

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

M.A. No.09/2023/EZ
In
Original Application No.27/2020/EZ

IN THE MATTER OF

**Sanjay Chauhan
Aged about 40 years,
S/o Jagin Chauhan,
R/o Mohan Nagar, Churi,
Khalari, Dakra Colliery,
Dakra, Jharkhand-829210**

....Applicant(s)

Versus

**1. Central Coalfields Limited
Through its Chairman & Managing Director,
Darbhanga House, Kutcheri Road,
Ranchi-834029**

**2. Union of India
Ministry of Environment, Forests and Climate Change,
Through Secretary,
Having its office at:
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-110003**

**3. Central Pollution Control Board
Through its Member Secretary,
CBD-cum-Office Complex, Parivesh Bhawan,
East Arjun Nagar, Shahdara,
Delhi-110032**

**4. Jharkhand State Pollution Control Board
Through Member Secretary,
H.E.C., Dhurwa, Ranchi-834004**

**5. Mines & Geology Department
Govt. of Jharkhand**

....Respondent(s)

Date of hearing: 21.03.2023

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

For Applicant(s) : Mr. Saurabh Sharma, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Anoop Kumar Mehta, Adv. for R-1 (in Virtual Mode),
Ms. Aishwarya Rajyashree, Adv. for R-5 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-4 (in Virtual Mode),

ORDER

1. Original Application Nos.27/2020/EZ, 28/2020/EZ, 37/2020/EZ, 38/2020/EZ and 39/2020/EZ were disposed of by the Tribunal by a common Order dated 3.11.2022 with the following observations:-

“31 So far as control of dust is concerned, the report has noted that no fixed water sprinklers have been installed though mobile sprinklers for dust suppression on the haulage road and transportation road. The Project proponent is, therefore, directed to install fixed water sprinklers within two months.

32. So far as the wind screen at the Dakra siding are concerned, the current status is that temporary wind screen which have been provided at the siding have collapsed but work order for fencing by G.I. Sheet crusher at Railway Siding Dakra siding under Dakra Project, NK (North Karanpura) area has been awarded by the Project Proponent on 03.09.2022 and the period of the completion is 45 days.

The Project Proponent shall ensure setting up of wind screen at the Dakra Railway siding within 45 days.

33. So far as construction of Garland Drains at the Railway siding are concerned, it has been noted that Kutcha Garland drains at the Railway siding have been constructed for the pollution runoff to reach the settling tank. After, completion of construction of PCC road, Pucca drains will be constructed.

The Jharkhand State Pollution Control Board shall inspect the project site and ensure that the Kutcha Garland Drains are functional and the polluted runoff actually reaches the settling tank and there is no runoff in other areas causing pollution.

34. So far as feeder breakers are concerned, it is noted that two feeder breakers were installed in the Dakra Railway siding fixed with water sprinkler arrangement which is a deviation from EC conditions and adds to the pollution load at the siding which is located next to the State Highway and to a residential colony. The current status noted in the Inspection Report is that the feeder breakers were found non-operational during inspection.

35. So far as the Green Belt Plantation is concerned, the current status shows that about 5000 fruit bearing plants have been planted

in FY-2021-22. However, no 3-tier green belt has been developed having a mix plantation of native species along the road. The Unit also has also not given any timeline for completion of the green belt.

The Project Proponent shall complete f-tier Green Belt by 31.12.2023.

36.As regards providing data for concentrations of lead which was found in the report to be beyond the prescribed limit, the current status as of 03.09.2022 is that the Unit was previously asked to submit contingency plan for control of emission of heavy metals in the mine environment which was still awaited.

The Project Proponent shall submit contingency plan within one month.

37.As regards construction of Sedimentation Pond, the current status is that there are at present no embankment and retaining wall constructed nearby the sedimentation pond but sedimentation pond has been connected to the mine sump.

We direct the Project Proponent shall construct the embankment and retaining wall near the sedimentation pond to prevent silt and sediments within two months.

38.No doubt for non-compliances of environmental violations which have been found Environmental Compensation has been imposed against the Project Proponent. However, so far as the non-compliances of remedial action are concerned, we direct that the Project Proponent shall complete all its incomplete works, within the timeline given above and file affidavit of compliance within two weeks of expiry of each timeline.

39.The Jharkhand State Pollution Control Board shall visit the Project site by 20.01.2023 and submit its report with regard to the current status of compliance/non-compliance, if any of pending actions within the timelines given. If non-compliance of the above directions, are found within the timelines so fixed and if environmental violations persists, we direct the Respondent No.1 shall cease its operation and the Jharkhand State Pollution Control Board pass appropriate orders in that regard based on its report and the operation shall remain ceased till the environmental violations are remedied by the Project Proponent.

40.With the above directions, the Original Application No.27/2020/EZ is accordingly disposed of.”

