



COAL INDIA LIMITED
A Maharatna Company
(Govt. of India Undertaking)
COAL BHAWAN
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CIL/S&M/New Pol/47252/ 902

19th October, 2015

To
The General Manager(Sales)
ECL/BCCL/CCL/MCL/SECL/NCL/WCL/NEC

Dear Sir,

Sub: Obtaining Affidavit from Power Producers receiving coal under FSA regarding utilization of coal supplied for generation and supply of power as per PPA

The Ministry of coal vide Letter No. F.No 23011/84/2012-CPD dated 24.9.2015 (copy enclosed) informed that since the coal supplied to power utilities against FSA at a price notified by CIL, it is ensured by coal companies that coal supply is only to the extent of and coterminous with the long term Power Purchase Agreements (PPAs) that the power companies have signed with the DISCOMs.

CIL is therefore advised to obtain affidavits from the power generating companies, which are the FSA holders, affirming that the coal supplied has been used (by the power plant) as per Long Term PPA and the power generated using this coal has been supplied to the DISCOMS as per PPA. CIL has been advised to develop a format for this affidavit. The affidavit has been advised to be obtained for the year 2014-15 and for the period 01.04.2015 to 30.09.2015.

Accordingly, a draft Affidavit has been evolved at CIL, which has been vetted by CIL, Legal Department. You are requested to notify the concerned Power Producers having FSA with your company to furnish the Affidavit at the earliest to the Supplying coal company. Action taken in this regard may be intimated to this office.

Encl: As above

Yours faithfully,


(M.S. Mukherjee)

General Manager (S&M-Comm)

Cc: D(M), CIL
Cc: Under Secretary to Government of India, MOC, New Delhi: This has reference to his letter cited above
Cc: GM(Sales), New Delhi

AFFIDAVIT

(On Non-Judicial Stamp Paper of requisite value)

(To be executed before a 1st Class / Executive Magistrate)

I,, Proprietor/Director/Partner/Constituted Attorney/Accredited Representative of The Purchaser M/S, solemnly declare that:

Whereas,(name of the Power Plant and Unit) , the Purchaser, executed a Fuel Supply Agreement(FSA) and signed all further amendments thereto with M/s.....(name of the coal company), The Seller on for supply of coal for power generation in terms of the said Agreement. Now, in terms of aforementioned FSA we hereby state and solemnly affirm as under:

1. That, against the above FSA we furnished long term PPA entered with DISCOMS/ PTCs for MW which is to the extent of % of the generating capacity of the Plant.
2. That the Power Generated out of the coal received under the FSA from the coal supplying subsidiary of CIL (name....) during 2014-15 and for the period 1.4.2015 to 30.9.2015 has been supplied to the DISCOM/PTC etc. as per the existing long term PPA(s) with the DISCOMS/PTC(s).
3. That in case at any stage it is found that the Power Generated out of the coal supplied under the subject FSA has not been supplied to the DISCOM(s)/PTC(s) under the long term PPA, We shall be liable for actions as may be available to the Seller under the FSA considering such failure as 'breach' in terms of the Fuel Supply agreement and for any other actions taken by any other authority including the State/Central power regulator.

Signature of the Purchaser/Representative of the Purchaser
(Deponent)

Dated.....

VERIFICATION

I,, the above named deponent do hereby verify that the contents of the paragraph 1 and 2 are true to my knowledge, whereas that of paragraph 3 my undertaking and nothing has been concealed and no part of it is false. Signed at(Place) on2015.

Deponent

Seal of the Magistrate