

COLLIERY CONTROL, 1945

CONTENTS

- 1. 1
- 2. 2
- 3. 3
- 3A. 3A
- 4. 4
- 4A. 4A
- 4B. 4B
- 5. 5
- 6. 6
- 7. 7
- 8. 8
- 8A. 8A
- 9. 9
- 10. 10
- 10A. 10A
- 11. 11
- 12. 12
- 12A. 12A
- 12B. 12B
- 12C. 12C
- 12D. 12D
- 12E. 12E
- 12F. 12F
- 12G. 12G
- 13. 13
- 14. 14
- 14A. 14A
- 15. 15
- 16. 16
- 17. 17

COLLIERY CONTROL, 1945

Noti. No. 2129, dated 29th December, 1945. -In exercise of the powers conferred by sub-rule (2) of r.81 of the Defence of India Rules, the Central Government is pleased to make the following order, and to direct with reference to sub-rule (1) of the rule 119 of the said rules that notice of the order shall be given to the public by publication of the same in the Gazette of India and by the issue of a press notice indicating the nature of its provisions. Table

showing classes and grades into which coal and coke shall be categorised and fixing the sale prices at which coal or coke may be sold S.O. 1102 (E), dated 22nd December, 1987 3 -In pursuance of Cls. 3 and 4 of the Colliery Control Order, 1945 as continued in force by Sec. 16 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of the notification of Government of India in the Ministry of Energy (Department of Coal) No. S.O. 12 (E), dated the 8th January, 1986, the Central Government on and from the 23rd day of December, 1987, hereby prescribes in Table I below the classes and grades into which coal and coke shall be categorised and fixes in Table II, III, IV, V and VI below the sale prices at which coal or coke may be sold by colliery owners at pit-heads :

1. 1 :-

- (1) This Order may be called the Colliery Control Order, 1945.
- (2) It extends to the whole of India except the State of Jammu and Kashmir, and also to the State of Pondicherry.
- (3) It shall come into force at once.
- (4) Colliery Control Order, 1944 is hereby repeated : Provided that anything done under any of the provisions of that order shall be deemed to have been done under the corresponding provisions of this Order.

2. 2 :-

In this Order, unless there is anything repugnant in the subject or context-

- (1) "Coal" includes anhractie, biluminous coal, li.gnite, peat and any other form of Corbonaceous matter sold or marketed as coal and also coke.

1[(1-A) "coal controller" means the person appointed by the Central Government to hold the post of Coal Controller and includes the Joint Coal Controller and the Deputy Coal Controller;]

2[(1-AA) "coking coal" is such coal as has been declared as coking coal by the erstwhile Coal Board under Coal Mines (Conservation, Safety and Development) Act, 1952 or such coal as has been declared or may be declared as Coking Coal by the Central Government under this Order or Coal Mines (Conservation and

Development) Act, 1974 and regulations made thereunder:

(1-B) "semi-coking coal" and "Weakly coking coal" are such coal were declared as "blendable coal" by the erstwhile Coal Board under Coal Mines (Conservation, Safety and Development) Act, 1952 or as may be declared as "Semi-Coking" or "Weakly Coking Coal" by the Central Government under this order.)

(2) "Colliery" means any mine or open working where the getting of coal is the principal object of the mining, quarrying or other operations carried on therein and includes a plant for the production of coke or for the washing of coal.

(3) "Dispose of" includes:

(a) agreeing or offering to dispose of,

(b) the disposal of-

(i) ownership or any proprietary interest.

(ii) the right to possession.

(iii) possession, whether or not accompanied by any disposal of ownership or of any proprietary interest or of the right to possession.

(4) "Owner", "agent" and "manager" when used in relation to a Colliery have the same meanings as in Mines Act, 1952 .

(5) "Size" when used in relation to coal shall have the same meaning as given in the specification laid down by the Indian standards Institution from time to time.

3 [(5-A) "Retention price" means the price Fixed by the Central Government in respect of each colliery owner per tonne of each class, grade, or size of coal and coke produced and sold by such owner.]

