

REPORT OF THE JOINT COMMITTEE
With
ACTION PLAN

In compliance with the
Order dated 27.02.2023 of the
Hon'ble National Green Tribunal (NGT),
Eastern Zone Bench (EZB), Kolkata

In O.A. No. 19/2021/EZ

In the matter of
Ravi Shankar Mandal

Versus
Union of India &Ors.

November, 2023

1. Introduction

1.1 With reference to the matter of Ravi Shankar Mandal Versus Union of India & Ors. in O. A. No. 19/2021/EZ the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata had passed an order dated 27/02/2023 (Copy of the order dated 27/02/2023 passed by the Hon'ble NGT, EZB, Kolkata in present matter is attached as **Annexure – 'A'**).

1.2 Direction of the Hon'ble NGT vide order dated 27.02.2023

The Hon'ble NGT, EZB, Kolkata vide its order dated 27/02/2023 in the matter of O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Versus Union of India & Ors. has disposed of the matter and has directed as under: -

“20. Having regard to the above data and providing all margins for errors, on most conservative estimate liability for damage to environment is determined at Rs. 10 Crores to be utilised for remedial measures by statutory regulators, associating all stake holders, including the Railways owning the stock yard, the operator of the stock yard and users including the WBPDS.

21. Accordingly, in view of our finding that damage to environment has taken place by ignoring the siting norms and also by failing to take all precautions and not complying with the laid down conditions for thick plantations and other safeguards, compensation be deposited in the first instance by the Railways within two months with liberty to recover the same from the users of the stock yard. If payment is not made, the consents granted may be cancelled and stock yard may not be allowed to be operated. The amount may be deposited with the Stated PCB and utilized for restoration measures by a joint Committee headed by ACS, Environment, Jharkhand, with other members being PCCF, Jharkhand, nominee of CPCB, District Magistrate, Dumka and nominees of Railways and WBPDC. The Committee may prepare a plan for restoration measures and manner of execution. Remedial measures may be executed within six months. The remedial measures will include dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways/roads and setting up monitoring stations. District Environment Plan be also considered. Besides, the action plan may include addressing public grievances and improvement of environmental aesthetics around the Rasikpur area to nullify effect of loading/unloading.

22. A status report about compliance of this order be filed by e-mail with the Registrar, EZB by June 22, 2023. If found necessary, he may place the matter before the Bench.”

1.3In compliance to the order dated 27/02/2023 of the Hon'ble NGT, EZB, Kolkata a Joint Committee was constituted by the Forest, Environment and Climate Change Department, Government of Jharkhand vide its Notification No. 1270 dated 10/04/2023 (Copy of the Notification issued by the Forest, Environment and Climate Change Department, Government of Jharkhand is attached as **Annexure – 'B'**) comprising of the following officials:-

| S.N. | Officials | Designation |
|------|---|------------------|
| 1. | Additional Chief Secretary, Forest, Environment and Climate Change Department, Jharkhand, Ranchi. | Chairman |
| 2. | Principal Chief Conservator of Forest, Jharkhand, Ranchi. | Member |
| 3. | Representative of CPCB, Eastern Zone, Kolkata. | Member |
| 4. | Deputy Commissioner, Dumka. | Member |
| 5. | Representative of Asansol Division, Eastern Railways. | Member |
| 6. | Representative of West Bengal Power Development Corporation Limited. | Member |
| 7. | Member Secretary, JSPCB. | Member Secretary |

The ToR of the committee is as follows:-

- (i) The committee will prepare an action plan to restore the environment and will work for its implementation.
- (ii) The action plan shall consider corrective measures for dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways / roads and setting up monitoring stations.
- (iii) The committee will also consider the effective implementation of the District Environment Plan constituted for the district.
- (iv) Apart from this, the committee will work for the improvement of Environmental Aesthetics around Rasikpur area to reduce the impact of pollution arising out of loading/unloading, to remove the grievances of the public involved in the action plan.

1.4A meeting with the officials of the Jharkhand State Pollution Control Board (JSPCB) under the chairmanship of the Additional Chief Secretary, Forest, Environment and Climate Change Department, Government of Jharkhand was held on 17/04/2023 as a preparation meeting for the Hon'ble NGT formed Joint Committee. This meeting was held to discuss the strategy and to procure the

relevant information to undertake the required task and activities for compliance of the order dated 27/02/2023 passed by the Hon'ble NGT in O. A. No. 19/2021/EZ. Minutes of Meeting (MoM) of the said meeting is attached as **Annexure – 'C'**.

1.5The first meeting of the Joint Committee under the chairmanship of the Additional Chief Secretary, Forest, Environment and Climate Change Department, Government of Jharkhand was held on 25/04/2023 to review the present status of the Pollution Control Measures being adopted by the West Bengal Power Development Corporation and Dumka Goods Shed to mitigate the effects of pollution being caused by the transportation, loading & unloading of Coal and to discuss the further action to be taken by the various stakeholders for compliance of the order dated 27/02/2023 passed by the Hon'ble NGT in O. A. No. 19/2021/EZ. MoM of the said meeting is attached as **Annexure – 'D'**.

1.6 Present Status of Compliance: -

The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka presented the present compliance status of the remedial measures on 25/04/2023 which were suggested by the Hon'ble NGT, EZB, Kolkata in its order dated 27/02/2023 before the committee. The details of which is as below: -

| S. N. | Remedial Measures | Compliance Status |
|--------------|--|--|
| 1. | Dense green belt | Approx 400 nos. of old plants were found at the Eastern Side (Rampurhat line) & Western Side (Jasidih line) of the railway siding. Approx 100 nos. of new saplings was found along the siding. |
| 2. | Installation of dust suppression devices including water sprinklers, | Vehicular Water Tankers – 2 nos. Of capacity 20 KLD each. Fog Mist Water Canons – 06 Nos. Of range 25 m approx. |
| 3. | Construction of garland drains and setting pits, | Approx 600 m long pucca garland drain has been constructed along the railway coal track and 03 settling pits have been made about 20 Feet Long and 5 feet wide and two meter depth. |
| 4. | Building of wind breaking wall, | The boundary wall / wind breaking wall of framed GI sheet of about 510 meters long and |

| | | |
|----|---------------------------------|---|
| | | 20 ft height along with siding has been constructed. |
| 5. | Making paved ways / roads | Not made. |
| 6. | Setting up monitoring stations. | PM ₁₀ analyzer has been installed at the railway siding. |

1.7 Location of Sensitive Points from Dumka Goods Shed: -

The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka provided the distance from Battery Point of the sensitive locations from Dumka Goods Shed which is as given below: -

| S.N. | Sensitive Locations | Ariel Distance from Battery Points (as per present status) |
|-------------|---|--|
| 1. | St. Xavier's School | 48 m |
| 2. | 10+2 Western English School | 64 m |
| 3. | A.N. College | 1 km |
| 4. | State Highway-18 (Govindpur-Sahibganj) | 200 m |
| 5. | Hospitals | 550 m |
| 6. | Rajkiya Polytechnic College, Dumka | 250 m |
| 7. | Dumka Engineering College, Dumka | 200 m |
| 8. | St. Johns school | 450 m |
| 9. | Habitation (above 800 no. of dwellers / 160 nos. houses as per JSPCB Siting Criteria) | Within 100 meters (About 6 built house and 15 under construction) |
| 10. | Bethel Mission School | 500 m |

2. Site Visit

2.1 The Joint Committee under the chairmanship of the Additional Chief Secretary, Forest, Environment and Climate Change Department, Government of Jharkhand has conducted the site visit on 21/07/2023 for ascertaining factual position of the Pollution Control Arrangements being adopted by the West Bengal Power Development Corporation and Dumka Goods Shed to mitigate the effects of pollution. The Joint Committee undertook visit to the site, interacted with the stakeholders. The Team comprised of the following officials:

-

- i. Sri L. Khiangte, Additional Chief Secretary (ACS), Forest, Environment and Climate Change Department, GoJ – Cum – Chairman, Joint Committee.
- ii. Sri Y. K. Das, Member Secretary (MS), Jharkhand State Pollution Control Board (JSPCB) – Cum – Member Secretary, Joint Committee.
- iii. Sri S. C. Rai, Regional Chief Conservator of Forest, Dumka (Representative of the PCCF (HoFF), Jharkhand).
- iv. Sri Ravi Shankar Shukla, Deputy Commissioner, Dumka.
- v. Sri Mukesh Kumar Meena, Additional Divisional Railway Manager, Asansol Division, Eastern Railways.
- vi. Sri S.P. Dutta Majumdar, Representative of the Chairman – Cum – Managing Director, West Bengal Power Development Corporation Limited, Kolkata.
- vii. Sri Toufic Aslam, Scientist C, CPCB Regional Directorate, Kolkata.
- viii. Smt. Pranjal Dhanda, Probationer IAS, Dumka.
- ix. Sri Satwik Vats, Divisional Forest Officer, Dumka Forest Division, Dumka.
- x. Sri K. K. Pathak, Regional Officer (RO), JSPCB Regional Office – Cum – Laboratory, Dumka.
- xi. Sri Jawed Anwer Idrishi, Director DRDA, Dumka.
- xii. Sri Rajiv Kumar, Additional Collector, Dumka.
- xiii. Sri Vijay Kumar, Deputy SP (HQ), Dumka.

- xiv. Sri Kaushal Kumar, Sub-Divisional Officer, Dumka.
- xv. Sri PhilbiusBarla, District Transport Officer, Dumka.
- xvi. Sri Krishna Kumar Kisku, District Mining Officer, Dumka.
- xvii. Dr. Harendra Kumar Singh, Executive Engineer, RCD, Dumka.
- xviii. Sri Jamun Ravidas, Circle Officer, Dumka Sadar.

2.2 The observations of the Joint Committee during field visit are as follows: -

- a) The siding was not in operation at the time of visit. However, a railway wagon was stationed at the siding area. When enquired, the Railway representative said that the wagon was stationed for the loading of coal.
- b) The coal was stacked at the Railway Siding and mist water sprinklers were made operational to keep the coal in wet condition. However, there was no provision for covering of the same.
- c) Water Sprinkling was going on the haul roads and pathway at the coal stockyard.
- d) The boundary wall of tin sheet was constructed but a gap was there b/w the boundary wall wherever there was a shift in the alignment of the Boundary wall. Moreover, the gaps in the boundary wall were found from the ground level.
- e) Plantation work has been carried out along the boundary wall of the goods shed.
- f) The wharf of the Railway Siding was not found pucca.
- g) No arrangement for static Water sprinkling was found from the Dumka Railway station side, only provision for sprinkling of water through mobile sprinklers (vehicular sprinklers) was available.
- h) Some old plantations were found at the Eastern Side (Rampurhat line) & Western Side (Jasidih line) of the railway siding in patches. When enquired, the RCCF, Dumka stated that these plantations were carried out 3-4 years before.
- i) Pucca Garland drains and setting pits along the railway coal track was found constructed.

