

SCHEME FOR ISSUANCE OF LETTER OF ASSURANCES(LOA) UNDER NCDP FOR NON SLC(LT) CATEGORY CONSUMERS WITH LAPSED LINKAGES HAVING BIFR REFERRED STATUS.

General:

As per the Government directives, a scheme is being introduced for issuance of LOA under NCDP for such consumers which are not covered for grant of clearance by SLC(LT) in MOC and which were having linkages for supply of coal in the past with subsidiary companies of CIL but whose linkages have snapped / lapsed due to nondrawl

of coal as per stipulated terms of such coal linkages.

Only such consumers shall be qualified under this scheme who have been referred to

BIFR (Govt. of India, Ministry of Finance, Department of Economic Affairs) and have been declared sick. It would be mandatory for such applications to be accompanied with the documents evidencing that the unit (company) was referred to BIFR and the company has been declared sick by BIFR. In addition, each application must have, as

attachments, the copy of revival plan submitted by the unit (company) to the BIFR, the

details of help or support sought by the unit (company) from the BIFR including coal linkage, the directive of BIFR together with the details of present status. Moreover, an

application must also include a self-affirming affidavit giving details of the past linkages, certification of coal requirements being for own usage only etc.

Subject to scrutiny and satisfaction of above, LOA shall be processed for the applicant

unit under the new policy as applicable for these categories of consumers.

In addition to the above, the other terms and conditions and details of the scheme including the procedure and format for applicant are as under:-

1 Terms of LOA .: –

The LOA for supply of coal will be issued to the applicant unit for own consumption only. LOA once issued shall not be transferable under any circumstances .No change

in the ownership status of the applicant should be permissible from the date of application till commencement of supply in terms of FSA unless so authorised by CIL. Any default on this account on the part of the applicant / LOA holder will lead to cancellation of LOA and forfeiture of Commitment Guarantee submitted by the applicant .

2 Eligibility for LOA: -

The procedure to be adopted for clearance of application by CIL and issuance of LOA by concerned subsidiary company for non SLC (LT) consumer. Non SLC (LT) consumers would include consumers other than (1) Power including IPP and CPP (2) Cement , (3) Sponge Iron & Steel . The requirement of process unit in respect of Cogeneration CPPs will be considered by CIL and not by MOC for SLC (LT) consumers .

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Consumers having normative coal requirement more than 4,200 tonnes per annum will be eligible to apply for issuance of Letter of Assurance by the concerned

subsidiary companies of CIL. Such application should be supported by the recommendation issued by the Directorate of Industries of the respective State Govt /

Central Administrative Ministries, (whichever is applicable).

The LOA to be issued by the subsidiary Coal Company will subsequently be converted

into Fuel Supply Agreement within three months, of fulfilment of stipulated milestones

of LOA, for supply of coal at 75 % of the normative quantity. Such normative quantity may, if found necessary, be assessed by the concerned subsidiary company on commissioning of the unit. The normative coal requirement will be decided in terms of

the industry wise norms after physical verification to be finalised by CIL.

3 Non Eligibility for LOA :-

3.1 The consumers, where end use of coal does not involve coal undergoing chemical change shall not be eligible for LOA and accordingly the following types of industries shall be excluded from the scheme.

- (i) Pulverising Units
- (ii) Coal Powder Units
- (iii) Coal Plaster Units.
- (iv) Washeries/Coal Beneficiation Plants.
- (v) De-shelling Plants.
- (vi) Coal Sizing Plants.

3.2 Such industries which do not have any permanent facility and seasonal in nature shall be kept outside the purview of coal supply under LOA/FSA mechanism. Such consumers can draw their supply through respective state nominated agencies. Following categories of consumers be excluded from the list of eligible consumers for issuance of LOA.

- (i) Brick Manufacturers.
- (ii) Tiles Manufacturers
- (iii) Tobacco curing Units.
- (iv) Khejur /Tal Gur Manufacturers.

