

Item No.4

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.643/2023

Rajesh Kumar

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 02.01.2024

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

Applicants: None for the Applicant.

Application is registered based on a complaint received by Post.

ORDER

1. Mr. Rajesh Kumar has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 643/2023, seeking issuance of directions to the project proponent-M/s. Bina Project, NCL (A subsidiary of coal India Limited) to remediate damage caused to environment due to regular burning of coal stock of deshelling plant near deshelling plant yard of above said project.

2. The applicant has submitted in the application that a deshelling plant is in operation at Bina Project NCL situated at Sonbhadra, Uttar Pradesh (near Krishnashila Railway Station) after the deshelling process the reject coal is being stacked at the deshelling plant reject yard near weight bridge

number three and is being sold in open market through e-auction. The reject deshellings coal yard is under fire since last one month. Reject coal of the quantity of approximately more than one lakh ton has been burnt fully. Continuous burning of reject coal for more than a month has damaged the environment by heat and smoke due to which the nearby villagers are facing difficulties. The Bina Project is in the most critically polluted area and the management is violating the terms and conditions of the environmental clearance granted by the competent authority and CTE/CTO granted by UPPCB.

3. *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.

4. In view of the facts and circumstances of the case we consider it necessary to have the response from (1) State of Uttar Pradesh, through its Chief Secretary, (2) the District Magistrate, Sonbhadra, (3) Uttar Pradesh Pollution Control Board (UPPCB), through its Member Secretary and (4) Managing Director, Bina Project, NCL, District Sonbhadra, Uttar Pradesh who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application. Notices be issued to respondents no. 1 to 4 requiring them to file their reply/response **within one month** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Integrated Regional Office, MoEF&CC, Lucknow, CPCB, UPPCB and the District Magistrate,

-3-

Sonbhadra direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.

6. In case any rejected coal is being burnt then concerned Authorities shall take appropriate remedial measures immediately/on urgent basis.

7. Report by the Joint Committee and Action taken Report by the concerned Authorities may be submitted 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.

8. List for further consideration on 22.02.2024.

9. While going through the record of the present application, we have noticed that the present letter petition was received by this Tribunal on 17.07.2023. Since allegations regarding burning of reject coal and causing of damage to environment due to heat and smoke in critically polluted area were made, after registration the present application ought to have been listed on urgent basis but the same has been listed before this Bench after expiry of more than five months. The Registry is directed to avoid such delay and ensure that such application is listed promptly/ on urgent basis in view of the nature of environmental issues raised and urgency of remedial measures required to be taken.

10. A copy of this order be forwarded by email to the Integrated Regional Office, MoEF&CC, Lucknow, CPCB, UPPCB and the District Magistrate, Sonbhadra for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 02nd, 2024
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