

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA**

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**ORIGINAL APPLICATION No.116/2023/EZ
(Earlier Original Application No.479/2022/PB)**

IN THE MATTER OF:

**Krishna Chouhan,
Mohan Nagar, Post Dakra,
Khalari Police Station, District Ranchi,
Jharkhand-829210**

....Applicant(s)

Versus

- 1. State of Jharkhand,
Through its Chief Secretary, Government of Jharkhand,
1st Floor, Project Building, Dhurwa, Ranchi-834004;**
- 2. Jharkhand State Pollution Control Board,
H.E.C., Dhurwa, Ranchi-834004, Jharkhand;**
- 3. District Magistrate, Ranchi
Deputy Para, Ahirtoli, Ranchi
Jharkhand-834001;**
- 4. Chairman/Managing Director,
M/s Monnet Daniels Coal Washery,
(Project Proponent)**

....Respondent(s)

COUNSEL FOR APPLICANT(S):

None

COUNSEL FOR RESPONDENT(S):

**Ms. Aishwarya Rajyashree, Adv. for R-1&3,
Mr. Kumar Anurag Singh, Adv. for R-2,
Ms. Shalini Daftuar, Advocate for R-4**

JUDGMENT

PRESENT:

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)
HON'BLE DR. ARUN KUMAR VERMA (EXPERT MEMBER)**

**Reserved On:- 6th October, 2023
Pronounce On:- 13th October, 2023**

1. Whether the Judgment is allowed to be published on the net? **Yes**

2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

Heard the Applicant in person as well as the learned Counsel for the Respondents and perused the documents on record.

2. This Original Application was initially registered before the New Delhi Bench of the National Green Tribunal on a letter petition/complaint, submitted by the Applicant before the New Delhi Bench, complaining about environmental pollution being caused by Monnet Daniel Coal Washery, Respondent No.4 herein, situated at Khalari Block of District Ranchi.

3. The allegation of the Applicant is that the Project Proponent has stored heavy quantity of rejected coal in Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi and has also blocked the road near KDH weighment bridge with coal sludge. The rejected coal stock has caught fire and is emitting smoke adversely affecting the health of the residents of the locality.

4. The Tribunal also constituted a Joint Committee comprising of the following members: -

- (i) Regional Office, Ministry of Environment, Forests and Climate Change, Ranchi;
- (ii) State Pollution Control Board, Jharkhand; and

(iii) District Magistrate, Ranchi

5. The Committee was directed to visit the site and examine the allegations and submit its Report.

6. Thereafter, by order dated 04.01.2023 another Committee was constituted by the New Delhi Bench of the National Green Tribunal comprising of representatives of:

- (i) Central Pollution Control Board;
- (ii) Regional Office, Ministry of Environment, Forests and Climate Change;
- (iii) Representative of State Pollution Control Board, Jharkhand; and
- (iv) District Magistrate, Ranchi

7. The Committee has filed its Report dated 04.07.2023. Thereafter, directions were issued by the New Delhi Bench on 04.07.2023 to the Project Proponent, Respondent No.4 herein, to comply the recommendations made by the Committee by 15.08.2023 and thereafter, the Committee was directed to re-visit the Colliery on or before 31.08.2023 and submit a fresh report with regard to the compliance made.

8. The case was thereafter transferred to the National Green Tribunal, Eastern Zone Bench, Kolkata and re-numbered as Original Application No.116/2023/EZ.

9. The first Committee Report dated 26.10.2023 reads as under:-

“Report on environment pollution by Monnet Daniel Washery situated at Khalari Block of Ranchi District Jharkhand in the matter of Krishna Chouhan Vs State of Jharkhand in O.A. No.479/2022 pending before Hon’ble National Green Tribunal, Principal Bench, New Delhi.

I. Background

(Application was registered in NGT based on a complaint received by post)

a. Mr. Krishna Chauhan resident of Mohan Nagar, P.O.- Kakra, P.S.- Khalari, Dist – Ranchi, Jharkhand had registered an original application at Hon’ble NGT, Principal Bench bearing O.A. No.479/2022 complaining about causing of environmental pollution by Monnet Daniel Washery situated at Khalari Block of Ranchi District.

b. It has been alleged by the applicant that, the Project Proponent has stored heavy quantity of rejected coal in Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi and has also blocked the road near KDH weighment bridge with coal sludge. The rejected coal stock caught fire which is emitting smoke adversely affecting health of the residents of the locality. The above said Project Proponent is continuously violating provisions of the Air (Prevention and Control of Pollution) Act, 1981 and is also contaminating the water by discharging untreated effluents in river Sona Dubi.

c. Hon’ble NGT, Principal Bench vide its order dated – 10.08.2022 has stated that – In view of the allegations

made in the application, we consider it appropriate that a Joint Committee of the concerned statutory authorities be asked to verify the factual position and take remedial action on the basis thereof.

d. In view of the above Hon'ble NGT constituted Joint Committee of the concerned Statutory Authorities-

I. Regional Office, MoEF&CC, Ranchi,

II. State PCB and

III. District Magistrate, Ranchi.

e. NGT has directed the above committee to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, verify the factual position and take remedial action as mandated by the statutory provisions empowering them in accordance with law after notice to the concerned Project Proponent and by following due process of law.

f. As per the NGT order State PCB will be the nodal agency for coordination and compliance.

Accordingly, a committee was constituted with the following members:

- 1. Shri Rajeev Ranjan, Scientist-E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.*
- 2. Shri Gopal Kumar, Regional Officer, Ranchi, Jharkhand State Pollution Control Board, Ranchi,*
- 3. Shri Rahul Kumar Sinha, IAS, Deputy Commissioner / District Magistrate, Ranchi, Jharkhand.*

II. Point wise observations of the committee members with respect to allegations made by the applicant:

The Committee members inspected/visited Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi on 26.09.2022. Observations of the committee members vis a vis issues raised by the complainant/applicant based on the site inspection and the documents submitted by Project Proponent are as given below:

Issues raised by the complainants/applicant	Observations of inspecting team/committee members
i. Project Proponent has stored heavy quantity of rejected coal in Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi and has also blocked the road near KDH weighment bridge with coal sludge.	a. Large quantity of coal was stocked in the project whereas in the EC (Environmental Clearance) is mentioned that "Only one day stock shall be stored in the stockyard (specific Condition (ii) of EC accorded by MoEF&CC vide no.J-11015/260/2008-IA.II (M) dated 10.12.2008. As per the data submitted by the project proponent

		raw coal stock-610.27 MT, washed coal stock 432.03 MT and Reject coal stock-43842.75 MT as on 25.09.2022. b. In the north, north-east direction of the project and near the weigh bridge area coal stock was observed outside the project boundary area (i.e. at some places 5 to 6 mt. beyond the project boundary area). Boundary wall was broken there and coal was found 5-6 mt beyond the project boundary and occupied a portion of the road there. Coal dust and broken coal was observed on the road in that direction that was a potential source of air (coal dust) pollution. A long jam of trucks was observed near the weighbridge area.
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		c. Tarpaulin covering was not observed over the coal transportation trucks that brought coal from mines to washery. Project authorities explained that at a security check post in between mine and washery Tarpaulin covering is opened and then many truck operators may not be covering tarpaulin after that point. However, there was thick coal dust layers on the road due to coal spillage from trucks. Also coal was stocked outside the coal project boundary in that area (north west direction to the project) and at some places till the roads.
	ii. The rejected coal stock caught fire which is emitting smoke adversely affecting health of the residents of the locality.	Committee members did not observe smoke or spontaneous combustion in the coal stock at the project. However such a large coal stock can be a

		<i>potential source of spontaneous combustion/ smoke. May be due to rainy season there was no spontaneous combustion/ smoke in the large coal stock stored in the project.</i>
	<i>iii. The above said Project Proponent is continuously violating provisions of the Air (Prevention and Control of Pollution) Act, 1981 and</i>	<i>a. Conveyor belts in the projects used for coal transportation were found to be uncovered and were potential source of fugitive coal dust emissions.</i> <i>b. Wall in the north east and east direction (wall inside which coal stock was kept) was observed to be broken at many places and some inadequate arrangement (metal sheets at some places and fabric sheets at other places, etc.) were done to prevent coal spillage. However, there were every chances of coal spillage from there and also coal dust flow outside the</i>

		<i>premises. Coal dust, broken coal were found in the road adjacent to the broken wall there. Once dry there can be coal dust pollution on the road.</i> <i>c. Some plantation was observed around the boundary of the project but there were gaps between those plantations. Some Plantation was observed inside the project area also.</i> <i>d. PM₁₀ analyser was observed near the main gate of the project. PP informed that PM₁₀ analyser was connected to JSPCB (Jharkhand State Pollution Control Board) server.</i> <i>e. A water tanker was observed sprinkling water on the road in the north direction of the project. Project authorities have not submitted copy of log book of water tanker operational in their project.</i>
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<i>iv. The above said Project Proponent is also contaminating the water by discharging untreated effluents in river Sonadubi.</i>	<i>i. Coal dust layers were observed at some portions on the roads of the project area. There were chances of those coal dust flowing into the Sonadubi river in case of rainfall since there were no safeguards to stop the flow entering into the river.</i> <i>ii. Retaining/ concrete wall was observed to be broken at few places adjacent to the Sonadubi river.</i> <i>iii. Coal wastes (rejects) were kept near the washing unit in the project area without any proper safeguards. There were no humps, retaining walls etc. around the coal wastes (rejects) and there were chances of flow of those coal wastes (rejects) into the Sonadubi river. Bank of Sonadubi river was within 20-21m (approx..) from that coal wastes</i>
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		rejects. iv. Conveyor belt system was made over Sonadubi river/conveyor belts over the river were also not covered. v. Large quality of coal was observed on the slope facing the Sonadubi river i.e. in between KDH railway siding and Sonadubi river. It implies project proponent have not handled coal appropriately and in an environment friendly manner at the railway siding. PP informed that there was a wall between the railway siding slope and Sonadubinala but at some places the coal spilled over the wall also. There were gully formations within the coal on the slopes (between railway siding and Sonadubi river) and there were chances of coal dust flow in the river from
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		that side. However during inspection on 26.09.22 colour of water flowing in Sonadubi river was not black. vi. On the opposite bank of the Sonadubi river i.e. toward washery side, wall was constructed between the coal stock and the river but wall was broken at many plaes. Coal spillage was observed beyond the wall towards the Sonadubi river side also. Water coming from coal stock to river can be seen at a place. vii. Catch drains, siltation ponds were not observed around the coal stocks in the project.
	III. Recommendations made by the committee members: i. The observations/ inspection report is being sent to concerned divisions of MoEF&CC, HQ, New Delhi for necessary action as deemed fit as per acts and rules (report shall be sent by IRO Ranchi to MOEF&CC New Delhi) ii. Regional Officer, Ranchi, JSPCB (Jharkhand State	

Pollution Control Board) is also sending the committee report to JSPCB Member Secretary for necessary action.

Committee members instructed the Project Proponent verbally for remedial actions at the site during their inspections on 26.09.2022. Some of the important instructions were:

- a. Comply all the conditions of EC issued by MoEF&CC and CTE/CTO issued by JSPCB.
- b. Clear/ take out all coal from the slopes adjacent to Sonadubi nallah/river. Develop grassing and vegetation around the slopes of the river. It should be ensured that during loading / unloading of coal at the railway siding no coal is spilled on the slopes facing the Sonadubi river/nallah. Construct and repair broken wall between Sonadubi river and project urgently.
- c. Bring all the coal stocks inside the premises urgently and construct/ repair all the wall around project boundary (in all the directions).
- d. Make catch drains, siltation's ponds, concrete humps/wall around coal dumps, washed coal, rejects so as to ensure that no coal dust/slurry flows in river/ other low lying areas.
- e. Arrange for repair and maintenance of all roads in and adjacent to the project. It should be ensured that there is no coal spillage on the coal transportation roads. In case of any sudden spillage the coal, broken coal should be cleared/cleaned within same day. Tarpaulin covering on the coal transportation trucks should be done strictly. An office order in this regard should be issued that if any truck is found without tarpaulin covering during coal transportation it would not be allowed to operate

	<i>further in the project.</i> <i>f. Number of mobile water tankers should be increased. Copy of the log book of water tankers mentioning running hours, kilometer travelled, maintenance hours should be maintained.</i> <i>g. All the conveyor belts in the project should be covered urgently.</i> <i>h. Plantation/green belt development around the project boundary, in the gaps between already existing trees, inside the project areas should be developed.</i>
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10. The Committee has noted that coal dust layers were observed on portions of the road in the Project area and there were chances of the said coal dust flowing in the Sonadubi River as there were no safeguards to prevent the same. It was also mentioned that retaining/concrete wall was broken at places adjacent to the Sonadubi River. Coal wastes were kept near the washing unit in the Project area without any proper safeguards and there were no humps or retaining walls etc. around the coal wastes to prevent the possibility of flow of coal wastes into the Sonadubi River. The Sonadubi River bank was within 20-21m from the coal waste rejects. The Committee also noted that conveyor belt system was made over the Sonadubi River but the same was not covered and layers of large quantity of coal was observed on the slope facing the Sonadubi River in between KDH Railway Siding and Sonadubi River, which implied that the Project Proponent had not handled coal appropriately and in an environment friendly manner at the railway siding. Though the Project Proponent informed that there

was a wall between the railway siding slope and the Sonadubi River/Nala but at some places the coal had spilled over the wall also. The Committee further noted that on the opposite bank of the Sonadubi River i.e. towards the washery side, a wall was constructed between the coal stock and the river but the said wall was broken at many places and coal spillage was observed beyond the wall towards the Sonadubi River side. Catch drains, siltation ponds were also not observed around the coal stocks in the Project.

11. The Respondent No.4 has submitted its reply dated 08.12.2022 stating that the washery dispatches through Railway wagons during the period in question could not function because the certificate of Consent to Operate (CTO) issued in favour of the washery had expired in December, 2021 and though an application for renewal of the same had been made, the renewal of the certificate only took place after 3 months in March, 2022 as a result of which the reject coal that had accumulated in the premises could not be disposed of.

12. We do not find this to be a reply satisfactory since it was a duty of the Project Proponent to have taken into consideration the factum of accumulation of coal wastes/rejects coal and taken appropriate measures to prevent spillover under the 'Precautionary Principle'. 'Polluter Pays Principle'/Precautionary Principle has been expounded by the Hon'ble Supreme Court in (1996) 5 SCC 647, *Vellore Citizens' Welfare Forum vs. Union of India & Ors.*, the precautionary principle and polluter-pays principle were held to be part of the environmental law of the country. It was held that the

polluter-pays principle means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of sustainable development.

13. In (2005) 13 SCC 186, *Research Foundation for Science vs. Union of India & Ors.* Paragraphs-29 and 33 of the judgment read as under:-

“29. The polluter pays principle basically means that the producer of goods or other items should be responsible for the cost of preventing or dealing with any pollution that the process causes. This includes environmental cost as well as direct cost to the people or property, it also covers cost incurred in avoiding pollution and not just those related to remedying any damage. It will include full environmental cost and not just those which are immediately tangible. The principle also does not mean that the polluter can pollute and pay for it. The nature and extent of cost and the circumstances in which the principle will apply may differ from case to case.

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33. The polluter-pays principle was applied in Indian Council for Enviro-Legal Action vs. Union of India¹ to fasten liability for defraying the costs of remedial measures. The task of determining the amount required for carrying out the remedial measures, its recovery/realization and the task of undertaking the remedial measures was placed in this case upon the Central Government. In the present case the approximate expenditure to be incurred for destroying the hazardous waste has been mentioned in the report.”

¹ (1996) 3 SCC 212

14. The Hon'ble Supreme Court in (2013) 4 SCC 575; (*Sterlite Industries (India) Limited & Ors. Vs. Union of India & Ors.*), has referred to the judgment of the Hon'ble Supreme Court in (1987) 1 SCC 395; (*M.C. Mehta Vs. Union of India*), para 31 of which has been quoted in para 46 of the judgment which reads as under:-

“46. *In M.C. Mehta v. Union of India [(1987) 1 SCC 395 : 1987 SCC (L&S) 37] , a Constitution Bench of this Court held: (SCC pp. 420-21, para 31)*

“31. ... The enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm results on account of such activity, the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part.”

The Constitution Bench in the aforesaid case further observed that the quantum of compensation must be co-related to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect and the larger and more prosperous the enterprise, the greater must be the amount of compensation payable by it.”

15. The Respondent No.4 has further sought to take refuge of COVID-19 pandemic for damage caused to environment by him which also is not acceptable since he has not been able to show that during this period there was layoff of staff and that the washery had not functioned at all and there were no financial transactions during this period of COVID lockdown. The findings of the Joint Committee that Respondent No.4 has stored quantities of

reject coal at its washery blocking the road near KDH weighbridge has also been disputed by the Project Proponent on the plea that the road belongs to M/s Central Coal Fields Ltd. and is also used by the CCL, KDH Project & others.

We are not satisfied with the plea taken by the Respondent No.4 since the findings recorded by the Joint Committee speak of the coal spillage at the Washery and not by other contributors as alleged by the Respondent No.4.

16. The Project Proponent admits that one portion of the Project boundary wall was damaged due to heavy rains because of which some reject coal had inadvertently spilled over on to the adjoining portion of the road. This admission itself belies the claim of the Respondent No.4 that M/s Central Coal Fields Ltd., the KDH projects and others had contributed to the spillage of coal on the road.

17. The finding of the Committee however, is that though the Committee did not observe smoke or spontaneous combustion in the coal stock at the project but such large coal stock can be a potential hazard due to spontaneous combustion. Under the “Precautionary Principle” it is the duty of the Project Proponent to anticipate such emergencies and take preventive steps in advance.

18. The finding of the Committee that rejected coal stock had caught fire and was emitting smoke affecting the health of the residents has been denied by the Project Proponent though at the same time such incidents has been explained by it stating that coal

has a tendency to catch fire but to ensure that the same does not happen adequate arrangements for Fire Fighting Hydrant System were put in place all along the boundary of the factory premises besides mobile water tanker/sprinklers were also arranged.

19. The Committee also noted that coal transportation trucks that brought coal from the mine to the washery were not covered with tarpaulin.

The Project Proponent sought to explain the same by taking a species plea that at the security check-post between the mine and washery, the tarpaulin covering the trucks is opened and many truck operators may not be covering the tarpaulin after that. This plea cannot be a satisfactory defence to the Project Proponent since the Project Proponent being a 'principal' cannot be absolved of the omissions of its agents. In fact such a defence itself is an admission of negligence on the part of the Project Proponent to take preventive steps through regular monitoring of the trucks.

20. The Committee also observed that conveyor belts in the Projects used for coal transportation were found to be un-covered and a potential source of fugitive coal dust emissions.

The Project Proponent has not given any satisfactory explanation for this lapse.

21. The Joint Committee also noted that though some plantation was observed around the boundary wall of the Project but there were also gaps between those plantations.

The omission in providing adequate green belt though plantations has not been explained by the Project Proponent.

22. A further compliance report has been submitted by the Respondent No.4 dated 05.04.2023 which mentions that about Rs.2,10,480/- (Rupees Two lakhs ten thousand four hundred eighty only) has been incurred on plantation as on 16.03.2023 and 1786 number of trees have planted. A further chart has been filed at page no.101 of the paper book showing various dates of completion of the boundary wall at specific site locations confirming the findings of the Joint Committee that the boundary wall had been broken at several places.

23. A further Committee Report has been filed based on site inspection of the Project on 16.03.2023 which reads as under: -

“Report on environmental pollution by Monnet Daniel Washery situated at Khalari Block of Ranchi District, Jharkhand, in the matter of Krishna Chouhan Vs State of Jharkhand in O.A. No.479/2022 pending before Hon’ble National Green Tribunal, Principal Bench, New Delhi.

A complaint was lodged by Mr. Krishna Chauhan of Mohan Nagar, Ranchi, Jharkhand, to the Hon’ble NGT, Principal Bench, bearing O.A. No.479/2022 against Monnet Daniel Coal Washery, accusing them of causing environmental pollution in Khalari Block of Ranchi District. The applicant allege that the Project Proponent had stored a large amount of rejected coal in the washery, blocked the road with coal sludge, and discharged

untreated effluents into the river SonaDubi, leading to adverse health effect on residents of the locality.

In response, the Hon'ble NGT ordered a Joint Committee comprising the Regional Office of MoEF&CC at Ranchi, Jharkhand, State Pollution Control Board, and the District Magistrate, Ranchi to investigate the matter and submit the report to the Hon'ble NGT. The committee visited the site on 26.09.2022 and reported their observations and recommendations to the Hon'ble NGT, alongwith an action taken report.

Jharkhand State Pollution Control Board (JSPCB) had submitted the report of the Joint Committee via email dated on 0.11.2022, in compliance with the Hon'ble NGT order. The Respondent No. 4, M/s Monnet Daniels Coal Washery, (Project Proponent) was issued a notice by the Hon'ble NGT vide the order dated- 11.11.2022, in response of the notice, the Project Proponent filed a reply on 11.12.2022 comprising of compliance averments. JSPCB submitted an Action Taken Report on 03.01.2023, both via email.

Based on the compliance averments made by the project proponent, the Hon'ble NGT constituted another Committee vide its order dated 04.01.2023 comprising representatives of Central Pollution Control Board, MoEF&CC at Ranchi, Jharkhand State Pollution Control Board, and the District Magistrate, Ranchi to verify the compliance status of the Project Proponent and submit their report to the Hon'ble NGT with recommendations within three months.

Accordingly, a committee was constituted with the following members:

1. Rahul Kumar Sinha, IAS, Deputy Commissioner/District Magistrate, Ranchi, Jharkhand.
2. Rajeev Ranjan, Scientist – E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.
3. Gopal Kumar, Regional Officer, Ranchi, Jharkhand State Pollution Control Board, Ranchi.
4. Toufic Aslam, Scientist – C, Central Pollution Control Board, Regional Directorate, Kolkata

The above committee members inspected/visited Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi on 16.03.2023.

Based on the site inspection and observations of the Committee Members vis a vis compliance averments and the documents submitted by the Project Proponent are as given below: -

Sl. No.	Observations and recommendations of the earlier inspecting team/committee members based on site inspection on 26.09.2022	PP's reply/action taken report as submitted by them	Latest remarks of the inspecting team/committee members based on site inspection of project on 16.03.2023 and documents submitted by PP.
	a. Large quantity of coal was stocked in the project	a) The project proponent has made Request for	a. As per the data submitted by PP (Project

