
Fwd: Notice of termination of Tripartite MoU signed among CIL, APP/NTPC and CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MoUs.

Subhasis Sahu GM QC CIL <gmqc.cil@coalindia.in>

Tue, Jun 13, 2023 at 12:13 PM

To: "U.B. Singh" <gmsales.bccl@coalindia.in>, AJIT SINGH <gmsnm.ccl@coalindia.in>, Gouri Shankar Mishra <hodsnm.ecl@coalindia.in>, GM MnS MCL <gm-snm.mcl@coalindia.in>, SUNIL KUMAR ROY <gmsales.ncl@coalindia.in>, C B Singh <gmsm.secl@coalindia.in>, George Mathew <gmsales.wcl@coalindia.in>, gmsmwcl@gmail.com, necsales@gmail.com, SAUNDARYYA DUTTA <gm.nec.cil@coalindia.in>, gmqc2012@gmail.com, Samir Kumar Kundu <gmqc.bccl@coalindia.in>, RAJESH MISHRA <gmqm.ccl@coalindia.in>, gmqmcccl3@gmail.com, gmqcecl@gmail.com, GMQC.ECL@gmail.com, GM QC MCL <gm-qc.mcl@nic.in>, GM QC MCL <gm-qc.mcl@coalindia.in>, Pankaj Kumar <gmqc.nclhq@coalindia.in>, "R.P SINGH" <gmqc.secl@coalindia.in>, gmqc.wcl@gmail.com, Sohag Chaitanya Pandya <gmqualitycontrol.wcl@coalindia.in>, SAMIL JUGLI <am.snm.nec@coalindia.in>

PFA

Regards,

Subhasis Sahu,
General Manager (CP/QC),
Quality Control Section,
M & S Department,
CIL, HQ, Kolkata.

From: "Subhasis Sahu GM QC CIL" <gmqc.cil@coalindia.in>**To:** "Director CSIR CIMFR, Dhanbad" <director@cimfr.nic.in>

Cc: "Vismita Tej" <vismita.tej@nic.in>, "Vismita Tej" <vismita.tej@gov.in>, "Mr Sanjeev Kumar Kassi" <sanjeev_kassi@nic.in>, "singhp7" <singhp7@nic.in>, "Mukesh Choudhary" <dm.cil@coalindia.in>, "rameshbabu" <rameshbabu@ntpc.co.in>, shivamkumar@ntpc.co.in, akhurana369@appindia.org.in, dcmrips@yahoo.co.in, "PRADEEPKUMAR SINGH" <drpksingh@cimfr.nic.in>, "singh ak2002" <singh_ak2002@yahoo.co.in>, "iccp india14" <iccp_india14@yahoo.com>, dop@scclmines.com, "gm qm" <gm_qm@scclmines.com>, "vijay verma" <vijay.verma@dvc.gov.in>, shyamnandanprasad@yahoo.com, mdmahagams@mahagenco.in, "ce fuel" <ce.fuel@rrvun.com>, "ed gsecl" <ed.gsecl@gebmail.com>, "P M PRASAD" <cmd.ccl.cil@coalindia.in>, "Om Singh" <cmd.mcl.cil@coalindia.in>, "PREM SAGAR MISHRA" <cmd.secl.cil@coalindia.in>, "Bhola Singh" <cmd.ncl.cil@coalindia.in>, "A P PANDA" <cmd.ecl.cil@coalindia.in>, "SAMIRAN DUTTA" <cmd.bccl.cil@coalindia.in>, "Manoj Kumar" <cmd@westerncoal.gov.in>, "Manoj Kumar" <cmd.wcl.cil@coalindia.in>, edfuel@mahagenco.in, cefmc@mahagenco.in, "cefuel gsecl" <cefuel.gsecl@gebmail.com>, "cgm mkt" <cgm_mkt@scclmines.com>, "fuel rvun" <fuel.rvun@gmail.com>, jineshjain81262@gmail.com, "SANJAY KUMAR" <sanjay.kumar@dvc.gov.in>, "rajesh tiwarimppgcl" <rajesh_tiwariimppgcl@hotmail.com>, "Rakesh Kumar Sahay" <df.bccl.cil@coalindia.in>, "Ram Baboo Prasad" <dtop.ccl.cil@coalindia.in>, "NILENDU KUMAR SINGH" <dtp.ecl@coalindia.in>, "Jugal Kumar Borah" <dt-op.mcl@coalindia.in>, "Jitendra Malik" <dtp.ncl@coalindia.in>, "Santosa Kumar Pal" <dtop.secl@coalindia.in>, "DIRECTOR(FINANCE)" <df@westerncoal.gov.in>, "Anil Kumar Singh" <dtp@westerncoal.gov.in>, "Dr. Anurag Garg" <edmktg.cil@coalindia.in>, "U.B. Singh" <gmsales.bccl@coalindia.in>, "RAJESH MISHRA" <gmqm.ccl@coalindia.in>, gmsalessecl@gmail.com, "seclhq fsa" <seclhq.fsa@gmail.com>, gmsmwcl@gmail.com