- j) Some soil cutting was seen along the St. Xaviers' School Side of the Railway Siding approx 50 m from the school site. When enquired, the Railway representative said that it was done for smooth movement of the transportation vehicles and for some maintenance work of Railway.
- k) There was no wind breaking wall in between the Dumka Goods Shed area and Dumka Railway Station side.
- l) Then the Committee visited the three sites proposed by the District Administration for developing the wheel washing facility along with the vehicle wetting facility, and the land situated in Mouza - Guhijori, Dumka was recommended by the committee.

2.3 Directions issued by the committee during Site Visit: -

- a) DC, Dumka to get the PTZ cameras installed at Phulo-Jhano Chowk. Railways to get PTZ cameras installed in Dumka Goods shed covering the entire area, especially a PTZ camera to be installed covering the St. Xavier's School.

(Action by: Railways & DC, Dumka)

- b) To close the gaps from the ground in the boundary wall of the Dumka Goods Shed.

(Action by: Railways)

- c) To install 08 (eight) additional static Water Sprinklers / Mist Sprinklers to prevent air pollution in the North side of the Railway Siding and to install 15 Water Sprinklers / Mist Sprinklers on the side of stone chips siding / Railway Station side.

(Action by: Railways)

- d) To get the wind breaking wall installed b/w Coal Siding Railway line No. 05 & 06 within 3 months.

(Action by: Railways)

- e) To get the plantation works completed by this monsoon (October, 2023).

(Action by: DFO, Dumka)

- f) To construct the pucca road & wharf area for movement of coal transportation vehicles.

(Action by: Railways)

- g) To have plantation / vegetation developed on the slope of the land along the boundary wall to prevent soil erosion and dust from being airborne.

(Action by: Railways)

- h) To start the process of transfer of land situated in Mouza –Guhijori, Dumka to WBPDCCL for developing Wheel Washing and Vehicle wetting facility.

(Action by: DC, Dumka)

3. Action plan

3.1 Two meetings of the Joint Committee were conducted on 25/04/2023 and 21/07/2023 and one site visit was also done by the Committee on 21/07/2023 in and around the Dumka Goods Shed and Rashikpur Area. On the basis of the above said meetings and observations of the Committee while site visit an Action Plan including the restoration / mitigation measures which are to be carried out by the different stakeholders to mitigate the effects of mineral transportation, loading and unloading at Dumka Goods Shed are as below: -

| S. N. | Restoration / Mitigation measures to be adopted by stakeholders | Responsible Agency | Timeline | Budget |
|-----------|---|------------------------------------|----------------|-----------------------|
| A. | Measures to be adopted by the Railways: - | | | |
| 1. | To install PTZ Camera in Phulo-Jhano Chowk, St. Xavier's School, Neturpahadi Chowk and covering the entire premises of Dumka Goods Shed for continuous monitoring of the Goods Shed premises and operation of the Pollution Control measures. Especially, a PTZ camera be installed covering the St. Xavier's School. | Asansol Division, Eastern Railways | January 2024. | 30,00,000 |
| 2. | To check the feasibility and install Dust Collector and send air quality report of the coal siding and surrounding area to the Monitoring Committee and JSPCB. | Asansol Division, Eastern Railways | January 2024. | From railways Budget. |
| 3. | To install GI Sheets of height 20 to 25 feet between Coal Siding Railway Line No. 05 and 06 to prevent the dust / air borne particles from the siding area from entering into the passengers' area. | Asansol Division, Eastern Railways | January 2024. | From railways Budget. |
| 4. | To install 08 (eight) additional water sprinklers to prevent air pollution in the North side of the Railway Station and to install 15 water sprinklers on the side of stone chips siding to control the dust | Asansol Division, Eastern Railways | December 2023. | From railways Budget. |

| | | | | |
|-----------|--|------------------------------------|----------------|-----------------------|
| | particles from being air-borne. | | | |
| 5. | To close the gap from the ground in the boundary wall situated by the side of St. Xavier's School to prevent the dust / air borne particles from the siding area from entering into the School premises. | Asansol Division, Eastern Railways | December 2023. | From railways Budget. |
| 6. | To construct the pucca approach road to and from the coal siding and wharf area where transportation, loading and unloading of the mineral (Coal, Stone etc.) takes place between railway line number 05 and 06 to control the re-suspended dust / air borne particles from being air-borne. | Asansol Division, Eastern Railways | January 2024. | From railways Budget. |
| B. | Measures to be adopted by the WBPDCCL: - | | | |
| 1. | To arrange three additional water sprinklers (Vehicular) for sprinkling on coal transportation route from Manjhi Than via PhuloJhano Chowk to Natur Pahari and nearby populated areas till railway siding. An arrangement to be made in such a way that behind each vehicular water sprinkler HEMM should be moving. | WBPDCCL | December 2023. | 1,50,00,000 |
| 2. | To install high Mast Light at Neturpahadi Chowk and near the populated areas where sufficient lighting is not there, to prevent the chances of accident. | WBPDCCL | December 2023. | 25,00,000 |
| 3. | To develop the wheel washing & vehicle wetting facility in Mouza – Guhiyajori having Khata No. – 27, Dag No. – 470 over an area of 11.50 Decimils for the transportation vehicles before entering the populated area of Dumka town. | WBPDCCL | January 2024. | 1,00,00,000 |
| 4. | To procure the Mechanical Road Sweeping Machine for road sweeping from Manjhi | WBPDCCL | January 2024. | 70,00,000 |

| | | | | |
|-----------|--|----------------------------------|----------------|-------------|
| | Than via PhuloJhano Chowk to Natur Pahari to prevent the dust / air borne particles from being air-borne. | | | |
| 5. | To carry out transportation of coal in two trips only per vehicle in 24 hours time / daily basis. | WBPDCCL | Continuous | NA |
| C. | Measures to be adopted by Other Stakeholders: - | | | |
| 1. | To carry out the work of tree plantation in the west and north-west direction in the vicinity of the traffic road, Netarpahadi Chowk etc. | DFO Dumka | October 2023. | 1,55,36,794 |
| 2. | To plant 4000 nos. of gabion bamboo plantation in and around Rashikpur Area, Dumka and its maintenance for 4 years. | DFO Dumka | October 2023. | 1,55,36,794 |
| 3. | To develop the Grievance Redressal System with a control room and publicize the same. | DC Dumka | December 2023. | 13,000 |
| 4. | To revise DEP in light of the Hon'ble NGT order. | DC Dumka | Done | NA |
| 5. | To get the proposal for installing Water / Mist sprinklers from the schools and other sensitive location, if any. The installation & management of water / mist sprinklers will be done by the concerned schools and their management. | DC Dumka & the Concerned Schools | December 2023. | 50,00,000 |
| 6 | Continuous monitoring of the measures being taken for pollution prevention in coal siding and surrounding periphery. | Monitoring Committee | Continuous | NA |

3.2 It was unanimously decided by the Committee that the restoration / mitigation measures to be adopted by the Railways which are part of their Consent to Operate (CTO) compliance, for that the fund will not be provided from the amount of INR 10 Crores (Environmental Compensation deposited by the Railways).The remaining amount of Environmental Compensation will

remain deposited with JSPCB and it will be used for other mitigative measures as and when proposed by the various stakeholders or by the Committees constituted at the district level.

3.3 Review Meeting: -

A Review Meeting in the Chairmanship of the Additional Chief Secretary, Forest, Environment and Climate Change Department, Government of Jharkhand – cum – Chairman, Joint Committee was held on 21/07/2023 in the Conference Hall of Circuit House, Dumka with the officials, different stakeholders & representatives of the people for compliance of the directions issued by the Hon'ble NGT, Eastern Zone Bench, Kolkata vide its order dated 27/02/2023 in O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others. The Minutes of the said Review Meeting is attached as **Annexure – 'E'**.

3.4 Photographs: -



Fig – 1: Joint Committee members visiting the site.



Fig – 2: Coal Dumped at the Railway Siding.



Fig – 3: Slope land without vegetation.



Fig – 4: Wheel marks of vehicles on land.



Fig – 5: Coal Dumped at the Railway Siding.



Fig – 6: Railway Wagon at Goods shed.



Fig – 7: Water Sprinkling arrangement at Siding.



Fig – 8: Katcha Wharf / unpaved area at siding.



Fig – 09: Mist Movable Canon Sprinklers at siding.



Fig – 10: Water sprinkling at stacked coal in siding.



Fig – 11: Boundary wall with gap at alignment.



Fig – 12: Boundary wall with gap from ground.



Fig – 13: Boundary wall near St. Xavier's School.



Fig – 14: HEMM parked at Siding.



Fig – 15: Waste mixed with coal dust.



Fig – 16: Fixed Mist Canon Sprinklers at siding.



Fig – 17: Coal Transportation vehicles at stock.



Fig – 18: Entry Point of the Coal Siding.



Fig – 19: Vacant Place near siding (Plantation area).



Fig – 20: Proposed area demarcated for developing Wheel Washing and vehicle wetting facility.



Fig – 21: Another proposed area demarcated for Wheel Washing and vehicle wetting facility.



Fig – 22: Review Meeting of Joint Committee with stakeholders and District level officials of Dumka.



Fig – 23: Interaction of Joint Committee with Members of Civil Society, Dumka.



Fig – 24: Interaction of Joint Committee with Applicant and local residents of the nearby areas.

Sd/-
(Toufic Aslam)
Scientist 'C', Representative
of CPCB, Kolkata.

Sd/-
(Ashish Bhardwaj)
ADRM, Asansol
(Representative of Asansol
Division, Eastern
Railways)

Sd/-
(Alok Nath)
Consultant (Mining), WBPDC
(Representative of West Bengal
Power Development
Corporation)

Sd/-
(Anjaneyulu Dodde)
Deputy Commissioner,
Dumka.

Sd/-
**(Yatindra Kumar
Das)** Member Secretary,
JSPCB – Cum – Member
Secretary, Joint
Committee.

Sd/-
(Dr.Sanjay Srivastava)
Principal Chief Conservator of
Forest (HoFF), Jharkhand.

Sd/-
(L. Kiangte)
Additional Chief Secretary,
Forest, Environment and
Climate Change Department,
Government of Jharkhand –
Cum – Chairman, Joint
Committee.



