

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 154/2023**

IN THE MATTER OF:

Threat to life arising out of coal mining

In South Garo Hills district

... Applicant

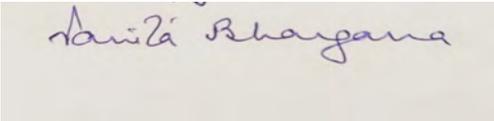
Versus

State of Meghalaya & Ors.

... Respondents

Affidavit on behalf of Meghalaya Cements Limited, Respondent No. 18 in response to the 5th Interim Report of the Committee headed by Justice B. P. Katakey (Retd.) dated 02.12.2019

FILED BY



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DATED: 21.05.2024

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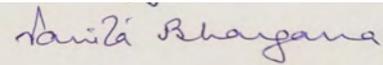
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ADVOCATES FOR THE RESPONDENT NO.18**Vanita Bhargava**, Advocate**Shounak Mitra**, Advocate**Zulfiqar Ali Alquaderi**, Advocate**Shivangi, Thard**, Advocate**C/o. KHAITAN & CO, LLP**

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**AFFIDAVIT ON BEHALF OF MEGHALAYA CEMENTS LIMITED,
RESPONDENT NO. 18 IN RESPONSE TO THE 5TH INTERIM REPORT
OF THE COMMITTEE HEADED BY JUSTICE B. P. KATAKEY (RETD.)
DATED 02.12.2019**

I, Mahendra Kumar Agarwal, son of Late Shri Nirmal Kumar Agarwal, aged about 61 years, resident of BE 77, Salt Lake City, Sector-1, North 24 Parganas', Kolkata – 700064, West Bengal, do hereby solemnly affirm and state as hereunder:-

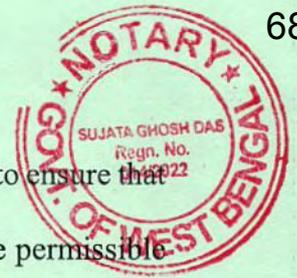
1. That I am the authorized signatory of the Respondent Company No.18 in the above-mentioned matter and I am well aware of the facts and circumstances of the case to the best of my personal knowledge and belief. I am therefore competent and authorized to affirm the present affidavit on behalf of the Respondent Company No.18.
2. That I have read and understood the contents of the 5th Interim Report of the Committee dated 02.12.2019 and I am therefore competent to affirm the present affidavit in response to the same.



3. That pursuant to the liberty granted by the Hon'ble Supreme Court vide order dated 02.05.2023 passed in C.A No. 2355 of 2021, Respondent No.18 is submitting its objections to the 5th Interim Report of the Committee headed by Justice B. P. Katakey (Retd.) dated 02.12.2019.

Background Facts

4. Before proceeding to deal with the findings and recommendations made in the 5th Interim Report, the following background facts may be noted which are necessary for adjudication of the matter:
 - (a) Respondent No.18 is a public listed Company having an integrated clinker-cum-cement manufacturing plant having installed capacity to produce 2600 TPD cement at Thangskai Village in East Jaintia Hills District of Meghalaya. The Respondent No. 18 also operates a captive thermal power plant having 10 MW installed capacity which is located adjacent to its cement manufacturing plant, to ensure 100% uninterrupted power availability. The Respondent No. 18 operates its cement manufacturing plant as well as its thermal power plant in accordance with the terms and conditions of various licenses and has consistently ensured that the operations at its plants adhere to the environmental norms and laws as well as other applicable laws in the region. The Respondent No.18 is an environmentally conscientious company and has consistently upgraded and updated its technology to



introduce various pollution control equipment in its plants to ensure that all emissions and discharges from its plants are within the permissible limits. It has all the valid regulatory permissions necessary for the operation of its plant.

- (b) The captioned proceedings were instituted pursuant to the transfer of a *suo moto* public interest litigation from the Hon'ble High Court of Gauhati in 2012 where the High Court took cognizance of accidents that had occurred due to rat hole mining in the state of Meghalaya. The Transferred matter was registered as Original Application No. 110(THC)/2012.
- (c) Separately, the All Dimasa Students Union Dima Hasao District Committee filed OA No. 73 of 2014 before the National Green Tribunal, Principal bench seeking directions with regard to rat-hole mining operations, which had been going on in Jaintia Hills in the State of Meghalaya for last many years without being regulated by any law. It was alleged that in the course of rat-hole coal mining, by flooding of water, several employees and workers had died. The NGT admitted the application and took the view that illegal and unscientific mining neither can be held to be in the interest of people of the area, the people working in the mines nor in the interest of environment.

- 
- (d) The National Green Tribunal, Principal Bench *vide* its order dated 17.04.2014 in OA No. 73/2014, directed State of Meghalaya to ensure that rat hole mining is stopped forthwith throughout the State and any illegal transport of coal shall not take place until further orders. Department of mining, State of Meghalaya and Ministry of coal were impleaded. It observed that coal mafias are benefiting from the illegal activities and is controlled by individuals. State of Meghalaya was directed to make an appropriate scheme to bring the activities to an end.
- (e) A committee was formed by the NGT *vide* order dated 09.06.2014, to quantify the extracted coal and its location, to assess its value and to prescribe the mode of transportation of the extracted coal and to carry out other functions. Tribunal permitted transportation of already extracted material lying in open subject to supervision of committee. Copy of order dated 09.06.2014 passed by NGT in O.A. 110(THC)/2012 is annexed hereto and marked as **ANNEXURE R-18/1**. The Same was reconstituted on 01.08.2014.
- (f) In the light of the Committee Report, NGT on 07.10.14, noted that 6.3 MT of illegally mined coal valued at Rs.3078 crores was lying in the State on which royalty of Rs.400 crores was assessed. On 26.11.2014, direction was issued for videography of the operation of weigh bridges



and assess the quantum of coal which could be permitted to be transported with the assistance of the Committee.

On 25.03.2015 NGT noted that state has failed to check illegal mining. Joint reports supported factum of illegal mining. Meghalaya Environment Protection and restoration fund was directed to be constituted where penalty recovered from illegal miners was to be credited. There were 308 cases registered.

Further, on 30.3.2015, NGT issued a direction to the state to collect 10% of the market value of coal per metric tonne in addition to royalty to be credited to Meghalaya Environment Protection Restoration fund. The committee directed that checkpoints be established apart from setting up royalty collection centres. Copy of the orders dated 07.10.2014, 25.03.2015 and 30.03.2015 are annexed hereto and marked as **ANNEXURE R-18/2 (COLLY)**.

- (g) Vide order dated 31.03.2016, the NGT directed that except the coal already transported prior to 2016, the remaining will vest in the State and disposed of in accordance with law and consistent with the norms of environment. A Committee was constituted to decide steps for restoration of environment and to ascertain if any illegal mining or illegal transportation of coal was being carried on. Copy of order dated 31.03.2016 passed by NGT in O.A. No. 73 of 2014 is annexed hereto



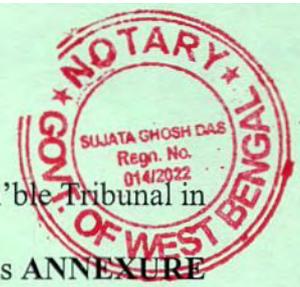
and marked as **ANNEXURE R-18/3**. Vide order dated 10.05.2016, it was further directed by NGT that the State shall place on record exact current quantity of coal and value thereof, status of coal lying and mined as on 1.4.2015 and 16.5.2016 and monthly status thereafter. State was also directed to submit a plan on how to deal with coal vested with state. State was to take action against violators, a list of which was given by the state. Copy of order dated 10.05.2016 passed by NGT in O.A. No. 73 of 2014 is annexed hereto and marked as **ANNEXURE R-18/4**.

