



वेस्टर्न कोलफील्ड्स लिमिटेड

Western Coalfields Limited

मिनोरिटा कंपनी A Minoratna Company

कोल इंडिया लिमिटेड की अनुषंगी कंपनी A Subsidiary of Coal India Limited



विपणन एवं विक्रय विभाग

Marketing & Sales Department

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CIN: U10100MH1975GOI018626

ISO: 9001:2008 Certified

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पंजी.कार्या: कोयला विहार, सिविल लाइन्स, नागपुर (महाराष्ट्र)- 440001

Regd Off: Coal Estate, Civil Lines, Nagpur (MS)- 440001

संदर्भक्र: नाग/वेकोलि/वि.वि /Comm/2023/

दिनांक: 14.02.2023

NOTICE

MODIFICATION OF FSA CLAUSE PURSUANT TO REVISION OF AMRCD GUIDELINES BY DPE

In view of OM No. 05/0003/2019-FTS-10937 dated 14.12.2022 issued by Department of Public Enterprise, Ministry of Finance regarding revised guideline for Dispute Resolution, CIL vide Notice No. CIL/CMO/FSA Modification/65 dated 06.02.2023 (copy enclosed) has modified the following clause of the FSAs executed with State/ Central Genco and Non-Power/ Non-Regulated Sector:

FSAs with State/ Central Gencos	NON-POWER/ NON-REGULATED SECTOR
Clause 15.2	Clause 14.4 of Model FSA (Model A: ACQ<50000 TPA), 15.4 of Model B: ACQ:50000-400000 TPA and Model C: ACQ> 400000 TPA) and Clause 16.4 of Model FSA for Non-Regulated sector
“In the event of any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/ Port Trusts inter se and also between CPSEs and Government Departments/ Organisations (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), shall be taken up by either party for its resolution through AMRCD as mentioned in DPE OM No. 05/0003/2019-FTS-10937 dated 14.12.2022.”	“If amicable settlement as above is not possible, then the unresolved disputes or differences shall be settled through the process as given below: In the event of any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/ Port Trusts inter se and also between CPSEs and Government Departments/ Organisations (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), shall be taken up by either party for its resolution through AMRCD as mentioned in DPE OM No. 05/0003/2019-FTS-10937 dated 14.12.2022.”

The modified provision shall be integral part of the concerned FSAs with effect from 14.12.2022. You are requested to come forward for execution of amendment to your respective FSA.

Encl: As above

General Manager (M&S)

Copy to:

1. GM(System), WCL: with a request to host the notice on WCL website
2. Chief Manager (Finance/SA)
3. All Sectional Heads, M&S Deptt., WCL HQ

<p>कोल इंडिया लिमिटेड विपणन निदेशालय</p> <p>कोल भवन, प्रांगण सं 04 एमएआर, प्लॉट सं - एएफ-III, एक्शन एरिया - 1ए न्यू टाउन, राजरहाट, कोलकाता- 700 156 सीआईएन : 23109WB1973GO1028844 ईमेल : gmqc@coalindia.in : cilqualitycontrol@gmail.com वेबसाइट : www.coalindia.in</p>	 <p>AN ISO 9001:2015 & ISO 50001:2011 Certified Company</p>	<p>COAL INDIA LIMITED MARKETING DIRECTORATE</p> <p>COAL BHAWAN, PREMISE NO- 04 MAR PLOT- NO -AF-III, ACTION AREA-1A, NEWTOWN, RAJARHAT, KOLKATA -700 156 Ph:033-23244214, Fax: 033-23244229 E-MAIL : gmqc@coalindia.in : cilqualitycontrol@gmail.com WEBSITE : www.coalindia.in</p>
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CIL/CMO/FSA Modification/65

Dated: 06.02.2023

NOTICE

Modification of FSA clause pursuant to revision of AMRCD guidelines by DPE

In supersession of earlier guidelines, vide OM no. 05/0003 /2019-FTS-10937 dated 14.12.2022 Department of Public Enterprise, Ministry of Finance, Govt. of India has issued the revised guideline for resolution of any dispute or difference relating to interpretation and application of the provisions of commercial contract (s) between Central Public Sector Enterprises (CPSEs)/ Port Trusts inter se & also between CPSE(s) & Govt. Department(s)/ Organization(s) (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), to be taken up by either party for its resolution through AMRCD only.

Consequent upon aforesaid revision, clause 15.2 in all Model FSAs with State/ Central Gencos dealing with 'Settlement of Disputes' stands superseded w.e.f. 14.12.2022 and replaced with the following provision in the respective FSAs-

"In the event of any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/ Port Trusts inter se and also between CPSEs and Government Departments/ Organizations (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), shall be taken up by either party for its resolution through AMRCD as mentioned in DPE OM no. 05/0003 /2019-FTS-10937 dated 14.12.2022."

Similarly, Clause 14.4 of the Model FSA (Model A ACQ < 50,000 TPA) and Clause 15.4 of Model B (ACQ 50,000-4,00,000 TPA) and Model C (ACQ>400,000 TPA) and Clause 16.4 of Model FSA for Non-Regulated sector, shall also stand amended as under-

"If amicable settlement as above is not possible, then the unresolved disputes or differences shall be settled through the process as given below."

In the event of any dispute or difference relating to the interpretation and application of the provisions of commercial contract(s) between Central Public Sector Enterprises (CPSEs)/ Port Trusts inter se and also between CPSEs and Government Departments/ Organizations (excluding disputes relating to Railways, Income Tax, Customs & Excise Departments), shall be taken up by either party for its resolution through AMRCD as mentioned in DPE OM no. 05/0003 /2019-FTS-10937 dated 14.12.2022."

All concerned are requested to take note of the aforesaid directions/ consequent change in the relevant clause (s) of FSA. The above will be treated as an integral part of the relevant FSA(s).


06/02/23
CM (M&S)/ (I/c FSA-Linkage)

Distribution: