

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

Appeal No.01/2023/EZ

Eastern Coalfield Limited & Anr.

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 05.09.2023

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

For Appellant(s) : Mr. Pradipta Bose, Sr. Advocate a/w
Mr. Saunak Sengupta, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Ashok Prasad, Advocate for R- 1 to 3

ORDER

1. Mr. Pradipta Bose, learned Senior Counsel assisted by Mr. Saunak Sengupta, learned Counsel is present (in Virtual Mode) on behalf of the Appellants.
2. Additional affidavit dated 28.08.2023 has been filed on behalf of the Respondent Nos.1 to 3, Central Ground Water Board; the same is taken on record.
3. The matter was heard at great length.
4. From the documents on record, we find that the figure of 280.8 cum as mentioned in the Inspection Report is the quantum of dewatering withdrawn by the Appellants, which has not been explained either by the Appellants or by the Central Ground Water Board (CGWB). It is on the basis of this figure that Environmental Compensation and Penalty is said to have been computed. The Inspection Report at page No.210 of the paper book mentions

“quantum of dewatering withdrawn by the firm (check Log Book)” to be 280.8 cum/day. This Log Book is not before us.

5. Mr. Ashok Prasad, learned Counsel, appearing on behalf of Central Ground Water Board drew our attention to annexure-3 (page no.205 of the paper book) which is a letter of the Appellants dated 20.07.2021 and submitted that computation of 280.8 cum/day has been arrived at on the basis of this letter. We find that this letter does not mention the figure 280.8 cum/day. The figure of 280.8 cum/day which is the basis of the impugned order passed by the Respondents remains unexplained. The basis of mathematical computation of environmental compensation has not been explained by the Respondents.
6. We, therefore, direct that an affidavit be filed by Mr. A. K. Sinha, Scientist-B who has signed the Inspection Report dated 01.09.2021 with supportive documents such as his calculation sheet / Log Book or any other methodology by which this figure of 280.8 cum/day has been arrived at by the Respondents for the purpose of computation of Environmental Compensation. Mr. A. K. Sinha, Scientist-B shall also be present in Court on the next date of listing to assist the Court.
7. Since there are nine Appeals in which similar questions have arisen, Sri A. K. Sinha, Scientist-B shall file affidavit in all the connected Appeals.
8. The affidavit should be filed within 10 days and copy of the same shall be served upon the Counsel for the Appellants at least three days before the next date of hearing.

9. **List for final hearing on 21.09.2023.**

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B. Amit Sthalekar, JM

September 05, 2023,
Appeal No.01/2023/EZ
SKB

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Dr. Arun Kumar Verma, EM