- (h) In a Civil Appeal number 5272 of 2016 filed by Ka Hima Nongstoin landowners, coal traders and Producers Association versus All Dimasa Students Union against order dated 31.03.2016 and 10.05.2016 passed by NGT, Supreme Court vide order dated 21.09.2016 directed persons who have mined coal are permitted to transport on payment of royalty from 1st October 2016 to 31st may 2017 and no other extraction shall take place. The question whether coal is vested in the State was to be addressed in the Civil Appeal. Copy of order dated 21.09.2016 is annexed hereto and marked as **ANNEXURE R-18/5**.
- (i) The Hon'ble Supreme Court vide order dated 28.03.2018 extended the time for transporting already extracted coal up to 31.05.2018. Copy of order dated 28.03.2018 is annexed hereto and marked as **ANNEXURE R-18/6**.



- (j) Appointment of B. Katakey Committee Subsequently, this Hon'ble Tribunal vide order dated 31.08.2018 constituted an independent committee headed by Justice B P Katakey, Former Judge of the Hon'ble High Court of Gauhati along with representatives from Central Pollution Control Board and Indian School of Mines, Dhanbad ("the **Committee**"). The specific task assigned to the Committee was to examine the question of restoration of the environment and rehabilitation of the victims for which funds are available. This Hon'ble Tribunal directed the Committee to take the following steps:
- A. Take stock of all actions taken so far in this regard;
 - B. Prepare time bound action plan to deal with the issue and ensure its implementation.

The Committee was at liberty to take up incidental issues and was also to supervise issues arising out of receivership/custodianship of already extracted coal including environmental issues arising out of storage and remedial steps. It was inter alia directed that if any further coal not recorded in inventory made till date is available, separate inventory be made and if it is found that it was illegally extracted, royalty in terms of orders already passed may be collected. It was also directed that Secretary, Mining may check if extracted coal is not accounted or is a result of illegal mining.



Copy of the order dated 31.08.2018 passed by this Hon'ble Tribunal in
OA No. 110 of 2012 is annexed herewith and marked as ANNEXURE

R-18/7.

First interim Report dated 02.01.2019

(k) Committee gave its First Interim report on 02.01.2019 which was considered by NGT vide order dated 04.01.2019 with regard to the following questions framed by the Committee:

- “(A) Whether coal mining activities, including extraction of coal and the transportation of the same, are going on despite the order passed by the Hon'ble NGT imposing ban on coal mining and transportation?*
- (B) Quantity of extracted coal as on the date on which the ban was imposed by the Hon'ble NGT and left to be transported?*
- (C) Quantity of un-inventoried coal which has been extracted before imposition of ban by the Hon'ble NGT?*
- (D) Whether coal mining activities as well as dumping of coal results in adverse environmental effect, if so, the nature and extent thereof?*
- (E) What are the steps required to be taken by the Committee for restoration of the environment and rehabilitation of victims of coal mining?*
- (F) The extent of execution of the Action Plan prepared by the Committee?”*



The report stated that illegal mining was still continuing. The assessed quantity of such coal was 23,25,663.54 MT. The mining was resulting in adverse impact on the environment for which a study was required to be undertaken. Action plan was proposed for restoration of the environment. In view of the consistent failure of the State in enforcing the law, NGT held the State to be liable to deposit a sum of Rs.100 Crores with CPCB to be spent for restoration of the environment. NGT also observed that the Committee may consider seizure of equipment used for illegal mining or transportation, to be released only after payment of 50% of the showroom price of such equipment.

It was recorded by NGT that in 6th meeting of committee, notices were issued to cement plants, thermal power plants, limestone mines. It made observations with respect to its visit to Star cement captive power plant. NGT observed that power plants and cement plants are encouraging coal mining activities on the observation of the report that 23,25,663.54 MT of coal was uninventoried and stand of the government that same was minded before ban was un acceptable.

C.A. No.2968 of 2019 was filed against order dated 4.1.2019 passed by NGT.

Second Interim Report dated 31.03.2019

- (1) The 2nd Interim Report dated 31.03.2019 was considered by the NGT and the NGT vide order dated 11.04.2019 approved the recommendations including those for installation of digital display boards in respect of quality of water of the concerned areas and evolving mechanism for effective action against transportation of illegally mined coal such as electronic manifest system.

It was also directed that Committee may consider audit of sources of coal acquired by power generation and cement plants. Proposal of Committee to use Rs. 96.59 lakh of MEPRF for purchase of six vehicles mounted with water tanks was approved. Copy of the order dated 11.04.2019 is annexed hereto and marked as **ANNEXURE R-18/8**.

Supreme Court order dated 03.07.2019

- (m) In the meantime, the State of Meghalaya filed a civil appeal before this Hon'ble Court challenging the above orders passed by the NGT in O.A. No. 73/2014. This Hon'ble Supreme Court vide judgment and order dated 03.07.2019 in the case of *State of Meghalaya v. All Dimasa Student Union*, C.A. No. 10720/2018 reported as (2019) 8 SCC 177 upheld the judgment of the NGT in dealing with the matter and constituting the Monitoring Committee. It held that the ownership of the coal extracted, even after 15.05.2016 does not vest with the State of





Meghalaya but the owner of the coal or the person who mined the coal shall have proprietary rights on the mineral.

It was directed that extracted coal laying at various places was to be taken over by Coal India Limited. It was also directed that the State of Meghalaya and CIL to deliberate with the Committee and finalize plan for transportation and handing over of the coal for disposal as per Rules which may be beneficial for the owners of the mine as well as to the State. CIL was also directed to take steps for receipt of payment for auction of the coal. The State of Meghalaya was entitled to royalty, payment towards MERP Fund and taxes. Out of the sale of the proceeds of the mined coal to be disposed off by CIL, after deducting the applicable royalty, cess, transportation and handling charges, the owners were entitled to the receipts of the balance sale proceeds of the mined coal.

The only exception to this scheme will be the illegally transported coal seized by the state, which shall be dealt with in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957.

The order of the NGT constituting MEPR fund was also upheld as well as the order dated 04.01.2019 requiring deposit of Rs.100 crores with CPCB for restoration of environment. It was however directed that the

same could be paid out of the Meghalaya Environment Protection and Restoration Fund (MEPRF).



The order of the Tribunal dated 17.04.2014 banning rat hole mining was also upheld. However, it was held that the said ban would not bar legal and scientific mining as per statutory scheme.

Direction of audit on source of coal not under consideration and not raised.

Copy of the judgement of Hon'ble Court in State of Meghalaya v. All District Forest Officers, C.A. No. 10720/2014 is reported in CPJ 17 (SC) 117

Resource Audit and representations before the Committee

- (n) The Additional Principal Chief Conservator of Forests (Planning Development and Legal Matters), Government of Meghalaya (“**Forest Dept**”), Shillong vide letter dated 08.07.2019 informed various cement Companies including the Respondent herein that the year wise details of coal reported to be purchased was already available in the report submitted to the Committee by the CPCB and that the information on the clinker and power produced by some of these plants were also available in the annual reports, copy of which was available in the public domain.