Fig. 23: Interaction of Joint Committee with Members of Civil Society, Dumka



Fig. 24: Interaction of Joint Committee with Applicant and local residents in the nearby areas

Aslam
(Tahir Aslam)
Scientist 'C', Representative
of CPCB, Kolkata

Ashish
(Ashish Bhaadwaj)
ADRM, Asansol
(Representative of Asansol
Division, Eastern
Railways)

Omata
(Alok Nath)
Consultant (Mining), WB/IDCI
(Representative of West Bengal
Power Development
Corporation)

Karishma Mukherjee
Deputy Commissioner,
Dumka

Yatindra Kumar Das
(Yatindra Kumar Das)
Member Secretary, ISPCB
Cum - Member
Secretary, Joint
Committee

Sanjay
(Dr. Sanjay Srivastava)
Principal Chief Conservator of
Forest (I & II), Jharkhand

G. Khunogte
(G. Khunogte)
Additional Chief Secretary,
Forest, Environment and
Climate Change Department,
Government of Jharkhand
Cum - Chairman, Joint
Committee

Item No.03

Court No. 1

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

(BY VIDEO CONFERENCE)

Original Application No. 19/2021/EZ
I.A No. 130/2022/EZ, I.A. No. 201/2022/EZ
I.A No. 228/2022/EZ & I.A No. 229/2022/EZ

Ravi Shankar Mandal

Applicant

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 27.02.2023

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

Applicant: Mr. Mr. Sanjay Upadhyay, Advocate a/w
Ms. Gitanjali Sanyal, Advocate and
Mr. Kazi S. Thupden, Advocate

Respondent(s): Mr. Sibojyoti Chakraborty, Advocate for R-3
Ms. Aishwarya Rajyashree, Advocate for R-4 & 6
Mr. Surendra Kumar, Advocate for R-5
Ms. Richa Raman, Advocate for R-2,7,8 & 9,
Mr. Anoop Mehta, Advocate (in I.A. 228/2022/EZ)

ORDER

1. Grievance in this application is against operation of railway coal stockyard in the densely populated area of Rasikpur, Ward No. 1, Dumka in Jharkhand in violation of environmental norms resulting in continuing damage to the environment. According to the applicant, due consent has not been granted by the State PCB for the said yard. The proposed yard is in violation of siting criteria of 2012 laid down by CPCB and Orissa State

PCB which is followed by Jharkhand State PCB and which inter-alia is as follows:-

- “
- *The proposed site is to be located away from habitation and State/National Highway at a safe distance.*
 - *The proposed site is to be located atleast 1 km away from Schools, Colleges, Hospitals, Archaeological monuments, market place and other sensitive areas.*
 - *Nearest water body should be at a safe distance.*
 - *Location of the stack yard should be such that there is no public inconvenience for parking or movement of vehicles.”*

2. It is stated that the site is within less than 100 mtrs. from habitation. CAG in its report published on 12.12.2014 has found the Railways to be non-compliant of environmental norms. In the proposed yard, there is huge potential for coal dust affecting the nearby residential area due to wind having impact on health particularly of children. Coal dust is a well-known pollutant and source of various diseases. The yard in question is being set up to help West Bengal Power Development Corporation (WBPDC). The same will start functioning after 14.01.2021. Coal from Pakur Coal Mining will be brought by road to the Dumka Railway Bengal siding and WBPDC will take the coal from coal racks to Bengal. Coal will be consumed in West Bengal thermal power plants. Establishments close to the proposed yards are St. Xavier's School, Western English School, Vidyalaya Bhawan Durgasthan, Rasikpur, Bethel Mission; Bal Bharti School, Rajkiye Polytechnic College, Dumka Engineering College, Adityanarayan Inter-College & Degree Mahavidyalaya, Dumka. The applicant has relied the upon judgment of this Tribunal dated 25.05.2016 in O.A. No. 41 of 2015/EZ titled *Ashwini Kumar Dhal vs Odisha Pollution Control Board & Ors* directing levy of compensation of Rs. 50 lakhs for operating railway yard without consent from the PCB for five years, to be used for

development of health centres and improvement of environment around the railway siding, including sanitation and supply of drinking water.

3. The Tribunal considered the matter on 07.06.2021 and issued notice to the respondents including Ministry of Railways and Jharkhand PCB who have filed their respective responses. Though WBPDC was not impleaded as party and notice was not issued to it, the Railways and the PCB have interacted with it as shown in their responses. WBPDC has also entered appearance seeking impleadment and also placing its version voluntarily.

4. The stand of State PCB in more than one affidavits is that CTE/CTO has been granted to Dumka Goods Shed. The said shed is storing and transporting stone chips but they are expanding the work for storage and transportation of coal. Distance of sensitive locations from the yard is as follows:-

| Sl. No. | Sensitive Points | Distance criteria as per Board's Notification no. B-15 dated 18/10/2017 | Distance from Battery point (as per present status) |
|----------------|--|--|---|
| 1. | St. Xavier's School | No siting criteria for green categories of industries. | 48 meters |
| 2. | 10+2 Western English School | | 64 meters |
| 3. | A.N. College-more than 100 meters | | Beyond 100 meters |
| 4. | State Highway-18 (Govindpur-Sahibganj) | | Beyond 100 meters |
| 5. | Hospitals | | Beyond 100 meters |
| 6. | Rajkiya Polytechnic College dumka | | Beyond 100 meters |
| 7. | Dumka Engineering College | | Beyond 100 meters |
| 8. | St. Johns school | | Beyond 100 meters |
| 9. | Habitation (above 800 no. of dwellers/160 nos. houses) | | Within 100 meters (About 6 built house and 15 under construction) |
| 10. | Bethel Mission School | | Beyond 100 meters |

5. The State PCB directed the Railways to stop expansion without CTE/CTO. The shed was inspected on 07.08.2021 and it was found:-

“

- (i) *The expansion work was found under progress at the time of inspection.*
- (ii) *No pucca road has been constructed within the unit premises for movement of trucks*
- (iii) *The unit has not installed water sprinkler for wetting of ground.*
- (iv) *No facilities have been provided to stop flow of water from the siding to nearby lands during rainy season.*
- (v) *The house keeping of Railway siding was found not satisfactory.*
- (vi) *The unit has constructed the boundary wall in discontinuous/irregular way.*
- (vii) *The unit has carried out tree plantation but has been found to be inadequate.”*

6. The State PCB issued show-cause notice dated 10.08.2021 proposing closure for the above violations. Jharkhand State PCB intends to follow the siting criteria laid down by Orissa PCB. State PCB has produced its verification report dated 30.04.2022 as follows:-

“

- I. *Fixed type water sprinkler has not been installed in Railway Siding. But two mobile water tankers have been provided for sprinkling purpose in Railway Siding.*
- II. *At the time of inspection, Stone chips lying on the ground were not found to be covered with tarpaulin.*
- III. *Rain water harvesting / recharge system is not constructed.*
- IV. *A tin sheet boundary / wind breaking wall about 20 feet height and 72 feet long has been constructed near the St. Xavier's School. But this Boundary / Wind breaking wall needs to be extended as per the length of railway siding.*
- V. *During Inspection, some trucks carrying Stone Chips in the siding were found not covered with tarpaulin.*

- VI. *Garland drain with desilting pit has not been constructed along the boundary wall.*
- VII. *Few nos. of tree saplings has been planted but not adequate."*

7. Further reference is made to the meeting held with WBPDC on 18.04.2022 in which following directions were issued to WBPDC:-

"

- I. *Carrying Capacity and Source Apportionment Study (Pre-Monsoon) for one month time shall be carried out for Pakur and Dumka Railway Siding.*
- II. *Existing and proposed Pollution Load Survey (24 X 7) shall be carried out for the transportation route from Mine Pit Head to Pakur and Dumka Railway Siding.*
- III. *Existing and proposed Traffic Study (24 X 7) shall be carried out for the transportation route from Mine Pit Head to M/s Pakur and Dumka Railway Siding.*
- IV. *The whole task as mentioned above is to be carried out by a valid QCI NABET Accredited Consulting Organization (ACO) having accreditation for the opencast Coal Mining for Category 'A' Projects along with a NABL Accredited Environmental Laboratory with SO certifications. The task shall not be carried by the ACO which was engaged for the purpose of EIA & EMP preparation for grant of Environmental Clearance of the Pachwara (North) Coal Mine.*
- V. *The agency carrying out the above task will also suggest the mitigation measures and interval of AAQ monitoring by specifying the hotspots."*

8. The State PCB also levied compensation of Rs. 42 crores on Dumka Goods Shed for violation of environmental norms. The said amount was subsequently reduced to Rs. 14.40 lakhs, based on the calculation of fixed compensation of Rs. 5000 per day for 288 days. 323 rakes of stone chips were loaded by the PP during the relevant period. Permission was granted for transportation of 6 MTPA coal via road to the shed and thereafter for loading to the shed. Meeting was held for permitting transportation of coal by WBPDC on 26.07.2022 and permission was subject to the following:-

"1) That, WBPDC shall implement the Mitigation Measures for Coal Transportation Route' the abovementioned decision as per taken

16/06/2022, MoM of which was issued vide Board's Ref. No. B- 1218 dated 27/06/2022 before the start of coal transportation.

2) That, Railways shall implement the Mitigation Measures to be adopted at Dumka Goods Shed as per the abovementioned 16/06/2022, MoM of which was issued vide decision taken on Board's Ref. No. B 1218 dated 27/06/2022 before the start of coal loading and unloading from Dumka Goods Shed.

3) That if the violation of any Mitigation Measures to be adopted is found at any stage then Environmental Compensation will be levied on the Unit and legal action may be initiated.

4) That, this permission issued to the Unit will be reviewed on quarterly basis by the Board.

5) That, this permission shall not absolve WBPDCCL from making compliance of other statutory prescribed under any law or direction of courts or any other instrument for the time being in force."

9. CTO issued to M/s Dumka Goods shed on 29.05.2022 permits loading and unloading of stone chips- 1,85,000 MT/Month and Coal 6MTPA (Million Metric Ton per Annum). CTO was granted to Dumka Goods Shed on 28.06.2022 with additional conditions as follows:-

- 1) That, this CTO supersedes the previous CTO granted vide Ref No. JSPCB/RO/RNC/CTO-11434197/2022/109 Dated: 2022-05-29 from the date of issue of this Modified CTO.
- 2) That, the occupier shall, comply with all the conditions including installation of PM₁₀ analyzer related to railway siding as directed vide the JSPCB letter memo no B387 dated 11.04.2019 within 2 months from the date of issuance of this CTO. If the unit is found to be non-complied with respect to these conditions as stated in the referred letter then CTO shall be revoked and fresh environmental compensation will be levied as per NGT order from the date of Issue of last CTO.
- 3) That, the occupier shall provide the connectivity of the PM10 analyzer with the JSPCB server and ensure the uninterrupted transfer of data to JSPCB servers.
- 4) That, the occupier shall comply with all the conditions laid down in CTE and CTO.
- 5) That, the occupier shall submit Ambient Air Quality and Noise Level Monitoring Reports within the consent period.
- 6) That, the occupier shall install fixed type mist/fog water sprinklers to cover all dusty place in the premises to impart water spraying during loading & unloading of materials and shall keep the siding in good operateable condition at all the times.

