

Government of India
Ministry of Coal
Coal Controller Organization

Scope Minar, Core-I,
5th floor, Delhi – 110092.
Dated:- 27 August. 2024.

To
The Deputy Secretary (LA & IR),
Ministry of Coal, Shastri Bhawan,
New Delhi – 110 001.

Subject- Competent Authority's Report under Section 8(2) of the Coal bearing Area (Acquisition and Development) Act, 1957 in respect of Ballarpur North-West OC mine, Ballarpur Area Western Coalfields Limited, District Chandrapur Maharashtra for extent of land 360.97 Ha (approx.) or 891.96 Acres (approx.) -regarding.

Ref:

1. Notification Sub-Section (1) under section 7 of the above notification vide, S.O. No. 1398 (E) dated 15.03.2024 for an extent of 360.97 Ha (approx.) or 891.96 acres (approx.)
2. Plan No: C-I(E) /III/JJR/0224/1010 Dated 22.02.2024
3. Letter No. WCL/BA/AGM/PLG/87 dt. 21.4.2024,
4. CCO/CBA/WCL/BallarpurNorth-WestOpencastMine/2024-25/360056 dated 31.07.2024.

With reference to above subject, I am directed to send the Competent Authority's Report under Section 8(2) of the Coal bearing Area (Acquisition and Development) Act, 1957 in respect of Ballarpur North-West OC mine, Ballarpur Area Western Coalfields Limited, District Chandrapur Maharashtra for extent of land 360.97 Ha (approx.) or 891.96 Acres (approx.) which is as below.

Publication of Notifications:

Gazette Notification Sub-Section (1) under section 7 of the above notification, vide S.O. No. 1398 (E) dated 15.03.2024 for an extent of 360.97 Ha (approx.) or 891.96 acres (approx.) was published. **Annexure - I**

Details of land is as follows

Sl. No.	Name of village	Patwari Circle number	Tehsil	District	Description of land (in Ha) (approx.)		Total area (in Ha)	Remarks
					Tenancy	Govt.	Hectares	
1	Manoli	-	Rajura	Chandrapur	14.12	0.00	14.12	Part
2	Kolgaon	-	Rajura	Chandrapur	334.64	12.21	346.85	Part
					348.76	12.21	360.97	

Total area: 360.97 Ha (approx.) or 891.96 Acres (approx.)

Vide their letter No. WCL/BA/AGM/PLG/87 dt. 21.4.2024, Project Proponent has given wide publicity by means of publishing in two Newspapers i.e. **"Chandrapur Samachar (Marathi) and Mahavidarbh (Hindi)** on 17.04.2024 and amongst the villagers of the said area. **Annexure -II**



Objections received under Section 8(1) of the Coal Bearing Area (A & D) Act 1957:

The Office of Coal Controller's Organisation received one objection from a group of family members namely ShriShyamsundar Mahadev Hingane, Sau. Mangala Ramesh Zade, Sau. Sangita Vasudev Pachbhai, Sau. Vanita, Shalindra Kingare and Smti. Kamalabai Mahadev Hingane against the land acquisition of land of survey no 263 of mouza Kolgaon Taluq Rajura District Chandrapur Maharashtra for an extent of 2.60 Ha.

Hence, a hearing was conducted under section 8(2) of CBA (A&D) Act, 1957 against the objections raised by the objectors in WCL HQ premises on 07.08.2024 at 11.30 am. **Annexure-III**

Brief of objection raised by objector:

- The objection is related to the ownership of land survey no. 263 of mouza Kolgaon Taluq Rajura District Chandrapur Maharashtra for an extent of 2.60 Ha which is part land under acquisition for which notification under section 7(1) is issued on 15.03.2024.
- It was informed that late Shri Bhiwaji Hingane was the protected tenant of said agriculture land under Hyderabad Tenancy & Agriculture Land Act, 1950 and Shri Ramdas Hingane and Shri Mahadev Hingane sons of late Shri Bhiwaji Hingane are the legal heirs of late as per heritable rights u/s 40 of said Act and are the tenant of said agriculture land under inheritance.
- It is claimed that on 23.10.2023, Shri Ramdas Hingane had obtained the certificate of ownership of said land claimed illegally from then Tahsildar Rajura and entered said land in his own name in records.
- Subsequently, on 29.11.2023 he allegedly illegally registered sale deed and transferred the said land to the non-objectors namely Shri Nageshwar Banduji Avatade, Smti. Lalita Bandu Avatade, Shri Bandu Bapurao Avatade, Shri Ganesh Murlidhar Kuchankar and Shri Satyam Vijay Gayakwad who are their close relatives without appropriate approval of Collector u/s other provisions of said Act.
- It is alleged that the objectors are the lawful owners of the survey no. 263 of mouza Kolgaon Taluq Rajura District and sale of land survey no. 263 of mouza Kolgaon Taluq Rajura District Chandrapur Maharashtra for an extent of 2.60 Ha, is the violation of the provisions of Hyderabad Tenancy & Agriculture Land Act, 1950. The above objectors, who claimed to have become the "person interested" in the said agriculture land of survey no. 263 has appealed before SDO Rajura under Sec 90 of Hyderabad Tenancy & Agriculture Land Act, 1950 which is pending for final disposal.
- Therefore, objectors requested to suspend the land acquisition proceeding till the outcome of appeal pending before SDO, Rajura.

