

Registered No. M. 324



# The Sindh Government Gazette

Published by Authority

KARACHI THURSDAY DECEMBER 4, 2014

No. 49

Separate Paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS

PART I – Notifications and rules (except statutory rules) by the Government of Pakistan, Sindh and other Local Governments, Appointments, Promotions leave, & c., & c., and Miscellaneous Notifications Appointments, & c., By District Officers.	PAGES 436-433	PART III – Miscellaneous Supplement Season and Crops Report Prices Current Rain fall Return & c.,	Nil.
PART I-A Notification under the Local Board, Municipal Boards, District Municipal Primary Education and Local Fund Audit Acts and Municipal and Local Boards Election.		PART IV – Acts of Sindh Assembly.	Nil.
PART II – Notices Advertisement etc.		PART IV-A – Rules framed under the Acts of Provincial Assembly and other Rules.	Nil.
		PART V – Nothing for publication.	Nil.
		PART IV-A – Nothing for publication.	Nil.

**GOVERNMENT OF SINDH  
ENERGY DEPARTMENT**

Karachi dated the 27th November, 2014

**NOTIFICATION**

NO.SO(COORD)/ED(Coal)/4-3/2014:- In exercise of the powers conferred by section 16 of the Thar Coal and Energy Board Act, 2011, the Government of Sindh are pleased to make the following rules, namely:-

**"Thar Coal Tariff Determination Rules, 2014"**

**CHAPTER-I  
PRELIMINARY**

1. (1) These rules may be called the Thar Coal Tariff Determination Rules, 2014. **Short title and commencement.**

(2) They shall come into force at once.

(3) They shall be applicable to the Thar Coalfield as defined in these rules.

2. (1) In these rules, unless context otherwise requires - **Definitions.**

- (a) "Act" means the Thar Coal and Energy Board Act, 2011;
- (b) "Board" means the Thar Coal and Energy Board constituted under section 3;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Committee" means the Committee constituted under rule 3;
- (e) "communication" means any information, comment, data, filing, summary, written statement, representation, pleadings, correspondence or evidence in connection with any proceedings filed with Registrar or any other such person as may be authorized by the Board or the Committee from time to time;
- (f) "mine leaseholder" means a person or a company to whom a mining lease is granted under Sindh Mining Concession Rules, 2002 and includes his successors and permitted assigns;
- (g) "motion" means any written application in relation to any matter of procedure under these Rules;
- (h) "petition" means a petition made to the Board to determine, modify or revise the tariff;
- (i) "pleadings" means the petition and the replies to the petition;
- (j) "proceedings" means the entire process commencing from the date of filing of a petition with the Registrar or, where the Committee initiates the process of determination of tariff, the date of such initiation by the Committee, and ending on the date the Board makes its final determination on a petition, and shall include any stage during the proceedings;
- (k) "Registrar" means the Registrar of the Board appointed by Government under these rules;



- (l) "register" means the register maintained by the Registrar wherein shall be entered the title and number of all petitions and communications in such manner and with such details as the Committee may from time to time direct;
- (m) "Schedule" means the Schedule annexed to these rules;
- (n) "tariff" means the price of coal and shall include rates, charges, terms and conditions for the off-take of coal extracted from Thar coalfield;
- (o) "Thar" means the region comprising of districts Tharparkar, Umarkot and Mirpurkhas;
- (p) "Thar Coalfield" means the coalfield as notified by Government;
- (q) "working day" means a day on which the offices of Government are open for business.

(2) Words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

#### PART-II

#### ASSISTANCE TO THE BOARD

##### Thar Coal Tariff Determination Committee.

3. (1) The Thar Coal Tariff Determination Committee shall be constituted by the Board and shall consist of three members, of whom one shall be the Managing Director and other two members shall be appointed by the Chairman from amongst the persons qualified and well reputed in the field of mining

and power or finance for a period of one year which shall be extendable, on such terms and conditions as may be determined by the Chairman.

(2) The meetings of the Committee shall be held as often as required by the Managing Director who shall preside over the meetings of the Committee and the quorum of such meeting shall be all three members.

(3) The Managing Director shall be responsible for the implementation of the policies, guidelines, determination and other decisions of the Committee or the Board, as the case may be.

(4) The members of the Committee shall be entitled for such remuneration as may be determined by the Board from time to time.

(5) The Committee shall assist the Board in matters relating to the tariff and send to the Board, its observations, recommendations, guidelines, proposed decisions and findings, in writing, on the basis of, and subject to, such conditions as may be prescribed by the Board from time to time and the Board shall have power to determine the tariff as it may deem appropriate:

Provided that the Committee shall have power to seek the assistance from such officers, staff, experts and consultants as it may deem appropriate.

(6) The Registrar shall be appointed by Government for the purpose of registration and record the receipt of communications and petitions filed with the Board and provide support and assistance in the administration of these rules and to perform such other duties as may from time to time be assigned by the Managing Director.

**PART – III**  
**TARIFF DETERMINATION PROCEDURE**

4. (1) Any mine leaseholder in the Thar Coalfield interested in the determination of tariff shall, at any stage specified in these rules, file a petition with the Registrar along with such fees as stipulated in Schedule-I and as per format prescribed in Schedule-II.

**Filing of  
petitions and  
communications.**

(2) The fees payable under sub-section (1) shall be non-refundable.

(3) The Committee may also initiate proceedings suo moto in connection with the determination of a tariff for any stage specified in this rule.