- 7) *That, the occupier shall ensure the transportation of the materials / goods by leak proof and covered vehicles with tarpaulin sheet.*
- 8) *That, the occupier shall only allow material loading and unloading from those suppliers who have valid consent to operate of the concerned State Pollution Control Board and intimate the Board Head Quarter and Regional Office accordingly.*
- 9) *That, the occupier shall maintain a detailed record of account of material's transfer, ensure local transport by covered vehicles and longer distances by covered railway wagons and shall submit the copies of documents to concerned Board/Regional Officer & District Mining Officer every month.*
- 10) *That, the occupier shall keep surface run off within the premises and should construct garland drain and settling pit for this purpose.*
- 11) *That, the occupier shall dump the minerals at least 50 meter away from the track.*
- 12) *That, this CTO will be valid for the Product & Capacity - Loading and Unloading of Stone Chips - 1,85,000 MT/Month.*
- 13) *That, this CTO will be valid for the Product & Capacity - Loading and Unloading of Coal - 6 MTPA arising from WBPDCCL Mine (Pachhwara (North) Coal Mine) only after compliance of the following Mitigation measures: -*

A. Mitigation Measures to be adopted for Coal Transportation Route:

- a) *The WBPDCCL will install the mist type water sprinklers at Alubera, Amrapara, Durgapur and Natur Pahadi and will provide the Latitude and Longitude of the same within one month and install the same within 3 months.*
- b) *The WBPDCCL will provide the Latitude and Longitude where check points will be installed in Amrapara, Mahadebpur etc. through the coal transportation route for monitoring and surveillance of trucks and to discourage overloading within one month and install the same within 3 months.*
- c) *The WBPDCCL will provide the location of sites in consultation with JSPCB (Name of Village, Latitude and Longitude) where installation of fine nozzle mounted: mist type sprinkler for dust cleaning is proposed within one month and install the same within 3 months.*
- d) *The WBPDCCL will provide the location of sites in consultation with JSPCB (Name of Village, Latitude and Longitude) of habitations along the Coal Transportation Route where the temporary barriers (By Green net) are proposed to be erected*

on the side of the road within one month and install the same within 3 months.

- e) The WBPDCCL will do three tier avenue plantations of the evergreen plants of minimum 2 meters height along the. Coal Transportation Route within 3 months.
- f) The WBPDCCL will provide the location of sites in consultation with JSPCB (Name of Village, Latitude and Longitude) where the Lay-by traffic system are proposed before the entry and exit points from the town / thickly populated areas for dry season within one month.
- g) The WBPDCCL shall develop the coal wetting facility at Pachhwara north coal mine, Alubera, Amrapara, Durgapur and Natur Pahadi for coal wetting, and integrated facility for wheel washing at the Lay-by traffic system within 1 month. Removal of tarpaulin will delay the transportation & will not be practicable.
- h) The WBPDCCL will provide the location of sites in consultation with JSPCB (Name of Village, Latitude and Longitude) where the wheel washing facility with jet spray will be implemented just before entering into the highway to minimize the dust and debris in the way within one month and install the same within 3 months.
- i) The WBPDCCL will develop such facility at transfer points so that the height of coal-fall at transfer points shall be minimized. This facility shall be developed in 1 month.
- j) The WBPDCCL will provide the Latitude and Longitude of the four proposed Ambient Air Quality Monitoring Station (AW1QPV3) within one month and install the AAQMS at Mine Entry / Exit gate, Alubera, Amrapara, Dumka in the siding area. Moreover, the two other sites will be identified, in consultation with JSPCB for installation of AAQMS.
- k) The WBPDCCL to periodically maintain the coal transportation vehicles and roads.
- l) During transportation of coal from mine all the trucks shall be covered with tarpaulin to prevent any fall down or blown away. It should be checked at the exit gate of the mine and at the lay-by area.

B. Mitigation Measures to be adopted at Dumka Goods Shed:

- a) The WBPDCCL will provide such facility at loading points so that the height of coal fall at loading points shall be minimized. This facility shall be developed in 3 months.
- b) The WBPDCCL will provide boundary wall / Wind Breaking Wall of appropriate height in consultation with JSPCB to arrest the dust emission within 3 months.

- c) *The WBPDC will install fixed type mist / fog water sprinklers to cover all dusty place in the premises within 3 months to impart water spraying during loading & unloading of materials and shall keep the siding in good operateable condition at all the times.*
- d) *The WBPDC will keep surface run off within the premises and should construct garland drain and settling pit for this purpose within 3 months.*

- 14) *That, if the violation of any conditions as mentioned in the CTO is found- then Environmental Compensation will be levied on the Unit and legal action may be initiated.*
- 15) *That, if the occupier is found violating the conditions of this Consent to Operate at any point of time during inspection of the siding by the competent authority, the Consent to Operate may be revoked as per provision of the Acts.*
- 16) *That, this CTO issued to the Unit will be reviewed on quarterly basis by the Board.*
- 17) *That, all other conditions of the previous CTO issued to the Unit vide Board's Re JSPCB/RO/RNC/CTO 11434197/2022/109'sea': 2022-05-29 will remain unchanged."*

10. Stand of the Railway Administration is that the shed in question has been constructed to increase goods handling capacity. On 06.08.2019, application for CTE was filed. The State PCB granted CTE and CTO valid upto 31.12.2019. Thereafter, further extension was granted till 31.12.2021. The Railways responded to the notice alleging violations and compliance report was accepted by the State PCB on 11.04.2022. Railway Administration has filed I.A No.229/2022/EZ for vacation of stay granted by the Tribunal on 24.09.2021 stating that loading/unloading of coal had started at Dumka Goods Shed on 02.09.2022 after all compliances including payment of assessed compensation.

11. WBPDC has filed I.A No. 228/2022/EZ to the effect that the coal block in question in District Pakur, Jharkhand has been allocated to it on 31.03.2015 for which it has obtained EC and has been dispatching coal from railway siding at Pakur to the extent of 9MTPA. With increased production, balance 6 MTPA is to be dispatched from another suitable

railway siding i.e. Dumka Goods Shed. Conditional permission for transportation of coal was granted on 27.06.2022. Transportation of coal has commenced from 01.09.2022. In a further affidavit dated 05.12.2022 it is stated that it has spent Rs. 12 crores for infrastructure of the Railway and it will adopt following further measures:

- "a) The WBPDC will provide such facility at loading points so that the height of coal fall at loading points shall be minimized. This facility shall be developed in 3 months.*
- b) The WBPDC will provide Boundary Wall/Wind Breaking Wall of appropriate height in consultation with JSPCB to arrest the dust emission within 3 months.*
- c) The WBPDC will install fixed type mist/fog water sprinklers to cover all dusty places in the premises within 3 months to impart water spraying during loading and unloading of materials and shall keep the siding in good operatable condition at all the times.*
- d) The WBPDC will keep surface run off within the premises and should construct garland drain and settling pit for this purpose within 3 months."*

12. The WBPDC has further stated that it has been granted dealer's license by the District Magistrate. It is undertaking mitigation measures and has filed status report of implementation on 21.10.2022. 50% of work of boundary wall has been completed, water sprinklers have been installed, pacca garland work has been completed and thick plantation has been done to arrest dust propagation.

13. The applicant has filed additional documents along with I.A No. 179/2021/EZ pointing out continuing violations which are partly recorded in the show-cause notice issued by the State PCB which still remain unremedied. Compensation has been unjustifiably reduced to Rs. 14.40 lakhs. Dust generated is adversely affecting the health of inhabitants and the children studying in schools at a close distance of 48-64 mtrs. Still further documents filed by the applicant with I.A No. 201/2022/EZ are of violations in transporting stone chips without covering the trucks with

tarpaulin, not providing garland drain and boundary wall and inadequate plantation of tree saplings which are violations of stipulated condition of consent. In spite of show-cause notice dated 02.05.2022 pointing out violations, expansion is going on for which a protest was organized on 02.09.2022 with intimation to Circle Officer, Dumka. Loading/unloading and transportation of coal had begun as shown by e-challan dated 02.09.2022 and also published in the media. The expansion activity includes construction of way bridge, construction of additional railway tracks without requisite consents.

14. We have heard learned Counsel for the appearing parties and considered the factual position depicted in the respective versions of the applicant, the Railways, the State PCB and the WBPDC. Though technically WBPDC has not been impleaded, it has filed its version which we are taking into account. Since procedural flexibility is permissible, we see no difficulty in proceeding with the matter on merits.

15. Question for consideration is whether there is damage to the environment and if so what direction under section 15 of the NGT Act is required to be issued for protection of environment?

16. It is seen from the stand of the State PCB that Dumka Goods Shed is an establishment of the Railways where stone chips and coal are stored and loaded onto Railways rakes. Consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 has been granted but conditions thereof have been seriously violated for which show cause notice for closure was issued by the State PCB and compensation mentioned above has been assessed and deposited. There is violation of siting criteria. WBPDC claims to have taken remedial measures at a cost of Rs.12 crore.

17. There is adequate material to establish violation of siting norms and consent conditions. Mere fact that WBPDC and Railways claim to have taken remedial measures is not enough to avoid violations in the past which are still continuing to an extent. It is difficult to accept that dense plantations have happened when the situation in October, 2022 admittedly showed inadequate plantations. Further polluting activities close to sensitive locations require more serious precautions than normal conditions imposed for permitting such polluting activity. Question is who is to be held accountable and in what manner for the violations found?

18. Polluter Pays Principle is applicable in such cases which apart from being laid down inter alia in Vellore Citizens (1996) 5 SCC 647 is statutorily provided under section 20 NGT Act. Well known principles for determining compensation are extent of loss computed in monetary terms (though not always possible), cost of restoration and deterrent element having regard to financial capacity of the violators. Reference is made to MC Mehta (1987) 1 SCC 395, Sterlite (2013) 4 SCC 547, Goel Ganga (2018) 18 SCC 257. In the present case, the PCB has levied compensation on inhouse formula which does not comply with parameters laid down by the Hon'ble Supreme Court but proceeds on presumed loss per day, irrespective of nature and extent of violation, cost of restoration and financial capacity of the violators. Learned Counsel for the Applicant submits that compensation needs to be revised.

