

Coking Coal Mines (Nationalisation) Act, 1972

Chapter II - Acquisition of the Rights of Owners of Coking Coal Mines and Coke Oven Plants

(1) On the appointed day, the right, title and interest of the owners in relation to the coking coal mines specified in the First Schedule shall stand transferred to, and shall vest absolutely, in the Central Government, free from all incumbrances.

1[(2) * * *]

2[(3) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coking coal mine included in the First Schedule or the name and address of the owner of any such coking coal mine, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification the relevant entries in the First Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coking coal mine shall be made where such ownership is in dispute.]

1. Sub-sec. (2) omitted and deemed to have been omitted w.e.f. 1-6-1972 by the Coal Mines Nationalisation Laws (Amdt.) Act (57 of 1986), S. 2.

2. Inserted by the Coking and Non-Coking Coal Mines (Nationalisation) (Amdt.) Act (41 of 1973), S. 2 (w.r.e.f. 1-5-1972).

Section 5 - Acquisition of rights of owners of coke oven plants

5. 1[(1)] Acquisition of rights of owners of coke oven plants.--

On the appointed day, the right, title and interest of the owners of each of the coke oven plants specified in the Second Schedule, being the coke oven plants which are situated in or about the coking coal mines specified in the First Schedule, shall stand transferred to, and shall vest absolutely in, the Central Government, free from all incumbrances.

1[(2) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coke oven plant included in the Second Schedule or the name and address of the owner of any such coke oven plant, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the Second Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coke oven plant shall be made where such ownership is in dispute.]

1. Section 5 re-numbered as sub-section (1) and after re-numbered sub-section (1), sub-section (2) inserted by Coking and Non-coking Coal Mines (Nationalisation) (Amdt.) Act (41 of 1973), S. 3 (w.r.e.f. 1-5-72).

Section 6 - Central Government to be the lessee of the State Government

(1) Where the rights of an owner under any mining lease granted, or deemed to have been granted, in relation to a coking coal mine, by a State Government or any other person, vest in the Central Government under section 4, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government or such other person, as the case may be, in relation to such coking coal mine¹[as if a fresh mining lease] in relation to such coking coal mine had been granted to the Central Government under the Mineral Concession Rules, the period of such lease²[shall be the maximum period] for which such lease could have been granted by the State Government or such other person under those Rules and, thereupon, all the rights under such mining lease, including surface, underground and other rights granted to the lessee shall be deemed to have been transferred to, and vested in, the Central Government.

(2) On the expiry of the term of any lease, referred to in sub-section (1), such lease shall, if so desired by the Central Government be renewed,³[* * * *] by the lessor for the maximum period for which such lease can be renewed under the Mineral Concession Rules.

1. Substituted for the words "as if a mining lease" by the Coal Mines Nationalisation Laws (Amdt.) Act (57 of 1986), S. 3 (w.r.e.f. 1-5-1972).

2. Substituted for the words "being the entire period" by the Coal Mines Nationalisation Laws (Amdt.) Act (57 of 1986), S. 3 (w.r.e.f. 1-5-1972).

3. Words "on the same terms and conditions on which the lease was held on appointed day", omitted by the Coal Mines Nationalisation Laws (Amdt.) Act (57 of 1986), S. 3 (w.r.e.f. 1-5-1972).

Section 7 - Power of Central Government to direct vesting rights in a Government company

(1) Notwithstanding anything contained in sections 4 to 6 (both inclusive), the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied with such terms and conditions as that Government may think fit to impose, direct, by an order in writing, that the right, title and interest of an owner in relation to a coking coal mine or coke oven plant referred to, respectively, in section 4 or section 5 shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day), as may be specified in the direction.

(2) Where the right, title and interest of an owner in relation to a coking coal mine or coke oven plant vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become--

(a) the lessee in relation to such coking coal mine as if a mining lease in relation to such coking mine had been granted to the Government company under the Mineral Concession Rules, the period of such lease being the entire period for which such lease could have been granted under those Rules;

(b) the owner of the coke oven plant, and all the rights and liabilities of the Central Government in relation to such coking coal mine or coke oven plant shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

(3) The provisions of sub-section (2) of section 6 shall apply to lease which vests in Government company as they apply to a lease vested in the Central Government and reference therein to the Central Government shall be construed as reference to the Government company.

Section 8 - Properties vesting in Central Government to be freed from mortgages, etc

(1) All property which vests in the Central Government or in a Government company under this Chapter shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it and any attachment, injunction or decree or order of any Court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(2) Every mortgagee of any property which has vested under this Act in the Central Government or, in a Government company, and every person holding any charge, lien or other interest in or in relation to any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge lien or other interest.

(3) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (1) or any other person holding any charge, lien or other interest in, or in relation to any such property shall be entitled to claim payment of the mortgage money or other dues, in whole or in part, out of the amount specified in relation to such property in the First Schedule or the Second Schedule, as the case may be, but no such mortgage, charge or lien or other interest shall be enforceable against any such property of the Central Government or the Government company.

Section 9 - Central Government not to be liable for prior liabilities

(1) Every liability of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company.

(2) For the removal of doubts, it is hereby declared that--

(a) save as otherwise provided elsewhere in this Act, no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a coking coal mine or coke oven plant in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the Government company;

(b) no award, decree or order of any Court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government company;

(c) no liability for the contravention of any provision of law for the time being in force, made before the appointed day, shall be enforceable against the Central Government or the Government company.