(4) The tariff determination process is structured to cover the "project setup period" and the "operations period" as detailed hereunder:-

- (a) **"Project setup period":** This is the period of project implementation concluding at the commencement of commercial operations as follows:
- (i) **"Feasibility stage tariff":** A mine leaseholder may apply for tariff determination for a "feasibility stage tariff" after completing a feasibility study, who shall comply with the relevant requirements set out in Schedule II;
  - (ii) **"Contract stage tariff":** A mine leaseholder shall apply for tariff determination for a "contract stage tariff" after executing the engineering, procurement and construction contract, who shall comply with the relevant requirements set out in Schedule II;
  - (iii) **"Financial close stage tariff":** A mine leaseholder shall apply for tariff determination for a "financial close stage tariff" after achieving financial close, who shall comply with the relevant requirements set out in Schedule II;
  - (iv) **"Commercial operations stage tariff":** Not later than six months after the commencement of commercial operations, a mine leaseholder shall apply for tariff determination for a "commercial operations stage tariff", who shall comply with the relevant requirements set out in Schedule II;

Provided that a mine leaseholder shall have the option to combine the requirements of the "feasibility stage tariff" and the "contract stage tariff" into a single tariff determination and the Board shall determine the tariff on this cumulative basis:

Provided further that a mine Leaseholder shall have the option to combine the



requirements of the "financial close stage tariff" and the "commercial operations stage tariff" into a single determination and the Board shall determine the tariff on this cumulative basis.

- (b) **"Operations period":** This is the period of project execution subsequent to the commencement of commercial operations as follows:-

- (i) **"Initial multiyear stage tariff":** Not later than six months after the second anniversary of having obtained the "commercial operations stage tariff", a mine leaseholder shall apply for tariff determination for an "initial multiyear stage tariff", which shall comply with the relevant requirements set out in Schedule-II;
- (ii) **"Subsequent multiyear stage tariff":** Not later than six months after the fifth anniversary of having obtained the "initial multiyear stage tariff", a mine leaseholder shall apply for tariff determination for a "subsequent multiyear stage tariff", which shall comply with the relevant requirements set out in Schedule-II and not later than six months after the fifth anniversary of having obtained a "subsequent multiyear stage tariff", a mine leaseholder shall re-apply for tariff determination for a "subsequent multiyear stage tariff", which shall comply with the relevant requirements set out in Schedule-II.

- (5) A petition filed under sub-rule (1) shall –

- (a) state the name and address of the petitioner and the grounds giving rise to the petitioner's interest forming the basis of the petition and the number and other relevant details of the mine leaseholder as may be determined by the Committee from time to time;
- (b) state in a concise manner the grounds and the facts forming the basis of the petition;
- (c) provide, in furtherance of the relevant requirements set out in rule 4(1) read with the Schedule-II, such 'information' as may be required.

Explanation: The term 'information', used in clause (c) above, shall include, but not be limited to, feasibility studies, engineering, procurement and construction contracts, coal supply agreements, power purchase agreements, shareholders' agreements, financing agreements, other contracts and agreements, financial reports and statements, audited quarterly and annual accounts, balance sheets, documentation, leases, licenses, articles of association, memorandum of association, certificates of incorporation, forms and other documents filed with the Securities and Exchange Commission of Pakistan under the Companies Ordinance, 1984, databases, test results and reports, maps, three-dimensional models, cost models, charts, budgets, and term sheets;

- (d) state the relief or determination sought;
  - (e) be accompanied with comparative schedules of charges, costs, units, price and other items comprising the existing tariff and the proposed tariff, or such other details as may be determined from time to time by the Committee for the purpose;
  - (f) be accompanied with a comparative table of the existing tariff design and the proposed tariff design on such basis as may be determined by the Committee from time to time;
  - (g) be supported with a summary of evidence giving brief particulars of the data, facts and evidence in support of the petition; and
  - (h) be accompanied with such information and be in accordance with such format as may be specified by the Committee from time to time.
- (6) The Registrar shall examine the contents of the petition to satisfy himself of the conformity thereof with the provisions of sub-rule (4) and (5), and -

- (a) in case the petition is in order, shall accept the petition and endorse thereon a stamp

acknowledging the filing of petition alongwith the number given thereto in the register and then, if the need arises, forward the same to experts and consultants who shall examine the contents of the petition and shall specify any deficiencies or further information that may be required;

- (b) where the petition is not in accordance with sub-rule(4) and (5), the Registrar shall return the petition to the petitioner with directions to re-file the same in accordance with the provisions of sub-rule (4) and (5):

Provided that, where a petition is re-filed by the petitioner, and the Registrar is not satisfied of the conformity thereof with sub-rule (4) and (5), he shall place the petition before the Committee for directions within such time as may be stipulated by the Committee and it shall not reject a petition on the grounds of any defect therein without giving the petitioner an opportunity of rectifying the defect within the time specified by the Committee.

- (7) Any communications to be filed by a mine leaseholder or other interested person shall contain the name and address of the communicator, the subject matter of the communication and the title of the proceedings, and shall be filed with the Registrar who shall acknowledge receipt thereof, either on a copy of the communication or through a written receipt in a format to be determined by the Committee and shall also endorse on the filing receipt the number of the petition in connection with which the communication is filed and the number assigned to the communication on the register.



(8) All petitions shall be deemed to be filed on the date of filing thereof with the Registrar, and where re-filed in accordance with the provisions of sub-rules (4) and (5), on the date the Registrar or the Committee, as the case may be, accepts the filing thereof. A communication shall be deemed to be filed on the date on which it is filed with the Registrar.

(9) The contents of any communication shall pertain to a single petition in respect of which it is filed.

(10) A petition or communication shall be signed by the petitioner or communicator or by one or more of his authorized representatives in their individual names on behalf of the petitioner or the communicator.

(11) Any petition or communication, wherein any statement of fact or opinion is made by the petitioner or the communicator, shall be verified by an affidavit, drawn up in the first person stating the full name, age, occupation and address of the deponent and the capacity in which he is signing and indicating that the statement made therein is true to the best of the knowledge of the deponent, information received by the deponent and belief of the deponent, and shall be signed and sworn before a person lawfully authorized to take and receive affidavits, provided that, a communication filed during the course of a hearing may be affirmed in person before the Committee by the person filing the same.

(12) Where any statement in an affidavit given under sub-rule (11) is stated to be true according to the information received by the deponent, the affidavit shall also disclose the source of such information.

(13) A petition or communication shall be filed with such number of copies as the Registrar may from time to time determine which shall be complete in all respects.

(14) A petition or communication shall be filed during office hours with the Registrar in person or through registered post or courier service. If an authorized agent files a petition or communication on behalf of any party, the document authorizing the agent to do so shall be filed along with the petition or communication, if not already filed in the record of the case.

