

नॉर्दर्न कोलफील्ड्स लिमिटेड

(मिनीरत्न कंपनी)

(कोल इण्डिया लिमिटेड की अनुबंगी कंपनी)



Northern Coalfields Limited

(A Miniratna Company)

(A subsidiary of Coal India Limited)

विपणन एवं विक्रय विभाग/Marketing & Sales Department



CIN- U10102MP1985GOI003160

An ISO: 9001, ISO: 14001 & OHSAS: 18001 Certified Company

पोस्ट- सिंगरौली कोलियरी, जिन्ना- सिंगरौली, म.प्र., पिन 486889/ Post- Singrauli Colliery, Distt- Singrauli, M.P. PIN-486889

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No.NCL/SGR/Mktg./L-77/17-18/1645

Date: 06.01.2018

NOTICE

Sub: Implementation of Order of Hon'ble Supreme Court of India in the Transfer Case (Civil) No.43 of 2016 in respect of levy of statutory dues a/c contribution to DMF.

The Apex Court vide its Order No. 43/2016 dated 13.10.2017 has declared the retrospective substitution of effective date for contribution to DMF applicable from 12.01.2015 in the Notification No. GSR 837(E) dated 31.08.2016 issued by Ministry of Coal, Govt. of India as ultra vires / invalid and has struck down the same. The Apex Court has inter-alia decided that the contribution to the DMF are required to be made in case of coal, lignite and sand for stowing with effect from 20.10.2015 when the rates were prescribed by the Central Government or with effect from the date on which the DMF was established by the State Government by a notification whichever is later.

In light of the above, it is observed that in the State of M.P. the contribution to the DMF has to be paid w.e.f. 20.10.2015 and in the State of U.P. the contribution to the DMF has to be paid w.e.f. 25.04.2017 (i.e. date of constitution of DMF). Accordingly, contribution to the DMF being statutory duty / levy, all the buyers of coal are required to pay the same alongwith the coal value and other statutory duties and levies.

The Hon'ble Apex Court further made it clear that in the event any holder of a mining lease or a prospecting licence-cum-mining lease has mistakenly made contribution to the District Mineral Fund (DMF) from a date prior to the date that the Hon'ble Court has determined, such a holder of mining lease or prospecting licence-cum-mining lease shall not be entitled to any refund but may adjust the contribution against future contributions, without the benefit of any interest.

In view of the above and also in view of the fact that NCL has earlier made payment of dues against DMF to the respective statutory authority w.e.f. 12.01.2015, the competent authority has decided that **"the amount of DMF will be refunded to coal buyer only after total advance deposited earlier by NCL with the statutory authority a/c DMF is fully adjusted against future liability on this account"**.

This is for intimation to all the concerned coal buyers of NCL. The buyers may also contact Sr Manager(Finance/Sales), NCL HQ or AFM of concerned Projects for further clarification regarding the matter.

General Manager (M&S)
NCL, Singrauli.

Distribution:
Notice Board.

Copy for kind information to:

1. Dir(Fin).NCL
2. Dir. (T/P&P), NCL.
3. GM (Fin/Sales), NCL
4. GM (Systems), NCL - for hoisting the Notice in our website.
5. AFM to the all the Projects.
6. Sr Manager(F/S), NCL.
7. Sr Manager (M&S), NCL.