to the Government of Meghalaya, Forest, Environment & Climate Change Department for kind information.
15. All Deputy Commissioners.

16. The Deputy Director General of Forest (C) and Member Secretary of Oversight Committee, IRO, Shillong.
17. The Director (Marketing), Coal India Limited, Kolkata.
- ✓ 18. The Director (Commercial), Metal Scrap Trade Corporation Limited (MSTC), Kolkata.
19. The Director of Mineral Resources, Meghalaya, Shillong.
20. The Director of Printing & Stationery, Meghalaya, Shillong for publication in the Official Gazette.
21. The State Informatics Officer, NIC, Shillong for uploading in the website.

By Order Etc.,

Kharsheing

Under Secretary to the Government of Meghalaya,
Mining and Geology Department.

**GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT**

Notification

MG.38/2020/Pt-III/108

Dated Shillong, the 25th October, 2022.

Revised Comprehensive Plan for handing over of extracted coal to Coal India Limited for auction prepared jointly by the Mining and Geology Department in Government of Meghalaya and Coal India Limited (Amended)-2022.

WHEREAS The Hon'ble Supreme Court vide judgment and order dated 3rd July 2019 in Civil Appeal No.10720 of 2018 has held that the Government of Meghalaya shall be the receiver-cum-custodian of all the extracted coal lying at different places in the State of Meghalaya.

AND WHEREAS The Hon'ble Supreme Court has directed in the aforesaid judgment that the entire extracted coal lying at various places shall be handed over by the State of Meghalaya to the Coal India Limited for the purpose of disposal/auction as per the usual rules of Coal India Limited and as per the mode and manner to be formulated by the NGT appointed Committee.

AND WHEREAS The Hon'ble Supreme Court has further directed in the aforesaid judgment that Department of Mining and Geology of the State Government along with the officials of the Coal India Limited may deliberate with NGT appointed Committee to finalize a comprehensive plan for transportation and handing over of the coal to Coal India Limited for disposal/auction as per rules of Coal India Limited and further held that disposal/auction by Coal India Limited shall be beneficial to both the owners of mines as well as to the State of Meghalaya.

AND WHEREAS the Hon'ble Supreme court has also directed that the state and its officers especially Deputy Commissioner of the area concerned shall enter details of quantity of coal, name of the owner and place from where it is collected the responsibility of the transportation of coal to the venue i.e., the depot identified by the Coal India Limited has been entrusted to the state, cost of which was allowed to be deducted from the price received of the coal the Coal India Limited has also been directed to take steps to ensure weighment of coal when it is received by it the responsibility of disposal, determination of price and grade of the coal has been entrusted to the coal India limited.

AND WHEREAS With an intent to protect the interests of all concerned in mind and with a view to minimize environmental damage and to ensure transparent, effective and seamless handing over and transportation of the entire **inventoried coal after re-verification /re-assessment** and lying in East Jaintia Hills, West Khasi Hills, South-West Khasi Hills and South Garo Hills, a **draft** Comprehensive Plan was prepared jointly by the Government of Meghalaya and Coal India Ltd., final view on which was directed to be taken by the Oversight Committee constituted by the Hon'ble National Green Tribunal vide order dated 27/07/2020 passed in O.A No. 10 THC/2012.

THEREFORE, in compliance of the aforesaid order of Hon'ble National Green Tribunal dated 27.07.2020 in O.A.No.110(THC)2012 and to incorporate additional provisions as decided by

the CIL and State Government during the subsequent meetings held the following Revised comprehensive plan has been prepared.

CHAPTER-I

1. Identification and Notification of Designated Depots:

- a. The Mining and Geology Department with the help of Deputy Commissioners concerned shall identify and notify sites for establishing designated depots. Number of depots in each district shall be determined based on quantity of assessed coal.
- b. The land owner of the designated depot shall undertake to install all necessary infrastructures at his cost and submit the bills in respect of the same to the State Government for payment which may include rental for the premises, at a later date. In addition to that, he is allowed to charge Rs 20(Twenty) per MT for weighment of each truck. Fifty percent of the weighment fee shall be deposited with the DMR as administrative cost. The weighbridge owner shall discharge the liability of GST, if any.
- c. The designated depots subject to the availability of land, fitness of terrain, and ease of accessibility, shall be established near the existing weighbridge and road network.
- d. Having regard to hilly and inaccessible terrain in the State of Meghalaya, on account of lack of availability of contiguous piece of land, each depot shall be identified to store as far as possible 50,000 MT of coal at any point of time.
- e. In pursuance of the recommendation of Hon'ble Justice (Retd.) B.P. Katakey at Para 4.12 of the Fourth Interim Report submitted to the Hon'ble High Court of Meghalaya, Shillong temporary coal depots may be set-up within 1 Km radius of the existing declared coal dumps by the State Government, which however will not be allowed to remain operational for more than a month so as to avoid any environmental pollution. The coal to be transported to the temporary coal depots will within a fortnight be transported to the designated coal depot for ultimate auction by the CIL in terms of the directions issued by the Hon'ble Supreme Court and the NGT.
- f. Such temporary depots, if the situation demands shall also be designated as ancillary designated depots, subject to the required consents to be obtained from the Meghalaya state pollution control board (MSPCB), from where coal may be allowed for auction, subject to the condition that the minimum capacity of such depot is 20,000 MT (say) final weighing can be undertaken in designated depots.
- g. Movement of trucks to and from designated depot shall be restricted to day time between 7 am to 4 pm and by the designated route only.

2. Depot Infrastructure:

- a. Each depot shall have Depot Number to be assigned by DMR.
- b. The State shall authorize an officer to act as in-charge of one depot or more than one depot and the authorized officer shall ensure that adequate measures have been taken to prevent release of Acid Mine Drainage (AMD) into rivers/streams by constructing garland drains and AMD neutralization chambers or such other measures as are necessary.
- c. The coal stacks/heaps at designated depots shall be covered with water proof tarpaulin to protect from rain and to prevent generation of AMD.
- d. The DMR and Police Department shall depute officials and manpower to protect the depots till the time entire quantity of extracted coal is disposed of through auction. Necessary

- infrastructure shall be created in the depots such as office chamber, security barrack, computer and accessories, electricity, water supply, gate, fencing etc. to the extent possible.
- e. The designated depots shall adhere to all the guidelines issued by the Meghalaya State Pollution Control Board (MSPCB) annexed herewith as Annexure 1. The depot operator shall obtain Consent to Establish and Consent to Operate from MSPCB. The same provision shall apply to secondary depots also, which may be set up by the prospective buyer.
 - f. The MSPCB shall also depute officials and manpower in each designated depot for certification of compliance of environmental norms by the transporter of the auctioned coal.

3. Responsibility of transportation of Coal to Designated Depots:

- a. The State Government shall transport there-verified/ re-assessed coal stock from places of origin/storage to designated depots set-up / to be set-up by the state govt. in consultation with the coal India limited. Expenses of transportation shall be borne by the State Government, which shall be deductible from the price received of the coal. The Deputy Commissioners of the concerned districts shall submit the requirement of fund for transportation of coal to the Secretary to the Govt. of Meghalaya, Mining and Geology Department, which shall immediately be made available to the concerned Deputy Commissioners, subject to verification, so that smooth transportation is not hampered.
- b. The entire process of transportation of coal to designated depots is to be completed within a time frame of 3 (three) months
- c. Under no circumstances no coal other than the re-verified/ re-assessed inventoried coal shall be transported to the designated depots, compliance of which shall be the responsibility of the Deputy Commissioners of the concerned districts.
- d. It shall be the responsibility of the State Government to ensure complete compliance of applicable statutory regulatory framework, and the provisions of the instant policy during transit.
- e. It shall be the sole and exclusive responsibility of the Coal stock owner to ensure that absolutely no fresh mining of coal is undertaken in the garb of transportation of coal from the place of origin and/or storage to designated depots or otherwise.
- f. The owners of coal stock shall submit an affidavit to abide by all the terms and conditions of the e-auction spelt out in the Amended Revised Comprehensive plan.

4. Mode and manner of issuance of 'Transit Pass' for Transportation of Coal to Designated Depots:

- a. The transport of re-verified /re-assessed inventoried coal for auction under the instant policy shall only be permitted pursuant to issuance of temporary "Transit Pass" by the Office of the Directorate of Mineral Resources, Government of Meghalaya (DMR).
- b. 'Transit Pass' to transport coal to designated depot shall be issued after verification of records by DMR and officials of District Administration.
- c. DMR officials and Deputy Commissioner concerned shall ensure that details of name of owner and place from where it is collected, quantity, depot number where the coal is being transported and other required details are mentioned in the Transit Pass so as to ensure that only assessed quantity is transported to designated depots for disposal and a separate record in this regard shall be maintained in the office of the Deputy Commissioner and DMR. The officials of Coal India Limited shall also be present at the depots to check the correctness of the procedure adopted therein.
- d. The 'Transit Pass' shall be valid only for transport of coal from pitheads/dumps to the notified

- Designated depots by the designated route. The transit pass shall have a validity period of not more than 15(Fifteen) days.
- e. Transit passes shall not be issued at one time but in batches, depending on progress of transportation and submission of used Transit Challan to concerned Deputy Commissioner/ DMR, duly countersigned by competent authorities confirming receipt of actual volume in designated depot.
 - f. Grant of permission to transport the coal to the designated depot shall be decided by the District Administration and DMR upon satisfactory production of all records.
 - g. The vehicle carrying coal shall be covered with water proof tarpaulin to prevent generation of acid mine drainage (AMD) and environmental pollution, which shall also be the condition in the transit pass.
 - h. Office of the DMR shall issue press release mandating all coal owners to get the coal sample tested in NABL accredited laboratories. The copy of the test result shall be enclosed before making an application to transport coal from pithead/dumps to designated depot.
 - i. The details of transit passes issued for transportation of coal to the designated depots shall be uploaded in the official website of the Deputy Commissioners of the concerned districts, DMR and the Secretary to the Govt. of Meghalaya, Mining and Geology Department on the first day of every week.