**Admission of  
petition.**

5. (1) As soon as may be reasonable and within such time as may be stipulated by the Committee, the Registrar shall consider the petition for admission in accordance with the provisions of this rule.

(2) The Registrar may call for submission by the petitioner of any further supporting communication as may be required under rule 4(5) or otherwise within the time specified for the purpose of admission of the petition, and the Registrar shall not entertain or admit any petition until such time that such supporting communication is furnished.

(3) The Registrar shall not pass an order refusing admission without giving the petitioner an opportunity of being heard or making a written representation and shall communicate its recommendation regarding the admission of the petition to the Committee, and he shall implement the directions given by the Committee in this regard.

(4) In case the Committee admits the petition, it may give such orders and directions for the service of notices to –

- (a) the respondents and other parties affected or interested, which in the opinion of the Committee are likely to be affected or interested; and
- (b) to persons who, by reason of their calling or expertise, may be of assistance to the Committee in arriving at a just and informed determination of the proceedings, for filing replies or communications in opposition or in support of the petition in such form as the Committee may direct, or for purposes of expeditious and efficient conduct of the proceedings;

(5) The Registrar may, if deemed appropriate, also direct the advertisement by publication of the title and brief description of the petition in any one or more newspapers specified for the purpose by the Committee and such publication shall also contain a notice of the availability of a copy of the petition at the office of the Registrar upon payment of fee determined for the purpose by the Committee.

6. (1) A notice or process issued on directions of the Committee may be served by the Registrar on the party concerned through one or more of the following modes of service, namely:-

**Publication and  
Service of notices.**

- (a) by hand delivery through a messenger;
- (b) by registered post with acknowledgment due; or
- (c) by publication in one national daily newspaper in the English language, one national daily newspaper in the Urdu language and one daily newspaper in Sindhi language, in case where the Committee is satisfied that it is not reasonably practicable to serve notice in any other manner.

(2) Every notice or process required to be served on or delivered to any person may be sent to the person at the address furnished by him for service or at the place where the person or his agent ordinarily resides or conducts business or personally works for gain and where the person to be served in a petition pending before the Committee has authorized an agent or representative to represent him in the petition, such agent or representative shall be considered duly authorized to accept service of a notice and process on behalf of the person concerned.

(3) The Registrar shall be entitled to decide in each case the requirements for service of a notice, any other appropriate process and publication, if any. The Registrar with the approval of the Managing Director shall decide as to who shall bear the cost of such service and publication and the time and the manner of recovery or reimbursement of such costs if directed to be borne by any party to the proceedings.

(4) Where any petition is required to be advertised, it shall be advertised within such time as the Registrar may determine.

(5) In default of compliance with the requirements of the directions of the Committee as regards service or publication, the Registrar may either dismiss the petition or give such further directions, as it deems fit and proper.



**Written  
Comments.**

7. (1) Any interested person who desires to participate may file written comments with the Registrar at least seven working days before the date specified on which such hearing is to take place.

(2) The Registrar shall forward such comments to the Committee and to the petitioner prior to the hearing and the Committee shall consider all comments received under sub-rule (1) and provide reasons either in support or opposition of the issues raised.

**Hearings.**

8. (1) At the time of admission of petition, the Committee may -

- (i) make directions to call for information; or
- (ii) require the appearance of any person.

(2) The Committee shall fix the date of hearing for the parties to present written or oral arguments on the basis of the pleadings and it may also frame the issues over which the parties may be allowed to address arguments and present evidence before them, and they may decide as to which issues may be allowed to be addressed during the course of the hearing. In framing the issues, the Committee may exclude one or more issues or matters raised or stated in the pleadings, and may also include additional issues or matters not raised in the pleadings.

(3) The date of hearing shall also be specified in the notice of admission and shall be held at such time as may be notified by the Committee; provided that once hearing in the proceedings has commenced, the notice of the next date of hearing may be of any period as determined by the

Committee and may be announced by them at the time of adjournment of the hearing or notices may be given to the parties.

(4) A hearing may be held by the Committee provided that the final decision or determination in the proceedings shall be taken by the Board on the basis of the statements recorded in the proceedings.

(5) The parties may be allowed to present such written or oral evidence as the Committee may deem fit and it may in its discretion allow the parties the right to cross examination or re-examination in respect of any evidence presented.

(6) The Committee shall administer affirmations, issue or direct the issuance of notices, and make all decisions regarding the admission or exclusion of evidence or any other procedural matters, which may arise during the course of the hearing.

(7) The Registrar shall, as directed by the Committee, notify the parties to attend a pre-hearing conference to discuss procedural matters relating to the proceedings at any time before the commencement of the hearing who shall, through written memorandum to the parties or announcement on the record, announce any action taken at the pre-hearing conference.

(8) The Registrar with the approval of the Committee may, to the extent deemed necessary and practicable, establish a detailed schedule for the proceedings which may include, without limitation, the dates for the filing of communications, discovery motions or any other procedural matters that may aid in the orderly disposition of the proceedings and it shall be binding on the parties.

(9) The Registrar shall maintain a public listing of all proceedings set for hearing.

(10) All hearings shall be held at the principal office of the Committee unless the Committee designates a different location in the notice for hearing.

(11) Where, on a fixed date for hearing, any of the parties does not appear when the matter is called for, the Committee may either dismiss the petition for default of appearance or proceed against the party in default and hear and decide the petition.

(12) Where a petition has been dismissed or decided in default of appearance of a party, the person aggrieved may

file an appeal within thirty days from the date of such dismissal or decision and the appellant may seek a recall of the order passed. The Committee may recall the order on such terms as it considers fit, if it is satisfied that there was sufficient cause for non-appearance when the petition was called for hearing.

(13) All parties, counsel, witnesses and other persons present at a hearing shall conduct themselves with decorum and deference to the Committee and it may order the removal of any person from the hearing who displays disrespect to it or obstructs the hearing.

