

Government of India
Ministry of Coal
Coal Controller Organisation

Scope Minar Core-I, 5th Floor
Laxmi Nagar, Delhi-110092
Dated:- 25th April 2025

To,
The Director (PRIW I & III),
Ministry of Coal,
Shastri Bhawan,
New Delhi-110115

Subject: Competent Authority's Report under section 8(2) of the Coal Bearing Areas (Acquisition & Development) Act, 1957 in respect of the Sasti Expansion Opencast Phase III, District-Chandrapur Maharashtra for land measuring 0.16 Hectares(approx.) or 0.395 acres (approx.), Western Coalfields Limited.

Ref:

- (i) Central Government's Notice in the exercise of powers conferred by Sub Sect.(1) of Section 7 of CBA(A&D) Act, 1957 by Notification under S.O. No. 4930(E) dated 12.11.2024 of the Government of India, Ministry of Coal, published in the Gazette of India on 14.11.2024 for the total area of land measuring 0.16 Hectares(approx.) or 0.395 acres (approx.) in respect of Sasti Expansion Opencast Phase III, District-Chandrapur Maharashtra for land measuring 0.16 Hectares(approx.) or 0.395 acres (approx.), Western Coalfields Limited..
- (ii) Plan Bearing No. C-I(E) /III/JJR/0824/1020, dated 02.08.2024.
- iii) Letter No WCL/BA/AGM/PLG/1245 Dt 3rd Jan 2025
- iv) Letter No WCL/BA/AGM/PLG/850 Dt 18-11-2024
- v) Objection from Shri Satish Ramesh Karlekar dated 22.11.2024
- vi) WCL/M.P/Land&ravanue/13 dated 12.04.2025

Sir,

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 Sasti Expansion Opencast Phase III, District-Chandrapur Maharashtra for land measuring 0.16 Hectares(approx.) or 0.395 acres (approx.), Western Coalfields Limited which is as below.

Publication of Notifications:

Notifications under Sec 7(1) of CBA (A&D) Act, 1957 vide S.O. 4930(E) 12.11.2024 of the Govt. of India, Ministry of Coal for acquisition of land for an extent of 0.16 Hectares(approx.) or 0.395 acres (approx.) of Sasti Expansion Opencast Phase III, District-Chandrapur Maharashtra for land measuring 0.16 Hectares(approx.) or 0.395 acres (approx.), Western Coalfields Limited was issued on 14.11.2024 **(Enclosed as Annexure -I).**

The instant acquisition of the land is in respect of Sasti Expansion OC of Ballarpur Area for acquiring land admeasuring about 0.16 Hectares land survey no. 243, area 0.16 Hectors (0.395 Acres) in village Bhadangpur, Tahsil-Rajura, District-Chandrapur in the state of Maharashtra.

Details of land as per Notification is as under:

Sl. No	Name of village	Patwari Circle Number	Tehsil	District	Description of land (Ha)			Total area (Ha)	Remarks
					Tenancy	Govt	Forest		
1	Bhadangpur	-	Rajura	Chanderpur	0.16	-	-	0.16	Part balance land
			Total		0.16	-	-	0.16	

Total area = 0.16 Ha (approximately) or 0.395 Acer(approximately).

Subsequently, Project Proponent vide Letter No WCL/BA/AGM/PLG/1245 dated 3rd Jan 2025 with request Coal Controller organization (CCO) to submit its report u/s 8(2) of the Act for onward process of acquisition. along with as a proof of distribution of copy of this Gazette notification to office of District Magistrate-Chandrapur, Sub Divisional Officer-Rajura, Tahsilar-Rajura, Panchayat Samiti-Rajura, Sub registrar-Rajura, Forest Dept-Chandrapur, DMO Chandrapur and PWD-Rajura and a proof of intimation to all concerned for conducting beat of drum on 27-11-2024 against notification u/s 7(1) vide letter No WCL/BA/AGM/PLG/850 Dt 18-11-2024. (**Annexure -II**)