whereas in the EC (Environmental Clearance) it is mentioned that “Only one day stock shall be stored in the stockyard (specific Condition (ii) of EC accorded by MoEF&CC vide no.J-11015/260/2008-IA.II (M) dated 10.12.2008. As per the data submitted by the Project proponent raw coal stock- 610.27 MT, washed coal stock 432.03MT and reject coal stock- 43842.75 MT as on 25.09.2022. b. In the north, north-east direction of the project and near the weigh bridge area coal stock was observed outside the	amendment to Specific Condition no. (ii) of EC granted on 10.12.2008 vide its letter dated 17.11.2022 to the Ministry of Environment, Forest & Climate Change requesting for permission to enhance storage capacity The reject Coal is temporarily stored in the premises of the plant and ultimately disposed off to Captive power plants (actual end users) only through rail wagons (as per conditions of Environmental Clearance). During the Covid Pandemic, when there was country wide Lock down the dispatches were badly affected and Coal rejects accumulated in the premises. As the restrictions imposed during the lockdown eased, afterwards the Reject coal disposal	Proponent) raw coal stock 694.67 MT, washed coal stock 28032.62 (MT) and washery reject coal stock was 1,34,058.66 MT (up to 16th March 2023) PP has submitted letter no.MDCWL/HO (2022-23)/DIRECTOR/75 dated 17.11.22 addressed to Director, IA (Coal Mining), MoEF&CC, New Delhi requesting for amendment in EC condition (for one-month storage capacity). However EC condition has not been amended by MOEF&CC till date. b. Dozer was deployed for scraping/cleaning the dust from
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project boundary area (i.e. at some places 5 to 6 mt beyond the project boundary area). Boundary wall was broken there and coal was found 5-6m beyond the project boundary and occupied a portion of the road there. Coal dust and broken coal was observed on the road in that direction that was a potential source of air (coal dust) pollution. A long jam of trucks was observed near the weighbridge area. c. Tarpauline covering was not observed over the coal transportation trucks that brought coal from mines to washery. Project authorities	started but the Coal reject customers reduced drastically. Non-availability of railway wagons for movement of reject coal to certain destinations also restrict the reject coal disposal as priority are given for movement of washed coal and raw coal rakes. Yet we are in continuous process of disposal of accumulated reject coal as well as fresh generated reject coal and expecting to dispose off in next 8-10 months approximately. The Road Belongs to M/s CCL and MDCWL is not authorized to repair the Road however KDH PO has been requested vide our letter dated 28.10.22 for repair and maintenance of the road adjacent to the project. Office order has been issued to the	the haul roads adjacent to project. Roads adjacent to the project were relatively clean and layers of dust was not observed in the north, north east and north west directions and in weighbridge area. However, formation of sludge like layer of settled coal dust due to sprinkled water at multiple points was observed. Concrete wall construction in north west direction was complete for approx. 55m. In the north direction near gate no.2 also wall construction work was in progress and for remaining 70-80m length, PP
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explained that at a security check post in between mine and washery. Tarpaulene covering is opened and then many truck operators may not be covering tarpaulene after that point. However, there was thick coal dust layers on the road due to coal spillage from trucks. Also coal was stocked outside the coal project boundary in that area (north west direction to the project and at some places till the roads. Recommendations - Comply all the conditions of EC issued by MoEF&CC and CTE/CTO issued by JSPCB. Bring all the coal	Transporter along with monitoring being done & work being carried out. Condition pertaining to EC issued by MOEF, CTE & CTO issued by JSPCB are being complied.	assured the work will be completed within one month. No coal was observed outside the project boundary there. During inspection on 16.03.2023 there road was clear and there was no jamming of trucks observed. c. With respect to tarpaulene covering since there was no coal transportation on inspection date the compliance could not be ascertained. PP informed that due to unrest in Piparwar area there was road blockage by displaced/local people and therefore coal trucks were not coming to washery project.
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stocks inside the premises urgently and construct/repair all the wall around project boundary (in all the directions). Arrange for repair and maintenance of all roads in and adjacent to the project. It should be ensured that there is no coal spillage on the coal transportation roads. In case of my sudden spillage the coal broken coal should be cleared/cleaned within same day. Tarpaulene covering on the coal transportation trucks should be done strictly. An office order in this regard should be issued that if any truck is found without tarpaulene covering during coal transportation it would not be		Production (coal washed on 16.03.2023—2009 MT (As per documents provided by the unit vide E-mail dated 25.03.2023) PP has submitted letter no. Ref no.MDCWL/VCPL/2022-23/272 dated 27.09.2022 addressed to M/s Variant commercial Pvt. Ltd. in which they have instructed the agency for covering of raw coal transportation vehicles by tarpaulin sheet.
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	<i>allowed to operate further in the project.</i>		
	<i>Committee members did not observe smoke or spontaneous combustion in the coal stock at the project. However, such a large coal stock can be a potential source of spontaneous combustion/smoke. May be due to rainy season there was no spontaneous combustion/smoke in the large coal stock stored in the project.</i>		<i>There was no smoke or spontaneous combustion of coal in the project during inspection on 16.03.2023.</i>
	<i>a. Conveyor belts in the projects used for coal transportation were found to be uncovered and were potential source of fugitive coal dust emissions.</i> <i>b. Wall in the north east and east</i>	<i>Conveyor belt covering work has been started by the project proponent and the work is under progress. Major part of work is completed. It is expected to be completed by 30.06.2023.</i> <i>Due to heavy rainfall Portion of boundary</i>	<i>a. Conveyor belts over the Sonadubi river were closed from top. At other places in the project conveyor belts were covered except at three places. Project proponent (PP) assured verbally that</i>

	direction (wall inside which coal stock was kept) was observed to be broken at many places and some inadequate arrangement (metal sheets at some places and fabric sheets at other places, etc.) were done to prevent coal spillage. However, there were every chances of coal spillage from there and also coal dust flow outside the premises. Coal dust, broken coal were found in the road adjacent to the broken wall there. Once dry there can be coal dust pollution on the road. c. Some plantation was observed around the	wall was damaged and some reject coal had inadvertently made its way onto the adjoining portion of the road. The RCC Boundary wall construction work of 299 mts has been started & completed vide work order Ref: MDCWL/SITE/WO/O&M-CIVIL/22-23/42 dated 24th September 2022. <u>Following Boundary work on progress:</u> 1. WORK ORDER for Construction of RCC Boundary Wall inside River on progress vide ref:MDCWL/SITE/WO/CIVIL/22-23/69 Dated 4th Feb 2023 Work order for Plantation work dated 19th Nov 2022 of work of plantation being carried out and is in progress Major part of work is completed.	they will cover those conveyor belts within one month b. Pucca wall had been constructed in east and south east direction (Gate No.3 side). Road in that direction was also relatively clean.
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boundary of the project but there were gaps between those plantations. Some plantation was observed inside the project area also. d. A water tanker was observed sprinkling water on the road in the north direction of the project. Project authorities have not submitted copy of log book of water tanker operational in their project. Recommendations- Number of mobile water tankers should be increased. Copy of the log book of water tankers mentioning running hours, kilometer travelled, maintenance hours should be	 Office Order has been issued to the Transporter/service provider increase the mobile tanker.	c. Some new plantations were done outside the newly constructed pucca boundary in east and south direction (near Gate no.3) side. Some new plantations were observed in the north east direction. However it was instructed to increase the density of plants in above places. d. A water tanker was observed sprinkling water
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	<i>maintained.</i> <i>All the conveyor belts in the project should be covered urgently.</i>		<i>on the road in the north direction of the project. Project authorities have still not submitted copy of log book of water tanker operational in their project.</i> <i>Fixed water sprinklers have been installed in project at some locations- near east direction boundary wall and near north east direction boundary wall and they were operational during inspection. Fixed water sprinklers were operational at railway siding also. Water spraying system at coal hopper were also found operational.</i>
	<i>a. Coal dust layers were observed at some portions on the roads of the project area.</i>	<i>The project proponent ensuring no coal is spilled on the slopes facing Sonadubi River thus removed large</i>	<i>Internal concrete roads in the project were observed to be clean.</i>