(14) The Registrar shall, as directed by the Committee, declare close of evidence following the submission of all the evidence by the parties as may be allowed or required by them during the proceedings. Following a declaration of close of evidence the record in the proceedings shall be presented before the Committee for its decision.

(15) Notwithstanding close of evidence in the proceedings, for the purposes of arriving at its final decision in the proceedings, the Board may make directions to call for information or require the appearance of any person.

(16) The Committee may, upon its own motion, or upon motion by a party, order proceedings involving a common question of law or fact to be consolidated for hearing on any or all of the matters in issue under such proceedings.

(17) The Committee may allow and fix a time for the presentation of oral arguments or the examination or cross-examination of any witness during the hearing, imposing such limits of time on the argument, examination or cross-examination, as the case may be, as deemed reasonable by the Committee. The parties shall strictly comply with such time limit, and no prejudice shall be deemed to have been caused to any party as a result of the refusal of Committee to allow further time to such party.

(18) Meetings may be held from time to time between the Registrar and the Committee or with the consultants and petitioner during the process, as they deem fit.

(19) A party shall not present additional evidence after it has closed its evidence nor may any hearing be reopened after having been closed. Notwithstanding anything in this sub-rule, the Board may, at any time prior to the rendering of a final decision, reopen the hearing on its own on such date as it deems fit.



(20) The Committee may allocate one or more days during the course of the proceedings for the participation of the general public in such manner as may be specified by the Committee.

(21) The Committee shall submit the recommendation in writing through the Managing Director regarding the tariff on the basis of the petition and subsequent process, to the Board for determination and approval.

(22) All decisions made by the Committee in hearings held under this rule shall not be implemented until the same have been presented to the Board by the Committee in writing and approval thereto is granted by the Board as it deems appropriate.

**Transcripts.**

9. The Registrar shall ensure that the recordings and transcripts during the hearings are kept and maintained and made available to the Board.

**Decisions.**

10. (1) Upon finalization of the recommended tariff, the Committee shall, at the earliest opportunity, make a presentation to the Board setting out, in reasonable detail, all facts and matters pertaining to the petition including the proceedings of the hearing along with its observations, recommendations, findings, proposed decisions and guidelines for determination and approval of tariff by the Board.

(2) The Board shall consider the observations, recommendations, findings, proposed decisions and guidelines made by the Committee and shall pass orders, determinations and decisions, in writing as it deems fit.

(3) The Board shall be the final authority to decide a petition and it shall do so within four months of the date of admission of the petition:

Provided that the Board may, for the reasons beyond its control extend the aforesaid period by a further period of one month:

Provided further that in case of failure by any person to comply with the directions of the Board to provide any information or document, the Board may either dismiss the petition or may proceed to decide the petition on the basis of available record.

(4) The reasons given by the Board in support of its orders, determinations and decisions shall form a part of the order, determination or decision and the copies of all orders, determinations and decisions shall be available at the

principal office of the Board for public inspection.

(5) All orders, determinations and decisions made or issued by the Board shall be certified under the signature of the Managing Director and the seal of the Board, and copies similarly certified shall be made available to any person on payment of such fees as may be determined by the Managing Director, from time to time.

(6) Within seven working days of issuance of a final order, determination or decision of the Board, a party may file a motion for re-calculation based on an alleged inadvertent error in a calculation contained in the final order, determination or decision, as the case may be alongwith the relevant non-refundable fees as stipulated in Schedule-I. The motion shall set forth in detail, the proposed adjustments and the basis for the changes.

(7) The Committee may, in its discretion, convene a hearing to discuss the motion and shall act upon a motion for re-calculation within seven working days of receipt of such motion unless it gives notice to the parties, in writing, that a longer period of time will be required and specifies the additional length of time necessary to consider the motion. The Committee after hearing the petitioner, shall present its findings to the Board for approval.

(8) Within ten working days of service of a final order, determination or decision of the Board, a party may file a motion for leave for review by the Board of such final order, determination or decision, as the case may be along with the relevant non-refundable fees as stipulated in Schedule-I.

(9) A final order, determination or decision given by the Board in any proceeding shall be intimated by the Board to Government for the purpose of notification thereof in the official Gazette.

#### PART-IV

#### STANDARDS AND GUIDELINES

11. (1) The Board may, from time to time, set and issue standards and guidelines regarding the substance or contents of filing of petition and to provide assistance to persons seeking to file petitions and communications.

**Standards and guidelines.**

(2) The Board may, at any time, modify, amend or revoke the standards or the guidelines by publishing the proposed modification, amendment or revocation in the official Gazette thirty days in advance of the effective date thereof:

Provided that no modification, amendment or revocation shall be effective in respect of any proceedings pending before the Board or the Committee at the time such modification, amendment or revocation becomes effective.

(3) The Board shall, before publishing the modification, amendment or revocation in the official Gazette, take into consideration any comments received within the aforesaid period of thirty days.

(4) The Board shall have the power to settle any matters pertaining to the determination and control of the price of coal, which have not been otherwise set out in these rules.

(5) The Tariff shall be determined, modified or revised on the basis of and in accordance with the following standards, namely:-

- (a) to allow mine leaseholders the recovery of any and all costs prudently incurred to meet the demonstrated needs of their customers; provided that assessment of mine leaseholder, prudence may not be required where tariff is set on other than cost-of-service basis, such as formula-based tariff that is designed to be in place for more than one years;
- (b) to be calculated generally by including all prudently incurred costs along with a reasonable rate of return on such capital investments of each mine leaseholder;
- (c) to allow mine lease holders, a rate of return which promotes continued reasonable investment in equipment and facilities for improved and efficient service;
- (d) to include a mechanism to allow mine leaseholders a benefit from, and penalties for failure to achieve, the efficiencies in the cost of providing the service and the quality of service;



- (e) to reflect marginal cost principles to the extent feasible, keeping in view the financial stability of the sector;
- (f) to reflect, to the extent feasible, the full pricing mechanism for extraction or exploitation of coal;
- (g) to seek to provide stability and predictability for mine leaseholders; and
- (h) to be comprehensible, free of misinterpretation and shall state explicitly each component thereof.

