

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 609/2022

Dr. Subhash Kumar

...Applicant

Versus

State of Jharkhand & others

...Respondents

Date of hearing: 22.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Application is registered based on a Letter Petition received by post.

ORDER

1. Dr. Subhash Kumar, Principal, Taurian World School, Ranchi Jharkhand has sent by post this letter petition, which has been treated and registered as Original Application, complaining about heavy blast in the back of the school on 09.05.2022.

2. The applicant has submitted that on 09.05.2022 at around 9pm a heavy blast was conducted very close to their school and hostel by the stone crushing plant operating near their school due to which the windows inside the hostel broke and fell on the students. The blast was so intense that it felt like an earthquake. Also huge new cracks developed in the walls. Though no one was injured, it was a life threatening situation for their children and staff residing inside the campus. The applicant has further submitted that huge blasting at unusual timings (mostly late evening and night) close to their school had been a regular practice. Complaints about the same have

already been made to various concerned departments (from 2016 till date) but no action has been taken. The mining operations are being carried on within 190 meters from the school polluting the environment.

3. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

4. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of **representatives of State PCB, Director, Mining and Geology and Director General, Mines Safety, State of Jharkhand and Deputy Commissioner, Ranchi** and direct the same to meet **within two weeks**, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

5. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) the concerned Authorities including **State PCB, Director, Mining and Geology and Director General, Mines Safety, State of Jharkhand and Deputy Commissioner, Ranchi** to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned project proponents and following due process of law and they shall submit their action taken reports separately, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 18.01.2023.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the **State PCB, Director, Mining and Geology and Director General, Mines Safety, State**

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of Jharkhand and Deputy Commissioner, Ranchi by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 22, 2022
AG