2. When compliance report was not filed by, M.A. No.09/2023/EZ was registered by the Tribunal.
3. Affidavit dated 20.03.2023 has been filed by the Respondent No.4, Jharkhand State Pollution Control Board; same is taken on record. In this affidavit, it is stated that as per the directions of the Tribunal, an inspection has been conducted by the State Pollution Control Board, Jharkhand.
4. An Inspection Report of an inspection carried out on 15.03.2023 has been filed with the affidavit which reads as under:-

The Current Status of Compliance Status w.r.t the observations of the committee are as follows:-

S. N.	Observations	Current Status
1	However, while the expansion EIA/EMP (for which EC dated-21.02.2017 was issued) mentions that coal transport by road will take place till the KDH siding, in the field, it was observed that the coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance	At present, transportation is being done through KDH railway siding.
2	Furthermore, the road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metaled road has been constructed, the road was still covered with dust/mud, indicating spillage from trucks, due to which nearby habitat area may face the dust pollution during the dry season. The main haulage road in the mine does not have fixed water sprinkler arrangements. The existing system is inadequate and sparse not covering the entire area. Nor has a "3-tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C (iv) and specific condition (ix) EC, dated 05.10.2009.	It was observed that the unit was using mobile sprinklers for dust suppression on haul road fixed water sprinklers are installed by the unit but not found in operation during inspection. Regarding 3-Tier green belt presently the unit has not carried out mix plantation of native species all along the major approach roads.
3	Finally, the Dakra siding is only in partial compliance with the CPCB guidelines regarding coal sidings. In particular, the windscreens are temporary and collapsing a thick layer of coal is piled up on the platform and the surface runoff from the	Wind Breaking wall of GI Sheet approx. 100 metres have been installed. Pucca garland drain at railway siding has

	siding is poorly handled (the drain is broken and the polluted runoff is not contained within the settling tank). Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.	been constructed for the polluted runoff to reach the settling tank.
5	Crusing is not happening at the pithead. At the project site, one non-operational feeder breakers was observed. Instead, two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.	Feeder breakers were found non-operational during inspection.
6	The total land area of Rohini OCP in 255.68 ha and as per approved mining plan, the quarry is 204.05 ha, out of which till date about 202 ha land has been broken. 153 ha. of land have been technically reclaimed and out of which plantation in 97 ha. of land has been completed. About 30 ha. land has been partially reclaimed. The north and east side boundary of the mine has 25 m high and more than 80m wide embankment for the length of about 2.3 km. This embankment has dense plantation. Details of plantation work done, in collaboration with the Forest Department, as provided by the project proponent, are given in Table 1 (As per report). However, while these large plantations have been created on the OB dump, development of plantation of 7.5m wide greenbelt in around the mining lease area has not been completed despite lapse of long period after commencement of the coal extraction and despite attention being drawn to it in the MOEFCC Ranchi office's monitoring report of 18.09.2019. Similarly, as already mentioned earlier, 3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season. Furthermore, it was observed that some part of the backfilling area plantation developed with monotypic species (Acacia sp) which do not support rehabilitation of the ecosystem with appropriate biodiversity. The project authority should emphasize creation of plantation with variety of native species of trees. Shrubs and grasses.	Approx. 3000 Fruit bearing plants are planted in FY 2022-23. No 3-tier green belt has been developed; presently the unit has not carried out mix plantation of native species along the road.
7	As per the submitted data by project proponent to the committee and as also observed from the MOEFCC's monitoring report of 18.09.2019, ambient air quality is being periodically monitored by CMPDI at the locations of North Karanpura Project	01 (One) CAAQMS (GM Office, NK Area, Dakra) & PM₁₀ analyzer at Dakra Railway siding have been installed and

	Office, Intake will pump, Ashok vihar Colony and Workshop for monitoring of PM ₁₀ +, PM ₁₀ , PM _{2.5} SO ₂ NO _x and heavy metal concentrations. Project authority has been submitted ambient air monitoring data of project site for the period of January to March in the year 2019-2020. As such, air quality monitoring is being carried out as per EC conditions.	connected to the JSPCB server.
8	The data provided indicate that most of the parameters are within the prescribed limit. However, the concentrations of lead, however, range (3.54 to 3.96µg/m ³) which was found beyond the limit. It may also be noted that a) MOEFCC's monitoring report of 18.09.2019 mentioned that the value of PM ₁₀ and PM _{2.5} measured by CMPDI were near the prescribed limit, and b) JSPCB had issued two show-cause notices in early 2019 to the project authorities based on ambient air quality measurements taken by a private (NABL-accredited) laboratory on behalf of a third party, showing extremely high pollution levels (PM ₁₀ >480µg/m ³ and PM _{2.5} >190µg/m ³) at the Dakra siding	The unit was previously asked to submit contingency plan for control of emission of heavy metals in the mine environment which is still awaited.
9	The pollutant levels AAQ (ambient air quality) data has not been shown/installed in the digital display aboard or other manual board at a convenient location near the main gate of the mining project office or in the public domain in the project site or railway siding area	01 (One) CAAQMS (GM Office, NK Area, Dakra) & PM₁₀ analyzer at Dakra Railway siding have been installed and connected to the JSPCB server.
10	The greatest potential risk to the Damodar River is posed by the embankment/OB dump on the north-eastern boundary of Rohini OCP. Along most of this boundary, the OB dump/embankment has been planted up many years ago and has a dense vegetation cover. However, at one location where the river is closest to the road inside the mine there is a major gap (like a road created to reach the river). As a result, coal dust from the road is flowing towards the river.	Major gaps nearby the Damodar river have been closed to prevent surface runoff to the river.
11	At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.	Sedimentation pond, catch drain and siltation ponds have been connected with mine sump.
12	It was also observed that nearby constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments. Project proponent should be taken proper precautionary measures at the earliest	No embankment and retaining wall constructed nearby constructed sedimentation pond.

