

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

**M.A. NO.06/2023/EZ
IN
ORIGINAL APPLICATION NO.01/2018/EZ**

IN THE MATTER OF:

Tribunal on its Own Motion

Re.: Palwal Jithender Reddy,
Aged about 28 years,
R/o 5-6, Munugodu, Munugode,
Nalganda, Telangana – 508244,

...Applicant(s)

Versus

1. Union of India,
Through its Secretary,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road, New Delhi,
Pin – 110003,
2. Jharkhand State Pollution Control Board,
Through its Secretary,
Ranchi, Jharkhand,
Pin – 834004,
3. Bharat Coking Coal Limited,
Registered Office – Koyla Bhawan,
Koyla Nagar, Dhanbad,
Pin – 826005,
4. Sushee Infra & Mining Limited,
Registered Office – Plot No. 246/A,
Road No. 12, MLA Colony, Banjara Hills,
Hyderabad, Telangana,
Pin – 500034,
5. State of Jharkhand,
Through its Secretary,
Department of Mines and Geology,
Directorate of Geology,
Engineer's Hostel, 2nd Floor, Dhurva,
Ranchi – 834008,

...Respondent(s)

Date of hearing: 03.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,

Ms. Paushali Banerjee, Adv. in O.A. (in Virtual Mode)

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-2,

Mr. Nilanjan Pal, Advocate for R-4,

Ms. Aishwarya Rajyashree, Adv. for R-5, (in Virtual Mode)

ORDER

1. The Original Application No. 01/2018/EZ was filed by the Applicant therein, alleging that the Respondent No.4, Sushee Infra & Mining Limited, is operating a cluster of coal mines in Lodna area of Joyrampur Colliery near Dhanbad District in the State of Jharkhand, without obtaining any Environmental Clearance. It is stated that six mining units had originally been environmentally cleared for underground mining by the Ministry of Environment, Forests and Climate Change, Respondent No.1, by granting Environmental Clearance vide its letter dated 21.05.2013 to the Respondent No.3, M/s Bharat Coking Coal Limited, to whom it had been allotted and which is now operating the same as open cast mine.
2. This, as per the Applicant, is in violation of the Environmental Clearance dated 21.05.2013 as the EIA i.e., Environment Impact Assessment, upon which it had been granted was for the purpose of underground mining and any deviation from this would require fresh EIA and a fresh Environmental Clearance for being converted to open cast mining.
3. The allegation of the Applicant further was that the Respondent No.3 had been granted Environmental Clearance on 21.05.2013 for Joyrampur underground mining operation but from 2016 it is operating open cast mining for which there is no Environmental

Clearance. The revised Environmental Clearance was issued on 01.03.2018 in which Joyrampur Colliery was made open cast.

4. The Original Application No.01/2018/EZ was disposed of by this Tribunal vide its judgment and order dated 13.10.2022 with the following directions: -

“23. We, therefore, direct the Jharkhand State Pollution Control Board, Respondent No. 2, to determine the Environmental Compensation against the Respondent No.3, M/s Bharat Coking Coal Limited, in the light of the order passed by the Ministry of Environment, Forests and Climate Change, Respondent No.1, on 03.10.2022, after giving due notice to the Respondent No.3 and inviting its objections, if any, on the same within a further period of 15 days. The Board shall thereafter, determine the final Environmental Compensation which shall be deposited by the Respondent No.3 with the Respondent No.2, Jharkhand State Pollution Control Board within a further period of fifteen days from the date of the final order.

24. The Respondent No.2, Jharkhand State Pollution Control Board, shall formally draw an Action Plan for utilization of the amount of Environmental Compensation to remediate the loss caused due to illegal mining in Amalgamated Joyrampur Colliery Opencast Mine at Dhanbad District area. The Action Plan shall state clearly the works to be carried out by individual departments and specific timelines for completion of the same.”

5. The Jharkhand State Pollution Control Board was required to file affidavit of compliance by 15.12.2022 but the said affidavit of compliance had not been filed, therefore, the present M.A. No. 06/2023/EZ has been taken up *suo motu*.
6. Affidavit of compliance dated 01.03.2023 has been filed on behalf of the Jharkhand State Pollution Control Board; the same is taken on record.
7. In this affidavit, it is stated that the Project Proponent has not fully complied with the conditions laid down in the Environmental

Clearance and has not dealt with the issue of fire in the mines by excavating fiery coal (mining operation discontinued in M/s Amalgamated Joyrampur Colliery). It is stated that due to the inaction of the Project Proponent, fire has increased in the coal seams resulting in emission of gases like Carbon Dioxide, Carbon Mono-oxide and Sulphur containing fumes thereby causing damage to the environment and loss of quality of coal.

8. Accordingly, Environmental Compensation of Rs. 6,03,98,438/- (Rupees Six Crores Three Lakhs Ninety-Eight Thousand Four Hundred and Thirty-Eight only) has been computed against the Project Proponent and a Show Cause Notice dated 23.02.2023 has also been issued to the Project Officer, Amalgamated Joyrampur Colliery, Dhanbad. Needless to say, the Pollution Control Board shall proceed to recover Environmental Compensation from the Project Proponent in accordance with law giving him an opportunity of being heard. Moreover, if the issue of fire in the mines remains unmitigated the Board shall take appropriate action as per law to stop mining operations till then.
9. The present Miscellaneous Application is accordingly disposed of.
10. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March 03, 2023
M.A. No.06/2023/EZ
In
Original Application No.01/2018/EZ
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