3.3 The following types of consumers shall also be excluded

- (i) Special Smokeless Fuel (SSF Units).
- (ii) Briquetting Units
- (iii) Soft Coke Manufacturers
- (iv) Hard Coke Manufacturers
- (v) CCDDF Units.
- (vi) Coal Block Manufacturers...

3.4 Due to non availability of coking coal, Coke Oven Plants (Cokeries) shall be excluded from the list of eligible consumers for issuance of LOA

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4.0 Source Of Coal Supply:

Company wise coal availability vis-a- vis commitments with net coal balance position should be readily available on CIL/Subsidiary Companies' websites for information of all applicants . In case of negative coal balance consumer will be supplied imported coal.

5.0 Price of Coal:-

The base price of coal shall be as per notified price of CIL from time to time. In the event the supply of coal is made from a mine with notified price being inadequate to provide a reasonable return, then the price to be charged for such supply should be the higher of 'cost plus reasonable return' and 'notified price'. The imported coal, if supplied, should be charged at the price based on landed cost plus service charges, to

be notified by CIL / supplying coal company from time to time. All applicable taxes, statutory levies and other charges will be payable by the consumers.

6.0 Procedures for issuance of LOA shall be as under

6.1 Application form shall be available on CIL's Website www.coalindia.nic.in and www.coalindia.gov.in.

6.2 Eligible consumers may approach Marketing Division of Coal India Ltd. Kolkata or offices of GM(S&M)s of the Subsidiary Companies or the Regional Sales Offices of Coal India Limited seeking assistance for online registration and clarification.

Till such time the on line registration system becomes fully operational the receipt/registration shall be carried out manually at CIL Marketing Division, Kolkata.

6.3 Only one application from any consumer for a particular plant shall be considered for registration. The applicant shall apply in the prescribed format enclosed

as **Annexure-I**, duly filled in, with required EMD.

Once the online registration system is introduced the registration process shall be carried out online only and the manual system shall be discontinued

6.4 The consumers should fill and submit the application form on line and shall be registered on first-come-first served basis. A system generated registration no. shall be

allotted on line and his on line application form incorporating such registration no. shall be mailed by the system to the applicant at his email address provided by him.

6.5 Within fifteen days from the date of on line registration, consumers will be required to submit the downloaded e-mailed copy of the application form, in original print out, and duly signed by the authorized signatory along with forwarding letter in 4 [Scheme For Loa to Non SLC/LT (BIFR) consumers...V250409]

the applicant's letter head, supporting documents including recommendation of the respective Administrative Ministry, the requisite EMD – cum- Application fee.

6.6 The applicant will furnish along with the documents the Earnest Money Deposit (EMD) at the rate of Rs 20/- per tonne against the annual quantities of coal applied for

in the form of Demand Draft /Banker's Cheque in favour of Coal India Limited payable

at Kolkata. Applications without EMD should be rejected. EMD will be non-interest bearing and will be converted into Commitment Guarantee at the time of issuance of LOA.

6.7 The application will be processed serially at CIL within a reasonable time.

However any deficiency found in the application will be brought to the notice of the applicant through e- mail for rectification within a specified period. On expiry of such period, a reminder will be e-mailed to the applicant and a notice displayed through CIL

website. After expiry of the notice period of 30 days, the registration number of the

applicant should stand cancelled and EMD will be refunded after deduction of Rs. 10,000/- as processing charges.

6.8 The applications found complete in all respect will be placed for consideration of the Committee on LOA for recommending subsidiary company wise allocation, which will be placed for approval of the competent authority.

6.9 After approval of the competent authority CIL will communicate to the respective supplying coal company the details of allocation for the purpose of issuance of LOAs.

Such details will also be made available through CIL/ Subsidiary company website.

The subsidiary company concerned will notify the applicant for furnishing the balance amount of CG after adjusting the EMD amount within 90 days. Consumer will have the

option to get the refund of earnest money, in case he decides to furnish entire CG in the form of BG. On failure to furnish balance CG in time, a notice of 30 days will be given on expiry of which the EMD amount should stand forfeited and the registration of

the applicant will stand cancelled.