	There were chances of those coal dust flowing into the Sonadubi river in case of rainfall since there were no safeguards to stop the flow entering into the river. b. Retaining/ concrete wall was observed to be broken at few places adjacent to the Sonadubi river. c. Coal wastes (rejects) were kept near the washing unit in the project area without any proper safeguards. There were no humps, retaining walls etc. around the coal wastes (rejects) and there were chances of flow of those coal wastes (rejects) into the Sonadubi	quantity of Coal from slope. After removing the coal from slope filling was done with Soil/Mitti & Plantation/grassing developed from the slopes facing the River. a) Work order dated 15.12.2022 Ref.MDCWL/SITE /WO/STORE/22-23/56 b) Work order dated 16.12.2022 Ref.MDCWL/SITE /WO/STORE/22-23/55 Settling ponds are already there one more Siltation pond & Slurry pond Construction work is under Progress to take care of any emergency. It is expected to be completed by 31.03.2023. Conveyor belt covering work has been started by the project proponent and the work is under progress. Major part of work is	A boundary wall was constructed to prevent coal silt flow towards Sonadubi river. However, the wall needs to be extended further to east direction though wall height may be kept less there. A small hump (as mentioned in earlier committee's report) should also be constructed around the coal wastes/rejects. Concrete tank was observed in which water from project and outside also came. A pump was provided with tank for water re-circulation to project activities. It was instructed to make arrangement for making shed for pump. Committee members were also of the view that a
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	river. Bank of Sonadubi river was within 20-21m (approx.) from that coal wastes rejects. d. Conveyor belt system was made over sonadubi river/conveyor belts over the river were also not covered. e. Large quality of coal was observed on the slope facing the Sonadubi river i.e. in between KDH railway siding and Sonadubi river. It implies project proponent have not handled coal appropriately and in an environment friendly manner at the railway siding. PP informed that there was a wall between the	completed. It is expected to be completed by 30.06.2023. MDCWL LED is designed for Zero effluent discharge. The washing process is designed for closed circuit system. Effluents with Coal fines is sent to Belt Filter press imported from U.K. WHERE COAL fines are recovered and mixed with solid reject disposed of by rail. Practically there is no discharge out of circuit. The cleaning of such sudden spillage coal is being done periodically to avoid coal dust pollution.	standby pump should also be kept there because water continuously came in the tank and the tank was located just on the banks of river Sonadubi. A large water tank was observed in which water was pumped in. Since the tank was close to river, committee members instructed to strengthen its wall so that there is no danger of its collapse. Grassing and vegetation on the slopes between the large tank and river should be developed. Conveyor belts over the Sonadubi river were closed from top. Coal was still observed on the slope facing the Sonadubi river i.e.
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	railway siding slope and Sonadubinala but at some places the coal spilled over the wall also. There were gully formations within the coal on the slopes (between railway siding and Sonadubi river) and there were chances of coal dust flow in the river from that side. However during inspection on 26.09.22 colour of water flowing in Sonadubi river was not black. f. On the opposite bank of the Sonadubi river i.e. toward washery side, wall was constructed between the coal stock and the river but wall was broken at		in between KDH railway siding and sonadubi river. Some grassing was observed on the slopes facing river Sonadubi (between Railway siding and river Sonadubi). But grasses have not grown on the complete slope as recommended in earlier's committee's report. It was instructed to make arrangements to develop grasses and vegetation on the complete slope in between railway siding and river. New grassing and vegetation was observed all along the railway siding creating a bench (approx.. 1.5m width) on the slope. Some new bamboo plantations were also observed there. However, committee members were of
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many places. Coal spillage was observed beyond the wall towards the Sonadubi river side also. Water coming from coal stock to river can be seen at a place. g. Catch drains, siltation ponds were not observed around the coal stocks in the project. Recommendations- Clear/take out all coal from the slopes adjacent to Sonadubinallah/river. Develop grassing and vegetation around the slopes of the river. It should be ensured that during loading/unloading of coal at the railway siding no coal is spilled on the slopes facing the Sonadubi river/nalah. Construct and repair broken wall between	the view that a strong wall is needed at the edge of railway siding. This wall would prevent coal spillage towards slope (between siding and Sonadubi river). Otherwise coal spillage (being pushed by payloaders during coal loading on railway wagons) may pollute the river and also damage new grasses and vegetation on slopes. At some places it was observed that coal spilled over the walls of the project. Due to coal spillage there are chances of coal silt flow into river Sonadubi and project proponent should urgently take strict action to prevent such
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<i>Sonadubi river and project urgently.</i> <i>Make catch drains, siltation ponds, concrete humps/wall around coal dumps, washed coal, rejects so as to ensure that no coal dust/slurry flows in river/ other low lying areas.</i> <i>Plantation/green belt development around the project boundary, in the gaps between already existing trees, inside the project areas should be developed.</i>		<i>spillage.</i> <i>At some places wall of the project were still found to be broken adjacent to river and it was instructed to repair urgently.</i> <i>Two siltation ponds were constructed in the north west direction in which water from railway siding and other areas would come and settle before flowing towards project.</i> <i>New short wall construction needs to be done for some portion (30m) between stacker and transfer conveyor area so that coal silt would not flow from that side into river . Catch drain and siltation ponds also needs to be constructed at that side and</i>
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			<i>accordingly instructions were given to PP who assured to construct the same soon (before rainy season).</i> <i>PP has submitted details of work order w.r.to. Boundary wall work and setting pond at MDCWL Ltd (Project) with target data of completion. In the document submitted they have shown 31.03.2023 as target date of completion of above works.</i>
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24. The Committee has noted that the EC conditions has not been amended by the Ministry of Environment, Forests and Climate Change till date; formation of sludge like layer of settled coal dust due to sprinkled water at multiple points was observed; though concrete wall construction in the north west direction was complete for approximately 55 m but in the north direction near Gate No.2 wall construction work was still in progress for remaining 70-80 m length and the Project Proponent assured that the same would be completed within one month.

25. With regard to tarpaulin covering, it was observed that during this inspection there was no coal transportation and therefore, whether tarpaulin was used for covering transportation trucks or not could not be ascertained.

26. During the inspection on 16.03.2023 the road was found to be clear and no jamming of trucks was observed; no smoke or spontaneous combustion of coal was observed; at different places in the Project, conveyor belts were covered except at three places and the Project Proponent assured that those conveyor belts would be covered within one month; some new plantations were observed and the Project Proponent was directed to increase the density of plants; a water tanker was observed sprinkling water on the road but the Committee noted that the Project Authorities did not submit copy of the log book of water tanker operational in their Project; fixed water sprinklers have been installed within the Project at some locations; a boundary wall was constructed to prevent coal silt from seeping towards the Sonadubi River and the Project Proponent was directed to ensure that the wall is extended further to the east with a further direction that a small hump as mentioned in the previous Committee Report, should be constructed around the coal wastes/rejects.

27. The Committee further directed the Project Proponent to strengthen the wall so that there is no danger of its collapse and to carry out grassing and plantation of vegetation on the slopes between the large tank and river should be developed. The

Committee also noted that coal was observed on the slope facing the Sonadubi River in between KDH Railway Siding and the Sonadubi River.

28. The Committee also recommended that a strong wall is needed at the edge of the Railway Siding to prevent coal spillage towards the slope between the Railway Siding and Sonadubi River; coal spillage over the wall was still observed by the Committee and it was noted that there were chances of coal silt flowing into the Sonadubi River and the Project Proponent was directed to take urgent steps to prevent such spillage; the wall of the Project was found to be broken at the place adjacent to the River and the Project Proponent was directed to repair the same urgently.

29. The Committee further recommended that new short wall construction be carried out for some portion atleast 30 m between stacker and transfer conveyor area so that coal silt would not flow from that side into the River; catch drain and siltation ponds be constructed at that site and the Project Proponent assured that the construction would be undertaken soon before the rainy season.

30. A further affidavit dated 19.09.2023 has been filed by the Respondent No.4 bringing on record the Compliance Status/Action Taken/Work completion Status with regard to the recommendations made by the Joint Committee. The Compliance Status reads as under: -

<i>Sl. No.</i>	<i>Latest Remarks of the Joint Committee</i>	<i>PP' Compliance Status / Action taken/ Work completion Status</i>
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	based on site inspection of the project on 24.08.2023 and report dated 4.09.2023	as on date			
1.	Concrete wall construction in north west direction, north direction, north east direction was complete for approx.. 55m. Only at two places space was left for HEMM movement. However, there may be chances of coal silt flow outside these large spaces in between boundaries. It was instructed to construct humps at these places and also make covered drains so that no coal silts flows outside the project premises and movement of HEMM can also occur. No coal was observed outside the project boundary there.	Complied. <table><tr><td>Coal stock is kept within the Boundary wall Concrete wall construction was complete for 55 mts in north west direction. Coal kept within the Boundary wall thus road is free from any obstruction.</td><td>For HEMM movement space provided for which hump was constructed so that coal silt does not flow out side the project premises.</td></tr></table>		Coal stock is kept within the Boundary wall Concrete wall construction was complete for 55 mts in north west direction. Coal kept within the Boundary wall thus road is free from any obstruction.	For HEMM movement space provided for which hump was constructed so that coal silt does not flow out side the project premises.
Coal stock is kept within the Boundary wall Concrete wall construction was complete for 55 mts in north west direction. Coal kept within the Boundary wall thus road is free from any obstruction.	For HEMM movement space provided for which hump was constructed so that coal silt does not flow out side the project premises.				
2.	Silt/Coal dust silt was observed on the road adjacent to the project	Complied : The road adjacent to the project belongs to M/s CCL which is not a			