It was informed that prima facie it appears that the quantity of coal reported to be procured by some of the plants was grossly insufficient to produce reported quantity of cement and/or power by these plants and that the gap in all probability was met by illegally mined coal. To have a preliminary assessment of illegally sourced coal, if any, used by any of these plants/factories after ban on mining of coal was imposed by the NGT in April 2014, the Committee in its sitting dated 28.06.2019 directed that the Managing Directors/Chief Executive officers of all cement factories and thermal power plants in the State shall depute their duly authorized representative(s) to remain present before the Committee in its sitting to be held on 23.07.2019 and produce before the Committee, along with supporting documentary evidence, the following information/documents:

- I. *Year-wise details of clinker and/or power produced since imposition of ban on coal mining in the State in April 2014;*
- II. *Year-wise details of coal and/or any other alternate fuel procured since imposition of ban on coal mining in the State in April 2014;*
- III. *Year-wise details of the quantity of cement/clinker on which transport subsidy, if any, has been claimed by the plant since imposition of ban on coal mining in the State in April 2014.*
- IV. *A copy of annual report for each of the years since imposition of ban on coal mining in the State;*



- V. *Average estimated quantity of coal and/or any other alternate fuel(s) required to produce one tonne of clinker and/or one unit (kwh) of power; and*
- VI. *A copy of Detailed Project Reports (DPRs) submitted to the Bank(s)/Financial Institutions(s) to obtain loan for establishment/expansion/modernization of the plant.*

The Respondent No. 18 Company was, therefore, requested to depute a duly authorized representative(s) to remain present before the Committee in its sitting to be held on 23.07.2019 at Shillong and produce before the Committee the abovementioned documentary evidence.

A copy of the notice dated 08.07.2019 is annexed herewith and marked as **ANNEXURE R-18/9**.

- (o) The Respondent herein raised objection to the said notice *vide* its letter dated 22.07.2019 *inter alia* pointing out that the Hon'ble Supreme Court has clarified that the violation, if any, has to be dealt with in accordance with Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 by the State Government and in accordance with law and that the notice was outside the scope of the Committee. Copy of the letter dated 22.07.2019 is annexed hereto and marked as **ANNEXURE R-18/10**.



(p) The authorized representative of the answering Respondent appeared before the Committee on 23.07.2019, submitted the above objection and undertook to furnish the required information supported by the relevant documents provided time is granted for gathering all the information. The Additional Principal Chief Conservator of Forests (Planning Development and Legal Matters), Government of Meghalaya, vide letter dated 05.08.2019, directed the answering Respondent to depute a representative in the next sitting dated 14.08.2019 along with all information. A copy of the minutes of the meeting of the Committee on 22.07.2019 is annexed herewith and marked as **ANNEXURE R-18/11**.

(q) The Respondent No.18, vide its letter dated 12.08.2019 submitted all the required information, details and documents to the Committee with respect to *inter alia* the following issues:

1. Capacity Utilization by Cement Plants from 2014-15 to 2018-19.
2. Coal Consumption in metric tonnes from 2014-15 to 2018-19.
3. Capacity utilization by thermal power plant from 2014-15 to 2018-19.
4. Coal consumption by thermal power plant from 2014-15 to 2018-19.



A copy of the letter dated 12.08.2019 of Respondent No. 18 is annexed herewith and marked as ANNEXURE R-18/12.

17th Meeting of the Committee

- (r) It was observed that the Appellant submitted information relating to one cement plant and one 10 MW capacity captive power plant. (Para 38 @ Pg 370, V.2). The Committee noted without any basis and despite evidence to the contrary that there is a gap of 4,94,415 MT of coal between the coal required by the Appellant and that procured from legal sources, and therefore the gap in all probability has been met from illegally sourced local coal. The Committee based its conclusion on the following:
- a. Techno Economic Feasibility Report of the Augmentation of the Clinkerization capacity of the plant from 900 TPD to 2600 prepared by Holtec Consulting Private Limited observes that the plant has been designed to use 100% Meghalaya coal available locally. As per the said report, net calorific value of the local coal to be used in the clinker plants is 5,800 kcal/kg. Specific heat consumption of these plants is 840 Kcal per kg of clinker. The average estimated requirement of coal as per the information given in the said report is 14.66 %.
 - b. The Committee after examination of the TEFRR of the 10 MW capacity Captive Power Plant prepared by AKB Power Consultants Pvt. Ltd., observes that the said plant was envisaged



to use coal sourced from Western Parts of Meghalaya Hills. The Annual requirement of the locally sourced Meghalaya coal at 100 % capacity for the said 10 MW TPP, as per the said report, is 63,072 MT. The specific fuel requirement for the said TPP as per this information given in the said report, is therefore 0.72 kg/kwh. Nowhere, in the said report it has been stated that it will be feasible to run the plant by using any alternate fuel other than coal.

A copy of the minutes of meeting of the 17th meeting of the Committee dated 14.08.2019 is annexed herewith and marked as **ANNEXURE R-18/13**.

- (s) In the 4th Interim Report dated 31.08.2019, the Committee considered (a) the mechanism to deal with complaints under Section 21 of the MMDR Act of illegal raising and transportation of coal, (b) procedure for exercise of powers under Section 21(5) of the MMDR Act, (c) action to be taken in new cases of illegal mining/storage and transportation, (d) action for preventing illegal mining and storage, recovery of fresh stock of coal extracted prior to ban, (e) action for violation of Water (Prevention and Control of Pollution) Act, 1974 and Environment Protection Act.
- (t) The Respondent No. 18, *vide* its letter dated 10.09.2019 requested the Chairman of the Committee to review the observations made against it

during the 17th sitting of the Committee held on 14.08.2019 for the following reasons:



- (1) The objective of TEFR is to determine the technical feasibility and financial viability of the project, assess the risks associated with the project and enumerate imminent actions that are required to be taken.
- (2) The same is required by financial institutions to assess the viability, site conditions, availability of resources, background, market etc. and funding of the project within the desired limits. Further, Plant & Machinery is ordered based on inter alia the current technology available, design and technical specifications released by the consultant during project execution. Details and data given in TEFRs would therefore, may vary as per site conditions.
- (3) It is very much feasible by Plants of this calibre, to use alternate fuel without any hindrance. Alternate fuels are being successfully used world-wide and usage at the Appellant's plant also, can be verified by a technically competent agency. Several seminars and conferences are being held time to time to promote the use of alternate fuel within the same infrastructure, by Government agencies along with Cement manufacturers Association, PCB, CII etc. aided by research scholars and technology experts. The



Government of India vide its different programs is keen to ensure a seamless transition to Alternate fuel by Cement Industry.

- (4) All procurements, including alternate fuel procurements are by banking transactions, duly paid by cheque; Sales tax/GST paid on the same time to time and accounted for.
- (5) Royalty have also been paid on the same periodically, from April 2014 to September'2017. Balance payments till March 2019 is under progress.
- (6) The use of alternate fuel (Slate/ MuSlate) has duly been reported in Environmental Statements to Meghalaya State Pollution Control Board, Shillong every year as compliance.