Sent: Tuesday, June 13, 2023 12:10:00 PM**Subject:** Notice of termination of Tripartite MoU signed among CIL, APP/NTPC and CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MoUs.

Dear Sir,





Please find the attachment regarding above cited subject for kind perusal.


encl: as stated,

Regards,

Subhasis Sahu,
General Manager (CP/QC),
Quality Control Section,
M & S Department,
CIL, HQ, Kolkata.

4 attachments

-  **CIMFR_2023_20.pdf**
1430K
-  **CIMFR+Letter+II.pdf**
870K
-  **CIMFR+Letter+I.pdf**
894K
-  **Email+copy+CIMFR.pdf**
148K

<p>कोल इंडिया लिमिटेड विपणन निदेशालय कोल भवन, प्रांगण सं एमएआर 04, प्लॉट सं -एएफ -III, एक्शन एरिया 1 -ए न्यू टाउन, राजरहाट, कोलकाता 700 - 156 फोन :033-23244214 सीआईएन : L23109WB1973GO1028844 ईमेल : gmqc.cil@coalindia.in वेबसाइट :www.coalindia.in</p>	 <p>AN ISO 9001:2015 & ISO 50001:2011 Certified Company</p>	<p>COAL INDIA LIMITED MARKETING DIRECTORATE COAL BHAWAN, PREMISE NO- 04 MAR PLOT- NO -AF-III, ACTION AREA-1A, NEWTOWN, RAJARHAT, KOLKATA - 700 156 Ph:033-23244214,Fax: 033-23244229 CIN :L23109WB1973GO1028844 E-MAIL : gmqc.cil@coalindia.in WEBSITE : www.coalindia.in</p>
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Ref No: CIL/C-4B/CIMFR/2023/20

Date: 13.06.23

To,

The Director,

CSIR-CIMFR,

Dhanbad

Subject: Notice of termination of Tripartite MoU signed among CIL, APP/NTPC and CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MoUs.

Dear Sir,

CIL is in receipt of your letter no. A/3/38/2023/I dated 08.06.2023 and letter no. A/3/38/2023/II dated 08.06.2023 regarding notice of termination of Tripartite MoU signed among CIL, APP/NTPC and CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MoUs.

In this connection it is to mention as under:-

1. CIMFR desires to discontinue its present job on the stated ground of packaging and transportation related work being beyond its mandate as mentioned in point 4 of your letter. At different points in your letters, different contentions have been raised, primarily as below:
 - a. M/s Cotecna India Pvt. Ltd. hired by CIMFR, employ thousands of labours and the labour related issues are not within the core expertise area of CSIR-CIMFR.
 - b. Packaging and transportation related work is beyond the mandate of CSIR-CIMFR.
 - c. CIMFR may continue to provide its technical expertise and experience in the task of analysis of coal samples in its laboratories and services in the sampling process.
 - d. CIMFR desires to revisit and suitably modify the Tripartite MoUs dated 28.06.2016.
 - e. The responsibility of selection of service provider may be undertaken by NTPC, CIL and respective coal producers and power generating companies.

2. CIMFR is well aware of the following facts:

- a. The engagement of CIMFR is in pursuance to the decision taken at the level of Hon'ble MoS for Power, Coal and NRE in the meeting held on 28.10.2015 on Third Party Sampling.
 - b. The MoUs were signed on 28.06.2016 and effective from 01.01.2016. In pursuance to the MoUs, thereafter individual Tripartite Agreements are being signed from time to time between respective Coal Companies, Consumers and CSIR-CIMFR.
 - c. The activity being undertaken by CIMFR since past more than seven years is a composite activity from the initial stage of sample collection till submission of analysis result including the analysis through designated referee labs of challenged samples by either party.
 - d. The rate of activity which initially was Rs.8.40 per tonne and Rs.8.80 revised from 01.04.2018 is all inclusive for all stages from sample collection till final analysis. This includes packaging and transportation of samples, custody thereof etc.
 - e. Since more than one year CIMFR is being requested for re negotiation of terms and conditions of its engagement as per the decision taken in the Apex Committee meeting held on 09.03.2022 but CIMFR has been showing its reluctance for the same throughout.
 - f. For any modifications in the terms and conditions of the MoU, the matter is not in the purview of CIL alone and has to be taken up at appropriate levels.
 - g. CIMFR has apparently not served the notice to all the parties viz. consumers/coal companies with whom individual tripartite agreements have been signed.
 - h. In the recent past, in the month of May 2023 CIMFR suddenly discontinued the work of sampling at loading points and when CIL pointed out that it was unwarranted/breach of contract, CIMFR conveyed that there is no breach of contract and sampling work is being resumed.
3. CIMFR in its letters as referred above has mentioned that the same **may be treated as a two months' notice of termination of the MoU as per clause no. S.8.2 with a request to revisit and revise the MoU document.** MoU clause no. S.8.2 is reproduced below:

During the tenure of the MoU parties hereto can terminate the MoU either for breach of any of the terms and conditions of this MoU or otherwise by giving a two months' notice in writing to the other party. Failure of either of the parties to terminate the MoU on account of breach or default by the other shall not constitute a waiver of that party's right to terminate this MoU.

4. From the cited clause it is not clear as to how a party desiring to terminate the MoU by giving two months' notice can simultaneously raise an issue of re-negotiation of terms and conditions.
5. As already stated, the re-negotiation of terms and condition of MoU as requested by CIMFR is to be taken up by CIMFR at appropriate forums and not through a termination notice addressed to CIL.
6. Even though CIMFR has not categorially stated as to whether or not they would be continuing the contracted work on expiry of two months from their letters dated 08.06.2023 i.e. beyond 07.08.2023 on the existing terms and conditions of MoU, CIL is having no choice under the circumstances mentioned above, but to intimate all concerned that CIMFR desires to

discontinue their present work from 07.08.2023, by endorsing a copy of this communication to MoC, MoP, NTPC, APP, Apex Committee Members and individual Coal Companies so that all stakeholders are aware of the position taken by CIMFR and the Consumers to arrange for alternate empanelled TPSAs, if the situation so arises.

Thanking you,

Yours Faithfully,

Sankar Kumar 13/06/2023
GM (CP-QC)/ M&S, CIL

Copy:-

1. Director(Marketing), CIL
2. Director (Operation), NTPC
3. DG, APP
4. Apex Committee Members
5. Director In Charge (M&S) - All Coal Companies
6. Director In Charge (QC) - All Coal Companies
7. Executive Director(M&L), CIL
8. GM (M&S) - All Coal Companies
9. GM (QC) - All Coal Companies- with the advice to inform all the consumers with whom individual Tripartite Agreement with CIMFR are in vogue that the willing consumer(s) can engage any other empanelled agency of CIL of their choice, considering the eventuality of discontinuation of work by CIMFR and that in the absence of Third Party sampling, quality settlement will be as per the provisions of FSA.

Copy for kind information:-

1. Additional Secretary, MoC
2. JS (CA), MoC
3. JS, MoP



साएसआइआर-केंद्रिय खणन एवं खणन अनुसंधान परिषद
(वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद)
बरवा रोड, धनबाद - 826 001, झारखण्ड, भारत

CSIR-Central Institute of Mining and Fuel Research
(Council of Scientific & Industrial Research)
Barwa Road, Dhanbad - 826 001, Jharkhand, India

प्रो. अरविंद कुमार मिश्रा, एफ.आई.ई.
निदेशक

Prof. Arvind Kumar Mishra, F.I.E
Director

Ref.: A/3/38/2023/II/
Dated: 8th June, 2023

To
The Director (Marketing)
Coal India Limited
Coal Bhawan, Premise No-04 MAR,
Plot No-AF-III, Action Area-1A,
Newtown, Rajarhat, Kolkata-700156

Sub: Notice of termination of **Tripartite MoU** signed among CIL, NTPC and CSIR- CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MOU-reg.