(6) The Board shall, in determining the tariff, strike a balance to the extent possible, among the tariff standards in order to optimize the benefits to all persons likely to be affected by the tariff.

(7) The Board may, in exercise of its power to determine and control the price of coal, provide such additional guidelines as may be imposed by it from time to time.

#### PART-V

##### TARIFFS, SCHEDULES AND CONTRACTS

###### Filing of Tariff.

12. Every mine leaseholder shall have tariffs approved by the Board and if any mine leaseholder have not approved tariffs, the Board may order such mine leaseholders to file petition for approval of the tariffs.

###### Format of tariffs.

13. (1) A tariff, and any schedule or contract in connection with the tariff, shall be typewritten, printed, or otherwise legibly duplicated and shall be filed with the Registrar in such number of copies as may be directed by the Committee.

(2) A tariff and any schedule or contracts in connection with such tariff shall show plainly all-requisite details necessary or appropriate to explain the basis of all charges to be made.

(3) A tariff and the schedule or contract in connection with the tariff, shall be marked with identification numbers and letters in accordance with the method determined for the purpose by the Registrar. Each tariff shall show plainly, the date of issue and the date of effectiveness.

###### Posting of rates.

14. A tariff and any schedule or contract in connection with the tariff, filed by a mine leaseholder and approved by the Board, shall be printed and copies thereof shall be made available free of cost.

#### PART – VI

##### MISCELLANEOUS

###### Seal of the Board.

15. (1) There shall be a seal of the Board, which shall remain in the custody of the Managing Director or the Registrar if authorized by him.

(2) The seal of the Board shall be affixed by the Managing Director or the Registrar authorized in this behalf on all orders, determinations, decisions or communications made, notices issued or certified copies granted by the Board.

###### Effect of irregularity in proceedings.

16. No proceedings of the Board or Committee shall be invalid by reason of any defect or irregularity unless the Board or Committee, on an objection taken by any party, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so, and the Board or Committee may in such event make such orders as deemed appropriate by it for

the rectification of such defect or irregularity.

17. (1) Subject to seeking approval of the Board, the Committee may issue such standards for confidentiality, as it may deem appropriate and the Committee may change, amend or revoke standards of confidentiality at any time, consistent with the provisions of these rules; provided that no change in the standards of confidentiality shall be applicable in case of documents marked or declared confidential by the Board prior to such change. **Confidentiality.**

(2) Any person compelled to produce a document may claim that some or all of the information contained in a particular document is exempt from production in accordance with the confidentiality standards of the Committee and the person making such claim shall file a statement specifying the justification for a claim of confidentiality. The Committee shall have the power to make the determination with regard to any claim of confidentiality:

Provided that in making such determination, the Committee shall reject any general claims of confidentiality, and shall make its determination on a claim for confidentiality only on the basis of detailed information furnished to the Committee to make an informed decision of the request for confidential treatment.

(3) Notice of the decision by the Committee to deny a claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality no less than five working days before its public disclosure.

18. (1) The Board or Committee, as the case may be, may, for good reasons, extend any time limit prescribed by these rules. **Extension of time.**

(2) All requests for extension of the time limit shall be made by motion before the expiration of the period originally prescribed or as previously extended.

(3) The Board shall intimate its determination upon the motion made under sub-rule (2).

**AGHA WASIF ABBAS  
SECRETARY TO GOVT. OF SINDH  
ENERGY DEPARTMENT**



## SCHEDULE I

(See Rules 4 and 10)

**FEES FOR TARIFF PETITIONS AND MOTIONS FOR RE-CALCULATION  
AND REVIEW**  
**PART I**

Rule	Brief Description	Amount* (in Pakistan Rupees)
4(4)(a)(i)	Feasibility stage tariff	10.00 Million
4(4)(a)(ii)	Contract stage tariff	10.00 Million; Or 2.50 Million if Feasibility Stage Tariff already submitted
4(4)(a)(iii)	Financial close stage tariff	2.50 Million
4(4)(a)(iv)	Commercial operations stage tariff	2.50 Million
4(4)(b)(i)	Initial multiyear stage tariff	4.0 Million
4(4)(b)(ii)	Subsequent multiyear stage	4.0 Million
10(6)	Motion for re-calculation	2.50 Million
10(7)	Motion for leave-for review	2.50 Million

**PART II**

- (1) The fees prescribed under Part I of Schedule 1 shall be indexed to the Consumer Price Index (CPI) published from time to time by the Federal Bureau of Statistics.
- (2) The indexation shall be done on the basis of the most recent CPI prevailing on the date of determination of the fees by the Board, and the fees payable on the date of determination under Part 1 of Schedule 1 shall be increased or decreased, as the case may be, in accordance with the following formula, namely:-

$$Fpd = Ft [CPI pd / CPI rd]$$

Where

Fpd means actual fees payable on the date of determination.

Ft means respective fees set out in Part I of this Schedule.

CPIpd means most recent CPI prevalent on the last day of the month immediately preceding the month in which the determination of fees is made by Thar Coal Energy Board (TCEB).

CPIrd means reference or base CPI, prevalent on the last day of the month in which the rules are notified in the official Gazette.

## SCHEDULE II

(See Rule 4(1))

**PART I****PRINCIPLES GOVERNING INFORMATION SUBMISSION**

1. This Schedule sets out the requirement of information and documentation for each stage specified in rule 4(1) necessary for determination of tariff carried. The extent and quality of information required shall comply with the standards contained in the Joint Ore Reserves Committee (JORC), which sets the standards for Public Reporting of minerals Exploration Results, Mineral Resources and Ore Reserves.
2. A key requirement in the preparation of documents relating to the feasibility study under the "feasibility stage tariff" is the necessity to be confirmed by a "Competent Person" as defined in the JORC Code.

Explanation: The term "Competent Person" is defined as a mineral industry professional who is member or fellow of a Recognized Professional Organization related to Mining and Metallurgy. Such person must have a minimum of five years of relevant experience (as per JORC Code) in the style of mineralization or type of deposit under consideration and in the activity that such person is undertaking.