19. The record shows that there has been transportation of stone chips in 345 rakes (as per affidavit of Railways dated 31.10.2022) apart from 410 rakes of foodgrains between October 2019 to February 2022. Value of stone chips is said to be Rs. 500 per tonne and the quantity transported is 60 tones per rake which is about 20,000 tonnes. Further, quantity of coal

transported between September 2022 to January 2023 is about 23 lakhs MT and freight charges is said to be Rs. 1400 Crores. Calculation filed by counsel for the applicant is that value of stone chips transported is Rs. 285 Crores and value of coal transported is Rs. 937 Crores. Total turnover is more than Rs. 1200 Crores as follows:-

I. For loading and unloading/handling of stone chips for 18 months (from 01.10.2019 to 31.03.2022):

As per the month wise rake loading position at the Dumka Goods Shed from 01.10.2019 to 31.03.2022 (18 months), which has been provided at Annexure C, Page 233 to 240 of the Affidavit-in-Opposition dated 13.04.2022 filed on behalf of the Railway Respondents No. 2, 7, 8 and 9, It is observed that the average number of wagons carrying stone chips has been recorded as about 41 in a day and the total number of times when loading/unloading/handling of stone chips took place between 01.10.2019 till 31.03.2022 has been recorded as 323. Thus, this amounts to a total of 13,243 (41 x 323) number of wagons carrying stone chips over the course of 18 months and an average of approximately 736 (13,243/18) wagons of stone chips per month.

Further, as per the public information shared on the website of the Indian Railways¹, the capacity of a wagon is 65 ton of goods and the minimum volume of goods for loading a standard size of rake is approximately:

- a) 2600 tons in case of bagged consignments to be carried in covered wagons; and
- b) 3800 tons in case of loose consignments to be carried in open wagons.

In light of the above, the average tonnage is estimated as 3200 tons. Since the value of stone chips has not been specified by the Railway Respondent Nos. 2, 7, 8 and 9; the estimated value ascertained by this Hon'ble Tribunal during the course of the hearing dated 27.02.2023 is Rs. 500/- per tons, as per web sources.

Therefore, the estimated turnover for stone chips per month is: No. of wagons being loaded per month (736) x Capacity of one wagon (65 tons) x Estimated value per ton (Rs. 500) = 736 x 65 tons x 500

Rs. 2,39,20,000 (approx.) per month

Therefore, the total turnover for 18 months (viz from 01.10.2019 to 31.03.2022) will be = Rs. 2,39,20,000 x 18 = Rs. 43,05,60,000

II. For loading and unloading/handling of stone chips from 01.04.2022 till 01.02.2023 10 months:

¹ Indian Railways Portal.

Taking the number of wagons being loaded in the month to be 736, the turnover for the remaining 10 months from 01.04.2022 till 01.02.2023 will be

= Rs. 2,39,20,000 x 10 = Rs. 23,92,00,000

III. Calculation of turnover of stone chips based on consented capacity of CTO dated 29.05.2022:

As per the CTO dated 29.05.2022, the consented capacity for handling of stone chips has been specified as 1,85,000 MT/Month i.e. 2,03,928 (approx.) tons per month (1 tonne is equal to 1.102 tons). Which means that the maximum turnover which can be generated for one month is 2,03,928 x Rs. 500 = Rs. 10,19,64,000/- (approx.).

The same for 18+10 months will be Rs. 2,85,49,92,000.

IV. For loading and unloading of coal:

As per the last CTO dated 29.05.2022 (Refer to Pg. 473 of the Supplementary Affidavit dated 26.07.2022 filed by the Railway Respondent Nos. 2, 7, 8 and 9), the consented capacity of the loading/unloading and transportation of coal has been specified as 6,25,000 MT/Month.

Additionally, the loading/unloading of coal has admittedly begun from 02.09.2022 (as per Para 15 at Pg. 643 of the IA No. 229 of 2022 for vacation of stay order filed by the Railway Respondent Nos. 2, 7, 8 and 9). It is, however, pertinent to mention that there is no clarity as to whether the loading/unloading of coal is still taking place because the CTO dated 29.05.2022 was only valid till 31.10.2022.

Further, as per the public information shared on the website of the Indian Railways², the capacity of a wagon is 65 ton of goods.

Insofar as the current price of coal per ton in India is concerned, the rates differ for the different types of coal being sold. However, on an average, this learned Tribunal accepted a minimum value as Rs. 3000 per ton during the hearing dated 27.02.2023.

Therefore, considering the value of coal as Rs. 3000/ton, the estimated turnover per month has been calculated as:

Rs. 3000 (value of coal per MT) x 625000 (capacity of coal permitted to be handled per month in MT) = **Rs. 1,87,50,00,000/month (approx.)**

Assuming that coal is continuously being transported from 02.09.2022 onwards, the total number of months till now will be 5 months. Therefore, the maximum turnover transported will be

= **Rs. 1,87,50,00,000/month x 5 = Rs 93,37,50,00,000.**

V. Conclusion:

For Stone Chips:

² Indian Railways Portal

The total turnover for transportation of Stone Chips for 18 + 10 months (from 01.10.2019 to 31.03.2022 & from 01.04.2022, till 01.02.2023) = Rs. 43,05,60,000 + Rs. 23,92,00,000 = Rs. 66,97,60,000

The maximum turnover for stone chips for the said 18 + 10 months is = Rs. 2,85,49,92,000

For Coal:

The total maximum turnover for transportation of Coal as per the consent capacity, (assuming that the transportation has continued till date — viz. 5 months) =Rs. 9,37,50,00,000.

As it is unknown as to how many rakes/wagons of Coal have actually been transported from 02.09. 022 onward the actual estimate of turnover generated cannot be calculated.”

20. Having regard to the above data and providing all margins for errors, on most conservative estimate liability for damage to environment is determined at Rs. 10 Crores to be utilised for remedial measures by statutory regulators, associating all stake holders, including the Railways owning the stock yard, the operator of the stock yard and users including the WBPDS.

21. Accordingly, in view of our finding that damage to environment has taken place by ignoring the siting norms and also by failing to take all precautions and not complying with the laid down conditions for thick plantations and other safeguards, compensation be deposited in the first instance by the Railways within two months with liberty to recover the same from the users of the stock yard. If payment is not made, the consents granted may be cancelled and stock yard may not be allowed to be operated. The amount may be deposited with the Stated PCB and utilized for restoration measures by a joint Committee headed by ACS, Environment, Jharkhand, with other members being PCCF, Jharkhand, nominee of CPCB, District Magistrate, Dumka and nominees of Railways and WBPDC. The Committee may prepare a plan for restoration measures and manner of execution. Remedial measures may be executed within six

months. The remedial measures will include dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways/roads and setting up monitoring stations. District Environment Plan be also considered. Besides, the action plan may include addressing public grievances and improvement of environmental aesthetics around the Rasikpur area to nullify effect of loading/unloading.

22. A status report about compliance of this order be filed by e-mail with the Registrar, EZB by June 22, 2023. If found necessary, he may place the matter before the Bench.

Subject to above, the application is disposed of.

All pending IAs will also stand disposed of.

A copy of this order be forwarded to the Chief Secretary, Jharkhand, ACS, Environment, Jharkhand, PCCF, Jharkhand, Railways and WBPDC by email for compliance.

Adarsh Kumar Goel, CP

B. Amit Sthalekar, JM

Prof. A. Senthil Vel, EM

February 27, 2023
Original Application No. 19/2021/EZ
I.A No. 130/2022/EZ I.A. No. 201/2022/EZ
I.A No. 228/2022/EZ I.A No. 229/2022/EZ
AB

झारखण्ड सरकार
वन, पर्यावरण एवं जलवायु परिवर्तन विभाग

B
49

अधिसूचना

संख्या-7/पर्या0प्रदू0 (वाद)-15/2021- 1270 व0प0, राँची, दिनांक-10/04/2023

दुमका जिले में रेलवे कोल स्टॉक यार्ड की स्थापना के कारण उत्पन्न होने वाले प्रदूषण से संबंधित माननीय NGT, कोलकाता में दायर वाद O.A. No-19/2021/EZ रवि शंकर मंडल बनाम भारत संघ एवं अन्य मामले में दिनांक-27.02.2023 का पारित आदेश के अनुपालन हेतु Joint Committee का गठन निम्नवत् किया जाता है :-

- | | | | |
|-------|--|---|------------|
| (i) | अपर मुख्य सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग, झारखण्ड, राँची | - | अध्यक्ष |
| (ii) | प्रधान मुख्य वन संरक्षक, झारखण्ड, राँची | - | सदस्य |
| (iii) | केन्द्रीय प्रदूषण नियंत्रण पंथद, ईस्टर्न जोन, कोलकाता के प्रतिनिधि | - | सदस्य |
| (iv) | उपायुक्त, दुमका | - | सदस्य |
| (v) | ईस्टर्न रेलवे, आसनसोल डिवीजन के प्रतिनिधि | - | सदस्य |
| (vi) | वेस्ट बंगाल पावर डेवलपमेंट कॉरपोरेशन के प्रतिनिधि | - | सदस्य |
| (vii) | सदस्य सचिव, झारखण्ड राज्य प्रदूषण नियंत्रण पंथद, राँची | - | सदस्य सचिव |

2. समिति का ToR निम्नवत् है :-

- (i) समिति पर्यावरण को पुनर्स्थापित करने के लिए कार्य योजना तैयार करेगी एवं उसके क्रियान्वयन के लिए कार्य करेगी।
- (ii) कार्य योजना में dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways/roads and setting up monitoring stations के सुधारात्मक उपायों पर विचार करेगी।
- (iii) समिति जिला के लिए गठित District Environment Plan को प्रभावी रूप से लागू करने पर भी विचार करेगी।
- (iv) इसके अलावा, समिति कार्य योजना में शामिल जनता की शिकायतों को दूर करना, लोडिंग/अनलोडिंग से उत्पन्न प्रदूषण के प्रभाव को कम करने के लिए रसिकपुर क्षेत्र के आसपास Environmental Aesthetics के सुधार हेतु कार्य करेगी।

3. उक्त पर माननीय मुख्यमंत्री का अनुमोदन प्राप्त है।

झारखण्ड राज्यपाल के आदेश से,

10/04/2023
(राजू रंजन राय)
सरकार के अपर सचिव।

48
 ज्ञापांक-7/पर्या0प्रदू0 (वाद)-15/2021-1270 व0प0, राँची, दिनांक-10/04/2023

प्रतिलिपि-प्रधान मुख्य वन संरक्षक, झारखण्ड, राँची/सदस्य सचिव, झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद, राँची/उपायुक्त, दुमका को विषयक वाद में दिनांक-27.02.2023 को पारित आदेश की प्रति सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनु0-यथोक्त।

सरकार के अपर सचिव।

ज्ञापांक-7/पर्या0प्रदू0 (वाद)-15/2021-1070 व0प0, राँची, दिनांक-10/04/2023

प्रतिलिपि-निदेशक, केन्द्रीय प्रदूषण नियंत्रण पर्वद, ईस्टर्न जोन, कोलकाता/ईस्टर्न रेलवे, आसनसोल डिंवीजन/वेस्ट बंगाल पावर डेवलपमेंट कॉरपोरेशन को विषयक वाद में दिनांक-27.02.2023 को पारित आदेश की प्रति सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनुरोध है कि Joint Committee हेतु प्रतिनिधि नामित करने की कृपा की जाय।

अनु0-यथोक्त।

सरकार के अपर सचिव।

ज्ञापांक-7/पर्या0प्रदू0 (वाद)-15/2021-1270 व0प0, राँची, दिनांक-10/04/2023

प्रतिलिपि-विभागीय अपर मुख्य सचिव के प्रधान आप्त सचिव को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के अपर सचिव।

(C) a3

Minutes of Meeting held on 17/04/2023 in Conference Hall of SKIPA for setting up the pretext for the Joint Committee, as constituted in compliance of directions issued by the Hon'ble NGT, Principal Bench, New Delhi. vide its order dated 27/02/2023 in O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others.

