



MCL

Office of the General Manager (M&S)
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No. MCL/SBP/GM (M&S)/Coml./2020-21/ 1269

Dt. 07/09/2020

NOTICE

Sub: Waiver of performance related obligation during the period from 01/04/2020 to 31/05/2020 under Force Majeure provision of FSA.

CIL vide letter no. CIL/Linkage Auction/326 dated 25.08.2020 (copy enclosed) has communicated that CFDs of CIL in its 237th meeting dated 14/08/2020 deliberated the proposal regarding waiver of performance related obligation during the pandemic period evoking the force majeure provision of the respective FSAs as a dispensation and accorded its approval for giving relief to customers under Force Majeure clauses of FSA to the extent of prorated MSQ of April 2020 & May 2020. The terms of the decision as communicated vide CIL's letter dated 25/08/2020 are quoted below:

Quote

1. The FSA consumers (Both Power and non-power FSAs) shall be given an option to apply for invoking FM relief under the FSA for the period Apr-May 2020 as a one-time dispensation
2. The timeline for claiming FM relief as per FSA (Both Power and non-power FSAs) by the Affected Party may be waived of in view of Pandemic situation prevailing in the country.
3. Coal Company will notify a window of 10 days when the willing FSA consumers may apply for availing FM relief citing the reason of epidemic (COVID 19) for non-performance during the lockdown period, viz. April & May 2020. The relief is to the extent of prorated MSQ of April & May 2020.
4. Such applicants would also request for waiver of the FSA condition for adhering stipulated timeline and also their obligation to present Burden of Proof. The Seller on receipt of such application may extend the applicable relief under FM.
5. In the event the Seller is also required to declare FM for the same period, they would follow the similar procedure.
6. Facility to rebook the unbooked/unlifted quantity of any month in the subsequent months within current FY upto the ceiling of ACQ by the non-power FSA consumers would be permitted subject to availability of coal at coal companies as per approval of 232nd CIL CFDs meeting held on 3rd July 2020. In the event, the consumer is able to lift the scheduled quantity for April and May during rest of the year in terms of the dispensation, their application for invoking FM shall be treated as cancelled for that quantity as the intention of the coal company is to sell coal to the willing consumers within their eligibility.

Unquote



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In view of the above decision of CIL, this Notice is being issued with a window of 10 days for consumers i.e. from 08/09/2020 to 17/09/2020. Willing consumers having FSA with MCL may apply for availing Force Majeure relief citing the reason of epidemic (COVID 19) towards their inability to perform their obligations under FSA during the lockdown period April & May 2020. The relief shall be restricted to the extent of prorated MSQ of April & May 2020.

This is for the information of all concerned.

Encl: as above

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7/9/20
General Manager (M&S)
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Distribution:

- General Manager (Systems), MCL: is requested to upload the Notice on MCL Website
- Chief Manager (M&S-OP)/Manager (M&S-RS), MCL HQ
- Chief Manager (Fin-SA)/Dy. Manager (Fin-SA), MCL HQ
- HOD (Coml.-M&S), CIL
- NOTICE BOARD

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- Director(Tech/OP), MCL
- Director(Fin), MCL