5. In this affidavit, it is stated in view of the environmental violations noted, notice for ceasing the operations have been issued to the Project Proponent on 18.03.2023 with computation of Environmental Compensation amounting to Rs.5,02,87,500/-

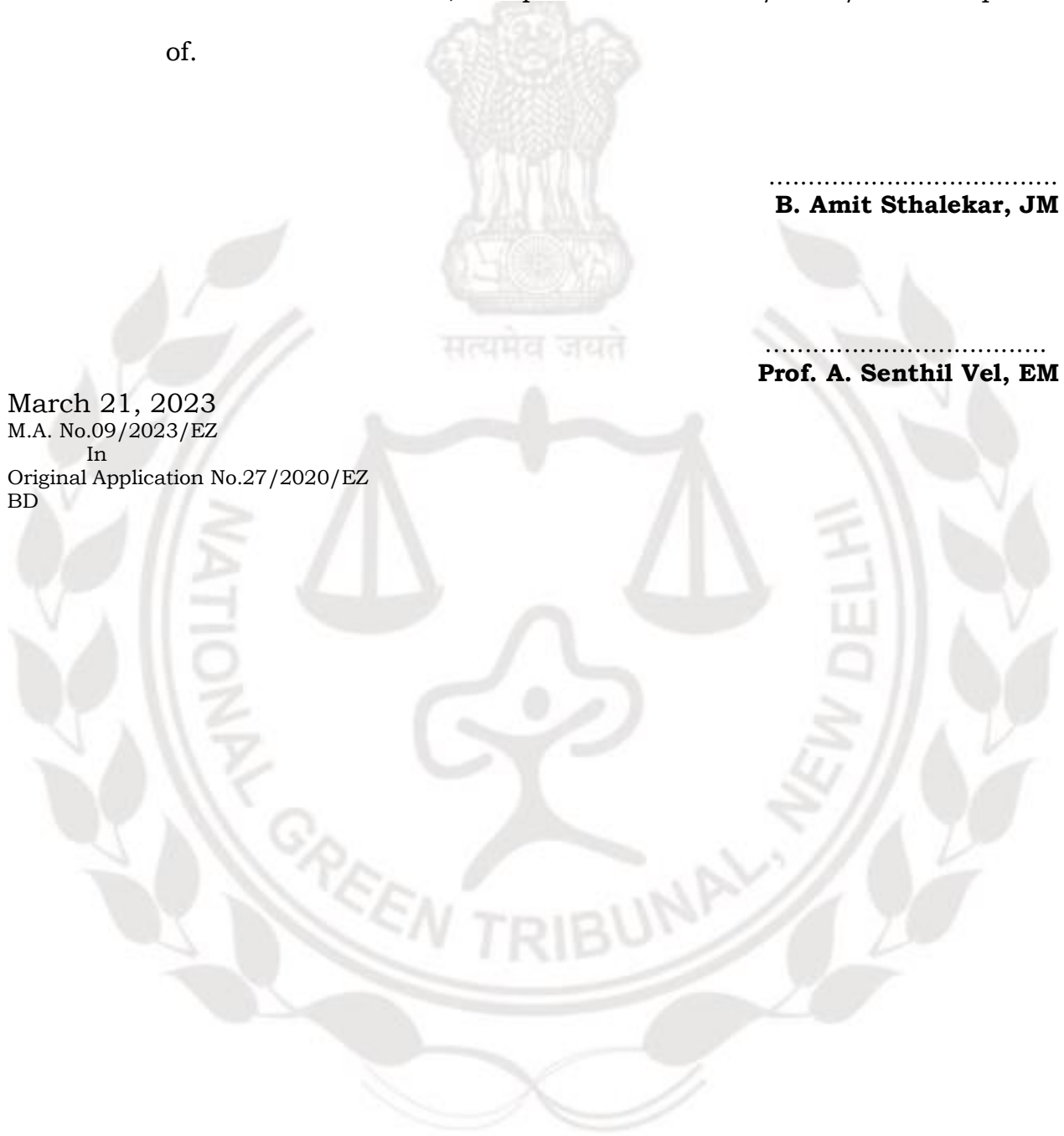
(Rupees Five Crores Two Lakhs Eighty-Seven Thousand Five Hundred only).

6. In view of the matter, the present M.A. No.9/2023/EZ is disposed of.

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March 21, 2023
M.A. No.09/2023/EZ
In
Original Application No.27/2020/EZ
BD



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