1. Ins. by G.S.R. 545, dated 23rd March, 1979.

2. Ins by G.S.R. 208 (E), dated 8th March. 1974.

3. Ins by S.O. 210 (E), dated 30th March, 1982.

3.3 :-

The Central Government may for the purposes of this prescribe the classes, grades or sizes into which coal may be categorised and the specifications for each such class, grade or size of coal.

3A. 3A :-

(1) The coal of any seam or section of a seam occurring in a colliery shall be categorised into ¹[* * *] grades or sizes under this Order by the owner, agent or manager of the colliery, in accordance with the standards laid down by the Coal Controller. Initially, a provisional grade on the basis of seam sample shall be Fixed. As soon as may be thereafter, such owner, agent or manager shall cause wagon samples to be drawn. On the basis of the wagon samples drawn on at least three different days, the final grade of seam or seams of a particular colliery shall be fixed by such owner, agent or manager.

(2) The final grade fixed for a seam or section of a seam may be altered by the owner, agent, or manager from time to time on the basis of analysis of wagon samples if such owner, agent or manager is satisfied that the grade so fixed could not be maintained.]

²[(2-A) The Coal Controller may draw the samples from underground, stock wagons, trucks, conveyance or any other mode of transport at any reasonable time for the purpose of checking the grade as declared by the owner, agent or manager of the Colliery.

(2-B) The owner, agent or manager of the Colliery will provide all reasonable facilities for drawing samples as mentioned in sub-clause (2-A).

(2-C) If on physical verification, the grade does not conform to the grade as declared by the owner, agents or manager of the Colliery or if the Coal Controller has reasons to believe that the grade of coal as declared by the owner, agent or manager of the colliery, is not correct or the grades declared by the owner, agents or manager, of the Colliery are not sustainable, he may determine the grade as obtained by physical verification and direct the owner, agent, or manager of the Colliery to revise the grade to be effective from a date as directed by the Coal Controller.

(2-D) The grade, so determined by the Coal Controller either as a settlement of a dispute or as a result of such verification, shall be final and binding.

(2-E) Coal Controller may issue such directives as deemed fit for the purpose of

(2-F) If it comes to the knowledge of the Coal Controller that any

Colliery declares the grade of any seam of which there is no valid permission for opening under Cl. 14, the Coal Controller may withdraw the grade of the seam.]

3 [(3) If the production or despatch of coal from a seam or section of a seam has stopped for a continuous period of 6 months for any reason whatsoever, the grade fixed for the seam or section of the seam shall stand withdrawn. The owner, agent or manager of the Colliery shall notify such withdrawal of grades in the manner as described by the Coal Controller.]

(4) The Coal Controller shall lay down the standards and methods of sampling analysis of coal which alone shall be used in declaration of **4**[* * *] grades or sizes of coal.

5 [(5) If any dispute arises out of the declaration of grades and sizes of coal, the same shall be referred to the Coal Controller whose decision shall be binding on the owner, agent or manager of the Colliery. A memorandum of reference to the Coal Controller regarding such dispute shall be accompanied by such fees not exceeding ["rupees two thousand and five hundred"] and in such manner as may be notified by the Coal Controller from time to time in the Official Gazette.].

1. Omitted by G.S.R. 580, dated 15th June, 1983.
2. Ins. by G.S.R. 208 (E), dated 8th March, 1984.
3. Subs. by G.S.R. 208 (E), dated 8th March, 1984.
4. .Omitted by G.S.R. 580, dated 15th June, 1983.
5. Subs. by G.S.R. 208 (E), dated 8th March, 1984.

4. 4 :-

The Central Government may, by notification in the Official Gazette, fix ¹ [the sale price at which, or the maximum or the minimum sale price, or both] subject to which coal may be sold by colliery owners and any such notification may fix different prices-

- (i) for different classes, grades and sizes of coal; and
- (ii) for different collieries.

1. Subs. for the words "the price at which, or the maximum or the minimum price, or both", by S.O. 210 (E), dated 30th March, 1982.