5. **Form and Particulars of Transit Pass:**

- a. The Transit Pass issued shall be different from Mineral Transport Challan(MTC) and each transit pass shall mention the place of origin/storage, route to the designated depot, the quantity permitted to be so transported, the registration number of the vehicle, the name and address of the owner of the coal, the name and address of the owner and driver of the vehicle, the mobile numbers of the owner of the coal, owner of the vehicle and the driver and the designated route by which the coal is allowed to be transported. Such Transit Pass shall only be used for transportation to the designated depots and shall not be valid for transportation from designated depot to elsewhere.
- b. It shall be the duty of Deputy Commissioners, DMR and Police to ensure that the assessed coal is not transported by the route other than the route mentioned in the Transit Pass and other than the depot mentioned in such transit pass. It shall be the responsibility of the said authorities to ensure that the coal is not transported to any other places or outside the state, on the strength of this transit pass.
- c. There shall be no transportation without permit in the form of 'Transit Passes.' Any transportation without issuance of 'Transit Pass' or contrary to the permission stated on the Transit Pass, shall be deemed to be an offence and may result in prosecution of the persons involved in such illegal and unauthorized transportation and seizure of such coal and the vehicles by the Government of Meghalaya. The said seized coal shall be dealt with by the State in accordance with Section 21 of the MMDR Act, 1957 as directed by the Hon'ble Supreme Court in paragraph 191(25) of the Judgment dated 03.07.2019 passed in Civil Appeal No. 10720 of 2018.

6. Mode and manner of Transportation of coal from pitheads to Designated Depots after issuance of "Transit Pass".

- a. The issuance of temporary 'Transit Pass' shall be a mandatory pre-requisite for transport of all coal from pithead/dumps to designated depots. However, even after receipt of 'Transit Pass', it shall be mandatory for transportation to be carried out strictly in accordance with the instant policy and all applicable statutory and regulatory frameworks, including the provisions of the MMDR Act 1957, Environment Protection Act 1986, rules and guidelines issued there under from time to time.
- b. It shall be duty of the State Government to have the quantity of coal measured prior to its entry into the designated depots at designated weighbridge and weighment slip shall be enclosed along with Transit Pass. No coal shall be permitted to be dumped at designated depot without such a certificate of weighment.
- c. The DMR shall ensure installation of CCTV cameras at the concerned weighbridges. Sufficient security shall also be deployed by the District Administration at the weighbridges to ensure strict compliance of the instant policy.
- d. The validity of the Transit Pass is only for 15 (Fifteen) days from the date of issue and the transportation of coal from the pit heads/dumps to the depots shall be completed within 15 (Fifteen) days from the date of issue.

7. Verification process at Designated Depots.

- a. The DMR shall ensure installation of CCTV cameras at entry gate of depots and each consignment entering and exiting the depot shall be video recorded and footage of such recording between the date of commencement of the process of dumping of coal for e-auction till conclusion of auction process, shall be stored for one year.
- b. Coal received in the depot shall be stacked grade-wise. As far as practicable, coal belonging to same grade shall be put up for single auction in a particular depot. Lot will be prepared for each grade stacked in the Designated Depot. Each lot can have coal from more than one owner, but having same grade. The Director of Mineral Resources (DMR) will maintain register containing the names of coal owners and quantity from respective owner in each lot. A unique lot number shall be assigned to each lot.
- c. The officials of DMR shall issue receipt to owners of the coal after receiving the coal in the depots indicating quantity of coal received in the depot. However, final payment to the owners shall be made on the basis of actual weighment which will be weighted at the designated depot of coal at the time of dispatch after the auction.
- d. A separate register shall be maintained for each stock and the quantity of coal in each lot and other required details shall be recorded in the register maintained in the Designated Coal Depot. Similarly, corresponding entries shall be made in respect of that lot at the time of loading of coal post auction. The register shall be signed jointly by officials of DMR and owner of stocks after verification of details.
- e. The decision of the officials of the Deputy Commissioner and DMR on matters pertaining to categorization of lots, weighment, quality and payment shall be final and that the coal owners or buyers shall have no claim against the State Government or Coal India Limited with regard

to quality and quantity etc.

8. Auction Process:

- a. Government of Meghalaya shall depute sufficient number of officials to plan, execute and monitor sale of coal through e-auction. CIL shall deploy manpower to the weighbridges attached to the designated depots and provide such other support for accounting the quantity of re-verified/re-assessed inventoried coal for auction.
- b. Quantity of Coal to be considered for disposal through instant process of e-auction by CIL shall be limited to the lots, and to the extent of re-verified / re-assessed quantity of inventoried coal.
- c. The Coal owner shall get their coal sample tested for Gross Calorific Value (GCV) from any NABL accredited laboratory. The certificate from an NABL accredited laboratory shall be submitted by each owner to the Deputy Commissioner at the time of application for transportation to the designated depot. A copy of the NABL test report shall be made available to the bidder upon request. Thereafter, any dispute in respect of the quality of coal in that lot will be between coal owner and bidder and Government of Meghalaya/CIL/MSTC shall neither entertain any claim in this regard nor owe any responsibility to either the coal owner or the bidder.

In the event of the failure of the coal owner to submit the certificate from an NABL accredited laboratory in respect of the quality of coal within 7 (seven) days of issuance of transit pass for transportation, the quality of the coal may be tested by the govt. of Meghalaya in any NABL accredited laboratory, which shall be binding on the owner.

It shall be open to the prospective bidder to physically visit and verify the quality of coal in a particular lot to satisfy himself/itself before making the bid and no claim will be entertained by the Government of Meghalaya/CIL/MSTC in this regard nor will they have any responsibility for quality of the coal in a particular lot. The prospective bidder shall be at liberty to take two random samples per lot up to a maximum of 2 kgs per sample to get the sample tested in any laboratory of his choice.

- d. 'Notice for e-auction' shall be issued only after completion of stacking of coal for auction in a particular yard in a designated depot.
- e. Reserve Price shall be in accordance with Mining and Geology Department, Government of Meghalaya order No.MG.38/2020/362 dated Shillong the 14th April, 2021.
- f. The prospective bidders are required to submit an EMD of RS. 500 per MT of the quantity of coal they intend to purchase.
- g. Coal India Ltd. And Government of Meghalaya shall formulate terms and conditions of e-auction in consultation with MSTC Ltd. The auction period shall be 14 (Fourteen) days from the date of issue of auction notice in the website of MSTC Ltd and Mining and Geology Department respectively. Bidders shall be allowed to inspect lots before participating in e-auction process.
- h. While any citizen of India is eligible to participate in the competitive bidding of coal put up for auction, however, only such individuals who belong to the notified Schedules Tribes of Meghalaya or those non-tribal's who possess a trading license issued by Autonomous District Councils of Meghalaya and a valid GSTN Registration will be entitled to sell the coal, procured through the aforementioned auction, within the State of Meghalaya.
- i. Before participation in the e-Auction, a prospective Bidder shall be required to get itself/himself registered with the service provider, MSTC Limited by online submission of

application in the prescribed format available on the website of the Service Provider along with documents as prescribed in the auction notice.

- j.** The successful bidder shall transfer the total bid amount to separate bank account opened, maintained and notified by the MSTC for the instant auction process before lifting the auctioned coal. The successful bidder shall, in addition to the bid amount, shall also deposit Royalty at the rate notified by the State Government, contribution to Meghalaya Environment Protection and Restoration Fund (MEPRF), Cess under Meghalaya Minerals Cess Act, 1988, GST and GST Compensation Cess at the following rates:-
- a. *Royalty-Rs.675 per MT;*
 - b. *MEPRF-Rs.485 per MT,*
 - c. *Cess-Rs.300 per MT;*
 - d. *GST- 5% of the bid value, royalty, MEPRF and Cess;*
 - e. *GST Compensation Cess @Rs.400 per MT and*
 - f. *Tax Collection at Source (TCS) on the above charges under Income Tax Act.*