	in north and north east direction and it made the roads slippery. On instruction PP arranged HEMM for road cleaning. However, it was instructed to keep the roads just adjacent to project boundary clean and silt free always. Road in South and South west direction, south east direction were observed to be clean	pucca road, however it is being cleaned on regular intervals by PP. Dozer is being deployed for scraping/cleaning the dust from the haul roads adjacent to project Roads. Also sprinkling of water being done through water tanker & 360 degree Sprinkling done along the boundary wall. Formation of Sludge like layer of settled coal dust was at multiple points due to sprinkled water which is being cleaned on regular intervals.
3.	Tarpauline covering was observed on the trucks standing near hopper area at the railway siding. However, it was seen that Tarpauline covering was not proper and there were small places that remained uncovered and from there chances of coal spillage. Committee members instructed PP to	Complied: Coal transportation being done by covering the tarpaulin over the vehicles. The Concerned agency/transporter has been issued officer order for strict compliance of Environment Management System. Action Taken by PP. a) Counselling has been done to Transporter/agency regarding strict compliance so as to ensure no spillage of coal on roads. b) Letter of warning issued to agency on dated 24.8.2023

	ensure that Tarpauline covering over coal transportation trucks is done in effective and proper manner and there should be no spillage of coal on roads.	
4.	Committee members did not observe smoke or spontaneous combustion in the Coal stock at the project site during their inspection on both the dates i.e. on 16.03.2023 and 24.08.2023.	Complied PP is Continuously monitoring & ensuring coal stock does not catch fire. Continuous dozing over coal stock and fire Fighting arrangements at different points at site of stock is used for prevention of fire.
5.	As per the latest data submitted by PP (Project Proponent) Raw coal stock : 3660 MT Washed coal stock 36976 MT Washery reject Coal Stock 61216.14 MT as on date 24.08.2023. PP has submitted letter no. MDCWL/HO 2022-23 / DIRECTOR/75 dated 17.11.22 Addressed to Director, 1A (Coalmining),	Action Taken by Project Proponent 1. The EC Amendment Common Application Form applied in PARIVESH PORTAL (Ministry of Environment, Forest and climate change Government of India). The Project ID-Single Window No is SW/107308/2022. Covering letter dated 17.11.22 with Common application. 2. PP is Complying with all the conditions of EC issued by MOEF & CC and CTE/CTO issued by JSPCB as on date. 3. Despite various hindrance of

MOEF&CC, New Delhi requesting for amendment in EC condition (for one-month' Storage capacity) However EC condition has not been amended by MOEF&CC till date.	Coal Dispatch, yet the PP is disposing of the reject coal continuously and has reduced the reject coal stock by more than 50% and the remaining reject coal will be disposed of in the earliest time period possible. 4. As on 24.08.2023 the Wash Coal Stock was 36976.850 MT, Rejet Coal Stock was 61216.140 MT and Raw coal Stock was 3660.015 MT. Background / Hindrances of Coal Movement: 5. The coal rejects accumulated due to Covid Pandemic when there was a country wide lock down due to which dispatches were badly affected at the Project site. 6. The Consent to Operate (CTO) for the washery Unit was valid up to 31.12.2021, while the CTO Certificate had expired in Dec 2021 and application for renewal of the same was made, the renewal of the certificate only took place after a period of 3 months in March 2022 as a result of which the reject coal that had accumulated in the premises could not be disposed of in time.
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		7. The customer of Rejects drastically reduced due to market conditions afterwards. 8. During rainy season due to heavy rains the Northern Indian railway route was submerged in water and restrictions were imposed. Railway did not provide rakes for transportation of washed coal to Pubjab. Hence, Stock of Washed Coal increased in the period. 9. Non availability of railway wagons for movement of reject coal to certain destinations also restricted the reject coal disposal as priority was given for movement of washed coal and raw coal rakes.
6.	a. Conveyor belt over the Sonadubi River were closed from top. Conveyor belts were covered at other places in the projet except very small two or three places were found uncovered. PP explained that due to some technical reasons those small patches were left	Complied a. Washery is designed for Wet process for coal preparation so there is less chance of fugitive coal dust emission however to minimize the risk in order to strengthen and to comply the recommendation of Joint committee Conveyor belt covering work the small patches work also completed.

	<i>uncovered but those will be covered soon.</i>	
	<i>a. Pucca wall had been constructed in East and north east direction Gate No.3 side Road in that direction were also relatively clean.</i> <i>b. New plantations were done all along the project boundary (outside boundary wall) with proper guards.</i> <i>c. It was instructed to care for these newly planted trees and ensure their survival.</i>	Complied <i>a) Pucca wall had been constructed in east &U north east direction as per the recommendation of Joint Committee. The road in that direction also maintained clean.</i> <i>b) Density of Plantation has been increased and New plantations done.</i> <i>c) Coal Field is of Rocky area and there is less soil and more rock field so it becomes difficult to grow the trees.</i> <i>The following Green belt has been executed during the Year 22-23.</i> 1. Phase I plantation <i>Plantation in Gaps of already existing Trees besides boundary wall.</i> 2. Phase II Plantation <i>Plantation at River Side and Railway Siding area, Weigh bridge Area & Plantation in east and south east direction.</i> 3. Phase III Plantation <i>at slopes of River Sonadubi Nallah and newly constructed Boundary wall.</i> <i>PP has developed the above green</i>

		<i>belt and ensuring the newly planted trees survival with tree guards and timely water sprinkling.</i>
7.	<i>a. Water tankers were observed in project sprinkling water. PP has submitted copy of log both of water tankers operational in their project. The unit should operate water tankers at least three hour in eight hour shift.</i> <i>b. Fixed water sprinklers as mentioned in the last inspection report was found operational/functional. Fixed water sprinklers were found operational at the railway siding area also data. Water spraying system at coal hopper was found operational.</i>	Complied Action taken <i>1. PP ensuring water tankers operational in project 3 hours in eight hours shift.</i> <i>2. Copy of Log Books 1 & 2 submitted to MOEF & CC, Ranchi dated 31.08.2023.</i> <i>3. Fixed water sprinkler system operational is ensued at the Project site.</i>
8.	<i>Internal concrete roads in the project were observed to be clean. Remaining wall to</i>	Complied <i>Internal Concrete roads in the project maintained clean on regular basis.</i>

	<i>prevent coal silt flow towards Sonadubi River has been constructed.</i>	<i>Remaining wall was constructed to prevent coal silt flow towards Sonadubi River.</i>
9.	<i>Hump has been constructed around the coal waste/reject.</i>	Complied. <i>Path way hump has been constructed around the coal waste/rejects.</i>
10.	<i>Shed for pump (used for water recirculation) had been constructed. A stand by pump was also kept there as suggested by committee members in their last inspection.</i>	Complied <i>For concrete tank Shed for pump with one stand by pump has been provided.</i>
11.	<i>A large water tank was observed in which water was pumped in as per committee report dated 16.03.2023 since the tank was close to river committee members instructed to strengthen its wall. Wall of tank was slightly increased. PP informed that since it was a concrete wall its strength is satisfactory. However once again committee members suggested to make</i>	Complied <i>As the recommendation of Joint Committee 5 Nos of support wall being made to support the wall of tank. Grassing and vegetation developed on the slopes between the tank and river.</i>

	arrangements for strengthen of its wall since the tank is near to river. PP assured that gradually they will develop grasses and vegetation on the slope.	
12.	Conveyor belts over the Sonadubi River were closed from top.	Complied Conveyor belts over the River were closed.
13.	A concrete wall all along the railway siding (in between platform and river slope) was constructed. Therefore no coal from railway siding would now be pushed on the slopes of river. New plantations were also done on the slopes of river adjacent to the above concrete wall. Some clayey material was also put on the slopes and the PP assured that gradually they will develop grasses and vegetation on the slopes.	Complied There was already a boundary wall at the river side to prevent coal spillage in to the river however to strengthen additional RCC boundary wall measuring approximately 570 mts has been constructed. It was very difficult to grow vegetation on rocky areas. However complete Railway siding slope has been developed by removing coal from slope and plantation & vegetation developed.
14.	Wall in between the	Complied

	river and project in the south west direction, south direction has been constructed. No spillage of coal was observed on the wall. Repair of wall facing river has also been done.	Boundary wall in all directions completed. Total boundary wall completion details measuring 1560 mts.
15.	Proper drains and walls were constructed between stacker and transfer conveyor area and the arrangements were found adequate. It was instructed to regularly di-silt these drains.	Complied Proper drains and wall constructed and necessary compliance done of di-silting drains.
16.	All the walls are provided with provisions of weep holes for safety purpose. However, some arrangements may be done so that no coal silt flow outside especially in river side.	Complied: Some arrangements has been made and ensured no coal silt flow outside especially in river side.
17.	Committee members were of the view that drains/other arrangements provisions of pipes etc. should be made so	Complied: Necessary arrangements has been made at Site.

