


<p>कोल इंडिया लिमिटेड विक्रय तथा विपणन विभाग कोल भवन, प्रांगण सं 04 एमएआर, प्लॉट सं - एएफ-III, एक्शन एरिया - 1ए न्यू टाउन, राजरहाट, कोलकाता- 700 156 फोन: 033-23244214, फैक्स: 033-23244229 सीआईएन: L23109WB1973GO1028844 ईमेल : gmsnm@coalindia.in वेबसाइट : www.coalindia.in</p>		<p>COAL INDIA LIMITED SALES AND MARKETING DEPARTMENT</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 CIN: L23109WB1973GO1028844 E-MAIL : gmsnm@coalindia.in WEBSITE : www.coalindia.in</p>
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No. CIL/M&S/New Pol/ 472521664

Date: 20.12.2018

To
The GM/HOD(M&S)
ECL/CCL/BCCL/SECL/WCL/MCL/NCL.
GM, NEC.

Sub: Amendments providing for third party sampling in various models of FSAs for Non-power sector.

Dear Sir,

Third party sampling facility was extended to all consumers as per the decision of 353rd CIL Board held on 18 &19.12.2017.

In pursuance to the aforesaid decision of CIL Board enabling clauses for third party sampling in Fuel Supply Agreements (FSAs) where it did not exist have been provided. Certain modifications have been made for uniformity in third party sampling related clauses of model FSAs for non regulated sector (NRS) under Linkage Auction and High Demand FSA model (existing and LOA route) in which the third party sampling provisions already exist. Modifications are enclosed as under:

- For Model FSAs for non-regulated consumers for low, medium and high demand (existing and LOA route) **Annx. I**
- For NRS Model FSAs for Linkage Auction (all sub sectors under all tranches). - **Annx. II**

Enclosed modifications are applicable for all existing FSAs including future non- power FSAs till further modifications if any. This issues with approval of competent authority.

The above is for kind information and further needful including notifying on respective websites.

Encl: as above.

Yours faithfully,


General Manager (M&S)

Copy to:

Director (Marketing), CIL.

HOD (Finance -M&S)

GM (Systems), CIL - with a request to a arrange for hosting the above on CIL's website under the link 'Our Business' > 'Marketing & Sales' in NCDP- FSA tab and Auction of linkages of non-regulated sector tab.
M/s MSTC Ltd.- With a request to upload Annexure II in Linkage Auction NRS notification/FSA platform.

MODIFICATIONS/ADDITIONAL CLAUSES IN NON- POWER FSAs ENABLING THIRD PARTY SAMPLING

EXISTING CLAUSES	MODIFIED CLAUSES
<p>FSA - LOW DEMAND < 50,000 tpa (Model FSAs for Existing & LOA route consumers)</p>	
<p>1 r) - not existing (existing consumers) 1 x)- not existing (LOA route consumers)</p>	<p>1.Definitions: “ Third Party Agency” shall mean the independent agency appointed for conduct of third party sampling in accordance with Clause 5.2</p>
<p>5. <u>QUALITY:</u></p> <p>The quality of the Coal to be supplied from the mines of the Seller as far as possible shall be within the specifications as per Schedule-II to this Agreement. The Seller shall take all reasonable steps to remove stone, shale and extraneous matters before the loading of the coal. Complaint, if any, shall be made by the Purchaser giving specific details of the consignment to the CGM (S&M) / GM (S&M) of the Seller and also to Colliery/Area authorities for remedial action. Any such complaint shall be made at the colliery site/ Delivery Point.</p>	<p>5. <u>QUALITY:</u></p> <p>5.1 The quality of the Coal to be supplied from the mines of the Seller as far as possible shall be within the specifications as per Schedule-II to this Agreement. The Seller shall take all reasonable steps to remove stones above 250mm (in size), shale and extraneous matters before the loading of the coal. Complaint, if any, regarding the quality of coal shall be made by the Purchaser giving specific details of the consignment to the GM (M&S) of the Seller.</p> <p>5.2 <u>Third Party Sampling</u></p> <p>5.2.1 The Third Party Sampling facility shall be extended as an option to the buyers.</p> <p>5.2.2 Notwithstanding anything to the contrary contained herein, the Purchaser shall be required to inform the Seller in writing on the Signature Date whether it proposes to avail third party sampling from a Third Party Agency in accordance with the terms hereof. Purchaser who is not desirous of availing the option of third party sampling shall give an undertaking to this effect.</p> <p>5.2.3 In the event the Purchaser intimates the Seller that it is desirous of availing third party sampling by the Third Party Agency, such facility shall be allowed as per following conditions.</p> <p>(i) The facility shall be extended at the Delivery Point only and such third party sampling shall be undertaken for the supplies against this FSA in accordance with the procedure for third party sampling for non- power consumers as per Schedule V.</p>

(ii) If for any reason whatsoever, the third party sampling cannot be conducted in accordance with the procedure for third party sampling for non-power consumers as per Schedule V, joint sampling and analysis shall be carried out by the Seller in presence of the Purchaser at the Delivery Point in accordance with the modalities for joint sampling as noted in schedule V . However failure of the purchaser to be present will not invalidate or be a ground for disputing the sampling and analysis carried out by the seller.

(iii)) If for any reason whatsoever, the third party sampling/ joint sampling cannot be conducted in accordance with the procedure for third party sampling for non- power consumers as per Schedule V , the said consignment will be treated in the manner as in case of buyers not desirous of third party sampling.

(iv) For commencement of third party sampling a Tripartite agreement shall be signed by the purchaser, seller and the third party within a time frame as decided mutually by the parties involved as per format available with coal company. Till such time 5.2.3(ii) or 5.2.3 (iii) shall be applicable as the case may be.

(v) 50% share of the cost of third party sampling shall be borne by the purchaser in terms of the tripartite agreement. Such payment shall be made by the purchaser directly to the third party agency.

5.2.4 In case of a variation of Grade of Coal (decided on the basis of third party sampling by the Third Party Agency) as compared to the declared Grade of Coal, the Purchaser shall pay for the supplied grade of coal as per final analysis report of third party agency/joint sampling/ referee lab as applicable.

5.2.5 Notwithstanding the above, it is clarified that in case of coking coal, if pursuant to the third party sampling by a Third Party Agency, the test results establish that the Grade of Coal supplied falls outside the categorization stipulated in Table I of the Ministry of Coal notification dated June 16, 1994, as modified from time to time, then the supplied coal shall be deemed to be non-coking coal. Such non-coking coal shall be graded on GCV