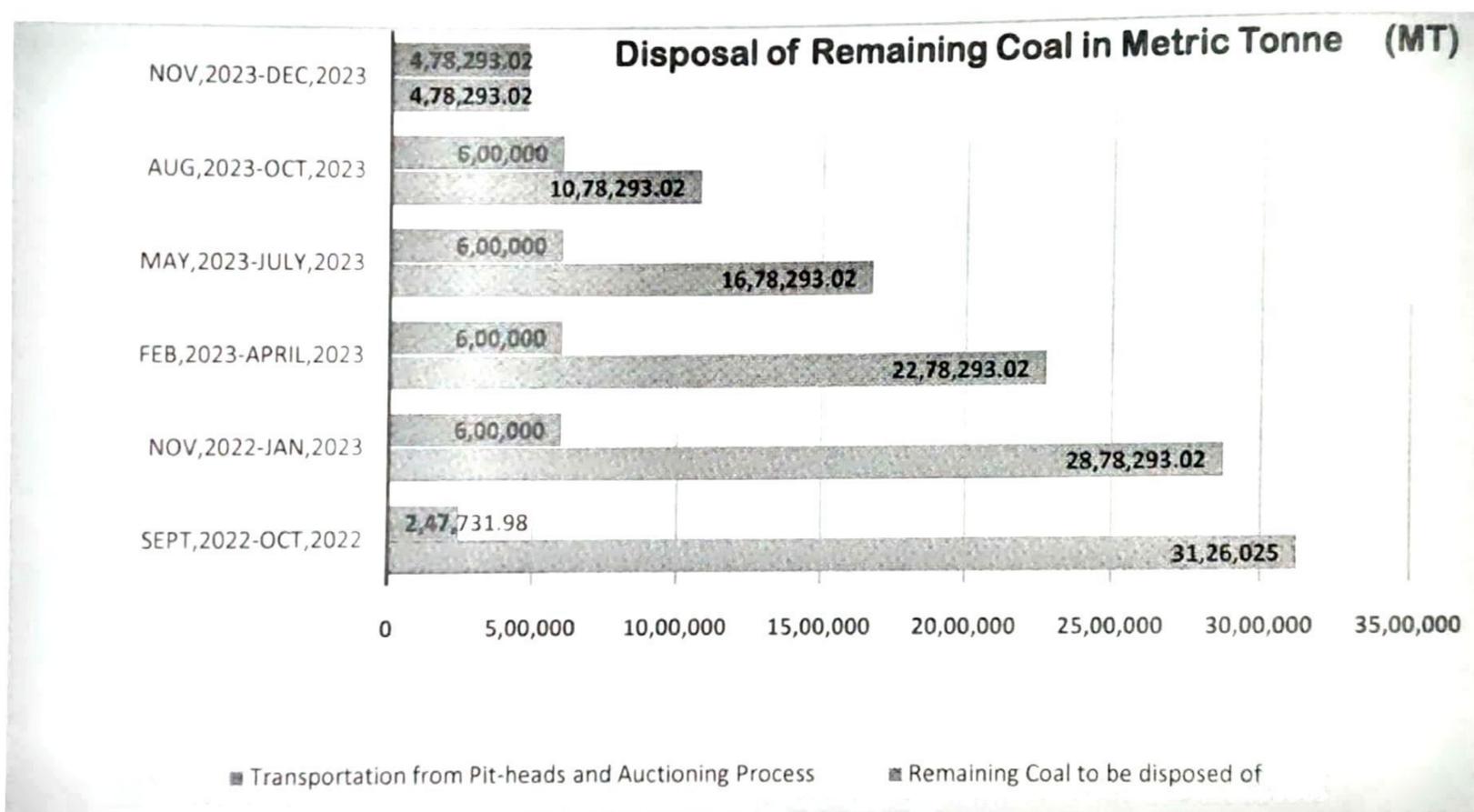
The successful bidder shall remit the entire payment as aforesaid after adjusting the EMD within 10 (Ten) days from the date of completion of auction proceedings failing which the bid shall automatically stand cancelled and his/their EMD forfeited. While the successful bidders may be allowed to make part payment for the coal valued, but all payments must be made within 10 days from the date of completion of auction proceeding failing which the bid shall automatically stand cancel and the EMD shall be forfeited. The amount of EMD(s) so forfeited shall be transferred to the Government of Meghalaya after deducting 10% of the same, which 10% shall be transferred to CIL as facilitation fee. The lot for which the bid is cancelled shall be auctioned a fresh.

- k.** MSTC will be entitled to a service Charge @ Rs 20,00,000/- plus GST for every event conducted by MSTC on behalf of Government of Meghalaya/CIL as per Tripartite Agreement signed between CIL, MSTC Ltd & Govt. of Meghalaya dated 14th January, 2021. An event shall be an auction(s) held on a day including any mode of offer.
- l.** MSTC will raise its service charge bill per event basis on Directorate of Mineral Resources, Government of Meghalaya within thirty (30) days from the date of completion of event. In the event of failure to pay the service charge by Government of Meghalaya, MSTC will have the right to recover the amount from any such amount which will be due for payment/transfer to Government of Meghalaya by MSTC.
- m.** The EMD of the unsuccessful bidders shall be refunded by MSTC only against the online refund request raised by the bidder and the processing of online refund will be completed within 3(three) working days.
- n.** The cost of transportation of coal after conclusion of bidding process and auction shall be that of the successful bidder from the designated depot.
- o.** The cost of loading of coal in trucks/vehicles of the auction purchaser at the designated depot, including labour and instrumentation, shall be that of the buyer.
- p.** The employment of the labour shall be compliant with the applicable Labour Laws, with particular reference to the following:-
- i. No child labour under age of 18 (Eighteen) years shall be employed either by any employer or any contractor engaged by the employer in terms of Section 45 of the

Mines Act, 1952.

- ii. Health and safety norms as laid down in Chapter V and VI of Mines Act, 1952, shall be complied particularly by providing helmets, masks, hand gloves, safety shoes and rain coat to labourer.
- iii. Appropriate compensation shall be paid in the event of accidental injury or death as provided under Employees Compensation Act, 1923.
- iv. Wages to the laborer shall not be less than the prescribed minimum Wages as applicable in the State.
- v. Inter-State migrant workman shall register with the concerned Deputy Commissioner or the Commissioner of Labour who are registering officers under the Inter-State Migrant Workman Act, 1979.

Timelines for disposal of the remaining re-verified/re-assessed inventoried coal stock is given in Bar Chart below, subject to availability :



9. Payment and maintenance of Accounts :

- a. The successful bidder shall transfer all the dues to an account opened for this purpose by the MSTC. The MSTC shall transfer 10% of the bid value to CIL and the remaining sum to the Government of Meghalaya within 3 (Three) days of receipt of amount. The interest accrued on such amount shall be transferred by MSTC to the Government of Meghalaya along with the collected amount.
- b. A joint bank account shall be opened in the name of 'Proceeds of Auctioned Coal, Meghalaya' to be operated jointly by the Director of Mineral Resources, Meghalaya and Secretary to Government of Meghalaya, Mining and Geology Department as a Savings Bank Account which shall be opened only in the Scheduled/Nationalized bank.
- c. The Government of Meghalaya, after deducting Royalty, MEPRF, expenses of transportation of coal from pithead to depot, Cess, GST, GST Compensation Cess and 1% TCS under IT Act shall transfer the remaining amount to the account of actual owner of the coal stock.
- d. The MEPRF amount received by the Government of Meghalaya shall be transferred to the

designated MEPRF Account maintained by the Mining and Geology Department, Government of Meghalaya within 30 (Thirty) days.

- e. The owner(s) of the coal which has been put up for auction in a particular depot shall not be eligible to participate in the auction process pertaining to the coal in the same depot.

10. Post Auction Transportation:

- a. The successful bidders shall be required to comply with all statutory and regulatory requirements including the provisions of the MMDRA At 1957, Environment Protection Act, 1986, and the rules framed there under, the Air (Prevention and Control of Pollution) Act, 1981 and rules framed there under, the Water(Prevention and Control of Pollution) Act, 1974 and rules framed there under, the Motor Vehicles Act, 1988 and rules framed there under and all other central and the State acts for the time being in force while transporting the Coal after purchase.
- b. The vehicle transporting the auctioned coal must have the global functioning system (GPS) installed. The route of the vehicle from the designated depot to the exit point is to be tracked through the system using check points, radio frequency identification device (RFID) tags and GPS tracking.
- c. Transportation of auctioned coal shall be allowed under the cover of Mineral Transport Challan (MTC) having multiple security features, including unique bar code, unique QR Code, water mark, hologram and fugitive ink background etc .issued by the Mining and Geology Department, Government of Meghalaya. Details of all MTCs issued by DMR shall be entered in a ledger maintained in the DMR office.

The MTC shall also contain the quantity of coal, registration number of the vehicle, the name and address of the owner of the coal, the name and address of the owner and driver of the vehicle, the mobile number of the owner of the coal, the mobile number of the owner and the driver of the vehicle owner of the vehicle and the designated route by which the coal is allowed to be transported and the destination as well as exit point.
- d. The MTCs shall be issued by DMR on receiving authenticated confirmation letter and payment invoice from MSTC after payment of necessary dues by successful bidder. MSTC shall issue confirmation letter in duplicate, one to the successful bidder and the other to DMR. MTCs shall be issued only after verifying both the copies. MTCs shall be countersigned by the officials of CIL posted at the weighbridge of the Designated Depot.
- e. The MTCs, subject to the full payment by the auction price by the buyer, shall be issued against the quantity for which dues have been paid by the successful bidder. For each consignment,4 (Four) copies of MTCs shall be issued, one copy for the DMR and three copies to be handed over to the buyer or his authorized representative. The MTCs shall mention the date of issue, name of designated depot, destination, exit point and the route to be followed from origin to the destination.
- f. Any vehicle carrying the auctioned coal without the GPS and without the genuine MTC as well as other than by the designated route and not through the exit point mentioned in the MTC shall be seized and forfeited to the state Govt, which than shall be dealt with by the state in accordance with provisions of the Mines and Mineral (Development and Regulation) act, 1957. (MMDR Act)
- g. The buyer is required to approach the designated coal depot with the 3 (Three) copies of MTC. After completion of loading, the in-charge of the depot shall retain one copy of the MTC after

obtaining the signature of the buyer in acknowledgment of receipt of coal. The in-charge of the Depot shall issue the tax-invoice to the Bidder on behalf of the owner of the coal. The MTC shall be countersigned by the in-charge of the depot and the official of NEC/CIL posted at the weighbridge of the Designated Depot. The in-charge of the depot shall also certify the delivery of coal on the other two copies of the MTC and the same shall be handed over to the buyer. Any loaded truck shall necessarily carry both the copies of MTC which are signed by the in-charge of the depot indicating the date of delivery of coal. Any movement of loaded consignment of coal without MTC or with MTC not having the certification by the person in-charge of the depot regarding delivery of coal will be considered as illegal coal and action shall be taken by Meghalaya Government against such illegal coal in accordance with law.

