

ईस्टर्न कोलफिल्ड्स लिमिटेड

(कोल इंडिया का एक उपक्रम)

विपणन एवम विक्रय विभाग

सांक्रतोडिया, पो: डिसेरगढ़

जिला: बर्धवान ७१३३३३

दूरभाष: ०३४१-२५२०२०९

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(An ISO 9001:2015, ISO 14001:2015 & OHSAS 18001:2007 Certified Company)

ECL/HQ/M&S/Pricing/ 57

03/02/2023

NOTICE FOR THE POWER SECTOR CONSUMERS DRAWING COAL UNDER FLEXI-UTILIZATION POLICY

Sub: Decision of 298th CFDs meeting regarding Modalities for charging of Premium, Performance Incentive & Penalty for the Power Plants of State/Central under the Flexi-Utilization Policy as well as IPPs covered under Flexi-Policy

This is in supersession to notice ECL/HQ/M&S/Pricing/951 dated 12.12.2022.

As decided in CIL 298th CFDs meeting held on 13.01.2023 the modalities of charging Premium, Performance Incentive & Penalty has superseded the decision taken in CIL 295th CFDs meeting held on 22.11.2022.

All concerned are hereby informed that, a premium of 40% over and above basic ROM notified price shall be applicable for coal supplies availed under Flexi-Utilization Policy to Power Plants having no FSA with any of the subsidiary of CIL.

The detailed decision of 298th CFDs meeting is reproduced below:

Quote:

After detailed deliberations, the CFDS approved the following modalities in supersession to earlier guidelines for charging Premium, Performance Incentive and Penalty under different provisions of existing flexi policies as brought out in the agenda note:

- 1. Charging of 40% premium over and above basic ROM notified price for coal supplies to the Plant having no FSAs with any of the subsidiary companies of CIL. Such quantity shall not be counted for any Performance Incentive or Level of Lifting for the purpose of the penalty but shall be counted for level of delivery.*
- 2. Presently, premium of 40% & more is being charged for supply to the power plants under Bridge Linkage depending upon the period of extension of Bridge Linkage. Any quantity supplied under Bridge Linkages are on 'Best-Effort basis" The present graded premium (minimum 40%) will continue. However, this will not be considered for computation of Performance Incentive, Penalty or any other commercial purpose in the Aggregated ACQ of a Genco.*
- 3. (a) For PI: Supplies to the plants having no FSA with the respective subsidiary companies of CIL, shall be counted for PI against the mother company (consumer*

company having FSA with CIL subsidiary) with whom the Genco has the aggregated ACQ having FSA. However, if the mother company against whose AACQ the aforesaid supplies are to be counted are more than one then, the Genco may indicate the distribution of such quantity among the mother companies before or at the time of finalization of flexi matrix and in the event of failure to do so CIL will have the discretion to allocate such quantity to any one or more of the mother companies.

(b) For Penalty: For Penalty, the quantity availed from other subsidiaries shall not be considered in computing Level of lifting (though it will obviously be counted for level of delivery) against the aggregated ACQ materialization of a company.

4. The relevant modalities as mentioned above shall be applicable as below:

i. For premium, for supplying coal to plants having no FSA with any CIL subsidiary, the date shall be from the date of CFDs decision held on 22.11.2022

Explanation- Earlier, the premium was charged only for plant having no FSA with any of the CIL subsidiaries' the rate of premium @ 40% has been implemented from 22.11.2022 and the modification in the same, proposed herein, will therefore be applicable from the said date only.

ii. For PI and penalty, from the inception of flexi-policy during 2016-17

Explanation- The billing and payment of PI and Penalty under Flexi linkage has been under dispute since introduction of Flexi policy. The issue lacked clarity in the modalities in regard to AACQ under Flexi utilization vis-a-vis stand-alone FSAs. Therefore, to clarify the modalities, without contravention of existing FSA provisions read with Aggregated ACQ concept, the modalities are proposed to be applicable from 16-17 to help in resolving long pending disputes.

iii. The above will supersede earlier guidelines in this regard.

Unquote:



3.2.23

HOD (M&S) ECL

Distribution

- TS to CMD, ECL
- All Area GM, ECL
- GM Finance, ECL
- GM System, ECL
- TS to D(T)PP, ECL
- TS to D(T)OP, ECL
- AF to M&S, ECL
- All ASM, ECL
- All AFM, ECL
- Notice Board
- ECL Website

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ECL/HQ/M&S/Linkage Auction/643

31 August 2020

**NOTICE FOR POWER AND NON-POWER SECTOR CONSUMERS HAVING FSA
WITH ECL**

Sub: Waiver of Performance related obligation during the pandemic period invoking the Force Majeure provision of the respective FSAs

All Power and Non-Power consumers having FSA with ECL are hereby informed that CIL vide letter no. CIL/Linkage auction/326 dated 25.08.2020 has communicated the decision of 237th CFDs meeting of CIL allowing dispensation for invoking Force Majeure provisions of FSA for the period April & May 2020 for non-performance during the COVID 19 lockdown period. In line with the guidelines provided by CIL, the following may please be noted:-

1. The FSA consumers (both Power and Non Power FSAs) are hereby given an option to apply for invoking Force Majeure (FM) relief under the FSA for the period Apr-May'2020 as a one time dispensation.
2. The timeline for claiming FM relief as per FSA (both Power and Non Power FSAs) by the Affected Party may be waived off in view of Pandemic situation prevailing in the country.
3. A window of 10 days from issuance of this notice i.e. **till 10th September 2020** is being allowed during which the willing FSA consumers may apply for availing FM relief citing the reason of Pandemic COVID 19 for non-performance during the lockdown period viz. April & May 2020. The relief shall be to the extent of prorated MSQ of April & May 2020.
4. While applying for availing FM relief, applicants would also request for waiver of the FSA condition for adhering stipulated timeline and also their obligation to present Burden of Proof. After receipt of such applications within stipulated time, applicable relief under Force majeure (FM) shall be extended.
5. Facility to rebook the unbooked/unlifted quantity of any month in the subsequent months within current FY upto the ceiling of ACQ by the non-power FSA consumers would be permitted subject to availability of coal at coal companies as per approval of 232nd CIL CFDs meeting held on 3rd July 2020. In the event, the consumer is able to lift the scheduled quantity for April and May during rest of the year in terms of the above dispensation, their application for invoking FM shall be treated as cancelled for that quantity.

Ajit Singh
31/8/2020
Ajit Singh
HOD (M&S)