A copy of the reply of Respondent No. 18 dated 10.09.2019 is annexed herewith and marked as **ANNEXURE R-18/14**.

- (u) The North East Regional Directorate of CPCB, *vide* its letter dated 13.09.2019 (“**CPCB Letter**”) affirmed *inter alia* as under:
 - a) *Prima facie* the use of alternate fuel by cement and power plants is technically feasible and is in fact encouraged by Pollution Control Boards.
 - b) If the Industries use Pet Coke or slate as alternate fuel resource (ARF) it is not required to modify or attach a new fuel/material feeding system. AFR are generally used together with coal. As the physical characteristics of pet coke and slate are similar to coal



these alternate fuels can be used in the existing coal mills for pulverization before feeding into the kiln or boilers after blending with coal.

- c) By using AFR/HW/RDF in kiln/boiler furnace, use of conventional fuel like coal is reduced. This arrangement helps in reducing the consumption of conventional fuel like coal and this brings in reduction in greenhouse gas emission.

This letter was referred to by the Committee in its impugned 5th interim report dated 02.12.2019 but not relied upon. A copy of the letter dated 13.09.2019 of the North East Directorate of CPCB is annexed herewith and marked as **ANNEXURE R-18/15**.

- (v) The Committee, without even considering the objections of Respondent No. 18 its earlier observations, submitted the 5th Interim Report to this Hon'ble Tribunal with findings and recommendations on the coal requirements of the cement companies and the feasibility of Slate as an alternate fuel. The findings as regards the Applicant were recorded in Para 3.1 and the recommendations in Para 3.2 of the Report.
 - (i) The Committee wrongly concluded in the said report that during the years 2014-15 to 2018-19 the coal required by the Applicant herein for producing clinker was 8,39,511 MT whereas the coal procured during this period was 2,95,186 MT and therefore, there was a gap of 5,44,325 MT between the coal required and that procured (the purchase of the entire quantity of Alternate



Fuel/MuSlate was disregarded) and that this gap of 5,44,325 MT has been met from the illegally mined local coal.

- (ii) The Committee recommended to the NGT to realize royalty, GST/VAT and contribution to MEPRF amounting to Rs. 84.915 crores from the Applicant herein as per the details given below

(Refer Para 3.1.4 of the Report):

a.	Royalty	-	Rs. 36.742 crores
b.	MEPRF	-	Rs 26.400 crores crores
c.	GST/Vat	-	Rs. 21.773 crores
d.	TOTAL	-	Rs. 84.915 crores

- (iii) The above figure of alleged use of illegal coal has been arrived at by the committee by considering that coal requirement is at least 15% of the clinker produced and that no alternate fuel has actually been used at all.
- (iv) In addition, the Committee also recommended to this Hon'ble Tribunal that an amount of Rs.400 MT of coal to be utilized by the Applicant herein (and other plants) on or after the date of the order shall be directed to be deposited in the MEPRF. It was further stated that:

“3.1.6 Claim of these Cement Manufacturing Plants and Thermal Power Plants that about two-third of their coal requirement have been met by a non-fuel mineral (i.e. slate) without making any change in the design of these plants is



not tenable. The Committee, based on a detailed analysis given in para 2.2.26 to 2.2.52, is of the view that it is neither technically feasible nor legally permissible for these plants to replace more than two-third of their coal requirement by a non-fuel mineral such as slate."

"3.1.8 Even for the sake of an argument it is assumed that the claim of these plants that more than two-third of their coal requirement during the Audit Period has been met by a non-fuel mineral (viz. slate) without making any change/modification in the design of these plants is true, it would have caused equal, if not more, damage to the flora, fauna, rivers, streams, water bodies and the environment in general in the State of Meghalaya as all such slate has admittedly been mined in an unscientific and haphazard manner without any mitigative measures and without obtaining mandatory mining lease, consent to establish, consent to operate, environmental clearance and authorisation/no-objection certificate from the State Pollution Control Board in a flagrant violation of the existing mining, environmental, pollution control and labour safety laws."

Copy of the 5th Interim Report of the Committee dated 02.12.2019 is annexed herewith and marked as **ANNEXURE R-18/16**.



- (w) The 5th Interim Report was accepted by this Hon'ble Tribunal vide order dated 17.01.2020 without giving any opportunity of hearing to Respondent No. 18. In view of the same as stated earlier Respondent No. 18 alongwith other similarly placed Cement companies filed Civil Appeal before the Hon'ble Supreme Court being C.A. No. 2355 of 2021. Vide order dated 02.05.2023 the order dated 17.01.2020 passed by NGT was set aside for consideration of objections of Respondent No.18. It is pertinent to note that during pendency of Civil Appeal, the Advocate General of State of Meghalaya orally assured that no coercive steps will be taken pursuant to demand notices that were issued pursuant to NGT order dated 17.1.2020. It may be noted that since the NGT order dated 17.1.2020 has been set aside the demand notices issued pursuant thereto are now non est and without authority.

Events post order dated 17.01.2020 passed by NGT which has been set aside by the Hon'ble Supreme Court

- (x) Pursuant to the 17.01.2020 order, various demand notices were issued to Respondent No. 18 herein, which were responded to by Respondent No.18 as under:
- (i) Vide Notice dated 19.02.2020, the Director of Mineral Resources, Meghalaya Shillong directed R-18 to make payment of Rs. 84.915 crores for allegedly using illegally mined coal.



- (ii) The Superintendent of Taxes, West Jaintia Hills, Jowar issued a notice dated 12.03.2020 directing R-18 to pay the tax component (MVAT and GST) and outstanding electricity duty to the Government for procuring of 7,41,092 (MT) coal from unknown sources.
- (iii) The Office of the Commissioner of CGST, issued a letter dated 18.05.2020 requesting that the following information may be furnished by 05.06.2020:
- “(i) Details of payment made as royalty on coal (year -wise and month-wise)*
- (ii) Details of Service Tax paid on Royalty on coal (year -wise and month-wise). If no Service Tax payment made, reasons thereof with supporting documents to be submitted.*
- (iii) Details of GST paid on Royalty on coal (year-wise and month-wise). If no GST payment made, reasons thereof with supporting documents to be submitted.*
- (iv) Details of Cess paid on coal (year -wise and month-wise). If no Cess payment made, reasons thereof with supporting documents to be submitted.”*
- (iv) Vide notice dated 16.07.2020, the Director of Mineral Resources, Government of Meghalaya, Shillong, Meghalaya called upon R-18 to make payment of royalty, MEPRF on allegedly illegally sourced coal in continuation of the earlier letter dated 19.02.2020.