- h. At the state exit point, consignment of each truck shall be weighed, and all the coal laden trucks shall be checked for valid documents. The tare weight of the vehicles shall be based on the RC of each vehicle. All exit points shall be manned by officials of the DMR, Government of Meghalaya and details of all Challans shall be entered in the ledger maintained for that purpose which shall contain signature of the officials of DMR. At the exit point, the QR code shall be scanned and the respective MTC shall stand invalidated after scanning of QR Code at Exit point. An endorsement 'Used Challan' shall also be inscribed on the MTCs.
- i. The transporter shall produce Mineral Transport Challans to the DMR checkpost at state exit point and the officer-in-charge of check post shall physically verify consignment, place their signature and seal on MTC. Original copy of MTC shall be retained and duplicate Copy shall be handed over to the consignor. The Challans shall be properly stamped and QR Code scanned at the exit point so that they cannot be reused.
- j. CCTV shall be installed at the exit Integrated Smart check gate (Meghalaya Mineral Transport Scanning and Monitoring System) and video recording of each consignment shall be made at check gate to capture front side of truck, rear side of truck with registration number and from top to capture images of consignment to determine nature of consignment. CCTV footage of one year shall be stored at the check-gates.
- k. Trucks transporting coal shall have valid Registration Certificate (RC) from the Transport Department. A fluorescent sticker 'Coal sold under Supreme Court Order' to be issued by DMR, shall be pasted in a conspicuous place on the windshield from inside of the truck. One fluorescent sticker shall be issued chronologically against one truck and each truck shall have one valid RFID tag.
- l. The loaded truck shall be fully covered with waterproof tarpaulin during period of transportation so that there is no spillage. Adequate free board shall be kept to avoid spillage. In case of spillage, the transporter shall ensure that the spilled coal is collected and transported to destination. There shall be no washing of coal en-route.
- m. There shall also be no loading and off loading of coal once it is loaded in the truck in the designated depot till the exit point, except where such loading and off loading becomes necessary due to any accident, for which the previous written permission of the DMR must be obtained.
- n. Overloaded coal trucks shall be asked to offload the excess quantity in the space provided for the purpose at the weighbridge itself as per Rule framed Section 23C of MMDR Act 1957. This off loaded coal shall be auctioned by the concerned Deputy Commissioners in accordance with law and in accordance with the Rule 8 of Meghalaya Mineral (Prevention of Illegal Mining Transportation and Storage Rule) 2022.
- o. The officers authorized by the State Government under sub-section (4) of Section 21 of MMDR Act, 1957 shall seize the coal which is transported without any lawful authority along with the vehicle used for such unlawful transportation of coal and make written complaint before competent Court.

- p. The validity of the MTC is 30 days from the date of issuance of the MTC and the validity shall not be extended beyond 30 days. The successful bidder shall complete the evacuation of allotted coal from the designated depot within 30 days.
- q. No addition of coal in the designated depot shall be allowed till the evacuation of the entire auctioned coal in that particular depot and beyond the storage capacity of the depot.
- r. The vehicles transporting the coal must possess a certificate from the authorized officials of MSPCB certifying compliance of environmental norms for transportation. Any vehicle found carrying coal without such certification shall be seized and dealt with in accordance with law.
- s. The State Govt. shall install and make fully functional a system involving establishment of a centralize server, uploading of transport permit / challans and tracking of coal loaded vehicles through GPS and RFID tags to prevent and detect multiple use of transport permit / Challans.
- t. The officers of DMR shall ensure return of the unused Challans immediately, which thereafter shall immediately be cancelled.

11. Less Delivery/Less Lifting of Coal.

- a. For quantity not delivered to bidders due to seller's failure, the corresponding amount shall be refunded to the buyer by the State Government.
- b. For quantity not lifted by bidders due to bidder's failure, EMD shall be forfeited, as per CIL e-auction scheme. The balance coal value, less the EMD, should be refunded to the bidder. However, CIL shall be entitled to 10% of the amount of EMD so forfeited.

12. Notification of Designated Exit Points.

- a. All Coal laden trucks carrying coal under this auction process shall have to follow the route prescribed on the MTCs and need to pass through the designated exit / check points, mentioned in the MTC, out of the following 17 (Seventeen) designated exit/check points or any other exit/checkpoint to be notified by the State Government from time to time. The designated exit / check point shall be manned jointly by the officials of different concerned departments of the State Government so that there is no leakage of revenue to State exchequer and there is no misuse of MTCs issued under the present dispensation of coal. The mentioned list is only indicative and is subjected to change-

Sl. No.	Location	Area to cover (Clusters)
1	Ratacherra village, East Jaintia Hills District. (All Mineral laden trucks exiting to Assam via Silchar Pass through this village).	For all trucks exiting to Assam via Silchar in NH 6. Proximity to auctioned coal sites
2	Khup village(village), East Jaintia Hills District (For local transportation)	For trucks transporting minerals to Cement Industries.
3	Umtyra Village, for local transportation and to Cement Industries	For trucks entering to cement industries originating from places other than

		Khup village. Proximity to auctioned coal sites.
4	7 th Mile Village, West Jaintia Hills	For trucks exiting to East Khasi Hills and passing through Jowai Town via NH 6 and NH 44 (E).
5	Amsarin Village	From Jaintia Hills exiting to Bangladesh via Tamabil
6	Iew syiem Iarbam on Mukertilla (Pynursla)	From Khasi Hills exiting to Bangladesh via Tamabil
7	Saphai Village, West Jaintia Hills	For trucks exiting to Garampani via Assam
8	Umling Village, Ri-Bhoi District	For trucks exiting to Guwahati in Assam via NH 6.
9	Borsora	For all trucks exiting to Bangladesh in South West Khasi Hills via Borsora LCS
10	Cherragoan	For trucks transporting minerals to Bangladesh.
11	Bagli	For all trucks exiting to Bangladesh in South West Khasi Hills via Bagli LCS
12	Athiabari	For all trucks exiting to Assam via Athiabari in West Khasi Hills
13	Gasuapara	For all trucks exiting to Bangladesh in Garo Hills via Gasuapara LCS
14	Baghmara	For all trucks exiting to Bangladesh via South Garo Hills via Borsora LCS
15	Mahendraganj	For all trucks exiting to Bangladesh via Mahendraganj in West Garo Hills
16	Depagarat	For trucks going to Assam via Dudhnoi
17	Bajengdoba Checkpoint	For trucks going to Assam via Bajengdoba and Jengjal

- b. All the above exit points shall be under the authority and supervision of the Mining and Geology Department, Govt. of Meghalaya till the completion of transportation of re-verified / re-assessed inventoried coal.
- c. The movement of coal laden trucks along the transportation route shall be monitored by Mobile Patrolling Teams consisting of the officers of Meghalaya Police, DMR, Transport Department, Taxation Department and Executive Magistrate to be detailed by Deputy Commissioners of the concerned districts. The patrolling team shall conduct checking on highways and other roads for verification of the Mineral Transport Challan and seize the trucks plying without valid documents. Traffic shall be regulated by State Police and speed

limit of 40(Forty) kmph shall be enforced for the trucks.

13. Indemnity and Dispute Resolution.

- a. It is hereby clarified that the instant auction process is being conducted in accordance with the directions of the Hon'ble Supreme Court and in order to ensure minimization of adverse impact on environment as a consequence of transportation of coal.
- b. The instant auction process is being conducted on the basis that the Government of Meghalaya has been deputed as the custodian cum receiver of coal extracted at various pit heads in Meghalaya on behalf of the coal owners. As such, it is hereby clarified that no-claim shall lie against the Government of Meghalaya/CIL, either by the owners of the Coal, or the bidders, transporters and participants in the auction process in relation to the manner and mode of conduct of auction process. It shall be open to the prospective bidder to physically visit the lots to verify the quantity and quality of coal in a particular lot to satisfy himself before making the bid and no claims shall be entertained by the Government of Meghalaya/CIL/MSTC nor will they bear any responsibility for quality and quantity of the coal in the particular lot.
- c. It is further clarified that matters pertaining to quality, lot sizes, weighment being technical issues are to be determined by the State Government in consultation with Coal India Ltd. And no claim shall lie against the State Government or Coal India Ltd in relation to any decision in relation to any issues arising out of, or in relation to the conduct of auction process.
- d. By participating in the auction process, the mine owners and the buyers are deemed to have agreed to indemnify the State Government and the Coal India Limited during the conduct of auction process.
- e. The State Government shall notify Grievance Redress Forum in each coal mining districts with a retired District Judge as Chairperson and one representative each from State Government and a reputed NGO as members for redressing the grievances between buyers and stockowners.

