



COAL INDIA LIMITED
MARKETING DIVISION
KOLKATA


CIL/M&S/Linkage Auction tranche VI/481

Date: 20.12.2022

Subject: Postponement of Sponge Iron subsector auction under Tranche VI NRS Linkage auction

It is hereby informed that the Sponge Iron subsector auction under Tranche VI NRS Linkage auction, presently scheduled to start from 23.12.2022, is postponed till further notice. New schedule of linkage auction will be notified shortly.

All stakeholders are requested to visit MSTC website/portal for further updates.


20/12/2022
GM(M&S-Commercial)

Distribution, for uploading on respective websites:

1. GM (System), CIL
2. GM/ HoD (M&S): ECL/ BCCL/CCL/NCL/WCL/SECL/MCL/NEC
3. MSTC Ltd.

Copy to:

1. Director (Marketing), CIL

**Pre-auction consumer conference in relation to linkage auction under
'Auction of coal linkages for non-regulated sector - Tranche-VI'**

VC Link:

<https://cilhq3.webex.com/cilhq3/j.php?MTID=md77cbd0f40d0d3836d3eacfb766871db>

Schedule: Tuesday, Nov 29, 2022, 4:30 PM

Meeting number: 2510 152 8060

Password: fvD33B4Mc3C

Join by video system

Dial [25101528060@cilhq3.webex.com](tel:25101528060@cilhq3.webex.com)

You can also dial 210.4.202.4 and enter your meeting number.

(Password: 38333246 from video systems)

Join by phone

+65-6703-6949 Singapore Toll

Access code: 251 015 28060

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TEL : 033 - 2324 6617
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Email : eauction.cil@coalindia.in

Ref No. : CIL/M&S/Linkage Auction Tranche-VI/453

Date: 21.11.2022

NOTICE

Subject: Pre-auction consumer conference in relation to linkage auction under 'Auction of coal linkages for non-regulated sector – Tranche-VI'

A pre-auction consumer conference in relation to linkage auction under 'Auction of coal linkages for non-regulated sector – Tranche-VI' has been arranged through Video Conferencing(VC) on 29.11.2022(Tuesday) at 4.30 PM.

The interested consumers of various subsectors of Non Regulated Sector are cordially invited to join in the consumer conference.

The link of the consumer conference shall be shared shortly.


21/11/2022
General Manager (M&S-Comm)

Distribution, for uploading on respective websites:

1. GM (System), CIL
2. GM/ HoD (M&S), All Coal Companies: with request to attend the meeting
3. MSTC Ltd. – with request to attend the meeting

Copy to:

1. Director (Marketing), CIL
2. ED(Coordination), CIL
3. ED(Marketing), CIL
4. TS to Director(Marketing), CIL
5. GM(M&S-Operation)
6. GM(M&S-MIS)

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Ref No. : CIL/M&S/Linkage auction/428

Date : 01.11.2022

NOTICE

Sub: Modalities for banning/blacklisting of NRS consumers for misutilization/misdirection of coal

CIL CFDs in its 294th meeting held on 14.10.2022 approved the guidelines for banning/blacklisting of NRS consumers for misutilization/misdirection of coal with respect to eligibility for participation in NRS Linkage auction and supply of coal under FSA. The guideline will also be applicable for erstwhile FSAs(pre NRS Linkage auction regime).

The modalities are as under:

Modalities for banning/blacklisting of NRS consumers for misutilization/misdirection of coal:

A. Major circumstances of Banning/Blacklisting for misutilization/misdirection of coal:

- Communication from Statutory authorities like CBI, Police, Court of law etc. containing allegations/finding/ establishing charge(s) of misutilization of coal against any non-power unit and/ or its director/management.
- Finding of the instance of misutilization of coal internally by the coal company.

B. Guiding principle regarding banning/blacklisting of consumers for misutilization/misdirection of coal:

- Prior to suspension or banning for supply/participation, as it may, a notice calling for explanation will be issued by the supplying coal company, pursuant to approval of competent authority, to the alleged customer.
- The period of suspension/banning shall be for a period of 5 years. In case the reason of such suspension is mitigated earlier then the suspension will stand accordingly withdrawn.
- Wherever the reason of suspension is not completely mitigated (because of reasons like pendency of trial or no clearance given by enforcement authority etc.), the period of suspension to be extended till the time of acquittal or a direction/clearance is given by enforcement authority/ Court or maximum period of banning, as imposed, whichever is earlier. However, participation in linkage auction shall not be restricted as long as charge sheet is not filed against the consumer.
- Wherever the allegations stand proved, all running coal supply agreements will be terminated forthwith with corresponding forfeiture of EMD/Security Deposit, as a penalty towards the breach. Moreover, further participation in Linkage auction by the plant shall also be banned till completion of tenure of suspension/banning.