4A. 4A :-

The Central Government may, having regard to all the relevant factors, including the geological and mining conditions of and the

mining technology employed in the collieries by the colliery owner, as well as the estimated cost of production of coal and coke produced by such colliery owner, fix by notification in the Official Gazette, the retention price in respect of each class, grade or size of coal and coke produced and sold by such colliery owner.]

4B. 4B :-

(1) The Central Government may specify any person or authority including a Government company who shall maintain an account to be called the Coal Price Regulation Account.

(2) Where the retention price of any class, grade or size of coal or coke fixed under Cl. 4-A for any colliery owner is lower than the corresponding sale price fixed under Cl. 4 for such class, grade or size of coal or coke, such colliery owner shall, as soon as, may be, after each sale, and in any case not later than such period, as may be specified in this behalf by the Central Government, pay into the Coal Price Regulation Account, an amount equivalent to the difference between the retention price and the sale price in respect of each tonne of coal or coke sold by him.

(3) Where the retention price of any class, grade or size of coal or coke fixed under Cl. 4-A for any colliery owner is higher than the corresponding sale price fixed under Cl. 4 for such class, grade or size of coal or coke, such colliery owner shall be paid from the money standing to the credit of the Coal Price Regulation Account an amount equivalent to the difference between the retention price and the sale price in respect of each tonne of coal or coke sold by him.

(4) The expenses for administration, if any, of the Coal Price Regulation Account shall be paid from the money standing to the credit of the said account.]

5. 5 :-

(1) No colliery owner or his agent shall sell, agree to sell or offer to sell, and no person shall purchase, agree to purchase or offer to purchase, directly or through a broker or a del credere agent, coal from a colliery owner at a price which is-

(a) in excess of the price or the maximum price fixed under Cl. 4;
or

(b) below the price or the minimum price fixed under Cl. 4, and

save as provided in Cl. 6, no person while purporting to sell or purchase at a price which is in conformity with the requirements of this sub-clause, shall grant or agree to grant or accept or agree to accept any commission, rebate or any other concession which will have the effect directly or indirectly of contravening the said requirements.

(2) Where a colliery owner has, whether by himself or by another, entered into an agreement for the sale of coal at a price different from the price fixed under Cl. 4. no coal shall be delivered or received in pursuance thereof, unless the agreement is by mutual consent so revised as to bring the price into conformity with the price fixed under Cl. 4.

6. 6 :-

(1) Where a colliery owner sells coal through a middleman employed by him as a broker, such middleman shall not, in respect of such transaction, charge or receive from the colliery owner a commission exceeding thirty seven naye paise per ton or twenty seven naye paise per tonne.

(2) Where a consumer purchases coal through a middleman who acts as del credere agent, such middleman shall not, in respect of such transaction, charge or receive from the consumer a commission over the price Fixed under Cl. 4, which exceeds-

(a) one rupee per ton or ninety-eight naye paise per tonne in the case of coal; or

(b) one rupee and fifty naye paise per ton or one rupee and forty-eight naye paise per tonne in the case of soft coke; or

(c) two rupees and fifty naye paise per ton or two rupees and forty-six naye paise per tonne in the case of hard coke.

(3) Where in any transaction a middleman acts both as a broker for the colliery owner and as a del credere agent for the consumer, such middleman may be paid commission under sub-clause (1) as well as under sub-clause (2).

(4) Where in any transaction to which this clause applies, more than one middleman is employed, the total amount of commission chargeable in respect of the transaction shall not exceed the maximum admissible under this clause.

(5) If any question arises whether a middleman is a broker or a del credere agent or both a broker and del credere agent in respect of any transaction, it shall be referred to the Deputy Coal Controller for decision.

7. 7 :-

Every colliery owner, every person to whom coal is allotted under this order and every other person engaged in the business of production, supply and distribution of, or trade and commerce in, coal, shall, on being requested to do so, either by notice served on him or by special or general direction issued by the Coal Controller, Government of India, submit to that officer such returns and other information, in such form and within such time, as may be specified in the notice or direction.