Attendees:

- mail
- i. The Additional Chief Secretary (ACS), Forest, Environment and Climate Change Department, GoJ.
 - ii. The Member Secretary (MS), Jharkhand State Pollution Control Board (JSPCB).
 - iii. The Regional Officer (RO), JSPCB Regional Office – Cum – Laboratory, Dumka.

1. At the outset of the meeting the Additional Chief Secretary – Cum – Chairman of the Joint Committee briefed the members about the order dated 27.02.2023 passed by the Hon'ble NGT, Principal Bench, New Delhi in O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others. It was further informed that the grievance in this application is against operation of railway coal stockyard in the densely populated area of Rasikpur, Ward No. 1, Dumka in Jharkhand in violation of environmental norms resulting in continuing damage to the environment. It was further informed that this meeting has been convened as a preparatory meeting for the NGT constituted Joint Committee Meeting.
2. The Member Secretary, JSPCB informed that a Joint Committee has been constituted by the Forest, Environment and Climate Change Department, GoJ vide Notification No. 1270 dated 10/04/2023 under Chairmanship of the ACS, Forest, Environment and Climate Change Department, GoJ. The MS JSPCB informed that the representatives have neither been nominated by the Railways nor by the West Bengal Power Development Corporation Limited (WBPDC).
3. The Member Secretary, JSPCB further informed that the Hon'ble NGT has imposed an Environmental Compensation (EC) of INR 10 Crores on the railways and the same be deposited in the first instance by the Railways within two months with State PCB with liberty to recover the same from the users of the stock yard. If payment is not made, the consents granted may be cancelled and stock yard may not be allowed to be operated. EC to be utilized for restoration measures by a joint Committee headed by ACS, Environment, Jharkhand, with other members being PCCF, Jharkhand, nominee of CPCB, District Magistrate, Dumka and nominees of Railways and WBPDC. The Committee may prepare a plan for restoration measures and manner of execution. Remedial measures may be executed within six months. The remedial measures

will include dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways/roads and setting up monitoring stations. District Environment Plan be also considered. Besides, the action plan may include addressing public grievances and improvement of environmental aesthetics around the Rasikpur area to nullify effect of loading/unloading. A status report about compliance of this order be filed by e-mail with the Registrar, EZB by June 22, 2023. The account details for deposition of amount of Environmental Compensation imposed by the Hon'ble NGT have already been provided to the DRM, Asansol.

4. It was further informed that District Environment Plan (DEP), Dumka is silent on the said issues of transportation of Coal and coal stockyard. In reply to which the ACS suggested that the DEP, Dumka may be revised in light of the decision of the Joint Committee.
5. The RO, JSPCB Regional Office – Cum – Laboratory, Dumka provided the present status of compliance before the committee which is as below: -

| S. N. | Remedial Measures | Compliance Status |
|-------|--|--|
| 1. | Dense green belt | Approx 400 nos. of old plants were found at the Eastern Side (Rampurhat line) & Western Side (Jasidih line) of the railway siding. Approx 100 nos. of new saplings was found along the siding. |
| 2. | Installation of dust suppression devices including water sprinklers, | Vehicular Water Tankers – 2 nos. Of capacity 20 KLD each. Fog Mist Water Canons – 06 Nos. Of range 25 m approx. |
| 3. | Construction of garland drains and setting pits, | Approx 600 m long pucca garland drain has been constructed along the railway coal track and 03 settling pits have been made about 20 Feet Long and 5 feet wide and two meter depth. |
| 4. | Building of wind breaking wall, | The boundary wall / wind breaking wall of framed GI sheet of about 510 meters long and 20 ft height along with siding has been constructed. |
| 5. | Making paved ways / roads | Not made. |
| 6. | Setting up monitoring stations. | PM 10 analyzer has been installed at the railway siding. |

After deliberations and discussions, the Chairman gave the following directions: --

1. To follow up with the Railways Authorities and WBPDCI for getting their representatives nominated.

(Action by: MS, JSPCB)

2. To submit exact distance of the sensitive points such as schools, habitation, hospital etc. mentioned in the para 3 of the order dated 27.02.2023.

(Action By: RO, JSPCB, Dumka)

91

3. To prepare a proposed Mitigation Plan for the premises of the Dumka Goods Shed and the area being affected by the transportation and stockyard of coal.

(Action By: RO, JSPCB, Dumka)

4. To prepare map of the area outside the premises of the Dumka Goods Shed by indicating the points where mitigation measures needs to be adopted.

(Action By: RO, JSPCB, Dumka in coordination with Dumka Nagar Parishad)

5. To prepare map of the premises of the Dumka Goods Shed by indicating the areas where mitigation measures will be adopted and the details of the same.

(Action By: RO, JSPCB, Dumka in coordination with Railways)

6. The above said reports / documents / maps may be placed in the meeting of the Expert Committee scheduled on 25/04/2023.

(Action By: RO, JSPCB, Dumka)

The meeting concluded with the vote of thanks to the Chairman.

Sd/-

(L. Khiangte)

Additional Chief Secretary

Forest, Environment & Climate Change Department,

Govt. of Jharkhand – Cum –

Chairman, Monitoring Committee

Memo No-7/Praya.Pradu(Vad)-15/2021- 1488 Ranchi, Dated- 24.04.2023
Copy to-Member Secretary, Jharkhand State Pollution Control Board, Ranchi/Regional Officer, Jharkhand State Pollution Control Board, Regional Office-cum-Laboratory, Dumka/Divisional Railway Mannager, Eastern Railway, Asansol Division/Executive Officer, Dumka Nagar Parishad, Dumka for information & necessary action.

(Raju Ranjan Roy)

Additional Secretary,

Forest, Environment & Climate Change Department,

Govt. of Jharkhand

Memo No-7/Praya.Pradu(Vad)-15/2021- 1488 Ranchi, Dated- 24.04.2023
✓ Copy to-PPS to Additional Chief Secretary, Forest, Environment & Climate Change Department, Govt. of Jharkhand for information & necessary action.

(Raju Ranjan Roy)

Additional Secretary,

Forest, Environment & Climate Change Department,

Govt. of Jharkhand

D
101 39

Minutes of Meeting of the Joint Committee held on 25/04/2023 in the Conference Hall of SKIPA in compliance of directions issued by the Hon'ble NGT, Eastern Zone Bench, Kolkata vide its order dated 27/02/2023 in O.A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others.

Attendees:

- i. Additional Chief Secretary (ACS), Forest, Environment and Climate Change Department, GoJ – Cum – Chairman, Joint Committee.
- ✓ ii. Deputy Commissioner, Dumka.
- ✓ iii. Member Secretary (MS), Jharkhand State Pollution Control Board (JSPCB) – Cum – Member Secretary, Joint Committee.
- ✓ iv. Representative of the PCCF (HoFF), Jharkhand.
- ✓ v. Representative of the Chairman – Cum – Managing Director, West Bengal Power Development Corporation Limited, Kolkata.
- ✓ vi. Additional Divisional Railway Manager, Asansol Division, Eastern Railways.
- ✓ vii. Sri Toufic Aslam, Scientist C, CPCB Regional Directorate, Kolkata.
- viii. Additional Secretary, Forest, Environment and Climate Change Department, GoJ.
- ✓ ix. Divisional Forest Officer, Dumka Forest Division, Dumka.
- x. Assistant Commercial Manager, Asansol Division, Eastern Railways.
- xi. The Regional Officer (RO), JSPCB Regional Office – Cum – Laboratory, Dumka.

1. At the outset of the meeting the Additional Chief Secretary – Cum – Chairman of the Joint Committee briefed the members about the order dated 27.02.2023 passed by the Hon'ble NGT, Principal Bench, New Delhi in O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others. It was further informed that the grievance in this application is against operation of railway coal stockyard in the densely populated area of Rashikpur, Ward No. 1, Dumka in Jharkhand in violation of environmental norms resulting in continuing damage to the environment. It was further informed that a preparatory meeting was convened with the officials of the JSPCB for the NGT constituted Joint Committee Meeting.

2. The Member Secretary, JSPCB informed that a Joint Committee has been constituted by the Forest, Environment and Climate Change Department, GoJ vide Notification No. 1270 dated 10/04/2023 under Chairmanship of the ACS, Forest, Environment and Climate Change Department, GoJ.

100

3. The Member Secretary, JSPCB further informed that the Hon'ble NGT has imposed an Environmental Compensation (EC) of INR 10 Crores on the railways and the same be deposited in the first instance by the Railways within two months with State PCB with liberty to recover the same from the users of the stock yard. If payment is not made, the consents granted may be cancelled and stock yard may not be allowed to be operated. EC to be utilized for restoration measures by the Joint Committee headed by the ACS, Environment, Jharkhand, with other members being PCCF, Jharkhand, nominee of CPCB, District Magistrate, Dumka and nominees of Railways and WBPDC. The Committee may prepare a plan for restoration measures and manner of execution. Remedial measures may be executed within six months. The remedial measures will include dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways/roads and setting up monitoring stations. District Environment Plan be also considered. Besides, the action plan may include addressing public grievances and improvement of environmental aesthetics around the Rasikpur area to nullify effect of loading/unloading. A status report about compliance of this order be filed by e-mail with the Registrar, EZB by June 22, 2023. The account details for deposition of amount of Environmental Compensation imposed by the Hon'ble NGT have already been provided to the DRM, Asansol.

4. It was further informed that District Environment Plan (DEP), Dumka is silent on the said issues of transportation of Coal and coal stockyard.

5. Sri Toufic Aslam, Scientist C, CPCB Regional Directorate, Kolkata suggested that the "Inventorization of Railway Sidings and Guidelines for their Environment Management" of March 2015 may be taken into account before finalizing the restoration measures.