C. Detailed Guideline regarding period of suspension/banning covering the aspects of supply of coal under FSA and participation in linkage auction:

1. Complain regarding misutilization of coal received from statutory authorities/ CBI/ Investigating agencies:

i. Supply of coal under Fuel Supply Agreement:

- a. Upon receipt of any adverse report/ order, coal supply and further transaction under Fuel Supply Agreement will be stopped for concerned non-power unit immediately.

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b. If charge sheet is not filed before relevant adjudicating forum within 6 months of such suspension, the supply/transaction will be resumed with the condition (rider) that suspension may be re-imposed on filing of chargesheet at any point of time, under intimation to the concerned authority. In case charge sheet is issued subsequently, supply/transaction will again be suspended.

c. If the charge sheet is filed within six months of such suspension, the suspension of supply and transaction will continue.

d. In case charge sheet is filed, suspension will be re-imposed and supply of coal will only be restored as per terms of FSA only on acquittal/clearance or an order to that effect by the investigating agency or Court.

e. In case a unit or its director is found guilty/convicted, suspension will continue for a period of 5 years, effective from the date of commencement of last suspension or the completion of penalty, whichever is later.

f. Since any conviction amounts to material breach of the agreement, the EMD/Security deposit, as it may, in such cases shall stand forfeited.

ii. Participation under NRS Linkage auction:

a. On receipt of communication from statutory authority, the consumer put under suspension will be eligible to participate in the NRS Linkage auction till charge sheet is filed. However, in case the charge sheet is filed, the unit will not be eligible to participate in any auction and/ or to sign the FSA till his acquittal/clearance.

b. In case charge sheet is not issued within 6 months of completion of auction of the relevant subsector (where the unit has participated) FSA shall be signed and supply shall be commenced. However, such supply shall be guided by the procedure mentioned at 1(i) above.

c. In case charge sheet is issued within 6 months of completion of auction of the relevant subsector (where the unit has participated), the bid shall not be converted to FSA and relevant bid security shall be forfeited.

d. If found guilty/convicted, banning for participation will continue for a period of 5 years effective from date of commencement of last suspension/ date of conviction, whichever is earlier.

2. Misutilization of coal as per findings of coal company:

i. Supply of coal under Fuel Supply Agreement:

a. On finding the evidence/proof of diversion of coal or discrepancy in the coal stock (5% or more) against coal procured under any of present FSA, will be sufficient reason to put concerned NRS linkage holding unit under suspension.

b. On scrutiny within 3 months from the date of primary suspension, if misutilization is not proved, the coal supply shall be resumed.

c. In case misutilization of coal under any present or past FSA is proved at any point of time, supplies to the unit will be suspended for 5 years. In such case, all running FSA/LOI will be terminated as per provision of Scheme/FSA/guideline by treating it as gross material breach of the intent for which agreement(s) was/ were entered into with consequent forfeiture of EMD/ SD, as it be.

ii. Participation under NRS Linkage auction:

a. On finding the evidence/proof of diversion of coal or discrepancy in the coal stock (5% or more) against coal procured under any of present FSA, participation in linkage auction of the unit shall not be restricted. However, signing of FSA shall be put on hold for the time being.

b. In case misutilization is not proved within 3 months from the date of primary finding by Coal Company, FSA shall be signed. Supply shall be guided by the above mentioned methodology as at 1(i) above.

c. In case misutilization of coal under any present or past FSA is proved at any point of time, participation under NRS Linkage auction shall be suspended for maximum period of 5 years from the date of communication of such order to this effect.

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D. Show Cause Notice: All the above cases where coal supplies are to be suspended & signing of FSA withheld or FSA is contemplated to be terminated, a prior Show-Cause notice shall be issued to the concerned party.


E. Change of Plant ownership: In the event of transfer of end use plant/takeover of a company/change of management/change of name etc. (including but not limited to NCLT and other Governmental proceedings) during the period of debarment, the new owner shall remain debarred for the remaining period of suspension of 5 years.

F. Undertaking by Unit: All the bidders/ FSA holders shall submit an undertaking in the form of an affidavit sworn before appropriate authority about factual status of investigations, if any and its current status against them by investigating agency or Court of law, regularly once a year.

G. Treatment of cases against which misutilization of coal was reported earlier and action already taken by coal companies-

The above provisions will also apply to all the units uniformly, including those suspended earlier, and based on certain reference/ findings of Coal Company / statutory authority. In case the stipulated period of suspension/ banning, as it may, has already exceeded five years, the status of such units shall stand restored automatically, in line with aforesaid recommendations. Coal company shall make necessary intimation/communication to all concerned including Linkage Auction service provider regarding invoking and revoking banning/suspension for supply/participation on any unit/consumer, as deemed required.

This above guideline shall be applicable with immediate effect.