Dear Sir,

This is with reference to the Memorandum of Understanding (MoU) signed on 28th June 2016 among the coal supplying companies viz., Coal India Limited (CIL), Singareni Collieries Company Limited (SCCL) and Power utilities- NTPC Limited, Damodar Valley Corporation (DVC), State Power Units (GSECL, MPPGCL, RRVNL, KPCL, HPGCL, MAHAGENCO etc.) and other power producers through APP, NTPC and CSIR through its laboratory CSIR-CIMFR, Dhanbad regarding coal quality monitoring at loading end of CIL subsidiaries and SCCL for dispatch to Power Utilities. This is to bring to your kind notice that as per the MoU, CSIR-CIMFR has been undertaking the whole work of sampling and analysis of coal with due diligence and in the process the Technical Service Provider/Service Provider has been hired for field support in sampling of coal on Pan-India basis since 2016. We are grateful for the opportunity provided to us as third party coal sampling and analysis agency by the CIL, SCCL and other coal producing companies and NTPC, APP and other power generating companies. Based on the experience gained in the last seven years at coal **loading sites**, we would like to share the following learnings for your kind perusal:

1. For the purpose of sampling, preparation, packaging and transportation at loading sites and unloading sites throughout the country, service provider "M/s Cotecna India Pvt. Ltd." was hired through global tendering process by CSIR-CIMFR.
2. Over the years it has been realized that hiring of service provider such as M/s Cotecna India Pvt. Ltd., that employs around 4000 labours attract all labour related issues and court cases of service provider which is not within the core expertise area of CSIR-CIMFR.
3. The non-scientific and non-technical work of handling labour related issues such as EPF, ESI and court cases related to labour laws do not fall

Page 1 of 2

HQ :Dhanbad - Tel.: +91-326-2296023 (O) Fax : +91-326-2296025 E-mail : director@cimfr.nic.in
Digwadih Campus : Tel.: +91 - 326 - 2388202, Regional Centres : Bilaspur : Tel.: +91-7752-271450
Nagpur : Tel.: +91-712-2510604, 2510390, Ranchi : Tel.: +91-651-2461392, Roorkee : Tel.: +91-1332-275998

Website : www.cimfr.nic.in

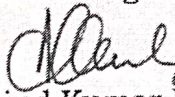
well within the expertise and mandate of CSIR-CIMFR as premier national R&D Institution. However, as a principal employer of service provider CSIR-CIMFR has to be in all such cases which is presently difficult due to lack of administrative and scientific man power and expertise to tackle these problems. Hiring of Service Provider (M/s Cotecna) at CSIR-CIMFR is also right now under the scanner of Government Investigating Agencies.

4. NTPC and CIL, being the Maharatna companies and having the expertise and experience in handling of large number of workforces, the responsibility of selection of service provider for loading and unloading sites may be taken care of by respective coal producers and power generating companies.
5. CSIR-CIMFR being a national R&D Institution under CSIR, Ministry of Science and Technology, Govt. of India, may continue to provide its technical expertise and experience in the task of analysis of coal samples in its laboratories. At best, CSIR-CIMFR may also provide its services in the sampling process. But it would not be possible for CSIR-CIMFR to continue to grapple with packaging and transportation related work which is actually speaking, beyond our mandate.
6. It is in view of all the above, that Hon'ble Minister of Science and Technology, Govt of India has advised CSIR to revisit and suitably modify the Tripartite MoU document dated 28th June, 2016

In view of the above, this letter, therefore, may kindly be treated as a two months' notice of termination of the MOU as per clause no. S.8.2 with a request to revisit and revise the MOU document in accordance with para 5 above.

Looking forward for continued association.

With best regards,


[Arvind Kumar Mishra] 08/06/23

Encl : Copy of MoU



प्रो. अरविंद कुमार मिश्रा, एफ.आई.ई.
 निदेशक

Prof. Arvind Kumar Mishra, F.I.E.
 Director

Ref.: A/3/38/2023/1/
 Dated: 8th June, 2023

To
 The Director (Marketing)
 Coal India Limited
 Coal Bhawan, Premise No-04 MAR,
 Plot No-AF-III, Action Area-1A,
 Newtown, Rajarhat, Kolkata-700156

Sub: Notice of termination of **Tripartite MoU** signed among CIL, APP and CSIR-CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MOU-reg.

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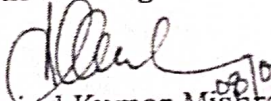
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2. Over the years it has been realized that hiring of service provider such as M/s Cotecna India Pvt. Ltd., that employs around 4000 labours attract all labour related issues and court cases of service provider which is not within the core expertise area of CSIR-CIMFR.