6. The RO, JSPCB Regional Office – Cum – Laboratory, Dumka showed the KML Map which was prepared for the transportation route. The present status of compliance was also presented before the committee which is as below: -

| S. N. | Remedial Measures | Compliance Status |
|-------|--|--|
| 1. | Dense green belt | Approx 400 nos. of old plants were found at the Eastern Side (Rampurhat line) & Western Side (Jasidih line) of the railway siding. Approx 100 nos. of new saplings was found along the siding. |
| 2. | Installation of dust suppression devices including water sprinklers, | Vehicular Water Tankers – 2 nos. Of capacity 20 KLD each. Fog Mist Water Canons – 06 Nos. Of range 25 m approx. |
| 3. | Construction of garland drains and setting pits, | Approx 600 m long pucca garland drain has been constructed along the railway coal track and 03 settling pits have been made about 20 Feet Long and 5 feet wide and two |

| | | |
|----|---------------------------------|---|
| | | meter depth. |
| 4. | Building of wind breaking wall, | The boundary wall / wind breaking wall of framed GI sheet of about 510 meters long and 20 ft height along with siding has been constructed. |
| 5. | Making paved ways / roads | Not made. |
| 6. | Setting up monitoring stations. | PM 10 analyzer has been installed at the railway siding. |

7. The RO, JSPCB Regional Office – Cum – Laboratory, Dumka provided the distance of sensitive location from Dumka Railway Siding which is as given below: -

| S.N. | Sensitive Points | Distance from Battery point (as per present status) |
|------|--|---|
| 1. | St. Xavier's School | 48 m |
| 2. | 10+2 Western English School | 64 m |
| 3. | A.N. College | 1 km |
| 4. | State Highway-18 (Govindpur-Sahibganj) | 200 m |
| 5. | Hospitals | 550 m |
| 6. | Rajkiya Polytechnic College, Dumka | 250 m |
| 7. | Dumka Engineering College, Dumka | 200 m |
| 8. | St. Johns school | 450 m |
| 9. | Habitation (above 800 no. of dwellers / 160 nos. houses) | Within 100 meters (About 6 built house and 15 under construction) |
| 10. | Bethel Mission School | 500 m |

8. The Divisional Forest Officer, Dumka Forest Division, Dumka informed that the initial survey has been done and it is estimated that 4000-5000 nos. of plants may be planted in the 2 km radius area of the Dumka Goods Shed in vacant patches and along the roads.

9. The ADRM, Asansol Division, Eastern Railways informed that they have already complied with most of the conditions of the Consent to Operate. That they have also started some other plantation works in the railway siding.

10. The MS, JSPCB suggested some of the proposed restoration measures which may be included in the Plan. The suggested restoration measures are as below: -

- a) Paved / Concrete approach roads may be developed.
- b) One whats app no. and email ID may be made operational for public for lodging complaint.
- c) Tree plantation may be carried out in the open areas in Rashikpur, Dumka by the DFO, Dumka.
- d) Creepers may be developed on the walls.
- e) A boundary / separation wall of sufficient height may be developed between Dumka Goods Shed and Railway Station.

- f) Static mist sprinklers may be installed along the boundary wall near the area of St. Xaviers School & 10+2 Western English School.
- g) Mechanical Road Sweeping Machine may be provided for road sweeping from Manjhi Than via Phulo Jhano Chowk to Natur Pahari.
- h) A wetting facility for transportation vehicles may be developed before Holy Faith Residential School, Dumka.

After deliberations and discussions, the Chairman gave the following directions: --

1. District Environment Plan (DEP) to be revised in the light of the order of the Hon'ble NGT.
(Action by: DC, Dumka)
2. To assess the plantation to be done along the roads and in the vacant area in and around Rashikpur, Dumka and indicate its location on the map.
(Action by: DFO, Dumka)
3. To assess the plantation to be done in the premises of the Dumka Goods Shed and indicate its location on the map.
(Action By: Railways in coordination with DFO, Dumka)
4. To identify the nursery that can provide the plants (08 -12 ft. height), procure it and start pit digging at identified places. The plants are to be kept at appropriately located holding areas by 31st May, 2023 to allow for acclimatization
(Action By: DFO, Dumka)
5. To provide the estimate for plantation along the roads and in vacant areas along with the three years operation and maintenance of those plants as per the provided scheme by 10th May, 2023.
(Action By: DFO, Dumka)
6. To identify the sites for plantation of trees and developing the creeper walls along the transportation route.
(Action By: DFO, Dumka)
7. To jointly inspect the premises of the Dumka Goods Shed and submit a report about the adequacy of the pollution control measures adopted by the Railways, the applicability of the restoration measures suggested by the JSPCB and to propose additional measures where necessary.
(Action By: DC, Dumka; RO, JSPCB, Dumka & Railways)
8. To identify the vacant land (GM) land for developing the wheel washing facility for the transportation vehicles before entering the populated area of Dumka town.
(Action By: DC, Dumka)

9. To develop the Grievance Redressal System as suggested by the JSPCB along with a control room and publicize the same.
(Action By: DC, Dumka)

10. To visit the Dumka Railway Siding to find out the what measures can be taken to prevent dust particles from moving from railway siding area to the railway passengers area.
(Action By: DC, Dumka; RO, JSPCB, Dumka & Railways)

11. To identify the sites for setting up of static sprinklers in the identified sensitive points as mentioned in para 7 and boundary wall of the railway siding and to ensure adequate AMC for the machines as well as for its management.
(Action By: DC, Dumka)

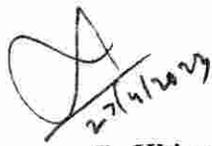
12. To purchase the Mechanical Sweeper and Mobile Vehicular Sprinklers (with sprinkling and fogging options) and finalize the Route and the timing for the same.
(Action By: WBPDC)

13. To study the "Inventorization of Railway Sidings and Guidelines for their Environment Management" of March 2015 published by CPCB and suggest restoration measures in line with the same which may be adopted by the Railways.
(Action By: MS, JSPCB)

14. To submit financial estimates of the above proposals along with completion timelines to JSPCB by 15th May 2023. JSPCB to allocate the funds from the EC mentioned in para-3 after approval from the Chairman, Joint Committee by 31st May, 2023.
(Action By: All the concerned stakeholders)

15. Draft Restoration Plan to be prepared by JSPCB to be placed before the Committee in the next meeting which will be held in the first week of June 2023.

The meeting concluded with the vote of thanks to the Chairman.



(L. Kiangte)
Additional Chief Secretary
Forest, Environment & Climate Change Department,
Govt. of Jharkhand – Cum –
Chairman, Monitoring Committee

'E' 1244

Minutes of Meeting of the Joint Committee held on 21/07/2023 in the Conference Hall of Circuit House, Dumka in compliance of the directions issued by the Hon'ble NGT, Eastern Zone Bench, Kolkata vide its order dated 27/02/2023 in O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others.

Attendees:

- i. Sri L. Khiangte, Additional Chief Secretary (ACS), Forest, Environment and Climate Change Department, GoJ – Cum – Chairman, Joint Committee.
- ii. Sri Ravi Shankar Shukla, Deputy Commissioner, Dumka.
- iii. Sri Y. K. Das, Member Secretary (MS), Jharkhand State Pollution Control Board (JSPCB) – Cum – Member Secretary, Joint Committee.
- iv. Sri S. C. Rai, Regional Chief Conservator of Forest, Dumka (Representative of the PCCF (HoFF), Jharkhand).
- v. Smt. Pranjali Dhanda, Probationer IAS.
- vi. Sri Mukesh Kumar Meena, Additional Divisional Railway Manager, Asansol Division, Eastern Railways.
- vii. Sri S.P. Dutta Majumdar, Representative of the Chairman – Cum – Managing Director, West Bengal Power Development Corporation Limited, Kolkata.
- viii. Sri Toufic Aslam, Scientist C, CPCB Regional Directorate, Kolkata.
- ix. Sri Satwik Vats, Divisional Forest Officer, Dumka Forest Division, Dumka.
- x. Sri K. K. Pathak, Regional Officer (RO), JSPCB Regional Office – Cum – Laboratory, Dumka.
- xi. Sri Jawed Anwer Idrishi, Director DRDA, Dumka.
- xii. Sri Rajiv Kumar, Additional Collector, Dumka.
- xiii. Sri Vijay Kumar, Deputy SP (HQ), Dumka.
- xiv. Sri Kaushal Kumar, Sub-Divisional Officer, Dumka.
- xv. Sri Philbius Barla, District Transport Officer, Dumka.
- xvi. Sri Krishna Kumar Kisku, District Mining Officer, Dumka.
- xvii. Dr. Harendra Kumar Singh, Executive Engineer, RCD, Dumka.
- xviii. Sri Sandeep Kumar Jay Bambam, Secretary, Civil Society, Dumka.
- xix. Sri Pradiptah Mukherjee, Vice President, Civil Society, Dumka.
- xx. Sri Radhe Shyam Verma, President, Civil Society, Dumka.
- xxi. Shri Prem Keshri, Senior VP, Civil Society, Dumka.
- xxii. Sri Chandan Kumar, Media Co-ordinator, Civil Society, Dumka.
- xxiii. Sri Manoj Keshri, Member, Civil Society, Dumka.
- xxiv. Sri Ravi Shankar Mandal, Resident, Rasikpur, Dumka (Applicant in O. A. No. 19/2021/EZ).
- xxv. Sri Aman Singh, Resident, Neturpahari, Dumka.

11/8/2023

- xxvi. Sri Hemant Srivastava, Resident, Rashikpur, Dumka.
xxvii. Sri Girdhari Jha, Resident, Rashikpur, Dumka.
xxviii. Sri Jagannath Pandit, Resident, Neturpahari, Dumka.
xxix. Sri Meghnath Sharma, Gram Pradhan, Rashikpur, Dumka.
xxx. Sri Rajendra Prasad Sharma, Resident, Rashikpur, Dumka.
xxxi. Sri Dhruv Kumar, Resident, Rashikpur, Dumka.

1. At the outset of the meeting the Additional Chief Secretary – Cum – Chairman of the Joint Committee briefed the members about the order dated 27.02.2023 passed by the Hon'ble NGT, Principal Bench, New Delhi in O. A. No. 19/2021/EZ in the matter of Ravi Shankar Mandal Vs Union of India and Others. It was further informed that the grievance in this application is against operation of railway coal stockyard in the densely populated area of Rasikpur, Ward No. 1, Dumka in Jharkhand in violation of environmental norms resulting in continuing damage to the environment.
2. The Member Secretary, JSPCB informed that a Joint Committee has been constituted by the Forest, Environment and Climate Change Department, GoJ vide Notification No. 1270 dated 10/04/2023 under Chairmanship of the ACS, Forest, Environment and Climate Change Department, GoJ.
3. The Member Secretary, JSPCB further informed that the Hon'ble NGT has imposed an Environmental Compensation (EC) of INR 10 Crores on the railways and the same has been deposited with the JSPCB. EC to be utilized for restoration measures by the joint Committee headed by the ACS, Forest, Environment and Climate Change Department, GoJ. The Committee has prepared a draft plan for restoration measures and manner of execution.
4. It was further informed by the Deputy Commissioner, Dumka that the District Environment Plan (DEP), Dumka has been revised in May 2023 and the Action Points such as Mitigation of coal dust air pollution, monitoring of pollution & Complaint Redressal and the gaps identified are inadequate wind breaks and plantation, lack of moistening facilities and paved roads & lack of single complaint number etc. It was also informed that the action points w.r.t. the same has been suggested, Responsible Agency to implement the same has been identified and timeline for completion of Action Plan has been suggested.
5. The representatives of Civil Society, Dumka and the residents of nearby areas have shared their view w.r.t. the problems being faced by them due to the transportation, loading and unloading of coal at the Dumka Goods Shed area. It was claimed that the proper water sprinkling is not being done by the Railways / loading agency to suppress the dust.