6.10 In case the allocation made by CIL with regard to source of supply as well as grade of coal is at variance with applicant's requirement, he will have option of not accepting the offer and seeking refund of EMD. In such cases EMD should be refunded to applicant after deduction of processing charges of Rs.10,000/-.

7.0 Model LOA documents and list of milestones

Different industrial segments outside the ambit of SLC(LT) have been subdivided into the following 13 sub categories. The Model LOA documents is common to all these categories whereas the list of milestones to be achieved by each of these sub-categories are different and are duly detailed in the annexure to the Model LOA document placed at **Annexure – II** to the Scheme. The terms & conditions of the Model LOA including the rate of Commitment Guarantee charges, its forfeiture, cancellation or withdrawal of LOA, time-bound achievement of milestones and related

provisions are duly provided in the Model LOA.

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The sub-category of industrial segments with independent list of milestones:-

Sl. No. Industries Status

- a) Ceramics, Tiles & Glass Complete
- b) Refractory Complete
- c) Pharmaceuticals and Drugs Complete
- d) Leather Complete
- e) Dyeing and Printing Complete
- f) Sugar Complete
- g) Textile & Rayon Complete
- h) Distillery Complete
- i) Engineering & Machinery and Foundry & Forging Complete
- j) Chemicals
- k) Rubber
- l) Tea
- m) Lime Manufacturing

Generic

Milestones

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ANNEXURE-I

Chief General Manager (S&M)
Coal India Limited
15, Park Street (6th Floor), Kolkata-700016

Dear Sir,

Sub : Application for issuance of LOA for supply of coal.

We have submitted application form for issuance of Letter of Assurance (LOA) for supply of coal from CIL source and the same was registered on line/manually and Registration

No. was generated/issued on line/manually against the application. We hereby submit

the original print out of our application, which was received from you at our e-mail address/issued to us at you office, along with other requisite documents.

We hereby affirm the following:

1. That M/s

.....(Name).....(Address), has

been referred to BIFR vide Case Registration No..... dated

..... and

that M/s has been declared a Sick Company by BIFR vide

order/letter no.....dated..... (copy of relevant document enclosed)

2. The present status of the company is still under BIFR purview/ has come out of BIFR

purview since..... vide order no..... dated..... (Strike out whichever is not

applicable) (copy of relevant document enclosed)

3. The coal to be allocated in favour of the unit will be used solely for consumption in the

unit and not for any other purpose.

4. I on behalf of applicant firm/company have gone through the terms and conditions as

referred to in the application form for issuance of LOA and the same are acceptable.

5. All requisite documents as required are being enclosed duly self attested by me.

6. The undersigned is the authorised signatory on behalf of the applicant firm / company

as authorised by the competent authority of the applicant firm / company. A copy of the authorization is enclosed.

7. The information submitted along with documents is correct to the best of my knowledge and if found otherwise the application will be liable to be rejected and processing charge as applicable shall be recovered.

8. I on behalf of applicant firm / company hereby accept that the subsidiary coal company may supply imported coal and the same shall be acceptable to us as per the

price declared by CIL at the delivery point

Signature

Date Full name

Seal of the Unit Designation

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FORM FOR APPLICATION FOR LETTER OF ASSURANCE (LOA)

(To be filled in for registration and to be submitted to CIL, Kolkata along with required documents as asked for each item)

(Application Registration Number)

1. (a) Details of Linkage Letter issued by the coal company along with a

copy

(b) Linked Coal Company and Qty. of linkage

(c) MPQ Qty of the last year of coal drawal.

(c) Booking and Lifting Qty. for the immediate last 12 months prior to linkage being snapped / lapsed.

(d) Details of the letter through which the unit (Company) has informed the Coal Company about the suspension of work along with a copy.

(e) Documentary evidence that the unit (company) was referred to BIFR (copy of letter from BIFR and the registration no.) together with the copy of letter / order from BIFR declaring that the unit (Company) is a Sick Company.