- (v) Vide show cause notice dated 21.09.2020, the Director of Mineral Resources, Government of Meghalaya, Shillong called upon R-18 to show cause as to why a case may not be registered under Section 21 (1) of the MMDR Act, 1957.
- (vi) A Committee was constituted vide Government Notification MG.48/2020/94 dated 14.10.2020 to review the quantity of clinker and/or power produced by Cement Plant and Thermal power plants and quantity of coal purchased and legal source of coal to comply with the NGT's order dated 17.01.2020. The Committee was chaired by the Chief Secretary to the Government of Meghalaya.
- (vii) Vide Reply dated 09.11.2020, R-18 responded to the notices dated 19.02.2020 and 16.07.2020 for payment of royalty, MEPRF to the Director of Mineral Resources, Government of Meghalaya. R-18 denied all allegations that it has used any illegally sourced coal in its cement manufacturing and captive power plants as reported by the committee, and its consequent liabilities to pay any royalty, MEPRF on such alleged illegally sourced coal. It was objected that no opportunity has been given to R-18 to raise objections to the report, either before the independent committee or before the Hon'ble Tribunal. Further, it was explained that the findings of the Committee were erroneous for the following reasons in brief:



1. No concrete evidence whatsoever to establish that R-18 has purchased illegally sourced coal.
2. The committee has taken an erroneous view on the assumption that specific coal requirements of Cement manufacturing plants and Captive Thermal power plant of MCL are same as specific coal requirements of another plant, Star Cement Limited and on that basis has wrongly calculated alleged year wise gap on total coal required and coal procured.
3. R-18 cannot be subjected to a huge penalty based on the assumption that the coal requirement of MCL is 15% of the clinker produced. This is wholly erroneous since the same had to be assessed on the basis of actuals. The Committee failed to take into consideration the technical factors involved while making its assessment and hence, method of calculation adopted by the Committee is inherently wrong which is based on mere surmises.
4. R-18 had informed about the use of alternate fuel which is also recorded in the Fifth Interim Report, however, while assessing the requirement of coal the Committee completely ignored the use of other alternate fuel.
5. R-18 can substantiate its claim that the quantity of coal procured by R-18 as mentioned in the documents submitted



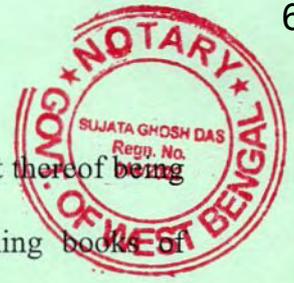
before the Committee along with other alternate fuel was sufficient for running of its plants to produce the reported quantity of clinker and power during the resource audit period. The design of its plants is such so as to support use of other alternate fuel including slate.

(viii) Vide Reply dated 09.11.2020, R-18 responded to the notices dated 21.09.2020 sent by Director of Mineral Resources, Government of Meghalaya for Section 21(1) of the MMDR Act. The following submissions were made :

1. Penal provisions have to be construed strictly and therefore no case can be registered when there is no evidence to show that R-18 has either done illegal mining or transported or stored mineral which has been excavated contrary to the provisions of the Act and thus there is nothing to show that the ingredients that constitute an offence under Section 21 are present.
2. Without prejudice to the above, there is no recommendation made in the Fifth interim report to proceed against the Cement Companies under Section 21(1) of the MMDR Act. It is only the seized coal that had to be dealt with under Section 21 of the MMDR Act. There is no finding that illegally mined coal has been seized from R-18.



- (ix) The Committee headed by the Chief Secretary held a meeting on 19.10.2020. The Committee found that there is a gap of 26508 MT for Appellant and 3715 MT for the Appellant's Captive Power Plant between the estimated coal requirement and coal procured for the period of February 2020 to July 2020. The Committee directed the Director of Mineral Resources to issue Show Cause Notice to explain the reason for gap in quantity. It was further noted that R-18 has not produced transport challans for 8476 MT to prove legal sources of coal. The Committee directed all cement plants including R-18 to furnish transport challans issued by the Mining Department of the origin state or documents of Coal India Limited as proof of coal procured during the period. The Committee decided to issue show cause notice to companies who failed to submit the same within one week. The Committee further directed inter-alia R-18 to submit data for August and September 2020.
- (x) R-18 replied to the Notice dated 12.03.2020 issued by the Superintendent of Taxes, West Jaintia Hills, Jowai inter alia objecting that the tax liability cannot be imposed only in view of the report of a committee since it is not a situation envisaged under the taxation statutes. The manner of levy of taxes and recovery under different statutes are hedged by various limitations and subject to fulfilment of various pre-conditions. Without there



being any determination of liability and assessment thereof being completed by competent authority after examining books of record, demand and recovery of the levy does not arise. The committee or the Hon'ble NGT have no power to levy taxes and other dues payable under various statutes as mentioned above.

- (xi) Vide letter dated 24.11.2020, R-18 replied to the Notice dated 18.05.2020 issued by the Office of the Commissioner of Central Goods & Services Tax. After reiterating the submissions made vide replies dated 20.11.2020 and 09.11.2020, R-18 furnished the information as regards royalty paid on coal procured, service tax on Royalty, GST on Royalty and cess reimbursed to the vendor of the coal.
- (xii) Vide Notice dated 11.12.2020, the Directorate General of Goods and Services Tax Intelligence sent a summons under Section 70 of the CGST Act 2017 to R-18. The summons directed R-18 to appear before the DGGI Shillong unit on 18.12.2020 along with the copy of demand notices for payment of royalty, MEPRF issued to R-18, copy of show cause notice for violation of MMDR Act, 1957 and year-wise details of procurement of slate from 2016-17 to 2020-21.
- (xiii) Vide reply dated 18.12.2020 to the DGGI, Shillong Regional Unit, R-18 submitted that the documents sought for did not pertain to any tax payment. However, without prejudice, R-18 submitted



(xvi) Vide response dated 25.02.2021 to the notices dated 08.02.2021 issued to R-18, it was explained that the Memo dated 30.11.2020 sought for no explanation and did not direct submission of any documents. However, the response dated 09.11.2020 to the SCN dated 21.09.2020 was enclosed in the letter. It was further mentioned that the reply dated 09.11.2020 contained a detailed explanation to the alleged gaps and the same may be construed as the explanation to the above-mentioned notices.

(xvii) Vide response dated 25.02.2021 to the notices dated 08.02.2021 issued to tR-18, it was informed that R-18 had been submitting the details of clinker and power production and coal procured on monthly basis to the Directorate of Mineral Resources regularly. Copies of such details submitted for the months of August-December were also enclosed.

(xviii) The Committee headed by the Chief Secretary held a meeting on 09.04.2021 wherein it was observed that:

1. The Committee did not accept the explanation for gap in coal required and coal utilized furnished by the respective companies. The Committee noted that only 4 (four) companies have appealed to Hon'ble Supreme Court against Hon'ble NGT Order dated 17.01.2020. The Committee has decided that the actions in this matter in respect of M/s Star Cement Ltd. and its two subsidiaries as well as for M/s



Shyam Century Ferrous Ltd. shall be kept on hold till the case is disposed off.

2. The Committee directed that the remaining cement plants/companies may appeal against the Hon'ble NGT Order dated 17.01.2020 within 15 days, failing of which, it will be deemed that the cement plants have accepted the findings of Hon'ble NGT Committee.
3. A table with the gap between estimated coal requirement and coal used for the months of November 2020- February 2021 was given. For R-18, the gap was ascertained to be 4219.24 MT, 4502.37 MT, 5107.49 MT, 4422.26 MT for the aforesaid months respectively. For Captive Power Plant of R-18, the gap was ascertained to be 1260.72 MT, 1142.29 MT, 1605.34 MT, 846.69 MT for the aforesaid months respectively.
4. The Committee directed DMR to issue direction to the companies who have not submitted Mineral Transport Challans, for domestic coal purchased from Private dealers, to furnish the Mineral Transport Challans for the corresponding period given in these minutes.
5. The Committee directed DMR to issue Show Cause Notice to the companies who have not submitted Custom Clearances for imported coal purchased from Private dealers



and to furnish the Custom Clearances for the corresponding period given in these minutes.

