

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

Appeal No.20/2023/EZ
(I.A. No.34/2023/EZ)

NTPC Ltd, Pakri-Barwadhi Coal Mining Project

Appellant(s)

Versus

The State of Jharkhand &Ors.

Respondent(s)

Date of hearing: 01.08.2023

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

For Appellant(s) : Mr. Sanjay Jain, Sr. Advocate (in Virtual Mode) a/w
Mr. Adarsh Tripathi, Advocate (in Virtual Mode) &
Mr. Uttam Kumar Mandal, Advocate

ORDER

1. Mr. Sanjay Jain, learned Senior Counsel appearing (in Virtual Mode) assisted by Mr. Adarsh Tripathi and Mr. Uttam Kumar Mandal, Counsel is present for the Appellant.
2. **I.A. No.34/2023/EZ** has been filed by the Appellant, seeking condonation of delay of 24 days in filing the present Appeal.
3. Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode) Ministry of Environment, Forests and Climate Change, and Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode) for the State Respondents, Government of Jharkhand, state that since the delay is only of 24 days, the same may be condoned.
4. The I.A. No. 34/2023/EZ is allowed and the delay of 24 days in filing the present Appeal is accordingly condoned.
5. The Appellant has filed the present Appeal assailing the order dated 25.05.2023 passed by the Ministry of Environment, Forests and

Climate Change, holding the Appellant to be in violation of condition no.8 of the Stage-II Forest Clearance approval and imposing a penalty over the entire forest area (1026.438 hectares) with interest.

6. It is also stated that by another order dated 14.06.2023 a demand notice has been issued by the Divisional Forest Officer, Hazaribagh West Division, computing penal NPV @ Rs.857,52,85,944.32/- (Rupees Eight Hundred Fifty Seven Crore Fifty Two Lakhs Eighty Five Thousand Nine Hundred Forty Four and Thirty Two Paisa only).
7. The allegation is that the Appellant is in substantial compliance of relevant condition no.8 of the Stage-II Forest Clearance approval dated 17.9.2010, having already developed green belt within 50 meters of two of the three Nallahs, namely, Khora and Pakwa, and the fact that the same cannot be developed in the vicinity of the third Nallah, namely, Do muhani, stands admitted by the competent authorities, who have already allowed the diversion of Do muhani Nallah, acknowledging that the same falls in the core mining area.
8. It is further stated that the Appellant has made necessary deposit in ADHOC CAMPA account amounting to Rs. 82,42,29,714/- (Rupees Eighty Two Crores Forty Two Lakhs Twenty Nine Thousand Seven Hundred Fourteen only) towards Net Present Value of the diverted forest.
9. In our opinion matter requires consideration.
10. Issue notice to the Respondents, returnable within four weeks.

11. Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 3, 5 & 6, State Respondents, Government of Jharkhand.
12. Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 2 & 4, Ministry of Environment, Forests and Climate Change.
13. All the Respondents shall file their counter-affidavits within six weeks as Ms. Amrita Pandey states that the matter has to be vetted from the office of the Ministry of Environment, Forests and Climate Change, New Delhi.
14. Learned Counsel for the Appellant shall serve e-copy/soft copy of the Memo of Appeal along with all its annexures upon Ms. Aishwarya Rajyashree and Ms. Amrita Pandey, Counsel for the Respondents within 24 hours.
15. **List on 14.09.2023.**
16. In the meantime, till the next date of listing, the operation of the impugned demand notice dated 14.06.2023 shall remain stayed.

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

August 01, 2023,
Appeal No.20/2023/EZ
(I.A. No.34/2023/EZ)
AK