Hearing by Coal Controller's Organisation:

In response to the objections received from the objectors, the hearing was conducted in the WCL HQ Nagpur at 10:30 AM on 07.08.2024. **Annexure – IV**

List of participants are enclosed as **Annexure – V**

As per schedule, the hearing was conducted and deliberation of hearing as below.

Deliberation of hearing:

1. In the beginning of the meeting, the Coal Controller ensured the presence of the representatives of the objectors.

2. Coal Controller ensured that objections raised by the objector are submitted as prescribed time under section 8(2) of CBA(A&D) Act, 1957.
3. Subsequently, Coal Controller advised Project Proponent to deliberate on the acquisition of land under CBA (A&D) Act, 1957 in respect of Ballarpur North-West OC mine, Ballarpur Area Western Coalfields Limited.
4. The Project proponent informed that on 15.03.2024, notification under Sec 7(1) of CBA (A&D) Act 1957 for the land acquisition in respect of Ballarpur North-West OC of Ballarpur Area for an extent of 360.97 Ha (approx.) or 891.96 Acres (approx.). Objection is against acquisition of survey no. 263 (2.60 HR) of Mouza-Kolgaon, Tah. Rajura, Dist. Chandrapur (MH) which is a part land under acquisition. The dispute in respect of the ownership of the said part land, which is Subjudice before the Sub-Divisional Officer, Rajura under Sec. 90 of Hyderabad Tenancy & Agricultural Land Act, 1950. Pendency for any dispute in respect of the title of proposed land to be acquired has no ground to suspend the acquisition proceedings. Objector may file claim under Sec. 17(2) of CBA(A&D) Act 1957 before the Tribunal, constituted under Sec. 14(2) of CBA(A&D) Act 1957 to get remedy for redressal. The Special Tribunal is empowered to decide all objections raised by landowner or by "person interested" to receive compensation. Hence, suspension of acquisition proceeding is not tenable as per the CBA (A&D) Act 1957
5. Coal Controller enquired about the present title deed of the sand survey number survey no. 263 (2.60 HR) of Mouza-Kolgaon, Tah. Rajura, Dist. Chandrapur (MH) as per Govt record.
6. Representative of WCL stated the title deed as per record is on the name of non-objectors namely Shri Nageshwar Banduji Avatade, Smti Lalita Bandu Avatade, Shri Bandu Bapurao Avatade, Shri Ganesh Murlidhar Kuchankar and Shri Satyam Vijay Gayakwad as Shri Ramdas Hingane illegally registered the sale deed of said land and transferred it on their name. **Annexure VI**
7. Coal Controller informed that under CBA(A&D) Act, 1957, the Central Govt. can give notice of intention to acquire the whole or part of the land over such area where coal is obtainable. According to the relevant provisions of CBA(A&D) Act 1957, the compensation of land has to be paid to the person interested, if the land is acquired under the Act (Refer Sec.13(5)) and constitution of special tribunal is mandated in the Act to deal with such matters of compensations (Ref. Sec.14). The Special Tribunal is empowered to specify the person or persons to whom the compensation is to be paid along with apportionment of it among the persons (Ref. Sec.14(5) and (6)). Therefore, suspension of acquisition process is not contemplated under the CBA (A&D) Act 1957.
8. Representatives of objectors stated that the matter is Sub judice before the Sub-Divisional Officer, Rajura and after deliberation, the objectors accepted the directions of Coal Controller and agreed to continue the acquisition process of the Ballarpur North-west OC project as per the provisions of CBA(A&D) Act 1957.

Recommendations:

1. Considering the objections of objector & the response of proponent as above, the following recommendations are being submitted.
 - i. The objector, through their representation, has informed that the litigation is pending before the Sub-Divisional Officer, Rajura for their claim of ownership in the land survey no. 263



(2.60 HR) of Mouza-Kolgaon, Tah. Rajura, Dist. Chandrapur (MH). Project Proponent has taken cognizance of the pending litigation filed by the objectors and has submitted to follow the legal course of action while finalizing land compensation and taking possession of the said land.

- ii. Vide clause no Sec.7(1) of CBA(A&D) Act, 1957, the Central Govt. can give notice of intention to acquire the whole or part of the land over such area where coal is obtainable.
 - iii. Further, there are relevant provisions of CBA(A&D) Act 1957 that are stipulated as below.
 - a. The compensation of land has to be paid to the person interested if the land is acquired under the act (Refer Sec.13(5)).
 - b. Constitution of special Tribunal is mandated in this act to deal with the matters of compensations (Ref. Sec.14).
 - c. The Special Tribunal is empowered to specify the person or persons to whom the compensation to be paid along with apportionment of it among the persons (Ref. Sec.14(5) and (6)).
 - d. The Act provides, to issue prior notice in writing, for seeking possession of the land acquired under the Act (Ref. Sec.12)
2. The project proponents can decide on the compensation in accordance with the provisions of CBA(A&D) Act, 1957 as elucidated in the above para. Therefore, necessary action may be taken at your end.

This issues with the approval of Coal Controller

Yours Faithfully,


(Akash Shivhare)

Deputy Assistant Coal Controller

Enclosure As above

Copy

1. PS to Office of the Coal Controller
2. Director CCO Delhi