14. Power to amend the Revised Comprehensive Plan :

- a. This Amended Revised Comprehensive Plan shall be reviewed periodically and modifications in the Plan may be made, if necessary.

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CHAPTER-II

Procedure for transportation of extracted coal to designated depots for disposal by Coal India Limited through auction under the Hon'ble Supreme Court Order.

WHEREAS in compliance of the Judgment of the Hon'ble Supreme Court vide dated 3rd July, 2019 in Civil Appeal No.10720 of 2018 a revised Comprehensive Plan for transportation of re-verified and re-assessed inventoried coal to the designated depot, handing over of extracted coal to the Coal India Limited for disposal by auction and transportation of auctioned coal, has been prepared;

And WHEREAS the On-line e-Auction of extracted coal stocks will be conducted by Coal India Limited at the designated depots through Metal Scrap Trade Corporation Ltd (MSTC);

THEREFORE, in supersession of this Department's order No.MG.38/2020/72 dated 16th July, 2020, the following procedure for transportation of extracted coal to designated depot have been laid down :

1. Only the re-verified/re-assessed inventoried coal and lying in various places in East Jaintia Hills, West Khasi Hills, South-West Khasi Hills and South Garo Hills belonging to the owners of coal stocks whose names appeared in coal inventory list and in the report on assessment of extracted coal stocks prepared by the office of respective Deputy Commissioners which has been placed before Hon'ble Supreme Court, will be transported.
2. Before transportation of coal, all such owners of coal stock shall get their coal samples tested for Gross Calorific Value (GCV) from any National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory (list of NABL accredited laboratory placed in Department's Website).

In the event of the failure of the coal owners to submit the certificate from an NABL accredited laboratory in respect of the quality of coal within 7 (seven) days of issuance of transit pass for transportation, the quality of the coal may be tested by the Govt. of Meghalaya in any NABL accredited laboratory, which shall be binding on the owners.

3. (i) The coal stock owners shall submit application for transportation of their respective coal stock to designated depot in prescribed Form (a sample application form is placed in Department's Website) to the respective Deputy Commissioner along with following documents, namely:-
 - (a) EPIC card/ Aadhar card for identity proof;
 - (b) Bank account details;
 - (c) Affidavit to accept and adhere to the terms and conditions mentioned in the Revised Comprehensive Plan and Scheme for sale of extracted coal through spot e-Auction prepared jointly by State Government and CIL; (copies of both the documents are placed in Department's Website) and consent to deduct expenses of transportation from pithead to designated depot and weightment fee.

Applications of authorized representative, transporters or any others on behalf of coal owner shall not be entertained under any circumstances. Application by actual stock owner, who has established the authenticity during the process of re-verification/re-assessment of coal, only be considered as valid,
 - (d) Test report of coal sample for GCV.

(ii) In the event of failure of the coal stock owners to submit the application, as aforesaid, within a week, the Deputy Commission of the concerned district shall get the re-verified and re-assessed coal transported to the designated depot. In that event the coal stock owners shall have no claim in

respect of such coal stock and the sale proceed of the auction shall be forfeited to the Govt. of Meghalaya

4. The Deputy Commissioner shall scrutinize the applications and documents as per re-verified/re-assessed inventoried Coal; and forward a copy of application to the DMR with his/her recommendation. The Deputy Commissioner shall maintain separate register for the coal being transported under this Order.
5. The DMR shall handover the required number of temporary 'Transit Pass' to the concerned Deputy Commissioner for transporting the coal from pitheads/ storage place to designated Depots.
6. It shall be the responsibility of the respective Deputy Commissioner to transport re-verified and re-assessed coal from pitheads/storage place to the designated depot.
7. The Deputy Commissioner shall ensure that only such quantity of coal assessed as per respective owner's name indicated in re-verified/re-assessed Coal Inventory list and assessment report as placed before the Hon'ble Supreme Court and referred in its judgment, shall be transported to designated depot.
8. The temporary Transit Pass shall not be handed over to any owner or his/her representative or any other person.
9. The Deputy Commissioner shall depute Magistrate to supervise and monitor transportation of assessed coal from pithead/place of storage to designated depot.
10. Transportation of extracted coal from pithead/place of storage to designated depot shall be allowed only with temporary 'Transit Pass'
11. The temporary 'Transit Pass' shall be valid only for transport of coal from pitheads to the notified Designated depots and it shall have a validity period of not more than 15 (fifteen) days and, the validity shall not be extended beyond 15 days.
12. The Deputy Commissioner shall engage transporter / contractor through short notice tender to transport the coal.
13. The Deputy Commissioner shall fix rate of freight for trucks as notified by the State Transport Authority vide order No.STA/464/85/Pt.II/620 dated 6th February, 2020 (copy of order enclosed). The transporter/ interested bidder shall have to agree to the rate of freight fixed by State Transport Authority and shall only quote handling charges per MT basis.
14. Maximum load permission for each type of truck shall be as notified by the Mining & Geology Department (copy of Notification enclosed).
15. The cost of handling (loading and unloading charge) quoted by the bidder/ transporter shall be at par with the rate charges of Hydraulic/ loader cum excavator (Rs.1510/ hour inclusive of diesel cost) as per the Schedule of Rates notified by PWD Department from time to time.
16. The cost of handling quoted by the successful bidder shall be communicated to the Mining and Geology Department for approval.
17. After completion of transportation, the approved transporter shall submit the bills for expenditure incurred for transportation to the Deputy Commissioner who will verify and counter sign the bills and forward to the Mining and Geology Department for payments.
18. Expenses incurred for transportation of coal from pithead/ place of storage to designated depot shall be deducted from the price received of the coal in respect of each owner.
19. The quantity of coal in each truck shall be measured at the weighbridge attached to the depot before bringing the coal into the designated depot. Weighment fee @ Rs.20 (twenty) pr MT will be charged which shall be deducted from the price received of the coal in respect of each owner.
20. Each consignment of coal entering into depot shall have temporary Transit Pass, GCV test report and weighment slip.

21. After receiving the coal in the designated depot, the Depot in-charge will hand over the receipt to coal stock owner indicating quantity as per the weighment conducted at the designated depot and GCV of the coal received.
22. The coal will be stacked grade-wise and Lot will be prepared for each grade stacked in the Designated Depot. Each lot can have coal from more than one owner, but having same grade.
23. The DMR/CIL shall take the custody of the extracted coal brought to the designated depot.
24. The re-verified and re-assessed coal brought to the designated depot shall be disposed of by CIL through e-auction in accordance with Revised Comprehensive Plan and Scheme for sale of such coal through spot e-Auction prepared jointly by State Government and CIL.
25. The Mining and Geology Department, after deducting Royalty, MEPRF, expenses of transportation of coal from pithead to depot, weighment fee, State Cess, GST, GST Compensation Cess, Tax Collection at Source (TCS) under IT Act (if applicable) and all other taxes, as applicable shall transfer remaining amount to the bank account of actual owner of coal stock.

CHAPTER-III

Scheme for sale of extracted coal in Meghalaya through Spot e-Auction

Objective:-

The Hon'ble Supreme Court of India vide its final judgment order dated 3.7.2019 passed in Civil Appeal No.10720 of 2018 and 5 other Civil Appeals, has given a direction for disposal of the entire extract coal stocks lying in various places through Coal India Limited (CIL). In Pursuance to the direction of the Hon'ble Supreme Court, the following arrangement has been worked out between the Government of Meghalaya and Coal India Limited for disposal of the stocks of coal in the custody of the State of Meghalaya by way of normal disposal process of Coal India Limited.

The sale of the stocks of coal shall be made from the depots designated by Meghalaya Government (Designated Depot) on "As is Where is" basis through Spot e-Auctions to be conducted by the General Manager, North Eastern Coalfields of Coal India Limited (NEC), on behalf of Meghalaya Government who is the receiver-cum-custodian of the extracted coal, through the Service Provider i.e., M/s MSTC Limited (MSTC) The Mining and Geology Department, Government of Meghalaya, on behalf of the owners of coal will assume the role of 'Seller' for auction events conducted by the service provider for the sale of the entire re-verified/re-assessed inventoried quantity of coal. The coal will be transported by the Government of Meghalaya to the Designated Depot and stacked grade-wise. Lot will be prepared for each grade stacked in the Designated Depot. Each lot can have coal from more than one owner, but having same grade. The Director of Mineral Resources Government of Meghalaya will maintain register on names of owners of coal and quantity from respective owner in each lot. DMR will prepare lots to be put up for auction and each lot will have depot name, and depot number, unique lot number, details of the owner(s) of the lot, quantity of coal in each lot, grade/ GCV range and reserve price for that particular lot. The owners of the respective lot of coal will be ultimately responsible for the quantity and the quality of the coal sold under the e-auction scheme and for the dispute, if any arise regarding the quantity and quality of coal.

1. Eligibility:

- 1.1** The owners of coal stock shall submit an affidavit to abide by all the terms and conditions of the e-auction spelt out in the Comprehensive Plan and scheme for sale of extracted coal in Meghalaya spot e-auction of coal.
- 1.2** Any Indian Buyer (viz., individual, partnership firm, companies etc.) can participate and in e-Auction for procurement of coal for own use and/or for re-sale. The buyers maybe at liberty to export the coal to Bangladesh as may be permitted under the law of the country.
- 1.3** The owners of the coal of the lot(s) which has been put up for auction in a

particular event of spot e-Auction shall not be eligible to participate and bid for coal from any of the lots offered for bidding in the said auction event from the same designated depot.