8. 8 :-

The Central Government may from time to time issue such directions as it thinks fit to any colliery owner regulating the disposal of his stocks of coal or of the expected output of coal in the colliery during any period, including directions as to the class, grade, size and quantity of coal which may be disposed of and any person or class or description of persons to whom coal shall or shall not be disposed of, the order of priority to be observed in such disposal, and the stacking of coal on Government Account.

8A. 8A :-

The Central government may, with a view to securing compliance with the provisions of this order, from time to time by notification in the Official Gazette or otherwise authorise any officer or officers to-

(a) cause the owner, agent, manager of a colliery or any person engaged in or incharge of the loading of coal in a colliery to adjust the loading according to the declared specifications or conditions laid down in any direction given under Cl. 8 or in any general or special authority issued under Cl. 12-E as regards grades, sizes and class of coal as also to remove impurities such as sales and stones from the wagons loaded with coal;

(b) cause the owner, agent, manager of any collieries or any person engaged in or incharge of the loading of wagons or trucks with coal at any colliery to unload the contents of the wagons or trucks at the point of inspection if the same are, in his opinion, not according to the specifications or conditions laid down in any direction issued

under Cl. 8 or in any authority issued under Cl. 12-E as regards grades, sizes and classes of coal;

(c) detain the wagons or trucks at the colliery or weigh-bridges for adjustment of loading after inspection; and

(d) return wagons to the colliery from weigh-bridges for unloading and re-loading with specified quality of coal.

9. 9 :-

Notwithstanding any contract to the contrary, every colliery owner to whom a direction is given under Cl. 8:

(i) shall dispose of coal in accordance therewith;

(ii) shall not dispose of coal in contravention thereof.

10. 10 :-

(1) Where a colliery owner has coal available for disposal not covered by the directions issued under Cl. 8 or where wagons are not available for despatch in accordance with those directions, the colliery owner may, with the general or special permission of the Central Government stack such coal on Government account.

(2) Where any coal is stacked on Government account under sub-clause (1) or otherwise, there shall be paid to the colliery owner, in addition to the price payable for the coal, a sum for stacking at such rates as may be determined by general or special order of the Central Government.

10A. 10A :-

(1) The Coal Controller with the Government of India may, by order in writing direct, that any coal despatched by any colliery owner, or a person acting on behalf of a colliery owner, to any person, which is in transit, shall subject to such terms and conditions, if any, as the said Coal Controller deems fit, be diverted and delivered to another person specified in the order.

(2) As soon as an order is made under sub-clause (1), all the rights of the consignee, the owner of the colliery, or other person in the said coal shall subject to the terms of the order devolve upon and vest in the person to whom the coal is to be delivered under the said order.

(3) The Coal Controller with the Government of India may if he

thinks fit modify or cancel any order made under sub-clause (1) and direct the coal to be diverted or delivered to a person other than the person originally named therein and the consignee of the coal.

(4) The persons to whom coal is delivered under any order made under Cl. (1) or Cl. (3) shall pay such price including freight, loading insurance and other charges and to such person as the Coal Controller with the Government of India may direct.

(5) Where an order is made under sub-clause (1), there shall be paid to the consignee of the coal such compensation as the said Coal Controller considers reasonable, Such compensation may at the option of the said Coal Controller be either:

(a) by delivery to such consignee by the Central Government of the same quantity of coal of same or similar quality, size and grade and at the same place, as soon as coal for such purpose is available; or

(b) by payment to such consignee by the Central Government of monetary compensation consisting of the price of coal paid by him and such freight insurance, loading and other lawful charges incurred by him as are allowed by the said Coal Controller: Provided that where the consignee fails to produce before the said Coal Controller satisfactory evidence regarding the price of coal paid and other charges incurred by him, the said Coal Controller may fix the amount of compensation according to the best of his judgment: Provided further that where compensation under Cl. (a) is not made within 90 days from the date of the order under sub-clause (1) the consignee shall be entitled to compensation under Cl. (b).

