

The Coal Mines Nationalisation Laws (Amendment) Act, 1986

UNION OF INDIA

India

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Act 57 of 1986

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An Act further to amend the Coking Coal Mines (Nationalisation) Act, 1972 and the Coal Mines (Nationalisation) Act, 1973. BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1986. (2) Save as otherwise expressly provided, the amendments to the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972) shall be deemed to have come into force on the 1st day of May, 1972 and the amendments to the Coal Mines (Nationalisation) Act, 1973 (26 of 1973), shall be deemed to have come into force on the 1st day May, 1973 and the remaining provisions of this Act shall be deemed to have come into force on the 7th day of October, 1986.

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1. Section 2 to 18 Rep. by Act 30 of 2001, s. 2 and the First Schedule (w.e.f. 3-9-2001).

19. Validation.-

Notwithstanding any judgment, decree, order or direction of any court to the contrary-(a) every amount paid to the owner of every coking coal mine or group of coking coal mines under section 10, or of every coke oven plant under section 11, of the Coking Coal Act, or to the owner of every coal mine or group of coal mines under section 8 of the Coal Mines Act (hereafter in either case referred

to as the owner), shall be deemed to include and be deemed always to have included, the amounts required to be paid to the owner in respect of the coal in stock or other assets, coke in stock or other assets, referred to in clause (j), or clause (b) of section 3 of the Coking Coal Act or, as the case may be, coal in stock or other assets referred to in clause (h) of section 2 of the Coal Mines Act, on the date immediately before the appointed day as if the provisions of section 10, or section 11, of the Coking Coal Act or, as the case may be, section 8 of the Coal Mines Act, as amended by this Act, had been in force at all material times, and no such payment shall be called in question in any court on the ground that it had not included the value of such coal or coke or other assets; (b) every statement of accounts or supplementary statement of accounts prepared by the Central Government or the Government company under section 22 of the Coking Coal Act or under section 19 of the Coal Mines Act, shall be deemed to have been validly prepared as if the provisions of section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, as amended by this Act, had been in force at all material times, and no such statement of accounts or supplementary statement of accounts shall be called in question in any court on the ground that it had not been prepared in accordance with the normal commercial practice or that any item has or has not been included in such statement, and accordingly, no suit or other legal proceeding shall be maintained or continued in any court, - (i) for the recovery of any sum on the ground that the amount paid to the owner under section 10 or section 11 of the Coking Coal Act or under section 8 of the Coal Mines Act, does not include the amounts required to be paid in respect of all coal or coke in stock or other assets referred to in clause (a); or (ii) for the recovery of any sum as being the excess of receipts over payments on the ground that the statement of accounts or supplementary statement of accounts required to be prepared under section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, had not been prepared in accordance with the normal commercial practice or that any item has or has not been included in such statement. Explanation. - In this section, - (a) "appointed day" means, - (i) in relation to the Coking Coal Act, the 1st day of May, 1972; and (ii) in relation to the Coal Mines Act, the 1st day of May, 1973; (b) "receipts" and "payments" mean receipts and payments in the statement of accounts prepared under section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act.

20. Repeal and saving.-

(1) The Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986 (Ord. 7 of 1986), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Coking Coal Act or the Coal Mines Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Coking Act or, as the case may be, the Coal Mines Act, as amended by this Act.