2. Registration:

2.1 Before participation in the e-Auction, a prospective Bidder shall be required to get itself/himself registered with the service provider, by online submission of application in the prescribed format available on the website of MSTC. The application shall be made along with the required documents as follows:

A person from scheduled tribes of Meghalaya State has to submit certified copy of Election Photo Identity Card (EPIC) issued by the Election Commission of India along with the Scheduled Tribe Caste Certificate, GST Registration Certificate, passport size photographs and Original certificate from Bank Certifying address of the bidder, status and account number as prescribed by MSTC.

A person who is not a tribal from the State of Meghalaya shall submit a certified Copy of PAN Card, GST Registration Certificate, EPIC, passport size photograph, Original certificate from Bank Certifying address of the bidder, status and account number, attested copy of latest Income Tax return as prescribed by MSTC.

While citizen of India is eligible to participate in the competitive bidding of Coal put up auction, only such individuals who belong to the notified Schedules Tribes of Meghalaya or those Non-Tribal's who possess a Trading License issued by Autonomous District Councils of Meghalaya and a valid GSTN Registration will be entitled to sell the Coal procured through the aforementioned auction within the State of Meghalaya to any prospective buyer who is a resident of Meghalaya State.

2.2 During the registration, all prospective Bidders will have to choose "Unique User ID" & a "Password", based on which they can login after activation by MSTC. Details of the registration process will be available in the website of MSTC.

2.3 The Service Provider shall issue "Photo Identity Card" to their registered Bidders duly authenticating the identity & signature, indicating a "Unique Registration Number" allotted to them. The "Unique Registration Number" and the softcopies of the Photo Identity Cards issued to the registered Bidders shall also be communicated by MSTC to *CIL/NEC* and DMR, Government of Meghalaya.

2.4 Only one registration will be done against one PAN number. However, based on more than one independent valid GST registration, more than one registration against a PAN Number can be considered. In such cases, the details of valid GST registration will be indicated in each 'Photo Identity Card'. In the event of one PAN number and one GST registration number for

a bidder having multiple units in one state, more than one registration will be allowed based on independent valid SSI Registration or factory license for such units and the same will be indicated in each "Photo Identity Card".

- 2.5** All Bidders having been registered with MSTC shall also have to furnish non-interest bearing Earnest Money Deposit (EMD) at the rate of Rs. 500/- per tonne for the total quantity of coal for which the Bids are intended to be made from one or more of the lots offered in an event. The bidder has to login into the portal of the service provider and generate challan for making the payment. After making payment, the bidder has to intimate the transaction detail to MSTC through the registered -mail. The payment of EMD shall have to be made by debiting the own bank account of the Bidder which is registered with the service provider and payment made from any account which is not registered with service provider shall not be considered as valid EMD. The Bidder shall be allowed for participation in the e-Auction by the Service Provider as long as the required amount of EMD is made available with the Service Provider.
- 2.6** The existing Bidders already registered with MSTC are allowed for participation in the spot Special e-Auctions of NEC and the Subsidiary Coal Companies of CIL shall also be entitled to participate in the events of e-Auctions conducted for Meghalaya coal, subject to furnishing the additional documents like Original certificate from Bank and no separate registration shall be required for these Bidders.

3. Notification

- 3.1** The Mining and Geology, Government of Meghalaya shall prepare the lots to be offered in each event of e-Auction from the designated depots and would draw program for conducting the e-Auction and notify the same to CIL/NEC and MSTC. The said auction notice shall be published on the website of them MSTC for minimum 14(Fourteen) days in advance of commencement of auction proceedings of that event. The Notice regarding the program for e-Auction will be intimated to MSTC, CIL/NEC, by the Mining and Geology, Government of Meghalaya for hosting the same on their websites. The Notice shall also be hosted in the website of the Mining and Geology Department, Government of Meghalaya.
- 3.2** The offer of coal made under the e-Auction shall be for lifting through road mode. The minimum quantity for Bidding would be 50 MT from a lot. However, if the lot size is less than 50 MT, the minimum acceptable bid quantity shall be the entire quantity offered in that lot.

4. Bidding Process:

- 4.1. The auction period shall be 14 days from the date of issue of auction notice in the website of MSTC and the Mining and Geology Department respectively.
- 4.2. The e-Auction shall be conducted through the portal / website of MSTC and the registered Bidders shall be required to record their acceptance after login, of the terms & conditions of the e-Auction scheme before participation in the actual Bidding Process.
- 4.3. Maximum number of lots in one e-auction event shall not be more than 25 lots.
- 4.4. The owners shall get their coal sample tested for Gross Calorific Value (GCV) of each lot from any NABL accredited laboratory. The information regarding requirement of having such certificate shall be made by the DMR. The certificate from an NABL accredited laboratory shall be submitted by each Owner to Government of Meghalaya to be forwarded to the CIL/Service Provider in respect of each lot which shall be displayed against the respective lot to be put up for auction. Any dispute in respect of the quality of coal in that lot will be inter set the owner of the coal and bidder and Government of Meghalaya /CIL/MSTC shall neither entertain any claim in this regard nor owe any responsibility to either the owner or the bidder.

In the event of the failure of the coal owner to submit the certificate from an NABL accredited laboratory in respect of the quality of coal within 7 (seven) days of issuance of transit pass for transportation, the quality of the coal may be tested by the Govt. of Meghalaya in any NABL accredited laboratory, which shall be binding on the owner.
- 4.5. Before participating in e-Auction, Bidder are to satisfy themselves with the quality of coal being offered on "As is Where is" basis in the respective lot from the designated depot. Bidders shall be allowed by the Seller and the Owner(s) of coal to inspect the lots available in the designated depot before participation in e-Auction process. The prospective bidder shall be at liberty to take two random samples per lot up to a maximum of 2 (Two) kgs per sample to get the sample tested in any laboratory of his choice. No claim/ dispute in respect of the quality of coal raised by the Bidders after their participation in the e-Auction, shall be entertained by Meghalaya Government.
- 4.6. Reserve price shall be notified in Indian Rupee per tonne of coal for each lot of coal offered in an auction event.
- 4.7 The owner(s) of the coal of the lot(s) which has been put up for auction in a particular event of spot-Auction shall not be eligible to participate and bid for coal from any of the lots offered for bidding in the said

auction event from the same designated depot.

- 4.8. Prospective Bidders are entitled to Bid for the quantity to the extent of amount of EMD which is available with the Service Provider in the Bidder's account at the time of Bidding.
- 4.9. The Buyers while Bidding shall quote their "Bid price" per tonne in Indian Rupee, exclusive of other charges like statutory levies, Administrative Charge of Meghalaya Government, taxes, cess, royalty, MEPRF Fund & any other charges as will be applicable at the time of delivery. All these charges as well as freight etc shall be on the buyers' account.
- 4.10. The Bidder has to Bid for a price equal to or above the Reserve Price to secure consideration in the concerned e-Auction.
- 4.11. The date, time and period of e-Auction as notified in advance including closing time on portal of Service Provider shall be adhered to, but for the event of force majeure however, the closing time of e-Auction will be automatically extended up to last Bid time, plus 5 (Five) minutes, so that opportunity is given to other Bidders for making an improved Bid on that item.
- 4.12 The Bidder shall offer his Bid Price (per tonne) in the increment of Rs.20/- (Rs. Twenty only) during the normal e-Auction period. During the extended period of first two hours, the Bidder shall offer his Bid price in the increment of Rs.50/- (Rs. Fifty only).
- 4.13 While maintaining the secrecy of Bidder's identity, the auction platform on the portal/ website of the Service Provider shall register and display on screen both the lowest Bid price and the highest Bid Price at that point of time. The system will not allow a Bidder to Bid in excess of his entitled quantity as per his EMD. Once a bidder is the highest in any lot an equivalent EMD amount shall be blocked and the amount will be released when out-bid by another bidder against the same lot.
- 4.14 Following criteria would be adopted in deciding the successful bidders:-
 - a. Precedence will be accorded to the highest Bid Price in the descending order (H1, H2, H3 and so on) as long as the offered quantity is available for allocation.
 - b. If two or more Bidders bid the same highest price, precedence for allotment will be accorded to the Buyer who has placed the Bid for the higher quantity.
 - c. In case two or more Bidders bid for the same price and the same quantity, precedence will be given to the Bidder who has accorded his Bid first with reference to time.

5 Post e-Auction process and payment of coal value against Bids:

5.1 Each successful Bidder will be intimated through e-mail / SMS by the Service Provider on the same date after the closure of e-Auction. However, it will be the responsibility of the Bidder to personally see and download the result displayed on website of the Service Provider, on the same day after close of e-Auction.

5.2. The Service provider conducting the auction i.e. MSTC has been authorized by Government of Meghalaya to collect the coal value i.e., the 'As Delivered Price' from the Bidders towards the quantity of coal against each successful bid. The 'As Delivered Price' shall include the amount towards the Bid Price and all other charges, royalty, MEPRF Fund, duties, taxes, levies etc., that shall be applicable. The successful bidder shall, in addition to the bid amount, shall also deposit Royalty at the rate notified by the State Government, contribution to Meghalaya Environment Protection and Restoration Fund (MEPRF), Cess under Meghalaya Minerals Cess Act, 1988, GST and GST Compensation Cess at the following rates:

Royalty-Rs. 675 per MT

Cess-Rs.300 per MT

GST-5%of the bid value including the levies GST Compensation Cess @ Rs. 400 per MT

Tax Collection at Source (TCS) on total value of the Goods including all chargeable elements like Royalty, MEPRF, Cess, GST, GST Compensation Cess and others, if any charged as per Income Tax Act.