(6) Where any person other than the consignee claims any interest in the said compensation or the consignee fails to accept the said compensation within 15 days after notice requiring him to do so, the said Coal Controller may fix the amount of compensation under sub-clause (b) of Cl. (5) and after such enquiry as he thinks fit specify the person to whom such compensation shall be paid.

(7) The decision of the said Coal Controller regarding the amount of compensation and the person to whom such compensation is payable, shall be final.

(8) Where a consignee is compensated in the manner provided in sub-clause (5) neither he nor any other person claiming under him shall have any further claim upon the Coal Controller with the

Government of India or upon the Central Government in respect of the said compensation or otherwise, whatsoever.

(9) The payment of the compensation fixed under sub-clause (b) of Cl. (5) to a person specified by the Coal Controller with the Government of India under sub-clause (6) shall be a full discharge of the Central Government and the said Coal Controller from all liabilities in respect of the coal specified in the order made under sub-clause (1) to which such compensation relates and of all other claim arising out of the said order or otherwise, whatsoever.

(10) Nothing contained in sub-clauses (8) and (9) shall prejudice any rights in respect of the said coal including a right to receive compensation to which any person may be entitled under the law against the consignee or a person to whom compensation is paid under 15 days.

(11) Any order made under this clause may be served upon the person affected thereby either by registered letter addressed to such person at his place of residence or the last known place of residence or by publication in the Official Gazette of the State where he ordinarily resides.

(12) The powers conferred upon the Coal Controller with the Government of India under this clause may be exercised in the like manner and subject to the like conditions by any officer authorised by him in writing.

11. 11 :-

The Central Government may issue such directions as it thinks fit to any colliery owner prohibiting or limiting the mining or production of any grade of coal and the colliery owner shall comply with the directions.

12. 12 :-

No colliery or group of collieries which is or may hereafter be worked as a single mining concern shall be sub-divided and worked in separate parts except, with the previous permission of the Central Government and in accordance with such directions as the Central Government may, at the time of granting the permission or subsequently, give to the owner or owners concerned.

12A. 12A :-

The Central Government may, by notification in the Official Gazette, specify the authorities competent to allot quotas of coal to

any person or class of persons, and every such authority shall allot such quotas subject to such instructions as the Central government may issue from time to time.

1 Provided that where such allotments have not been made or received or the allotments made have been exhausted or coal cannot be supplied against the pending allotments, then, until such time as the allotments are received, the colliery owner or any officer authorised by him in writing in this behalf shall distribute coal on the basis of the linkages or sponsorships or both, for the purpose contained in the said linkages or sponsorships, and the coal so distributed shall be-

(a) adjusted against subsequent allotments, if any, to the concerned persons or class of persons for the relevant period, and

(b) deemed to have been allotted, by the competent authority, for the specified purpose, under this order:

Provided further that no allotment of coal by competent authority shall be necessary for the purpose of this Order in respect of coal produced in private coal mines meant for captive consumption.

1. Substituted for " Rs. 100 ", vide " THE COLLIERY CONTROL, 1945" Dt. July 2, 1999 Published in [262] Ministry of Coal, Order No. G.S.R. 487(E), dated July 2, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd July, 1999, p. 1, No. 337 [F. No. 23011/ 26/98-CPD] [L]

12B. 12B :-

A person who has been allotted coal under this order shall not use it otherwise . than in accordance with the conditions contained or incorporated in the document containing the order of allotment and shall not divert or transfer any such coal to any other person except under a written authority from the Central Government and at such price as may be fixed by that Government; and in fixing such price, the Central Government shall have due regard to the prices fixed under Cl. 4 of this order and the freight, cesses, taxes, middlemen's commission and other incidental charges, including supervisory and storage charges, paid by the original allottee.

12C. 12C :-

Where, on any information received or otherwise, the Central Government is satisfied that a persons who has been allotted coal under this order does not require the whole quantity of the coal so allotted or any part thereof for the purpose for which it was

allotted, the Central Government may, by order in writing direct such person to deliver the whole quantity of such coal or any part thereof, as the case may be, to such person and at such price as may be specified in the order.