3. The non-scientific and non-technical work of handling labour related issues such as EPF, ESI and court cases related to labour laws do not fall well within the expertise and mandate of CSIR-CIMFR as premier national R&D Institution. However, as a principal employer of service provider CSIR-CIMFR has to be in all such cases which is presently difficult due to lack of administrative and scientific man power and expertise to tackle these problems. Hiring of Service Provider (M/s Cotecna) at CSIR-CIMFR is also right now under the scanner of Government Investigating Agencies.
4. NTPC and CIL, being the Maharatna companies and having the expertise and experience in handling of large number of workforces, the responsibility of selection of service provider for loading and unloading sites may be taken care of by respective coal producers and power generating companies. CSIR-CIMFR being a national R&D Institution under CSIR, Ministry of Science and Technology, Govt. of India, may continue to provide its technical expertise and experience in the task of analysis of coal samples in its laboratories. At best, CSIR-CIMFR may also provide its services in the sampling process. But it would not be possible for CSIR-CIMFR to continue to grapple with packaging and transportation related work which is actually speaking, beyond our mandate.
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Looking forward for continued association.

With best regards,


[Arvind Kumar Mishra] 08/06/23

Encl : Copy of MoU

No. DFA/36492
Email

Attachment:Email copy CIMFR.pdf
Subhasis Sahu

Fwd: (CONFIDENTIAL) : Notice of termination of Tripartite MoU signed among CIL, NTPC and CSIR- CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MOU-reg

From : Dr. Anurag Garg <edmn.cil@coalindia.in>

Fri, Jun 09, 2023 02:25 PM

Subject : Fwd: (CONFIDENTIAL) : Notice of termination of Tripartite MoU signed among CIL, NTPC and CSIR- CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MOU-reg

2 attachments

To : Subhasis Sahu <ssahu.cil@coalindia.in>

For urgent needful please

भवदीय,
डॉ. अनुराग गर्ग | Dr. Anurag Garg
कार्यकारी निदेशक (विपणन एवं संभार तंत्र) | ED (Marketing & Logistics)
कोल इंडिया लिमिटेड | Coal India Limited

From: "Mukesh Choudhary" <dm.cil@coalindia.in>

To: "Dr. Anurag Garg" <edmktg.cil@coalindia.in>

Sent: Friday, June 9, 2023 9:57:23 AM

Subject: Fwd: (CONFIDENTIAL) : Notice of termination of Tripartite MoU signed among CIL, NTPC and CSIR- CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MOU-reg

For urgent action please.

From: "Director CSIR CIMFR, Dhanbad" <director@cimfr.nic.in>

To: "Mukesh Choudhary" <dm.cil@coalindia.in>

Cc: "Director General CSIR" <dgcsir@csir.res.in>, "Director General CSIR" <dg@csir.res.in>

Sent: Thursday, June 8, 2023 7:45:18 PM

Subject: (CONFIDENTIAL) : Notice of termination of Tripartite MoU signed among CIL, NTPC and CSIR- CIMFR for Third Party Sampling (TPS) for coal quality monitoring at loading end and request to revisit and revise the MOU-reg

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that as per the MoU, CSIR-CIMFR has been undertaking the whole work of sampling and analysis of coal with due diligence and in the process the Technical Service Provider/Service Provider has been hired for field support in sampling of coal on Pan-India basis since 2016. We are grateful for the opportunity provided to us as third party coal sampling and analysis agency by the CIL, SCCL and other coal producing companies and NTPC, APP and other power generating companies. Based on the experience gained in the last seven years at coal loading sites, we would like to share the following learnings for your kind perusal:

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In view of the above, this letter, therefore, may kindly be treated as a two months' notice of termination of the MOU as per clause no. S.8.2 with a request to revisit and revise the MOU document in accordance with para 5 above.

Looking forward for continued association.

Scan copy of the formal letter in this regard is attached herewith.

With best regards,

Arvind Kumar Mishra

Encl : Copy of MoU

प्रो. अरविंद कुमार मिश्रा
Prof. Arvind Kumar Mishra
निदेशक/Director

R.P.

No. DFA/36492

Attachment: Email copy CIMFR.pdf

सीएसआईआर - केन्द्रीय खनन एवं ईंधन अनुसंधान संस्थान
CSIR-Central Institute of Mining and Fuel Research
विज्ञान और प्रौद्योगिकी मंत्रालय, भारत सरकार
Ministry of Science & Technology, Govt. of India
बरवा रोड, धनबाद - 826 001, झारखंड, भारत
Barwa Road, Dhanbad - 826 001, Jharkhand, India
दूरभाष / Tel: +91-326-2296023, 2296006; फ़ैक्स / Fax: +91-326-2296025
ईमेल / Email: director@cimfr.nic.in, akmishra@cimfr.nic.in
वेब / web : www.cimfr.nic.in

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 **CIL-II.pdf**
869 KB

 **MOU TPS Loading Tripartite CIMFR_CIL_NTPC_3_4.pdf**
2 MB
