

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

Appeal No.20/2023/EZ

NTPC Ltd, Pakri-Barwadhi
Coal Mining Project

Appellant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 03.05.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

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

For Respondent(s) : Ms. Aishwarya Rajyashree, Adv for R-1,3,5&6, (in Virtual Mode)
Mr. D. N. Ray, Adv. for R-2&4, (in Virtual Mode)

ORDER

1. Mr. Sanjay Jain, learned Senior Counsel assisted by Mr. Uttam Kumar Mandal and Mr. Adarsh Tripathi, learned Counsel, is present for the Appellant.
2. Additional affidavit dated 30.04.2024 has been filed on behalf of the Respondent Nos.2&4, Ministry of Environment, Forest & Climate Change; the same is taken on record.
3. Rejoinder affidavit dated 01.05.2024 has been filed on behalf of the Appellant; the same is taken on record.
4. Along with the affidavit of the Ministry of Environment, Forest and Climate Change, an order dated 09.11.2023 has been filed as Annexure-1, which is a representation of the NTPC Ltd., Appellant, addressed to the Director General of Forest & Special Secretary, MoEF&CC, New Delhi, wherein the Appellant herein has raised certain issues for reconsideration of the Penal NPV etc.

5. Along with this affidavit, another letter of the NTPC Ltd., Appellant, dated 17.10.2023 addressed to the Joint Secretary (Thermal), Ministry of Power, Government of India, has been filed wherein it is stated that *'Ministry of Power intervention is requested to take up the matter with MoEF & CC for resolution of the issue through mutual consultation'*.
6. The Ministry of Environment, Forest and Climate Change has also filed a letter of the Ministry of Power dated 30.10.2023 addressed to the Secretary, Ministry of Coal, New Delhi, wherein also it is stated that *'may I propose a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&C) & Ministry of Coal for amicable resolution of the issue'*.
7. In view of above, we are of the view that a decision with regard to the imposition of penalty of 857,52,85,944.32/- (Rupees Eight Hundred Fifty Seven Crores Fifty Two Lakhs Eighty Five Thousand Nine Hundred Forty Four and Thirty Two Paise only) against the NTPC Ltd., Appellant, needs to be taken by the Ministry of Environment, Forest and Climate Change expeditiously at its level, since Stage-II Forest Clearance of PB-NW is interlinked with the deposition of Penal NPV of PBCMP as mentioned in the letter dated 09.11.2023.
8. We, therefore, direct the Ministry of Environment, Forest and Climate Change, Respondent Nos.2&4 herein, to take a decision in the matter expeditiously within a period of three months i.e., by 31.07.2024 and file affidavit in this regard by 16.08.2024.
9. **List on 22.08.2024.**

10. Till such decision is taken, the recovery of impugned demand notice dated 14.06.2023 shall remain in abeyance.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

May 03, 2024,
Appeal No.20/2023/EZ
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