6. The DMR has been further directed to seek explanation from the companies for gap between coal required and coal utilized by them for production of clinker and/ or power production for the corresponding period given in these minutes.
7. The Committee has directed the Director of Mineral Resources to take necessary steps to ensure receipt of Show Cause Notices by the defaulting Companies.

Copy of committee report dated 9.4.2021 is annexed hereto and marked as ANNEXURE R-18/17.

- (xix) The DMR called upon R-18 provide explanation as to why case should not be registered against the Appellant under Section 21(1) of the MMDR Act, 1957.
- (xx) Vide another SCN dated 30.04.2021, the DMR directed cement plants to submit custom clearances for coal imported for the corresponding periods given in the Minutes within a week from the issue of the letter. Another SCN dated 30.04.2021 directed the companies to furnish Mineral Transport Challan issued by Mining Department of origin State or by Coal India Limited for February to July 2020. Another SCN dated 30.04.2021 directed the companies to furnish an explanation for the gap in quantity of coal



required to produce clinker/power and quantity of coal purchased/used within one week from the issuance of the notice.

- (y) R-18 challenged the order dated 17.01.2020 before the Hon'ble Supreme Court *vide* Civil Appeal No. 2355 of 2021 and as per the Committee meeting held on 9.4.2021 no action was taken against R-18. However, even after filing of Civil Appeal some notices were received. In any event in view of the setting aside of the order dated 17.12.2020 passed by Hon'ble NGT, all the aforementioned notices are non-est. In any event it is pertinent to note that R-18 has duly replied to all the notices and submitted all information to show that there is no gap between coal sourced and coal used.
- (z) In the meantime, report on System Compatibility Study for using Slate as an Alternative Fuel was given by Holtec Consulting Private Limited. Following conclusions were made in the said report :
- (1) Introduction of Slate as a low grade alternative fuel has generated the additional volume handling requirement, due to reduced calorific value.
 - (2) MCL has adequate facilities for handling, storage and processing of Slate and other alternative fuels (Plastic waste, Wood and Tyre chips) at their cement manufacturing plant.



- (3) The usage of Slate replacing coal up to ~60 % (wt.%) in fuel mix is possible by necessary changes in Raw mix design to ensure that the quality of clinker produced are as per applicable standards. The proposed raw mix has been verified to be suitable to meet the product requirement.
- (4) The Kiln operation with fuel mix (50% Coal+ 42% Slate+ 8% Other AF) was found to be generally operating normally.
- (5) Slate is having almost similar physiochemical properties as that of coal.
- (6) Using Slate in a state of the art coal based clinkerisation facility does not demand any major changes in plant process and modification/ addition of new equipment.
- (7) Cement manufacturing facilities at MCL are suitably equipped to operate with up to 60% Slate in their fuel mix, with suitable change in raw mix design, within the existing system, without any need of alteration/ addition of their existing equipment & facilities

Copy of report dated February 2021 of Holtec Consulting Private Limited is annexed hereto and marked as **ANNEXURE R-18/18**.

- (aa) Vide order dated 15.03.2021, the NGT disposed of the proceeding with a direction that ownership of the task of compliance of the judgment of this Hon'ble Court with regard to preventing unscientific and unregulated mining, restoring the environment, rehabilitating the



victims and handling of illegally mined coal should be taken over by the State Authorities, to be overseen by an Oversight Committee of 12 members, headed by Additional Secretary, MoEF & CC. The 8th Interim Report of the Committee which included recommendations for handling the MEPRF, method of coal mining, revised comprehensive plan for transport and auction of coal was also accepted. Copy of order dated 15.3.2021 passed by this Hon'ble Tribunal in OA110/2012 is annexed hereto and marked as **ANNEXURE R-18/19**.

- (bb) Counter Affidavit was filed by Meghalaya State Pollution Control Board before the Hon'ble Supreme Court. The MSPCB affirmed that separate consent to operate is not required for the use of alternate fuel by cement and power plants. MSPCB also placed on record the environmental statement in Form V submitted by the Appellant, Part B of which contained the disclosures by the Appellant of the use of High Grade Slate for the concerned year.
- (cc) In the meantime, High Court of Meghalaya has also taken suo moto cognizance of illegal mining of coal in State of Meghalaya and registered a PIL being PIL NO.2/2022. This was on the basis of a newspaper article. Various orders have been passed by the High Court to curb illegal mining.



Objections to the 5th Interim Report

I. The Committee did not consider the representation of R-18 and did not give any cogent reason for rejecting the same.

1.1 At the outset, it is submitted that R-18 had duly made representation dated 10.9.2019 against the observations made by the Committee at its 17th Meeting dated 14.08.2019 (which preceded the 5th Interim Report) with regard to alleged use of illegally sourced coal.

1.2 R-18 had made the following submissions in its representation:-

1. The objective of Techno Economic Feasibility Report (TEFR) is to determine the technical feasibility and financial viability of the project, assess the risks associated with the project and enumerate imminent actions that are required to be taken. It does not rule out use of alternate fuel.
2. The same is required by financial institutions to assess the viability, site conditions, availability of resources, background, market etc. and funding of the project within the desired limits. Further, Plant & Machinery is ordered based on inter alia the current technology available, design and technical specifications released by the consultant during project execution. Details and data given in TEFRs would therefore, may vary as per site conditions.



3. It is very much feasible by Plants of this calibre, to use alternate fuel without any hindrance. Alternate fuels are being successfully used world-wide and usage at the R-18's plant also, can be verified by a technically competent agency. Several seminars and conferences are being held time to time to promote the use of alternate fuel within the same infrastructure, by Government agencies along with Cement manufacturers Association, PCB, CII etc. aided by research scholars and technology experts. The Government of India vide its different programs is keen to ensure a seamless transition to Alternate fuel by Cement Industry.
 4. All procurements, including alternate fuel procurements are by banking transactions, duly paid by cheque; Sales tax/GST paid on the same time to time and accounted for.
 5. Royalty have also been paid on the same periodically, from April 2014 to September'2017. Balance payments till March 2019 is under progress.
 6. The use of alternate fuel (Slate/ MuSlate) has duly been reported in Environmental Statements to Meghalaya State Pollution Control Board, Shillong every year as compliance.
- 1.3 The Committee relied on the analysis made of Cement plant of Star Cement Limited and without independent analysis of R-18's Cement plant observed that use of slate as alternate fuel is not technically feasible nor legally permissible. It has only relied on TEFRR of augmentation of clinkerization



plant prepared by Holtec Consulting Private Limited to state that plant has been made to use coal only. It may be noted that Holtec Consulting Private Limited has given a report of the system compatibility study for using slate as alternate fuel in February 2021 stating it is feasible for plant of R-18 to use 60% slate in their fuel mix within existing system without any need of alteration of existing equipment but by changing raw material mix proportions.