12D. 12D :-

(1) Every person who has been allotted coal under this Order shall maintain a record containing the following particulars, namely :

- (a) the quantity of coal allotted of such grade and size ;
- (b) the quantity consumed of each grade and size of coal; and
- (c) the purpose for which it was consumed.

(2) The Central Government, with a view to satisfying itself that any coal allotted under this order is utilised for the purpose for which it was allotted, may call upon any person to submit such information or returns as the Central Government may deem fit.

12E. 12E :-

No person shall acquire or purchase or agree to acquire or purchase any coal from a colliery and no colliery owner or his agent shall despatch or agree to despatch or transport any coal from the colliery except under the authority and in accordance with the conditions contained in a general or special authority of the Central Government.

12F. 12F :-

The Central Government may, for the purpose of securing compliance with the provisions of Cl. 12-E, specify from time to time the officers to whom applications for permission to transport coal may be made by colliery owners, middlemen or persons to whom coal is allotted, the periods within which, and the form in which, such applications may be made. The particulars to be entered therein and any other matters incidental thereto. The functions of the Central Government under Cl. 12-E shall also be exercisable by the officers so specified.

12G. 12G :-

Notwithstanding anything contained in Cl. 12-A, 12-B and 12-E of this Order, on and from the 15th day of September, 1975, any person may, without any order of allotment or authority,-

- (a) acquire or purchase or agree to acquire or purchase, or

(b) despatch or agree to despatch or transport, or

(c) divert or transfer, hard coke produced from Bee-hive Ovens, Country Ovens and By-product Ovens: Provided that nothing in this clause shall apply to hard coke in respect of which a direction is issued by the Central Government under Cl. 8 of this Order.

13. 13 :-

Any officer authorised by the Central Government in this behalf may, with a view to securing compliance with this order:

(i) require any colliery owner or his agent or manager to give any information in his possession relating to the production of coal in the colliery including the working plans of the coal mine or seam or section of a seam showing full boundaries of the lease hold areas and plans for abandoned areas, flooded areas and which have been or are on fire;

(ii) inspect or cause to be inspected any mine plans in the possession of any colliery owner or agent or manager

(iii) enter and inspect any colliery;

(iv) require any consumer or his agent or any owner or other person in charge of a conveyance or boat in which coal is transported, to give any information in his possession;

(v) inspect, measure or weigh coal at the colliery or in transit or at the premises of consumers and take samples thereof;

(vi) carry out such tests on the furnaces, boilers and other installations of consumers of coal as may be necessary for determinations of consumers of coal as may be necessary for determining the quality and quantity thereof required by them and on the basis of such tests, issue necessary instructions to consumers regarding the economic and efficient use of coal.

14. 14 :-

No coal mine or seam or section of a seam shall be opened and no coal mine, or seam or section of a seam, the working whereof has been discontinued for a period exceeding six months shall be commenced without the prior permission in writing of the Central Government and except. in accordance with such directions as the Central Government may give to the owner, agent of manager of a coal mine.

14A. 14A :-

If the working in a coal mine or seam or section of a seam is suspended or closed, temporarily or permanently, for any reason whatsoever, then a notice of such suspension or closure should be given within a period of one month from the date of suspension or closure to the Coal Controller with the Government of India or such other officers as he may nominate in this behalf.

15. 15 :-

The functions of the Central Government under Cls. 8,8-A, 10, 11, 12, 12-A, 12- B, 12-C, 12-D, 12-E, 12-F, 13 and 14 shall be exercisable also by the Coal Controller with the Government of India, the Deputy Coal Controller (Distribution), the Deputy Coal Controller (Production) and the Joint Deputy Coal Controller (Distribution).

16. 16 :-

If in any area to which this order did not extend, immediately before the 15th day of September, 1951, there is in force any order corresponding to this order, such corresponding order is hereby repeated : Provided that all appointments made, licences or permits granted, and directions or notifications issued, under any such corresponding order and in force immediately before the said date shall be deemed to be made, granted or issued under this order as amended from time to time and shall continue in force accordingly.