The EMD in respect of the Bid quantity already deposited by the Bidder shall be adjusted towards the bid amount and the Bidder shall be required to deposit the balance amount in one transaction. In other words, the bid amount to be deposited and EMD amount together shall be equivalent to the 100 % Bid amount.

5.3. The payment towards the balance bid amount after adjusting EMD and other applicable charges of the respective bid shall have to be transferred through RTGS/ NEFT from the own bank account of the Bidder which is registered with the Service provider. Entire balance bid value and applicable charges have to be deposited single payment and no instalment payments allowed. On receipt of the payments towards the bid value and other charges, MSTC will issue a payment confirmation letter against each successful bid for which payment is received from the Bidder. The MSTC need not to wait till the end of stipulated time period of 10 days after completion of auction to issue payment confirmation letter to the buyer who deposited balance payment on or before the last date prescribed for payment, since steps for delivery can be taken post Payment Confirmation Letter. The Payment confirmation letter shall contain the details of the payment, the bank details

of the bidder (given during registration), Bid Details and the quantity for which the payment is made. Copy of the payment confirmation letter shall also be sent to DMR and NEC/CIL.

5.4. The payment shall have to be made by the successful Bidders to the Bank Account notified for this purpose by the service provider i.e. MSTC through RTGS/NEFT within 10 days from the date of completion of auction proceedings, failing which the bid shall automatically stand cancelled and his EMD forfeited. The amount of EMD(s) so forfeited shall be transferred to the Government of Meghalaya after deducting 10% of the same, which 10% shall be transferred to CIL as facilitation fee. The bidder has to login into the service provider's portal and generate Challan for making the payment. After making the payment, the bidder has to intimate the transaction detail to the service provider through e-mail. The last date by which the payment is required to be deposited shall also be indicated in Notice for Auction issued by Department of Mining & Geology, Meghalaya Government.

5.5. The bid amount and other charges deposited by the respective Successful Bidder will be transferred by the service provider in the manner given below:

Amount towards 10% of the Bid Price for the quantity for which the payments have been made by the Bidders against the successful bids, shall be transferred to the designated Bank Account of CIL/NEC within 3(three) working days of receipt of amount and after deducting Tax Collection at Source (TCS) under GST to be deposited by MSTC, the balance amount shall be transferred to the designated Bank Account of Government of Meghalaya within three(3) days of receipt of amount. The interest, if any accrued on such amount shall be transferred by MSTC to the Government of Meghalaya along with the collected amount.

The TCS under GST collected by MSTC shall be deposited with the statutory authority in the GSTN of Meghalaya Govt. and Meghalaya Govt. will take credit for the same.

The Service provider shall also provide the Bidder-wise details of the amounts so transferred to the Department of Mining & Geology and CIL/NEC.

5.6 The Mining and Geology Department shall transfer service charge for each auction event to MSTC.

5.7 If the actual costs incurred by NEC/including the 18% GST payable by NEC/CIL for this entire exercise of conducting auction of re-verified /re-assessed inventoried coal exceeds the amount of 10% of the Bid Price transferred to NEC/CIL, such excess amount incurred by NEC/CIL shall be reimbursed by Meghalaya Government. In such case, NEC/CIL shall submit separate claims to the DMR, Meghalaya Government for reimbursement along with the details of the costs incurred and the amount of 10% of Bid Price received from the MSTC.

5.8. The component of EMD ,though considered as the part of the bid amount payable against the successful bids, it shall still be considered as a security for the performance of the Bidders in respect of the said transaction. In the event of default in performance by the Bidder, the provision of forfeiture of the 'Security' as stipulated, would be applicable.

5.9. Forfeiture of EMD:

(i) For the lots having quantity less than or equal to 50 MT:-If the successful bidder fails to make the payment for the entire coal value, the EMD amount deposited for the lot will be forfeited.

(ii) For the lots having quantity more than 50 MT:- In case of successful Bidders,if the coal value is deposited for less than the allotted Quantity under the successful bid but not below 50% of the allotted quantity or 50 tonne, whichever is higher, the payment for the said amount shall be accepted and EMD for the failed quantity shall be forfeited. However, if the Buyer fails to deposit the coal value for at least 50% of the allotted quantity or 50 tonnes, whichever is higher, then the entire EMD of the allotted quantity shall be forfeited.

5.10. In case of any revision of royalty, GST, taxes, cess, MEPRF Fund, levies, charges etc., or introduction any new levy on coal, such revised *rates* shall be applicable from the effective date notified by the concerned authority and the successful buyer shall pay any additional sum which may become payable under such revision, over and above the amount deposited towards the coal value/ already charged in the invoices raised towards the despatches. The Bidders shall be liable to pay the differential amount on this account on the balance quantity of coal pending for delivery on the effective date of revision of the rate. The amount shall be paid by the Bidders to the Bank Account that shall be notified by Mining &Geology Department, Meghalaya Government. The successful bidder will also be entitled to a refund of the sum of taxes on account of reduction, but such refund shall be subject to refunds from the concerned Statutory Authority, if the Seller/ Owner had already deposited the taxes at the pre-revised rates.

6. Procedure of Coal Delivery

6.1 The successful bidder upon making the requisite payment of coal value to MSTC in the manner prescribed above, shall approach the Office of the Directorate Mineral Resources (DMR), Meghalaya Government, along with the authenticated payment confirmation letter and make an application for issue of requisite numbers of Mineral Transport Challans(MTC).The successful bidder shall also declare the destination. If the successful bidder is a non-tribal and intends to conduct resale of coal purchased in this auction within the state of Meghalaya, then he/his authorized signatory will have to

submit Trading License issued by Autonomous District Councils of Meghalaya.

- 6.2** After verification of the Payment Confirmation Letter and the details of the actual payment received from the Service provider, the Office of the DMR shall issue MTC in quadruplicate.

The MTCs shall be issued against the quantity for which dues have been paid by the successful bidder. For each consignment, 4(Four) copies of MTCs shall be issued.

The quadruplicate copy of each MTC shall be retained by the DMR as the office copy and the remaining three copies shall be handed over to the authorized representative of the Bidders. The contact address of the Office of the DMR is as under:

The Directorate of Mineral Resources, Risa Colony, Shillong
East Khasi Hills District, Meghalaya-793003.

- 6.3.** Only the persons who are specifically authorized by the signatory of Bidder whose signature appears in the Identity Card (I.D) issued by the Service Provider shall be entitled to deal with DMR, Meghalaya Government for the purpose of issue of MTC and for taking delivery of coal against the MTCs. The authorized signatory of the Bidder shall be verified from the ID issued by the Service Provider. The Service provider shall also send the scanned copies of the IDs issued to the Bidders/ authorised signatures of the Bidders to NEC/CIL and Meghalaya Government. The MTCs shall be handed over to the authorized signatory as In the ID or such persons in whom authority letter has been given by the authorized signatory.
- 6.4** The MTC shall mention the date of issue, its validity, name of designated depot to the destination, exit point and the route to be followed from the designated depot to the destination.
- 6.5** The validity of the MTC is 30 days from the date of issuance of the MTC and the validity shall not be extended beyond 30 days. The successful bidder shall complete the evacuation of allotted coal from the designated depot within 30days.
- 6.6.** The Bidders, along with the 3 copies of MTC shall be required to approach the designated coal depot as per the loading schedule issued against the MTCs by the Office of the DMR, Meghalaya Government. The details of the designated depot of the lots of coal offered in an auction shall also be notified in the Auction Notice.
- 6.7.** The Bidder shall be required to bring the original, duplicate and the triplicate copy of the MTC at the time of loading. The arrangements and cost of loading of coal in Trucks/vehicles of the auction purchaser at the designated depot, including labor and instrumentation, shall be that of the buyer. The operator of the designated depot is allowed to charge Rs 20 per MT, which is inclusive of GST, for weighment of each

truck at the weighbridge attached to the Designated Depot. Fifty percent of the weighment fee shall be deposited with the DMR as administrative cost. The weighbridge owner shall discharge the liability of GST on weighment charge, if any.