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

Objection was received in the Coal Controller Organisation under Section 8(1) of the Coal Bearing Area (Acquisition and Development) Act 1957) on 22.11.2024 from Shri Satish Ramesh Karlekar through Advocate Shri Ravindra S. Tiple. (**Annexure -III**)

Brief of objection received:

The Project proponent is going to be acquired the land survey No. 243 area 0.16 Hectors (0.395 Acres), in village Bhadangplur, Tahsil-Rajura, District- Chandrapur and Section 7(i) of CBA(A&D) Act notified Vide S.O. No. 4930(E), published on 12.11.2024, in Govt. of India Gazette. Shri Satish Ramesh Karlekar is the owner of Land survey No.243, area 0.16 Ha. of Mouza Bhadangpur. The objector learned that Shri Satish Ramesh Karlekar is only to get compensation amount but not to get employment benefit on the acquiring land survey No.243 area 0.16 Hectors (0.395 Areas). As per the decision of Functional Directors of WCL in its 461st meeting held on 21.02.2012, R&R benefits are to be provided acquisition-wise and not project-wise and that the instant acquisition is a fresh acquisition separate from the 1984 acquisition and that the objector is eligible for one R&R benefit in the form of employment against the acquisition of 0.16 Ha., as per companies R&R policy. It is submitted that Shri Satish Ramesh Karlekar is only the earning person and there is no any person is service or having no any source of income to his family. The whole family members depended on him and the family is suffering from great hardship. The policy mentioned in reference is applicable to Shri Satish Ramesh Karlekar and is entitled to get employment. The objector stated that Project Proponent deliberately did not consider his land parcel (Land survey no 243, area 0.16 Ha. of Mouza Bhadangpur) for acquisition along with the recently acquired 227.16 Ha. under CBA (A&D) Act. The objector pleaded that he shall be paid land compensation as well as employment against the acquisition.

Communications of CCO with Project Proponent: On receipt of the objection from Sri Satish Ramesh Karlekar, an email was sent to Project Proponent on 09.01.2025 to seek its comments on this objection. In response to it, on 06.02.2025, Project Proponent emailed its reply providing detailed background of the case and deliberating on its stand on the objection, finally requesting to reject the objection & issue NOC u/s 8(2) of the Act. Further, CCO sought details of action taken by PP as per CBA Rules in respect of publicity and photography. In its response email dt 17.02.2025, PP has quoted the provisions of Rule 3 (mode of service of notice or order) of CBA Rules (A&D) 1957 and stated that notice has been served to the lone individual landowner on 18.11.2024 & photo is captured while serving the notice and requested to waive off the requirement of publication of notification in newspaper. **(Annexure IV)**

Proceedings of hearing: Notice for the scheduled hearing was issued by CCO on 4th April 2025 in the name of objector for attending the same on 8th April 2025, 11.00 AM at WCL Head office (Seminary Hills, Nagpur) and also issued letter on 4th April 2025 to Nominated owner of project for making arrangements of hearing on the scheduled date & venue. **(Annexure-V)**

As per schedule the hearing was started at 11.00 A.M. in the Board Room of WCL wherein representatives of Project Proponent (officers of land Rev. dept. & Legal Dept. of WCL) and Landowner/objector along with his Advocate and Sarpanch were present. The attendance sheet of the proceedings is attached. **(Annexure -VI)**

Coal Controller initially advised Project Proponent to deliberate on the details of the case. Accordingly, on behalf of Project Proponent, Shri S.K.Goswami (Land Rev. Dept. WCL) stated the following details.

