

**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

Tribunal on its own motion	Versus	Applicant(s)
Jharkhand State Pollution Control Board		Respondent(s)

Date of hearing: 27.01.2023

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

For Applicant(s) : *Suo motu*

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-2 (in Virtual Mode),
 Ms. Aishwarya Rajyashree, Adv. for R-5 (in Virtual Mode)

ORDER

1. This Original Application has been filed by the Applicant, 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 is 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. 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 affidavit of compliance has not been filed till date, this M.A. No.06/2023/EZ has been taken up *Suo motu* by the Tribunal.
6. Mr. Ashok Prasad, learned Counsel for the Jharkhand State Pollution Control Board, is present in Virtual Mode. He prays for as two weeks time for filing affidavit of compliance.
7. Time as prayed is granted.
8. **List on 03.03.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

January 27, 2023
M.A. No.06/2023/EZ
In
Original Application No.01/2018/EZ
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