- 1.4 Despite bringing to its attention that the observations were technically and scientifically wrong, the Committee did not take any technical assistance or commission any inquiry into the explanation of R-18 and proceeded to draw conclusions only on basis of analysis of Star Cement Limited.
- 1.5 It is submitted that the capacity of the Cement plant and Thermal power plant of Star Cement is different from that of R-18 and the plant is running on different parameters. Therefore, no comparison could have been drawn between the coal requirements of the two different plants.
- 1.6 The Committee has wrongly assumed that the coal requirement of the Captive Thermal plant of R-18 would be equal to the coal requirement of the captive thermal plant of Star Cement Limited and therefore wrongly assumed coal requirement at the rate of 0.850 kg/ Kwh for the Applicant as well. The Committee did not take into account the fact that Star Cement had a Thermal Power plant of 43 megawatts and the requirement of Thermal Power plant of 10 MW of R-18 with different plant design cannot be the same. Even

otherwise the requirement of coal at the rate of 0.850 kg/kwh has been assumed by the Committee without any technical basis merely on surmises.



- 1.7 Therefore, it is submitted that no comparison could have been drawn between the coal requirements of the two different plants, i.e. of R-18 herein and Star Cement Limited. The report is therefore based on assumptions and conjectures and not on basis of actuals. The report completely ignores that R-18 had sufficient coal and other alternate fuel for production of clinker and power during audit period.
- 1.8 The Committee ignored that there are various factors on which quantity of coal required per unit of power or per tonne of clinker produced is dependent upon, such as plant design, PLF factor, operational efficiency, coal quality, etc. Further, there cannot be any standardization with respect to fuel requirement for all the cement and power plants within the State of Meghalaya as each plant will have different requirement based on the design of their plants and other technical factors as mentioned above. It is further submitted that the quantum of fuel even for the same plant may vary every year.

II. The presumption that use of alternate fuel is technically not feasible is baseless and contrary to technical and scientific evidence

- 2.1 The entire calculation of use of illegal coal is primarily based on the presumption that use of alternate fuel is technically not feasible. This

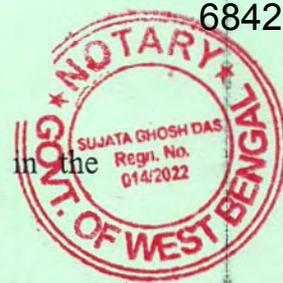


presumption is made without any technical analysis or commission of any special inquiry into this aspect. In fact, the said presumptions are made despite the submissions of the authorities of the state and the centre to the contrary. It is further submitted that there is no evidence to show that the Applicant has either been involved in any illegal mining or illegal transporting or has used any such illegally sourced coal.

2.2 It is submitted that unless any evidence is found to the contrary, the details of the use of alternate fuel by the company as recorded in its books of accounts for last many years and as duly confirmed by the State Government and for which royalty has duly been paid to the State Government cannot be disregarded. The R-18 is also placing on record the challans issued for payment of royalty for slate/muslate during the resource audit period, the copies of which are annexed herewith and marked as **ANNEXURE R-18/20 (Colly)**. The same has been confirmed by State of Meghalaya in its affidavit dated 8.2.2024.

2.3 It is submitted that while assessing the requirement of coal, the Committee completely ignored the use of other alternate fuel despite the details of the same having been provided to it. In the report it is also incorrectly recorded that year wise quantities of Slate used by the R-18 were not provided to the Committee. It may be noted that in the minutes of the Seventeenth sitting of the Committee held on 14.8.2019 it has been recorded that the R-18 submitted information and documents sought by the Committee. The issue

of non-availability of complete information was never raised in the subsequent meetings.



- 2.4 In the Background to the Report, it has been recorded at para 1.21 that all cement industries have submitted requisite information. It has also been recorded that the Committee received information sought from MSPCB. It is pertinent to note that R-18 had been submitting their Annual Environment Statement to MSPCB in which the year wise quantity of slate used was also provided. This shows that the committee had all the requisite information regarding use of alternate fuel by R-18.
- 2.5 The calculation of Gap between coal required and coal procured as calculated by the Committee is incorrect and based on wrong understanding about consumption of alternate fuel. The Committee failed to take into consideration the opening stock of coal as well as the use of other alternative fuel while making its calculation which is an apparent factual error in its assessment.
- 2.6 The Report is also premised on a wholly misconceived assumption of the Committee that use of two-third amount of slate as alternate fuel is technically not feasible without change or modification in the plant design.
- 2.7 Further, one of the primary reasons for the Committee to completely disregard the usage of alternate fuels such as slate for production of clinker



was the assumption that all such slate has been mined in an unscientific and haphazard manner without any mitigative measures and without obtaining mandatory mining lease, consent to establish, consent to operate, environmental clearance and authorization/no-objection certificate from the State Pollution Control Board in alleged violation of the existing mining, environmental, pollution control and labour safety laws.

- 2.8 The above conclusions have been drawn in complete ignorance of the fact that the design of the equipment used in the plant of the Applicant was conducive to the use of alternate fuels for production of clinker as also affirmed by the CPCB in its letter dated 13.09.2019.
- 2.9 Further, no Consent to Operate, consent to establish, environmental clearance or any authorization is required for the use of alternate fuels by R-18. R-18 is also placing on record the counter affidavit filed by the Meghalaya State Pollution Control Board before the Hon'ble Supreme Court in Civil Appeal No. 2355 of 2021- which corroborates the said submission.
- 2.10 Further the observations of the Committee are based on the wrong premise that coal requirement is 15% of clinker production and coal requirement for thermal power plant is 0.850kg/MWH. It is worth mentioning that use of alternate fuel is being encouraged by the Government and in fact MoEF & CC of late has been stipulating specific conditions to a few cement mills in Meghalaya to use Hazardous Waste/Refused Derived Fuel/Alternate Fuel

Resources in kilns and even the EC granted to various cement plants in the region stipulates such conditions.



III. The reliance of the Committee on the Techno Economic Feasibility Report is wholly misconceived and baseless and without any consideration of the technical and scientific factors

- 3.1 The R-18 reiterates that it has been using slate (also locally known as Muslate) as a major alternative fuel (AF) along with minor quantities of other Alternate fuels like Plastic waste, Wood waste and Tyre chips.
- 3.2 The Committee ignored that the objective of the Techno - Economic Feasibility Report (TEFR) is to determine the technical feasibility and financial viability of the project, assess the risk associated with the project and enumerate imminent actions that are required to be taken. The same is primarily required for financial institutions to assess viability for funding of the project. The statements made in the report are based on the current technology available. They cannot act as an estoppel for adopting any future improved technology other than that mentioned in the report. Further no scientific analysis was done to examine if slate was compatible to be used in the plants or that in fact it was being used without any adverse technological impact on the plants. The finding that slate is not compatible to be used as alternate fuel is clearly based on assumptions and wrong as also affirmed by the CPCB and a later study conducted by Holtec Consulting Private Limited.



System Compatibility Study on use of alternate fuel

- 3.3 A System Compatibility Study (“Study”) involving an independent assessment of compatibility of the existing facilities at the Applicant’s plant, to partially substitute coal with Slate along with other alternative fuels, was carried out by Holtec Consulting Private Limited (“Holtec”), an ISO certified advisory in the global cement industry between December 2020 and February 2021.
- 3.4 The Study included assessment of existing raw materials at the Applicant’s cement plants for their suitability to use Slate and other Alternate fuels in their existing fuel mix and verification of technological suitability of existing facilities, by evaluating the need of any modification/replacement in existing systems to the usage of these Alternative Fuels for cement plant.
- 3.5 Field visits of Holtec’s specialist teams to the plant site in Lumshnong, Meghalaya were carried out between 23rd and 26th December, 2020.
- 3.6 It was noted that the Applicant is currently consuming 40-44% Slate (wt %) along with coal and other minor Alternative Fuels. The Study concludes that the clinker produced using the raw mix & fuel mix with Slate (up to ~60% by weight) is suitable for cement production as per the applicable standards. It was further affirmed that the type of technology used by the Applicant to



meet fuel handling, storage, grinding & firing requirement are suitable for coal & slate.