- I. During the acquisition of land for Sasti Exp. OC vide S.O. no. 209 published u/s Sec 9(1) of CBA (A&D) Act 1957 on 21.01.1984. Plot no. 244 area 3.70 Ha and plot no. 243 area 0.65 Ha were acquired by WCL. The landowner (co-owners) of both the plots was Sadhashiv Ramchandra Karlekar and Ramesh Manohar. Against this acquisition, due land compensation was provided at the time and as R&R benefit, one employment was provided to one named "Anandrao Sitaram Utane".
- II. However, on receiving an application dated 03.12.2021 from the landowners to Project Proponent and subsequent scrutiny of land records, it was revealed that the total area of Plot no. 243 was 0.81 ha, and that Project Proponent had partly acquired the said Plot by acquiring 0.65 Ha. In the land records of Plot no. 243, 0.65 Ha is recorded in favour of Project Proponent and the remaining 0.16 Ha is in favour of Shri Satish Ramesh Karlekar. (0.16 Ha being shown as non-cultivated/potkharab) The landowner in his application requested for acquisition of this 0.16 Ha under the Sasti Expansion Opencast Mine (Phase-II).
- III. It was also apprised to Hon'ble Coal Controller that, under revised project report of Shashti Expansion, further 227.16 Ha land had been notified u/s 9(1) of CBA (A&D) Act, 1957 vide S.O no. 2814 (E) published on 20.06.2022 for the Sasti Expansion (Phase-II) with assumption that Plot No. 243 was part of a diverted nallah and that it was fully acquired during the acquisition for Sasti Opencast Mine vide S.O. No. 209 dated 21.01.1984. Therefore, inclusion of this land parcel (0.16 Ha of Kh No 243, mouza Bhadangpur) in this acquisition process was not possible.
- IV. To address this issue, the remaining 0.16 Ha was decided to be acquired, and the acquisition process was initiated.

- V. The objection over the said ongoing acquisition suggests the apprehensiveness of the landowner that he shall be eligible only for land compensation and not for employment benefit as per the R&R Policy of CIL. Therefore, the objection.
- VI. Project proponent stated that as the provisions of RFCTLARR Act, 2015 shall be applicable on this acquisition, the R&R benefits shall be provided as per the Schedule II of this Act, or the R&R Policy-2012 of CIL, as per the choice of the landowner. If the landowner opts for R&R benefit under RFCTLARR Act, 2015, he shall be eligible for land compensation as per Schedule I and R&R benefits under Schedule II in the form of one-time payment of five lakh rupees per affected family OR annuity of not less than Rupees Two thousand a month per family for twenty years with indexation for CPI for agricultural labours, as there is no job creation/generation in the project. If the landowner opts for R&R Policy 2012, he shall receive land compensation as per MSGR-2012 and R&R benefit in the form of one-time monetary compensation of Rupees Five Lakh per acre of acquired land on pro rata basis with a minimum of Rs Fifty Thousand.
(Annexure – VII)
- VII. Further, Project proponent stated that one employment had already been provided against the 1984 acquisition and that even if the entire land area of Plot no. 243 was acquired at that time, as per the prevailing norms, landowner would have received only one employment against this single holding.
- VIII. Through the mine plan and revenue plan, it was shown that the 0.16 Ha land lies in between the acquired area of acquisition in the year 1984 and that in the year 2022, that it is in the proposed excavation area, and its acquisition is substantial for the mining operations.

After listening to the Project Proponent, Coal Controller asked objector /his council to put up his objections with relevant supporting documents if any.
Through his legal counsel, the objector put forth that-

- a. Shri Satish Ramesh Karlekar is the owner of Land survey no 243, area 0.16 Ha of Mouza Bhadangpur.
- b. As per the decision of Function Directors of WCL in its 461st meeting held on 21.02.2012, R&R benefits are to be provided acquisition-wise and not project-wise, and that the instant acquisition is a fresh acquisition separate from the 1984 acquisition, and that the objector is eligible for one R&R benefit in the form of employment against the acquisition of 0.16 Ha., as per companies R&R policy.
- c. The objector also put forth that employment against lesser or equivalent quantum of land (0.16 Ha) had been provided by WCL in other earlier similar acquisitions under its R&R policy 2012.
- d. The objector stated that Project Proponent deliberately did not consider his land parcel (Land survey no 243, area 0.16 Ha of Mouza Bhadangpur) for acquisition along with the recently acquired 227.16 Ha. under CBA (A&D) Act.
- e. The objector pleaded that he shall be paid land compensation as well as employment against the acquisition.