17. 17 :-

Every colliery owner, every person to whom coal is allotted under this order and every other person engaged in the business of production, supply and distribution of, or trade and commerce in coal, to whom any order or direction is issued under any powers conferred by or under this order shall comply with such order or direction. Notes.-

1. Coking coals are such coals as have been classified as coking coals by the erstwhile Coal Board under the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952) or such coals as have been declared or may be declared as coking coal by the Central Government under the Colliery Control Order, 1945, or the Coal Mines (Conservation and Development) Act, 1974 (28 of 1974) and rule or regulations made under both the aforesaid Acts.

2. "Semi-coking coals" and "weekly coking coals" are such coals as

were classified as "Blendable coals" by the erstwhile Coal Board under the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952) or as may be declared as "semi-coking" or weakly coking, coals by the Central Government under the Colliery Control Order, 1945, or the Coal Mines (Conservation and Development) Act, 1974 (28 of 1974) and the rules made under both the aforesaid Acts.

3. Coals other than coking or semi-coking or weakly coking coals are non-coking coals.

4. "Useful heat value" is defined by the following formula :
$$HU = 8900 - 138 \times (A + M)$$
Where, HU=Useful Heat Value in Kilo-calorics per kilogram. A=Ash content in percentage. M=Moisture content in percentage. In the case of coals having moisture less than 2% and volatic content less than 19% the useful heat value shall be the value arrived at as above reduced by 150 kilo-calorics per kilogram for each 1% reduction in volatile. content below 19% fraction pro-rata. Both moisture and ash shall be determined after equilibrating at 60 per cent., relative humidity and 40ZC temperature as per relevant clauses of Indian Standard Specification No. IS: 1350-1959.

5. Ash percentage of coking coal and hard coal shall be determined after air-drying as per IS : 1350-1959. If the moisture so determined is more than 2 per cent the determination shall be after equilibrating at 60 per cent., relative humidity at 40ZC temperature as per IS : 1350-1959.

6. "Long flame" coals shall be defined by the parameters as laid down in Table 2 of Indian Standard No. IS : 770-1964- "General Classification of Coals (Revised)". The relevant part is extracted below : The determination of volatile matter and moisture shall be carried out on coal samples as per procedure laid down in Indian Standard Specification No. IS : 1350 (Part- I) 1984. Determination of gross calorific value shall be carried out in accordance with procedure laid down in IS : 1350 (Part II) 1970, dated April, 1971 or any subsequent revision thereof.

7. The above classification shall not apply to coals other than bituminous or sub- bituminous coals as specified under Indian Standard Specification No. IS : 770/1964.

Notes :-

1. Long flame coals are coals which are declared as Long Flame coal by the coal producers and which satisfy the definition of Long Flame as per Note No. 6 under Table 1 of this notification.
2. Run of Mine Coal is coal comprising of all sizes as it comes out of the mine, any crushing or screening.
3. The fraction of the Run of Mine Coal as is retained on a screen when subject to screening or is picked out by a forkshovel during loading is called steam coal.
4. The fraction that remains after Steam Coal has been removed from the Run of Mine Coal is called Slack Coal.
5. If Run of Mine Coal is subjected to a successive screening by two different screens of different apertures resulting in segregation into three different sizes, the fraction that is retained on the screen with the largest apertures shall be termed Steam Coal, the fraction passing through this screen but retained on the screen with the smaller apertures, shall be termed Rubble Coal and the fraction passing it through both the screens shall be termed Slack Coal.
6. Run of Mine coal which has been screened or crushed to limit the top size to any maximum limit within the range of 200 mm-250 mm shall be priced the average rate of prices of steam and slack coal in the ratio of 60 : 40. Provided that where colliery has the necessary arrangement for screening and loading of steam or slack coal or where at the instance of purchaser, the colliery has to sell the Run of Mine coal, the price payable for such sales shall be the average of the prices for steam and slack coal in the ratio of 60 : 40.
7. Coking Coal, weakly Coking Coal, Semi-Coking Coal which fall outside the categorisation shown in Table I shall be treated, as non coking coal for the purposes of pricing and classified accordingly.
8. When the moisture content on "as received" basis as defined under IS : 1350-1959 of middlings at the Washery and exceed 10 per cent.,, the price of middlings fixed in Table II shall be reduced by Re. I for each one per cent., increase in the moisture content in excess of, 10 per cent. fraction pro-rata.
9. (i) When the "Useful Heat Value" of non-coking coal exceeds 6400 kilo-calories per kilogram, the price payable as per Table II for Grade A coal shall be increased at the rate of Re. I for every