- 6.8.** Upon completion of loading and weighment of the truck, the Seller (i.e., DMR, Meghalaya Government) shall issue the tax-invoice to the Bidder on behalf of the owner of the coal. The tax invoice shall be issued by the Designated Depot in-charge after the weighment of the loaded truck. The tare weight of the vehicle shall be based on the RC of each vehicle. Net weight of the coal shall not be in excess of the quantity permitted against the respective MTC and coal loaded in excess shall be offloaded at the Designated Depot. The tax invoice for the despatched quantity shall also contain the details of the Bid, the MTC, truck number, destination as indicated in the MTC. The in-charge of the designated depot shall certify completion of loading and weight of the loaded quantity on all the three copies of MTC. The MTC shall be countersigned by the in-charge of the depot and the official of NEC/CIL posted at the weighbridge of the Designated Depot. The in-charge of the depot shall retain triplicate copy of the MTC with him, in which the authorised signatory of the Bidder shall affirm the receipt of coal against the MTC. The original and duplicate copy of the MTC, after certification shall be handed over to the Bidder.
- 6.9.** The loaded truck after being fully covered with tarpaulin sheets, is free to move to the destination along the route specified in the MTC. No loaded truck of coal shall ply without the original and duplicate copy of the MTC in which the in-charge of the depot has certified the loading of coal and countersigned by the official of NEC/CIL. Any loaded truck of coal moving without the MTC certified by the in-charge of the designated depot and the tax invoice shall be liable for confiscation by Meghalaya Government, the coal shall be treated as illegal and penal actions shall be taken.
- 6.10.** At the state exit point, consignment of each truck shall be weighed again, and all the coal laden trucks shall be checked for valid documents. The tare weight of the vehicle shall be based on the RC of each vehicle.
- 6.11.** The transporter shall produce the original and the duplicate copy of the Mineral Transport Challans to the DMR Check post at exit point and officer in-charge of check post shall physically verify consignment, place their signature and seal on the MTC shall be retained and Duplicate copy shall be handed over to the bidder/consignee. The challans shall be properly stamped and QR code scanned at the exit point so that they cannot be re-used. Further, a ledger should be maintained at each exit point where entries of details of each MTC shall be entered with signature of the official of DMR. An endorsement "Used Challan" shall be inscribed on each MTC at the designated exit gate.
- 6.12.** In case of auctioned coal for which the end use is within the State of Meghalaya where no established checkgate/ exit point exists, then the State Government shall

set up temporary checking point and depute personnel for the purpose and the weighment at the designated depot shall be considered for accounting the quantity of consignment of coal. The personnel deputed for the purpose shall stamp and collect the original copy of the MTC and necessary entries shall be made in the register and in case the network is available then the MTC shall be scanned and uploaded in the MMT-SMS system.

- 6.13. The trucks transporting coal shall have GPS installed and have valid Registration Certificate (RC) from Transport Department. A fluorescent sticker 'Coal sold under Supreme Court order' to be issued by DMR, shall be pasted on the windshield from inside of truck. One fluorescent sticker shall be issued chronologically against one Truck with valid RFID tags.
- 6.14. To prevent pilferage, the loaded truck shall be fully covered with waterproof tarpaulin during period of transportation. Adequate free board shall be kept to avoid spillage. In case of spillage, the transporter shall ensure that spilled coal is collected and transported to destination. There shall be no washing of coal en-route.
- 6.15. Overloaded coal trucks shall be asked to offload the excess quantity in the space provided for the purpose at the weighbridge itself as per Rule framed Section 23C of MMDR Act 1957. This offloaded coal shall be auctioned by the concerned Deputy Commissioners in accordance with law and in accordance with the Rule 8 of Meghalaya Mineral (Prevention of Illegal Mining Transportation and Storage Rule) 2022.

The officers authorized by the Government under sub-section (4) of Section 21 of MMDR Act, 1957 shall seize the coal transported without any lawful authority along with vehicle used for such unlawful transportation of coal and make written complaint before competent court.

7. Refund of EMD for Unsuccessful Bidders

- 7.1. The EMD of the unsuccessful bidders shall only be refunded against the online refund request raised by the bidder and the processing of online refund will be completed within 3(three) working days.

8. Less Delivery/Less Lifting of Coal

- 8.1 For quantity not delivered to bidders due to seller's failure, the corresponding amount shall be refunded to the buyer by the State Government.
- 8.2 For quantity not lifted by bidders due to bidder's failure, EMD shall be forfeited. However, CIL shall be entitled to 10% of the amount of EMD so forfeited.

9. General Terms & Conditions:

- 9.1 The Auction of coal under this scheme is being conducted in accordance with the directions of the Hon'ble Supreme Court and in order to ensure minimization of adverse impact on environment as a consequence of transportation of coal.
- 9.2 The auction process of coal under this scheme is conducted on the basis that the Government of Meghalaya has been designated as the custodian cum receiver of the coal extracted at various pit heads in Meghalaya on behalf of the coal owners. As such, it is hereby clarified that no claim shall lie against the Government of Meghalaya and/or NEC/CIL/MSTC either by the owners of the coal, or the bidders, transporters and participants in the auction process in relation to the manner and mode of conduct of the auction process.
- 9.3 All terms and conditions of Scheme are subject to force majeure conditions as applicable.
- 9.4 Bidders must always ensure to keep their email address valid. In any case Buyers cannot be absolved from fulfilling the responsibility of compliance of any of the terms and conditions herein including payment terms due to non-receipt of emails from the Service Provider.
- 9.5 Bidders must be extremely careful to avoid any error in Bidding (whether typographical or otherwise) and they are fully responsible to check and rectify their Bid before submitting their Bid into the live e-Auction floor by clicking the "Bid" button. During the auction if the incremental Bid price is more than 50% of the immediate preceding Bid price, then the system will seek a re-confirmation from the Bidder before the Bid is registered.
- 9.6 There is no provision for Bidding in decimals. The Bidder shall be solely responsible for all consequences arising out of the Bid submitted by him (including any wrongful Bidding by him) and no complaint /representation will be entertained by the Service Provider/Meghalaya Government/ NEC/CIL in this regard.
- 9.7 Quantity mentioned in notice are only Indicative and may undergo changes depending on factors/ bottle necks unforeseen in transportation of coal from the mine / stockpiles to the designated depot and/or for delivery of coal at the designated depot due to difficult terrain and adverse climatic conditions that are peculiar the State of Meghalaya.
- 9.8 The coal offered for sale is on 'As is Where Is' basis. There will not be any joint/third party sampling facility extended to any Buyer for the coal delivered against the successful bids. The Bidder is required to fully satisfy himself/ itself about the quality specification of the lots of coal offered in the events of e-Auction before participating in the auction. Bidders shall be allowed by the Owners to inspect the lots before participation in e-Auction process. Refusal to lift part or full of the allotted quantity of coal secured in the Bids on account of non-suitability and /or sub-standard quality shall not be acceptable and EMD shall be forfeited in respect of quantities not lifted

on such grounds.

- 9.9** Government of Meghalaya/NEC/CIL/ MSTC reserve the right to cancel the sale of coal under this e-Auction from any designated depot/any lot offered from designated depot, in part or whole, at any stage at its sole discretion without assigning any reason thereof and no party shall have any right whatsoever to raise any claim in that regard on that count.
- 9.10** Government of Meghalaya/NEC/CIL reserves their rights to amend/modify and revise the terms and conditions contained herein in full or in part at any point of time and no party shall have any right whatsoever to raise any claim in that regard on that count.
- 9.11** While the sale under e-auction is independent, both parties, i.e., the Owner and the Bidder shall be entitled to claim and recover from the other party any excess or differential tax and statutory levies as provided in clause 5.2 at any time within a period of 3 years from the date on which the sum becomes recoverable. Both parties shall have a lien on any sums of money belonging to the other, which may come to their possession or control to the extent of the sum recoverable from the other.
- 9.12** By participating in the auction process, the Mine owners and the buyers are deemed to have agreed to indemnify the State Government, Coal India Limited, NEC and MSTC during the conduct of the auction process.
- 9.13** In the process of implementation or interpretation of the scheme guidelines, if there is any issue or difference between any stakeholders, the decision of Government of Meghalaya and Coal India Limited is final.
- 9.14** The State Government shall notify Grievance Redress Forum in each coal producing districts with a retired District Judge as Chairperson and one representative each from State Government and a reputed NGO as members for redressing the grievances between buyers and stock owners.

This Notification shall be effective with Immediate effect subject to conditions relating to Clause 8 (k) and 8 (l) of Chapter-I for which further deliberation between the State Government and Coal India Limited is required.



E. Kharmalki, IAS
Secretary to the Govt. of Meghalaya
Mining & Geology Department

Memo No. MG.38/2020/Pt-III/108-A

Dated Shillong, the 25th October, 2022.

Copy to:

1. The Commissioner and Secretary to the Governor of Meghalaya for kind information of Hon'ble Governor.
2. P.S. to the Hon'ble Chief Minister, Meghalaya for kind information of Chief Minister.
3. P.S. to the Hon'ble Deputy Chief Minister, Meghalaya for kind information of Deputy Chief Minister.
4. All the Hon'ble Ministers, Meghalaya for kind information.
5. P.S to Leader of Opposition, Meghalaya Legislative Assembly for kind information of LO.
6. Hon'ble Justice (Rtd) B.P. Katakey, for kind information
7. P.S. to the Chief Secretary, Meghalaya, for kind information of Chief Secretary.
8. The Director General of Police, Meghalaya for kind information.
9. The Commissioner & Secretary to the Government of Meghalaya, Transport Department for kind information.
10. The Secretary to the Govt. of Meghalaya, Home (Police) Department for kind information.
11. The Secretary to the Govt. of Meghalaya, Home (Political) Department for kind information.
12. The Secretary to the Govt. of Meghalaya, Law Department for kind information.
13. The Secretary to the Govt. of Meghalaya, Mining & Geology Department for kind information.
14. The Secretary to the Govt. of Meghalaya, Forests, Environment & Climate Change Department for kind information.
15. To All Deputy Commissioners of all the Districts.
16. The Deputy Director General of Forest (C) & Member Secretary of Oversight Committee, IRO, Shillong.
17. The Director (Marketing) , Coal India Limited, Kolkata.
18. The Director of Mineral Resources, Meghalaya, Shillong.
19. The Director of Printing & Stationary, Govt. of Meghalaya for publication in the official Gazette.
20. The State Informatics Officer, NIC, Shillong for uploading in the website.

By Order etc.,



Secretary to the Govt. of Meghalaya
Mining & Geology Department