(f) The copy of revival plan submitted by the unit (company) to the BIFR, the details of help or support sought by the unit (company) from the BIFR including coal linkage, the directive of BIFR together with the details of present status.

2. Name of the Applicant

a) Name of Applicant:-

Proprietorship/ Partnership / Private Ltd. Co. / Public Ltd. Co./ Others (Specify):

b) Postal Address of the Applicant for correspondence

3. Registered Office Address of the Applicant

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4. Telephone & FAX No. with STD Code.

i) ii) iii) iv)

5. Mobile No. of Authorized Signatory.

6. PAN No. of the Applicant.

(Self attested photo copy of the PAN Card to be attached along with Hard copy of the Application)

7. E-mail ID of the Applicant

8. Photo Identity proof of the authorised signatory

(Self attested photo copy to be attached along with Hard copy of the Application).

9. Location of the Unit with full postal address.

10. Proof of Address of Unit

(Telephone Bill/Municipal Tax Bill etc.- Self attested photo copy to be attached along with Hard copy of the Application)

11. Partnership Deed or Memorandum and Articles of Association
(Self attested photo copy of the Document to be attached along with Hard copy of the Application)

12. Factory Registration No.
(Self-attested photo copy of the document to be enclosed along with hard copy of application form).

13. Sales Tax / VAT Registration No.
(Self-attested photo copy of the document to be enclosed along with hard copy of application form).

14. Central Sales Tax Registration No. (if any).
(Self-attested photo copy of document to be enclosed along with hard copy of application form).

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15. Details of the letter of recommendation made by the Directorate of Industries of the respective State/Central administrative ministries (whichever applicable)

(Self-attested photo copy of document to be enclosed along with hard copy of application form).

16. Name of the Railway Station which serves the unit along with code.

17. Name & background of promoters indicating existing nature of work and group turnover. (Ownership Profile)

18. Nature of business and turnover

19. Name of the product manufactured/to be manufactured with item wise description.

20. Phase wise schedule of installation/commissioning of Plant.

21. Details of coal burning/processing equipments installed/to be installed

with flow sheet indicating size/capacities of units.

(Requisite documents to be enclosed along with hard copy of application form).

22. Anticipated annual production of the unit with coal requirement. Production Coal Requirement

(In tonnes per annum)

23. Means of financing indicating break up of debt and equity and details of

funds tied up so far. (Name of the Financial Institution).

(Requisite documents to be enclosed along with hard copy of application form).

24. Total Project cost (phase wise) so far.

25. Arrangement and status in respect of water and power.

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(Requisite documents to be enclosed along with hard copy of application form).

26. Status of environment/Pollution Control Board clearance, if any.

(Requisite documents to be enclosed along with hard copy of application form).

27. Status/details of procurement of Capital Goods.

28. Grade and quantity of coal required per annum.

29. Name of the Subsidiary Company which is preferred for supply of coal.

ECL BCCL CCL NCL MCL SECL WCL NEC

DECLARATION

i) The coal to be allocated in favour of the unit will be used solely for consumption in the referred unit and not for any other purpose.

ii) The terms and conditions for issuance of L.O.A. are acceptable.

iii) A sum of Rs 20/- (Twenty) per tonne will be deposited along with the hard copy of application in the form of Demand Draft/ Banker's Cheque drawn in favour of 'Coal India Ltd' payable at Kolkata as Earnest Money Deposit (EMD) which will become a part of the Commitment Guarantee' after due adjustment. The EMD will be noninterest bearing and liable to be forfeited in case of rejection of the application by CIL.

iv) All related documents as required will be submitted after due self attestation by the authorised signatory.

v) The information submitted along with document is correct in all respect and if found otherwise the application will be liable to be rejected and **EMD** deposited to CIL forfeited.

vi) The supplying Subsidiary Company of CIL may supply imported coal in case of non availability of indigenous coal and the same will be acceptable to us for supply at the price declared by CIL at the delivery point.

ACCEPT

REJECT