3. Submission of information at any stage will also require information identified at the previous stages, if such information has not already been submitted at previous stages.
4. If, at any stage, there is a material change in the project, as determined by the Board, then any and all key information affected through such a change shall be resubmitted and reflecting in all documents affected by such change.

**PART II**  
**INFORMATION REQUIRED TO BE SUBMITTED**  
**FOR TARIFF DETERMINATION**

1. Covering Letter in such format as is prescribed by the Board.
2. Affidavit /Certificate confirming no-litigation of applicant in such format as is prescribed by the Board.

**A(I) FEASIBILITY STAGE TARIFF**

3. Certificate of Incorporation of Applicant certified by the Security Exchange Commission of Pakistan (SECP).
4. Memorandum and Articles of Association certified by the SECP.
5. Latest Form A of Applicant certified by the SECP.
6. Certified Copy of the Mining Lease and Feasibility Study (FS) submitted to Government of Sindh for award of Mining License or Lease
7. Latest Audited Annual Accounts of the Applicant
8. Certificate of Registration with Federal Board of Revenue of the Applicant
9. Details of qualifications of all persons responsible for each section of Applicant's Feasibility Study, including membership of relevant international institutions and in particular of the Competent Persons
10. Information on Geology
  - a. Drill-hole and sample databases, (in excel format) and downhole geophysical logs (in .las format);
  - b. Topographic surface (.csv or .dxf format);
  - c. Geological Resource Model containing relevant information in respect of coal qualities, density, seam codes, floors, roofs and seam thicknesses and waste lithology (in .csv or .dxf format as well as the original software format);
  - d. Polygons for resource classification and constraining pitshell (if applicable) in .dxf format.
  - e. The copy or scan of the licence for the right to use subsurface mineral resources; and
  - f. Feasibility Study Report or supporting Technical Report which should include descriptions of the process and methodology for resource estimation including reports on collation of primary data, sampling and analysis procedures or protocols, data validation, statistical analysis, seam coding, variography and geostatistical analysis (if applicable), interpolation techniques and parameters, geological classification and constraints. All of the aforesaid documentation shall be supplied in electronic format.
11. Information on Water Management
  - a. FS Report and supporting documents (drawings, cost estimates, schedules etc.) in English and in native electronic format (PDF, MS word, MS Excel etc.);
  - b. Climatic records – daily rainfall and evaporation going back as far as possible (ideally 30 years);
  - c. Surface catchment characteristics – extent, morphology, soil types, vegetation types, land-use, streams and rivers;
  - d. Surface hydrology – stream and river flow measurements;
  - e. Hydrological modelling work, particularly in respect of storm water calculations and storm water management;
  - f. Characteristics of local aquifers and aquitards – distribution, lateral



- extent and continuity, morphology, thickness, depth and hydraulic properties (transmissivity, permeability, storage, yields etc.);
- g. Local and regional peizometry (groundwater levels) – temporal and spatial distributions over as long a period of time as possible;
- h. Results from field work carried out in support of the technical studies (both for hydrology and hydrogeology e.g. pumping tests);
- i. Regional scale surface geophysics data – e.g. seismic and aerial mag surveys;
- j. Borehole geophysics – e.g. natural gamma, neutron, resistivity, caliper, temperature etc.;
- k. Surface and groundwater chemistry data;
- l. Groundwater recharge estimates;
- m. Groundwater models – conceptual as well as local and regional scale numerical groundwater models to look at pit water control, slope stability and dewatering;
- n. Information on competing water usage in the area – village water supplies, agricultural and industrial supplies. Locations and demand volumes;
- o. Detailed plans on the method and location for the disposal of effluent from the dewatering scheme;
- p. Information on permitting for abstraction and disposal of water / effluent associated with the dewatering of the pit;
- q. Preliminary mine design, particularly in respect of the design and layout of the mine water management scheme i.e. in-pit sumps and pumps, dewatering wells (number, location and design), injection wells (for disposal of effluent), surface soakaways, evaporation ponds, surface reticulation, power supply, groundwater monitoring wells and vibrating wire transducers etc. etc.
- r. Make up water requirements for the mine;
- s. Intended water uses by the mine e.g. process and beneficiation, potable use, washing and dust suppression;
- t. Global mine water balance; and
- u. Costs including Capital Expenditure (CAPEX), Operating Expenditure (OPEX) and Sustaining Capital, for the proposed mine water management scheme.

#### 12. Information on Geochemistry

- a. FS Report and supporting documents (drawings, cost estimates, schedules etc.) in English and in native electronic format (PDF, MS word, MS Excel etc.);
- b. Ancillary geochemical reports; and
- c. Proposed closure plans.

#### 13. Information on Mining Geotechnical

- a. FS Report and supporting documents (drawings, cost estimates, schedules etc.) in English and in native electronic format (PDF, MS word, MS Excel, AutoCAD DXF or DWG etc.);
- b. Mining Geotechnical Factual and Interpretative Reports;
- c. Laboratory Test Results and Reports;
- d. Results from geotechnical in-situ field tests (trial pits, SPT, PLT testing) in excel;
- e. Geo-referenced aerial or satellite imagery;
- f. Topography extending over the entire block lease area (DWG or DXF format, or point file as excel or csv file, containing x, y, z coordinates);
- g. 3D file of engineered pit showing starter pit, pit stages and final pit (polylines, solids or point file x,y,z);
- h. 3D geological model of overburden, waste, ore and footwall units as polylines, solids or point file x,y,z);
- i. Location and shape of waste dumps (DXF or DWG or point file);