- 6. Sri Toufic Aslam, Scientist C, CPCB Regional Directorate, Kolkata suggested that the overloading of the vehicles and PUC certificates should also be checked and the coal transporters may be directed to maintain a free-board of 6 inches in the transportation vehicles.
- 7. Sri Ravi Shankar Mandal (Applicant in O. A. No. 19/2021/EZ), a resident of Rasikpur, Dumka informed that the Regional Office of JSPCB has informed that a site visit is scheduled today and after that a meeting is to be scheduled. He drew the attention of the Committee to the points that the Coal Dumping Yard of the Dumka Railway siding should be shifted from the densely populated area to the non populated area. It was further demanded by him that a committee may be formed at district level for monitoring the Pollution Control Arrangements to be undertaken by the Railways or their loader at Dumka Goods Shed and he or his representative may be made a member of the said Committee.

The Action Taken and directions issued by the Chairman of the Joint Committee w.r.t. the Mitigation Measures suggested in the Draft Action Plan is as below: -

| S. N. | Restoration / Mitigation measures to be adopted by stakeholders | Action Taken / Discussion Points | Directions issued |
|-------|--|--|--|
| 1. | Continuous monitoring of the measures being taken for pollution prevention in coal siding and surrounding periphery. | DC, Dumka proposed that a Local Monitoring Committee may be constituted under the Chairmanship of SDO, Dumka and a District Level Monitoring Committee may be constituted under the Chairmanship of DC, Dumka. | To constitute both the committees and publicize it. (Action by: MS, JSPCB) |
| 2. | To install CCTV Camera in Phulo-Jhano Chowk, St. Xavier's School, Netarpahari Chowk and the entire premises of Dumka Goods Shed. | MS, JSPCB suggested that PTZ cameras may be installed at these sensitive locations. | DC, Dumka to get the PTZ cameras installed at Phulo-Jhano Chowk. Railways to get PTZ cameras installed in Dumka Goods shed covering the entire area, especially a PTZ camera to be installed covering the St. Xavier's School. (Action by: DC, Dumka & Railways) |
| 3. | To install Dust Collector and Air Quality Meter PCE-RCM and send air pollution report of coal siding and surrounding area. | DC, Dumka informed that a dust collector may be installed at the Railway Siding. RO, JSPCB, Dumka further informed that the PM ₁₀ Analyser has been installed by the Railways at Dumka Goods Shed. | To check the feasibility of the installation of Dust Collector at the Dumka Goods Shed and report it within 1 month. (Action by: Railways) |
| 4. | To install GI Sheets of height 20 to 25 feet between Coal Siding Railway Line | It was suggested by the DC, Dumka & RO, JSPCB, Dumka that a Wind Breaking | To get the wind breaking wall installed b/w Coal Siding Railway line No. 05 & 06 |

| | | | |
|-----|---|---|--|
| | No. 05 and 06. | wall should be installed b/w Coal Siding Railway line No. 05 & 06. | within 3 months. (Action by: Railways) |
| 5. | To install 08 (eight) additional water sprinklers to prevent air pollution in the north side of the Railway Station and to install 15 water sprinklers on the side of stone chips siding. | DC, Dumka & RO, JSPCB, Dumka suggested that 08 (eight) additional water sprinklers to prevent air pollution in the north side of the Railway Station and to install 15 water sprinklers on the side of stone chips siding. | To install the 08 (eight) additional static Water Sprinklers / Mist Sprinklers to prevent air pollution in the north side of the Railway Siding and to install 15 Water Sprinklers / Mist Sprinklers on the side of stone chips siding / (Railway Station side). (Action by: Railways) |
| 6. | To close the gap from the ground in the boundary wall situated by the side of St. Xavier's School. | It was suggested by the Committee that the gaps from the ground in the boundary wall which were seen during the Site visit of the Dumka Goods Shed should be closed. | To close the gaps from the ground in the boundary wall of the Dumka Goods Shed. (Action by: Railways) |
| 7. | To carry out the work of tree plantation in the west and north-west direction in the vicinity of the traffic road, Netarpahadi Chowk etc. | DFO, Dumka & the Railways informed that the plantation work has been carried out along the boundary wall of the Goods Shed and it is also being carried out in the open spaces of the Goods Shed and in nearby areas of Rashikpur and Neturpahari. MS, JSPCB has informed that an amount of INR 01 Crore has been transferred to the DFO, Dumka for 4000 nos. of gabion bamboo plantation in and around Rashikpur Area, Dumka and its maintenance for 4 years. | To get the plantation works completed by this monsoon (October, 2023). (Action by: DFO, Dumka) |
| 8. | To construct the pucca approach road to and from the coal siding and complete construction of R.C.C. road in railway line number 05 and 06. | DC, Dumka & RO, JSPCB, Dumka suggested that the pucca approach road should be developed and the wharf should also be made pucca. | To construct the pucca approach road and wharf area where transportation, loading and unloading of the mineral (Coal, Stone etc.) takes place. (Action by: Railways) |
| 9. | To arrange two additional water sprinklers for sprinkling on Coal transportation route. | DC, Dumka & RO, JSPCB Dumka suggested that two additional water sprinklers may be arranged for sprinkling on coal transportation route. Representative of WBPDCCL informed that they have already submitted the proposal for the same to the Joint Committee. | To release the fund for purchasing of the water sprinklers by WBPDCCL. (Action by: MS, JSPCB) |
| 10. | To install high Mast Light at Neturpahadi Chowk and near the populated areas | DC, Dumka suggested that high mast light at Neturpahadi Chowk and the nearby areas | To install the high mast light in co-ordination with the DC, Dumka at Neturpahadi Chowk |

48
120

| | | | |
|-----|---|---|---|
| | where sufficient lighting is not there. | where sufficient lighting is not there should be installed to avoid the accidents etc. | and the nearby areas where sufficient lighting is not there. (Action by: WBPDCCL) |
| 11. | To plant 4000 nos. of gabion bamboo plantation in and around Rashikpur Area, Dumka and its maintenance for 4 years. | MS, JSPCB has informed that an amount of INR 01 Crore has been transferred to the DFO, Dumka for 4000 nos. of gabion bamboo plantation in and around Rashikpur Area, Dumka and its maintenance for 4 years. DFO, Dumka informed that the pits have been dug out and plantation is underway and is expected to be completed by this monsoon. | To get the plantation works completed by this monsoon (October, 2023). (Action by: DFO, Dumka) |
| 12. | To develop the Grievance Redressal System with a control room and publicize the same. | DC Dumka informed that the proposal for the same has been sent to the Joint Committee for its approval. | To release the fund for developing the Grievance Redressal System. (Action by: MS, JSPCB) |
| 13. | To revise DEP in light of the Hon'ble NGT order. | DC Dumka informed that the District Environment Plan (DEP), Dumka has been revised in May 2023 and the draft has been uploaded on the District website. | To ensure the actions as suggested in the DEP. (Action by: DC, Dumka) |
| 14. | To install the water / mist sprinklers near the boundary of the sensitive locations. | DC Dumka informed that the schools in the nearby area of the Dumka Goods Shed have been contacted but no concrete proposal has been received from them. | To get the proposal for installing Water / Mist sprinklers from the schools and other sensitive location, if any. The installation & management of water / mist sprinklers will be done by the concerned schools and their management. (Action by: DC, Dumka & the Concerned Schools) |
| 15. | To develop the Wheel washing & wetting facility for the transportation vehicles before entering the populated area of Dumka town. | DC Dumka has earmarked three locations and the committee has visited the Sites where the Wheel washing facility and Wetting facility for transportation vehicles may be developed. DC, Dumka in reference to this informed that a 'Parti Kadim' type of land in Mouza - Guhiyajori having Khata No. - 27, Dag No. - 470 over an area of 11.50 Decimils have been earmarked for the purpose. | To carry out further works for transferring of land to WBPDCCL for developing of the Wheel washing facility and Wetting facility for transportation vehicles. (Action by: DC, Dumka & WBPDCCL) |
| 16. | To procure the Mechanical Road Sweeping Machine for road sweeping from Manjhi Than via Phulo Jhano | Representative of WBPDCCL has informed that the proposal for the same has been submitted to the Joint | To release the fund for purchasing of the Mechanical road Sweeping Machine by WBPDCCL. |

| | | | |
|-----|---|---|--|
| | Chowk to Natur Pahari. | Committee. | (Action by: MS, JSPCB) |
| 17. | To carry out transportation of coal in two trips only per vehicle in 24 hours time / daily basis. | DC, Dumka informed that the agency has been directed to carryout transportation of coal in two trips only per vehicle in 24 hours time / daily basis. | To ensure that the transportation of coal is being carried out in two trips only per vehicle in 24 hours time / daily basis. (Action by: WBDCL) |

The Committee conjointly decided that the works which are to be carried out by the Railways for compliance of the CTO conditions which are underway or which has not been done till now will not be funded from the Environmental compensation of INR 10 Crores which is deposited with JSPCB.

The meeting concluded with the vote of thanks to the Chairman.

Sd/-

(L. Khiangte)

Additional Chief Secretary
Forest, Environment & Climate Change Department,
Govt. of Jharkhand – Cum –
Chairman, Monitoring Committee

Memo No- 3083 Ranchi Dated:- 11.08.2023

Copy to-Principal Chief Conservator of Forest (HoFF), Jharkhand, Ranchi/Member Secretary, Jharkhand State Pollution Control Board, Ranchi/ Deputy Commissioner, Dumka/Sri Mukesh Kumar Meena, Additional Divisional Railway Manager, Asansol Division, Eastern Railways/ Sri S.P. Dutta Majumdar, West Bengal Power Development Corporation Limited, Kolkata/Sri Toufic Aslam, Scientist C, CPCB Regional Directorate, Kolkata/Divisional Forest Officer, Dumka Forest Division, Dumka/Regional Officer (RO), JSPCB Regional Office–Cum–Laboratory, Dumka/Sri Ravi Shankar Mandal, Resident, Rasikpur, Dumka for information & necessary action.

11/8/2023
(Raju Ranjan Roy)
Additional Secretary.