	that water entering from outside into the project in the west/north west direction does not enter the project premises since those water creates heavy load on the tanks/walls in the project and those tanks are close to river.	
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4. That, also the Hon'ble Tribunal vide its order dated 4.07.2023 in OA no 479/2022 has ordered the JSPCB to take appropriate proceedings against the Project Proponent for imposition of environment compensation for violation of the environmental norms.

5. That it is humbly submitted that in its direction of imposition of Environment compensation there is ambiguity in imposing compensation & assessment of calculation of Environment Compensation to be made by the JSPCB as per the Guideline issued by the Central Pollution Control Board-methodology for assessing Environmental Compensation and Action Plan to utilize the Fund.

6. Whereas the cases considered for levying Environmental Compensation (EC) under Methodology as per CPCB Guidelines with respect to project compliance is given below: The details of Compliance status of PP with reference to Guidelines of CPCB is given here under:

Sl. No.	Description	Remarks
1	Discharge in	The prescribed standards are

	<i>Violation of Consent Condition mainly prescribed standards / Consent Limits</i>	<i>adhered. Compliance of Consent Condition being submitted and verified by the authority. Consent has been renewed based upon inspection & re inspection by the competent Statutory authority.</i>
<i>2</i>	<i>Intentionally avoidance of data submission or data manipulation by tampering the Online Continuous Emission/Effluent monitoring system.</i>	<i>Timely Submission of Compliances/Returns/replies/queries of RO-Ranchi, JSPCB-Ranchi and MOEF&CC.</i>
<i>3</i>	<i>Accidental discharges</i>	<i>There is no accidental discharge. Washery is operating in Closed Circuit System so there is practically no discharge from the Unit. Preventive measures taken so as to ensure no accidental discharge from unit.</i>
<i>4</i>	<i>Intentional discharges</i>	<i>Washery is operating in Closed Circuit System so there is practically no discharge from the Unit.</i>
<i>5</i>	<i>Injection of treated /partially treated/untreated effluents to ground water.</i>	<i>No injection being done to ground water. Unit is designed for zero effluent discharge.</i>

7. That it is humbly stated and imperative here to mention that without ascertaining the degree & nature of damage caused to the Environment, loss made to population & having detailed analysis from expert organization/agencies to particular ecology, mere computation of Environment Compensation may create anomaly and ambiguity in the eyes of law.

8. That as per the direction of Hon'ble Tribunal Joint Committee 1st constituted on its visit dated 26.09.2022 later on 16.03.23 & 14.08.23 and its recommendations made the Unit has made compliances as per the recommendation of Joint Committee in time bound manner. Therefore all above factors ought be taken in to account or as per any other method as the Hon'ble tribunal may think fit proper before taking any adverse action against the PP.

9. Whereas the unit is designed for zero effluent discharge as mentioned in its reply dated 15.12.2022. The washing process is designed for closed circuit system. Effluent with fines is sent to belt press filter imported from UD where coal fines are recovered and mixed with solid rejects disposed of by rail. Particularly there is no discharge out of the Circuit. It is hereby submitted that Unit is following all concerned enactment specified in scheduled 1 of the National Green Tribunal Act 2010 and has not violated any of them.

10. The unit is operating under the prescribed tandards and within Consent Limits. In order to monitor the Air Quality, the Unit has installed PM-10 Analyser which is having connectivity with JSPCB, Ranchi Server and result shows as submitted to MOEF and CC on dated 31.08.2023 the PM-10 Concentration in the Ambient air was found well within the Prescribed limit most of the time as notified by the Central Pollution Control Board dated 18.11.2009.

11. Additionally, Ambient Air Quality Monitoring Arrangement- Ambient Air Quality inside the Washery premises are also monitored regularly by the Scientific research laboratory of the JSPCB at different locations.

12. Additionally, the Unit is having authorization from the JSPCB for handling of hazardous waste and for its disposal which is valid up to 31.03.2025.

13. That, it is essential here to mention that the Washery unit is designed for wet process for coal preparation so probability fugitive coal dust emission from unit is negligible.

14. The unit is having valid CTO up to 31.12.2023 Ref. No. JSPCB/HO/RNC/CTO-11502577/2022/265 Dated 12.3.2022 based on the various documents relied upon and inspection including following:

(i) The contents of (CTO) Consent to Operate dated 25.3.2020 for the period up to 31.12.2021

(ii) The contents of Inspection report (I/R) Ref No Nil Regional Office, Ranchi dated 12.01.2022 and reverification report inspected on 9.03.2022.

15. That as per the Show cause notice under Section 21(4) of the Air Prevention and Control of Pollution Act 1981 and under Section 25/26 of the water Prevention and Control of Pollution Act 1974 issued by JSPCB dated 21/12/2022 related to the inspection held on 26.9.2022 by the Joint Committee Constituted by the Hon'ble NGT & the inspection report was submitted vide reference no 821 dated 28.10.2022.

16. That the Project proponent vide its letter dated 22.12.2022 submitted its Action taken/Compliance report before the Member Secretary, Jharkhand State Pollution Control Board with target date of Completion of all recommendation of the Joint Committee which has been duly adhered in time line.

Copy of Show Cause Notice dated 21/12/2022 along with the Action Taken Report submitted to JSPCB.

17. That with reference to CPCB letter dated 19.01.2023 vide letter dated 31.01.2023 of RO, Ranchi addressed to the Project proponent the PP vide its letter dated 14.02.2023 submitted its Compliance Report before the Regional Officer, Ranchi, Jharkhand State Pollution Control Board mentioning target date of completion of Joint Committee recommendation which has

been duly adhered in time line. Copy of Compliance Report submitted to RO, Ranchi.

Thus, there is no delay in submission of compliance report nor any noncompliance on the part of PP as per the direction of Statutory authorities including the Joint Committee constituted as per the Order of Hon'ble Tribunal. Further the Washery unit is fully complying the rules as per the National Green Tribunal Act, 2010 Schedule I of Act.

18. The Unit is complying provision under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under the section 21 of Air (Prevention & Control of Pollution) Act, 1981 under which the Consent is granted. Following are some compliance witnessed by the Joint Committee apart from other compliances.

- a) That , there was no smoke or spontaneous combustion of coal stock in the project as observed by the Joint Committee during the inspection of project site.*
- b) No discharge from the closed circuit of the Unit. The Unit is working in the principle of Zero discharge.*
- c) River water found to be clean.*
- d) Fixed water sprinkler in project boundary & Railway siding and Hopper found in operational condition.*
- e) Air Quality monitoring PM10 connected to JSPCB server. Data submitted/report sent within the prescribed limit.*

19. That, therefore, it is humbly submitted that no adverse orders be passed/initiated against the Project Proponent including but not restricted to imposition of Environmental Compensation in view of the capital expenditure made by the PP for strengthening & protecting the environmental system and keeping in view the due compliance of the recommendations of the Joint Committee brought on record before this Hon'ble

Tribunal. Any additional financial proposition on PP may make vulnerable/jeopardise the Project.”

31. The Jharkhand State Pollution Control Board has filed Action Taken Report with regard to the findings of the Joint Committee Inspection Report dated 26/28.10.2022. On the basis of the said Committee Report a notice dated 21.12.2022 was issued by the Jharkhand State Pollution Control Board to the Project Proponent directing it to appear in the office of the Jharkhand State Pollution Control Board on 23.12.2022 to explain the findings recorded by the Joint Committee and also as to why the Consent to Operate (CTO) may not be revoked.