- j. Maps and cross sections showing borehole information such as geotechnical and geological and geophysical information along borehole traces;
  - k. Hydrogeological information on pit slope dewatering and depressurisation; and
  - l. Geophysical borehole data.
14. Information on Mining-
- a. FS Report and supporting documents (design, plan, cost estimates, schedules etc.) in English and in native electronic format (dxf, PDF, MS word, MS Excel etc.);
  - b. Mining model developed in scheduler, if any;
  - c. Optimisation report; and
  - d. Capex and Opex estimation, cost model.
15. Information on Infrastructure
- a. FS Report and supporting documents (drawings, cost estimates, schedules etc.) in English and in native electronic format (PDF, MS word, MS Excel etc.);
  - b. Civil Geotechnical Factual and Interpretative Reports;
  - c. Geo-referenced aerial or satellite imagery;
  - d. Topography extending over the entire block lease area (DWG or DXF format, or point file as excel or csv file, containing x, y, z coordinates);
  - e. Capex and Opex estimation, any applicable cost model;
16. Information on Environmental
- a. Feasibility Studies in full and inclusive of all appendices;
  - b. Environmental and Social Impact Assessment (ESIA) inclusive of all appendices and baseline studies (or terms of reference thereof, if not yet commenced);
  - c. Stakeholder engagement plan and grievance mechanism;
  - d. Records of meetings with stakeholders, in particular government regulatory authorities, affected communities and NGOs;
  - e. The Project Organisational Chart and budgets;
  - f. Available environmental, social, health and safety, labour and security management plans, standard operating procedures or monitoring programmes (as available);
  - g. Monitoring data and any evaluation reports relating to this, undertaken subsequent to that reported the ESIA; and
  - h. Monthly, quarterly and annual reports to management on environment, social, health and safety, labour and security activities (if any are taking place).
17. Information on Economics-
- a. FS Report and supporting documents (drawings, cost estimates, schedules etc.) in English and in native electronic format (PDF, MS word, MS Excel etc.);
  - b. Full Financial Model in excel format with all formula retained, and no cells locked;
  - c. Operating cost model; and
  - d. Capital cost model and Work Breakdown Structure.

#### A(II) CONTRACT STAGE TARIFF

18. An engineering, procurement and construction contract (including any onshore and offshore components, technical specifications, bill of quantities, codes, standards, guidelines, advance payment, performance and warranty bonds, schedules and annexes thereto, as applicable) executed between Mine Operator and the Mining Services Provider in accordance with international best practices, where the costs of the mining services contract(s) should be reflective of the cost heads, to the extent applicable, included in the feasibility study.
19. Indicative Term Sheet, to reflect the indicative terms being offered by the lenders.



**A(III) FINANCIAL CLOSE STAGE TARIFF**

20. Latest Form A of Applicant certified by the SECP
21. Latest Form 3 of Applicant certified by the SECP
22. Coal Supply Agreement, as signed with the Coal Purchaser, reflective of the terms contained in the Power Purchase Agreement (PPA), Implementation Agreement (IA) (if any) executed between the Coal Purchaser and the Power Off-taker of the relevant Power Plant
23. Power Purchase Agreement (PPA), as signed between the Coal Purchaser and the Power Off-taker and the Implementation Agreement, if any. In case of the leaseholder and coal purchaser being related entities, the provisions of PPA along with the petition is mandatory, whereas in the case where the aforesaid entities are not related the provision of the PPA is preferable
24. Shareholders' Agreement signed between the Sponsors of the Mining Project.
25. Documentation indicating a binding commitment of injection of required equity
26. Financing Agreements (including, without limitation, the Common Terms Agreement, each Facility Agreement, Inter-creditor Deed, Sponsor Support Agreement, Company Letter of Credit, Company Letter of Credit Facility Agreement, Debt Service Reserve Account (DSRA), Letter of Credit, each Fee Letter and Accounts Agreement, as applicable) and Security Documents (including, without limitation, each Direct Agreement, Security Deed, each Shareholder Charge and Assignment, each Memorandum of Deposit of Title Deed, each Letter of Hypothecation, each Letter of Lien and Set Off, each Project Assignment Deed, each Share Pledge Agreement, each Immovable Property Security Trust Deed, each Reinsurance Assignment Deed and Accounts Charge, as applicable) as executed by the Applicant for arrangement of debt."
27. Mandate Agreement, as signed between the Lead (debt) Arranger and Syndicate

**A(IV) COMMERCIAL OPERATIONS STAGE TARIFF**

28. Financial Statements audited by a well-recognized firm of international repute to be supplied along with the petition spanning the period from the date two years prior to financial close (as applicable) till the Commercial Operations Date
29. Details of actual expenditure to be reflected through provision of Invoices and Bank Statements or Records
30. Details and justification of revision in the engineering, procurement and construction contract (s), if any
31. Details and Justification of revision in any other Parameters and Factors that have already formed a basis for previous tariff determinations, and need to be reviewed for the purposes of this adjustment

**B(I) – INITIAL MULTIYEAR STAGE TARIFF**

32. Financial Statements audited by a well-recognized firm of international repute to be supplied along with the petition spanning two years subsequent to the Commercial Operations Date
33. Reconciliation of tariff cost components to the Financial Statements submitted, indicating the costs allowed under the tariff components, the actual expenses incurred (as given in the Financial Statements), and any variations therein. These variations shall need to be justified through relevant documentation in order to enable tariff adjustments.

**B(II) – SUBSEQUENT MULTIYEAR STAGE TARIFF**

34. Financial Statements audited by a well-recognized firm of international repute to be supplied along with the petition spanning five years subsequent to the last MYT Period tariff adjustment

35. Reconciliation of tariff cost components to the Financial Statements submitted, indicating the costs allowed under the tariff components, the actual expenses incurred (as given in the Financial Statements), and any variations therein. These variations shall need to be justified through relevant documentation in order to enable tariff adjustments.