General Manager (M&S-Comml.)

Distribution (for **uploading on their respective websites**) :

1. GM (System), CIL
2. The GM/HOD(M&S): ECL/BCCL/CCL/SECL/WCL/MCL/NCL
3. GM, NEC
4. Service Providers: MSTC

Copy for information to:

1. Director(Marketing)
2. ED(Marketing), CIL
3. GM(M&S-Operation)/GM(M&S-MIS)
4. GM/HOD(Legal) CIL
5. CM(FSA/Linkage)/CM(Legal-M&S)
6. Manager(Fin-M&S), CIL

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Ref No : ECL/HQ/M&S/FSA/ ²³⁸0851

NOTICE

Date : 12.03.2021

Sub : Addendum of clauses regarding conditions for supply of coal under NRS Linkage Auction FSAs

Ref : Fuel Supply Agreement (FSAs) with the successful bidders of Linkage Auction under NRS Linkage Auction Policy issued by MOC on 15.02.2016.

In accordance with the letter No. CIL/M&S/Linkage Auction/70, dated 09.02.2021, issued by HOD/Commercial (M&S), CIL (copy placed at Annex-I), the following condition is being introduced in reference to the FSAs (executed and to be executed) under NRS Linkage Auction Policy with respect to supply of coal and termination of Agreement, as an additional clause no. 21.19 under 'Miscellaneous'.

21.19 In case any consumer, drawing coal under NRS Linkage Auction FSA, is charge sheeted by any Investigating Agency of Government or Law Enforcing Authority of Government or any other Governmental Authority for wrongful utilization/misutilization/diversion of coal, supply of coal will be kept in abeyance without financial obligation of either Seller or Purchaser, till it is cleared or till the 'Term' of the FSA whichever is earlier. In case the consumer is convicted, Fuel Supply Agreement will stand terminated with forfeiture of Security Deposit. It shall be the responsibility of the consumer to report such development to the seller.

This clause shall have bearing in the relevant clauses of the FSA.

All the Fuel Supply Agreements under NRS Linkage Auction Policy stand amended to this effect in pursuance of the clause 'Amendment' under FSA. In case of change in clause number in FSA model, the above clause is to be considered as last clause under 'Miscellaneous'.

All the Buyers/Purchasers are hereby informed to take note of the above introduced provision.

Encl : As Above

Distribution :

1. GM (QC), ECL, HQ.
2. GM(FIN), ECL, HQ.
3. GM(System), with request to upload this notice on ECL website.
4. Sr. Manager Fin.) / AF to M&S, ECL, HQ.
5. Sr. Manager (Min.)/Rail Sales, ECL, HQ.
6. Dy. Manager (M&S)/RS, ECL, HQ.
7. Notice Board, M&S Deptt., ECL, HQ.

Copy for kind information to :

- TS to DT(OP), ECL, HQ.

General Manager (M&S)

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(An ISO 9001:2015, ISO 14001:2015 & OHSAS 18001:2007 Certified Company)

ECL/HQ/M&S/Linkage Auction/ 446

07 July 2020

NOTICE

Sub: Decision of 232nd CIL FDs meeting held on 27.06.2020 on dispensation to Non power sector consumers to revalidate shortfall quantity and lift coal to extent to ACQ under FSA.

The 232nd CIL FDs meeting held on 27.06.2020, after detailed deliberation accorded its approval for extending to Non power sector consumers to revalidate shortfall quantity and lift coal to the extent to ACQ under FSA, the relevant portion of which is as follows:

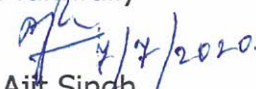
Quote:

1. Purchasers who could not off take the MSQ quantity (Scheduled quantity or SQ as per FSA) during Apr-June 2020 under NRS Linkage Auction FSA for any reason whosoever may be allowed to book the unlifted / unbooked quantity in the subsequent months of current FY subject to availability of the coal at the coal company.
2. The willing consumers has to submit an undertaking stating that the coal taken under this relaxation shall be utilized against requirement of their EUP and they shall not procure the coal to the extent of such shortfall quantity through import during current FY.
3. The above dispensation of carryover of unlifted / unbooked quantity in a particular month shall be allowed for the entire FY subject to availability of coal at the coal company and within the ceiling of ACQ.
4. The same dispensation may also be extended for the willing non power FSA consumers other than NRS Linkage Auction also to the extent of their ACQ irrespective of Import component under FSA. However, the same shall be allowed subject to fulfillment of all commercial obligation including performance security as per FSA provision.
5. The above dispensation shall be optional in nature.

Unquote

It was decided that the above "relaxations shall be given upto March,2021 without affecting the committed supply". Consumers interested in availing this facility are requested to contact M&S Dept, ECL HQ.

Yours faithfully


Ajit Singh
HOD (M&S)