100 kilo calories by which the actual "Useful Heat Value" exceeds 6400 kilo-calories per kilogram, fraction pro-rata. (ii) In case of coal produced in the States of Assam, Meghalaya, Nagaland and Union Territory of Arunachal Pradesh the price payable shall be increased at the rate of Rs. 11 per tonne, per percentage of ash by which the ash content falls below 22%. Similarly, when ash content exceeds 25% the price shall be reduced at the same rate of Rs. 11 per tonne per cent. of ash by which the ash content exceeds 25%.

10. (i) The price notified herein are applicable only to sale of coal at pit-heads on F.O.R. colliery siding basis on F.O.B. purchasers transport basis at the colliery loading point. (ii) Where any colliery which starts selling coal at F.O.R. basis after the publication of this notification and has to transport coal for any distance exceeding 3 Kms. to the railway siding the actual cost of such carriage of coal from pit-head to the railway siding shall be payable extra, and shall be borne by the purchasers : Provided that where an agreement exists covering cases of such carriage, such agreement shall not be deemed to have been superseded by this notification.

11. The pit-head prices fixed in Tables II and III and IV and exclusive of royalty, cesses, taxes and levy, if any, levied by Government local authorities or other bodies, duties of excise and sales tax. For removal of doubts it is hereby declared that colliery owners shall be entitled to add an amount equal to such royalty, cess, duties of excise, sales tax and other taxes, if any to the pit-head prices fixed in the said Tables. In the case of Washery middlings, the amount to be added shall be amount payable on raw coal of the same useful heat value range.

12. The pit-head prices of hard coke fixed in Table V and of soft coke Fixed in Table VI are exclusive of duties of excise royalty, cesses and sales tax on either the raw coal used for manufacturing the coke or on the Hard Coke or Soft Coke. The colliery owners shall be entitled to realise the amount of such duties of excise, royalty, cesses and sales tax and other taxes/levies, if any, from purchasers of Hard Coke and Soft Coke in addition to the prices fixed for them. When the impost is on the raw coal used for manufacture of coke, the sum realisable per tonne of soft coke or hard coke shall be ascertained by multiplying the rates of raw coal by 1.35 for soft coke and 1.50 for hard coke.

13. Prices fixed shall not apply to coke or coal sold for export outside India.

14. For undertaking special sizing or beneficiation of coal, additional charges as may be negotiated between the purchaser and the producer may be realised over and above the fixed prices.
15. The prices fixed in Table V or Hard Coke and Table VI for soft coke shall not apply to small sized coke, coke breeze below 12 millimetres size, low temperature carbonisation coke, pelletised coke or briquettes.
16. The prices fixed in Table V for by-product Hard Coke Premium and Beehive Hard Coke Premium shall be increased at the rate of Rs. 30/- per tonne for every 1 per cent., decrease in ash content below 23 per cent., fraction pro-rata.
17. The price fixed in Table V for By-product Hard Coke ordinary shall be reduced at the rate of Rs. 25 per tonne for every 1 per cent., increase in ash content over 30 per cent., fraction pro-rata.
18. The prices fixed in Table V for Beehive Hard Coke ordinary shall be reduced at the rate of Rs. 20 per tonne for every 1 per cent. increase in ash content over 36 per cent., fraction pro-rata.
19. When the ash plus moisture content of semi-coking Grade I coals is less than 17 per cent. the prices payable for semi-Coking Grade 1 Coals as per Table IV shall be increased at the rate of Rs. 5 for every 1 per cent. decrease in ash plus moisture content below 17 per cent. fraction pro-rata.