32. The Project Proponent submitted his reply dated 22.12.2022 which is on record giving the ‘Current Status on the part of the Project Proponent’ which reads as under: -

Sl. No.	Recommendation of Committee	Remarks of Committee	Current Status on the part of Project Proponent
a	Comply all the Conditions of EC issued by MoEF&CC and CTE/CTO issued by JSPCB	Large quantity of coal was stocked in the project. Where as in the EC (Environmental Clearance) it is mentioned that only one day stock shall be stored in the stock yard (specific condition (ii) accorded by	The reject coal is temporarily stored in the premises of the plant and ultimately disposed off to captive power plants (actual end users) only through rail wagons (as per conditions of Environmental Clearance). During the Covid Pandemic, when there was county wide Lock down the dispatches were badly affected and coal

		MOEFCC vide no.J-11015/260/2008-IA.II(M) dated 10.12.2008. 	rejects accumulated in the premises. As the restrictions imposed during the lockdown eased, afterwards the reject coal disposal started but the coal reject customers reduced drastically. Non-availability of railway wagons for movement of reject coal to certain destinations also restrict the reject coal disposal as priority are given for movement of washed coal and raw coal rakes. Yet we are in continuous process of disposal of accumulated reject coal as well as fresh generated reject coal and expecting to dispose off in next 8-10 months approximately. The project proponent has also made request for amendment to specific Condition no. (ii) of EC granted on 10.12.2008 vide its letter dated 17.11.2022 to the Ministry of Environment, Forest & Climate Change requesting for permission of one month coal storage in washery premises to face such
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			<i>unavoidable circumstances.</i>
<i>b</i>	<i>Clear/take out all coal from the slopes adjacent to Sonadubi Nallah/ river & Develop grassing. Ensure during loading/ unloading no Coal is spilled on the slopes facing River.</i>	<i>Large quantity of coal was observed on the slope facing sonadubi river in between KDH Railway Siding and Sonadubi River.</i>	1. Project proponent ensuring no coal is spilled on the slopes facing Sonadubi River. 2. Plantation/ grassing developed after removing the coal from the slopes facing the River. Copy of work order dated 15.12.2022 Ref. MDCWL/SITE/WO/STORE/22-23/56.
<i>c</i>	<i>Bring all the Coal Stock inside the premises urgently and construct/ repair all the wall around project boundary (in all directions)</i>	<i>Boundary wall was broken and coal was found beyond the project boundary</i>	Portion of boundary wall was damaged due to heavy rainfall and some reject coal had inadvertently made its way onto the adjoining portion of the road. Boundary wall construction work has been started vide work order Ref: MDCWL/SITE/WO/O&M-CIVIL/22-23/42 dated 24th September, 2022. Construction is expected to be completed by the end of Mar-23. Presently coal being kept with in boundary wall to avoid spillage.
<i>d</i>	<i>Make catch drains, siltation ponds, concrete humps around coal dumps,</i>		<i>MDCWL LTD is designed for zero effluent discharge. The washing process is designed for closed circuit system. Effluents with coal</i>

	Washed Coal, rejects so as to ensure no coal dust/slurry flows into the river other low lying areas.		fines is sent to Belt Filter press imposed from U.K. where coal fines are recovered and mixed with solid reject disposed of by rail. Practically there is no discharge out of circuit. Settling ponds are already there one more siltation pond & slurry pond construction work is under progress to take care of any emergency. It is expected to be completed by 31.03.2023.
e	Arrange and repair and maintenance of all roads in and adjacent to the project		The Road belongs to M/s CCL and MDCWL is not authorized to repair the road however KDH PO has been requested vide our letter dated 28.10.22 for repair and maintenance of the road adjacent to the project.
	In case of sudden spillage the Coal, broken coal should be cleared/cleaned with the same day		The company has a policy for cleaning of such sudden spillage coal immediately to avoid coal dust pollution.
	Tarpaulin covering in Coal Transpiration trucks to be ensured	Tarpaulin covering was not observed over the coal trucks transportation	Office Order has been issued to the transporter along with monitoring being done.

f	No of mobile tankers should be increased copy of log book of water tanker to maintain		Office Order has been issued to the transporter/ service provider increase the mobile tanker.
g	All the conveyor belts in the project should be covered	Conveyor belt in the project used for coal transportation were found to be uncovered and potential source of fugitive coal dust emission.	Conveyor belt covering work has been started by the project proponent and the work is under progress. It is expected to be completed by 30.06.2023.
h	Plantation/green belt development around the project boundary in the gaps between gap already existing trees inside the project area should be developed	Some plantation was observed around the boundary of the project but there were gaps between those plantation. Some plantation was observed inside the project area.	Work order for plantation work dated 19 th Nov. 2022 is attached herewith along with photographs dated 22.12.2022 of work of plantation being carried out and is in progress.

Prayer:

Considering our above submission we may please be allowed to grant above time to make above compliance as per the recommendation of Committee & complete the ongoing work at our end. Therefore in view of the above facts our CTO should not be revoked.”

33. A perusal of this Report would show that the Project Proponent has admitted that it is in the continuous process of

disposal of accumulated reject coal as well as fresh generated reject coal and “is expected to dispose of the same within the next 8-10 months approximately”. This confirms the findings of the Joint Committee that there was accumulation of coal rejects. It was stated that boundary wall construction work has been started vide work order dated 24.09.2022 and is expected to be completed by March, 2023 which again confirms that the boundary wall is broken at places. It is also stated that siltation pond & slurry pond construction work is under progress to take care of any emergency and is expected to be completed by 31.03.2023 which again confirms that on the date of the first Inspection there was no siltation pond & slurry pond. With regard to conveyor belt covering, the Respondent No.4 has stated that the conveyor belt covering work has been started by the Project Proponent and the work is under progress and is expected to be completed by 30.06.2023 which also confirms the findings of the first Joint Committee Report that there was no conveyor belt covering on the date of the Inspection.

34. The Jharkhand State Pollution Control Board has filed further affidavit dated 06.09.2023 stating that Environmental Compensation has been computed by the Board as per the methodology and guidelines laid down by the Central Pollution Control Board, amounting to Rs.7,62,50,000/- (Rupees Seven crores sixty two lakhs fifty thousand only) and that a show cause notice has also been issued to the Unit. It is also stated that the Joint Committee visited the site again on 24.08.2023 for the second

time and with regard to its findings a Compliance Report has been submitted by the Project Proponent (which has already been extracted hereinabove).

35. From the two Joint Committee Inspection Reports and the Compliance Status submitted by the Applicant, it is clearly established that the findings recorded by the Joint Committee regarding non-compliance of environmental norms/violation of environmental norms by the Project Proponent stand confirmed and the Project Proponent in his Compliance Status has assured that the recommendations of the Committee would be complied and completed.

36. Considering the Environmental Violations, the Jharkhand State Pollution Control Board has also computed Environmental Compensation against the Project Proponent. So far as the findings of the Joint Committee Report and the explanation given by the Project Proponent are concerned, we are satisfied that the Project Proponent is in gross violation of the environmental norms. However, since the Environmental Compensation has been computed against the Project Proponent, he has a right to respond to the same.

37. We accordingly dispose of this Original Application with liberty to the Respondent No.4, Project Proponent, to submit his reply to the computation of Environmental Compensation within 15 days and if such a reply is submitted, the Jharkhand State Pollution Control Board shall consider the reply of the Respondent No.4 with

regard to the quantum of Environmental Compensation and after giving him opportunity of hearing, if so desired by the Project Proponent, shall proceed to pass final order thereon in accordance with law.

38. Interlocutory Applications, if any, stand disposed of accordingly.

39. There shall be no order as to costs.

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B. AMIT STHALEKAR, JM

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DR. ARUN KUMAR VERMA, EM

Kolkata,
October 13, 2023,
Original Application No.116/2023/EZ
(Earlier O.A. No.479/2022/PB)
MN

NGT