FORM 3 (Serial No. 21 of Schedule-II)

AS PER THE COMPANIES ORDINANCE, 1984

## RETURN OF ALLOTMENTS

*Please complete in typescript or in bold block capitals*

1. CUIIN  
(Incorporation  
Number)

--	--	--	--	--	--	--

2. Name of the Company

[illegible]

3. Fee Paid (Rs.)

--	--	--

Name of Bank

- ☐ Standard Chartered Bank Limited
- ☐ MCB Bank Limited

Branch of the Bank

[illegible]

4. Receipt No.

[illegible]

Date \_\_\_\_\_

Day  
Month  
Year

--	--	--	--	--	--	--	--

(Bank Challan to be attached in original)

5. Authorized Capital (Rs.)

[illegible]

6. Paid up Capital  
(Rs.)

[illegible]

(Inclusive of present allotment)

- ## 7. Kind of Shares

- ☐ Ordinary  
☐ Preference  
(Select which is applicable)

8. Class of Shares

- ☐ Ordinary Class A
  - ☐ Ordinary Class B
  - ☐ Preferred: Participatory: Redeemable at company's option
  - ☐ Preferred: Non Participatory: Non Redeemable
  - ☐ Preferred: Non Participatory: Redeemable at company's option
  - ☐ Preferred: Non Participatory: Redeemable at Shareholder's option
  - ☐ Preferred: Participatory: Redeemable at Shareholder's option
- (Select which is applicable)



9. Allotment

Year	Day	Month
Date of		

10. PART A.— *SHARES ALLOTTED PAYABLE IN CASH*

10.1 No of shares

[illegible]

11. PART B - *SHARES ALLOTTED FOR A CONSIDERATION OTHERWISE THAN IN CASH*

11.1 No of shares

[illegible]

11.6. The consideration for which shares have been allotted is as follow: -

	Description	Amount (Rs.)
(a) Property and assets acquired		
(b) Good will		
(c) Services (give nature of services)		
(d) Other items ( to be specified)		
(e) Total (a to d)		

11.7. Amount, if any, received in cash against shares allotted partly for consideration other than cash

Rs.

## 12. PART C—ALLOTMENT OF BONUS SHARES

12.1 No of shares

	Per share (Rs)	Total Amount (Rs)
12.2. Nominal amount		

12.3. Premium		
---------------	--	--

12.4. Particulars of resolution of Board of directors/shareholders

Resolution No

Date of resolution

Day

Month

Year

(An attested copy of the resolution authorizing the issue of the bonus shares should be attached)



## 13. PART D—NAMES, ADDRESSES, OCCUPATIONS, ETC. OF THE ALLOTTEES.

[illegible][illegible]






12	Amount of indebtedness on the date upto which form A is made in respect of all			
	Mortgages/Charges			
13	Particulars of the holding company			
	Name			
	Registration No.		% Shares Held	
14	Chief Executive			
	Name		NIC	
	Address			
15	Chief Accountant			
	Name		NIC	
	Address			
16	Secretary			
	Name		NIC	
	Address			
17	Legal Adviser			
	Name			
	Address			
18	Auditors			
	Name			
	Address			
19	List of Directors on the date of Form-A			
	Name of Director	Address	Nationality	NIC (Passport No. if foreigner)
1.				
2.				
3.				





\*\*\*Use separate sheet, if necessary\*\*\*

\*\*\*Use separate sheet, if necessary\*\*\*

Date	Day	Month	Year		Signature	
Designation (Please tick)					Chief Executive/Secretary	

INSTRUCTIONS FOR FILLING FORM-A

1. The Form shall be made upto the date of last AGM of the Company or the last date of the year where no AGM is held during the year.
2. Under nature of business, please give precisely the specific nature of business in which the company is engaged.
3. Under S. No.20 above, the aggregate number of shares held by each member should be stated, and the aggregates must be added up so as to agree with the number of shares stated against NO. 11.
4. When the shares are of different classes the columns should be subdivided so that the number of each class held, or transferred, is shown separately against S. Nos. 10,11,20 and 21.
5. If the space provided in the Form is insufficient, the required particulars should be listed in a separate statement attached to this return which should be similarly certified and signed.
6. The return and any statement attached hereto shall be signed by the chief executive or the secretary.
7. In case a body corporate is a member, NIC number may be omitted to be given.
8. In case of foreign nationals, indicate "passport number" in the space provided for "NIC No." Pakistani nationals will only indicate "NIC NO."
9. This form is to be filed within 30 days (45 days in case of listed company) of the date indicated in S.No.3 above.





**GOVERNMENT OF SINDH  
ENERGY DEPARTMENT**

Karachi, dated the 15<sup>th</sup> February, 2023

**NOTIFICATION**

**No.ED/SO(Coal)TEEB/2023:** In pursuance of Rule 4(1) of Thar Coal Tariff Determination Rules, 2014 and with the approval of Thar Coal & Energy Board in its 24<sup>th</sup> Meeting, the Schedule I (Part-I) of the said Rules regarding Fees for Tariff Petitions, Motions for Re-calculation and review has been revised with the inclusion of Indexation and Motion for extension of time for filing review Petition as under with effect from 29<sup>th</sup> December, 2022:

Rule	Tariff Petition Stage	Proposed Revised Prescribed Fee Charged by TCEB (Rs.)
4(4)(a)(i)	Feasibility Stage Tariff	25.00 million
4(4)(a)(ii)	Contract Stage Tariff	25.00 million; or 10.00 million if Feasibility Stage Tariff already submitted.
4(4)(a)(iii)	Financial Close Stage Tariff	20.00 million
4(4)(a)(iv)	Commercial Operations Stage Tariff	50.00 million
4(4)(b)(i)	Multiyear Stage Tariff	20.00 million
10(6)	Motion for re-calculation or review	20.00 million
10(7)	Motion for Extension in time for Review	10.00 million
	Motion/Request for Indexation	10.00 million

**SECRETARY TO GOVT. OF SINDH  
ENERGY DEPARTMENT**

**No.ED/ SO (Coal)TEEB/2023:**

**Karachi dated the 15<sup>th</sup> February, 2023**

Copy for information and necessary action:

- ✓ 1. The Chief Secretary Sindh, Karachi.
2. The Principal Secretary to Chief Minister Sindh/Chairman TCEB, Karachi.
3. All Mining Lease Holders in Thar Coalfield.
4. The Registrar, Thar Coal & Energy Board, Karachi.
5. The Superintendent, Sindh Printing Press with a request for publication in next Gazette (Extra Ordinary).
6. The Accounts Officer, Thar Coal & Energy Board, Karachi.
7. PS to Secretary, Energy Department, Govt. of Sindh, Karachi.
8. Office File.

**SECTION OFFICER (COAL)**

15/2/2023