After completing the deliberation of the objector, Coal Controller directed the objector to produce a case in support of his claim under point No. (c) and also directed Project Proponent to produce following documents in support of their deliberations within 3 days.

- i. Document in support of providing employment against 243(P) & 244 in the 1984 acquisition.
- ii. Relevant extract of CIL R&R policy (clause 8.1)
- iii. Resolution of Function Directors 461st meeting.
- iv. Confirmation that-

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- There is no additional generation/creation of employment in project on account of acquisition of the instant 0.16 Ha land. (Clause 4 a) of Schedule II of RFCTLARR Act, 2013)
- There is no provision in R&R policy 2012 of company to provide employment irrespective of quantum of land, in case single parcel of land is in acquisition.
- There is no instance/ precedence of employment being provided against acquisition of a single plot which had a less-than-norms land area under the referred R&R policy-2012 of CIL.

In response to the above directives of Coal Controller in the hearing, the Objector/his representative has not submitted any case/document in support of his argument that Project Proponent has provided employment against acquisition of a single plot which had a less-than-norms land area under the referred R&R policy-2012 of CIL.

However, Project Proponent submitted the above documents to the office of CCO (**Annexure - VIII**)

Conclusion:

Based on the detailed deliberations of both the parties during the proceedings and the documents & Plan provided in this context, the following conclusions are arrived at:

1. There is no dispute regarding the ownership of Land survey no 243, area 0.16 Ha of Mouza Bhadangpur.
2. The Project Proponent has agreed to the referred decision of Functional Director's of WCL in its 461st meeting held on 21.02.2012 regarding provision of R&R benefits acquisition wise and not project wise.
3. The objector could not produce any case document in support of his claim of providing employment against acquisition of a single plot which had a less-than-norms land area under the referred R&R policy-2012 of CIL. Further Project Proponent has given the undertaking that there is no instance/precedence of employment being provided against acquisition of a single plot which had a less-than-norms land area under the referred R&R policy-2012 of CIL.
4. The chronology of three different acquisition referred to in the proceedings does not reflect deliberate exclusion of Land survey no 243, area 0.16 Ha from earlier two acquisitions as claimed by objector.

5. As per the provisions of RFCTLARR Act 2013 (Sec.105), objector shall be entitled for land compensation as well as R&R benefit as per schedule I & II respectively. Further, as per the deliberation of Project Proponent, which are in line with the provisions of RFCTLARR Act 2013.
6. Objector can opt the benefits offered either under the R&R policy 2012 of CIL or provisions of schedule II of RFCTLARR Act whichever is beneficial to objector. The Project Proponent has agreed to offer benefits as per opted option, in accordance with the relevant acts/policy
7. The exercise of finalizing the land compensation and R&R benefit is to be done only after declaration of acquisition i.e. after notification u/s.9(1) of Act.
8. The relevant provisions of the CBA(A&D) Act1957 are stipulated below:
- The compensation of land has to be paid to the person interested, if the land is acquired u/s.9 of this act (Refer Sec.13(5))
 - The Constitution of special Tribunal is mandated in this act to deal with the matters of compensation (Ref. Sec.14)
 - 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))
 - This act provides to issue prior notice in writing, for seeking possession of the land acquired u/s.9 (Ref.Sec.12)

By observing the above provisions, the claim of the objector can be processed legally at relevant point of time and procedure, in the process of acquisition under this act.

Thus, considering the objection viz-a-viz comments of Project Proponent in the backdrop of statutory & policy provisions, the objections/issues are to be dealt by Project Proponent as per the laid down provisions of the respective statute at the time of finalizing the land compensation and taking over the possession of the said land plots and hence onward necessary action may be taken at your end in the process of instant land acquisition.

This issues with the approval of Coal Controller


(Akash Shivhare)

Dy. Asstt. Coal Controller

Enclosure As above

Copy

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