3.7 It was accordingly concluded in the Study as under:

- a) The Applicant has adequate facilities for handling, storage and processing of Slate and other alternative fuels (Plastic waste, Wood and Tyre chips) at their cement manufacturing plant.
- b) The usage of Slate replacing coal up to ~60 % (wt.%) in fuel mix is possible by necessary changes in Raw mix design to ensure that the quality of clinker produced are as per applicable standards. The proposed raw mix has been verified to be suitable to meet the product requirement.
- c) The Kiln operation with fuel mix (50% Coal+ 42% Slate+ 8% Other AF) was found to be generally operating normally.
- d) Slate is having almost similar physiochemical properties as that of coal.
- e) Using Slate in a state of the art coal based clinkerisation facility does not demand any major changes in plant process and modification/ addition of new equipment.
- f) Cement manufacturing facilities at MCL are suitably equipped to operate with up to 60%, Slate in their fuel mix, with suitable change in raw mix design, within the existing system, without any need of alteration/ addition of their existing equipment & facilities



3.8 Therefore, it is submitted that the Committee has drawn a wrong inference that use of slate is not technically feasible for use in 10 MW Captive Power Plant merely on the basis of the earlier Techno-Economic feasibility report where it was not specifically stated in positive terms that it will be feasible to use alternate fuel other than coal.

IV. The Committee also disregarded the submissions on the technical aspects by the authorities of the State as well as the CPCB and wrongly held that use of alternate fuel is not legally permissible.

4.1 The Committee failed to appreciate that even the Commissioner & Secretary to the Government of Meghalaya, Mining and Geology Department had stated before it that “*Local suppliers have supplied muslate or slate sourced from overburden of coal mining carried out prior to the ban imposed by the Hon’ble NGT to the cement plant. It was also affirmed that the Cement plants have paid royalty on slate or muslate used*” [Refer to para 2.2.25 of the Fifth Interim Report]. Having already paid royalty on the slate used as alternate fuel which is acknowledged by the State, Committee’s assessment of gap in coal consumption ignoring use of slate as alternate fuel and directing the Applicant to pay further royalty and MEPRF on alleged illegally sourced coal is completely unjustified, illegitimate and untenable.



- 4.2 Further, merely because the royalty may have been paid after a delay, the same does not entail penal consequences as have been imposed by the Committee. The only responsibility of user/ purchaser of a mineral is to purchase royalty paid mineral. Till 2016 slate was produced as an overburden during coal mining and only after framing of Meghalaya Mineral Concession Rules, 2016 slate was included as a minor mineral requiring a mining lease and requiring payment of Royalty. In any event, the issue of non payment of royalty on slate, if any, is a cause of action separate from the allegation of allegedly purchasing illegally mined coal.
- 4.3 The Applicant has been submitting the quantity of slate used to MSPCB since 2014-15 and at no point of time was an objection raised that the use of raw material was impermissible. It is submitted that the Committee ignored all the above submissions and instead drew its own conclusions without any technical evaluation regarding the gap in coal procured and coal consumed by the Applicant during the resource audit period.
- 4.4 In this regard, the Applicant refers to Para 1.10 of the 5th Interim Report where the Committee has made a tentative, yet untenable observation that the difference between the quantity of coal reportedly consumed by each of the cement industries and thermal power plants and the quantity of coal required to produce such reported quantity of cement or power each such plant, if any, *could* have been met by illegally mined coal. The deliberations of the Committee recorded at Para 1.15 further disclose that even at that time

there was no record for the Committee to conclude with certainty that the above difference is on account of use of illegally sourced coal.



- 4.5 In Para 2.2.36 and 2.2.37 of the Report, the Committee has given a completely perverse and erroneous finding that all the cement manufacturing plants and thermal power plants (which includes the R-18 by specific reference in the Report) have been designed to use locally sourced coal from Meghalaya as a fuel. The Committee opined that use of slate which has lower calorific value than coal, would require necessary modifications/changes in the design of the plant, especially such components dealing with handing, processing, grinding and storage of fuel.
- 4.6 In this regard, it is relevant to note that the Committee had specifically directed the North Eastern Regional Directorate of CPCB to submit a report as to whether the procurement of coal from Meghalaya by the Thermal Power Plants and Cements Industries has violated any condition set forth in the license/permission granted for setting up of such power plants and cement industries and if so, the required action to be taken against those Thermal Power Plants and Cement Industries. The Meghalaya Pollution Control Board in its affidavit dated 02.04.2024 confirmed that consent to operate is not required for use of alternate fuel.
- 4.7 It is a matter of record that the report subsequently submitted by the North East Regional Directorate of CPCB does not find the Applicant to have

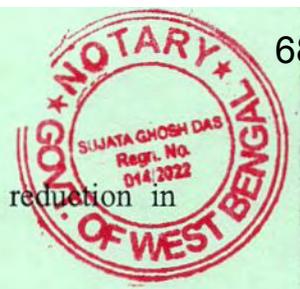


violated any conditions in its licence/permission for setting up of its power plant and its manufacturing unit. On the contrary, the North East Regional Directorate of CPCB *vide* its letter dated 13.09.2019 (defined as CPCB Letter above) addressed to the Committee has specifically stated that the use of alternate fuel by cement and power plants is technically feasible and is in fact encouraged by Pollution Control Board and the letter mentions that

“prima facie the use of alternate fuel by cement and power plants is technically feasible and is in fact encouraged by Pollution Control Board...

...if the Industries use Pet Coke or slate as alternate fuel resource (ARF) it is not required to modify or attach a new fuel/material feeding system. AFR are generally used together with coal. As the physical characteristics of pet coke and slate are similar to coal these alternate fuel can be used in the existing coal mills for pulverization before feeding into the kiln or boilers after blending with coal....

...by using AFR/HW/RDF in kiln/boiler furnace, use of conventional fuel like coal is reduced. This arrangement helps in reducing the consumption of conventional fuel like coal and this brings in reduction in greenhouse gas emission.” [Refer to para 2.2.17 and 2.2.18 of the Fifth Interim Report]. It was thus pointed out that alternate fuel is generally used along with coal and for such usage it is not required to modify or attach a new fuel/material feeding system. In fact, the CPCB has expressly stated that use of alternate



fuel in place of conventional fuel such as coal helps in reduction in greenhouse gas emission.

4.8 Further, the Meghalaya State Pollution Control Board placed before the Committee the Environmental Statement filed by the Applicant in the statutory Form – V for the years 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19. In Part – B of the said forms, the Applicant has regularly disclosed to the MPSCB about the quantity of High Grade Slate being used as a raw material/fuel at its unit every year. The Copies of the Environmental Statement filed by the Applicant with the Meghalaya State Pollution Control Board for the years 2014-15 to 2018-19 are annexed herewith and marked as **ANNEXURE R-18/21(Colly)**.

4.9 Ignoring all of the above, the Committee has not cited a single source or sought to take an opinion from a technical expert before drawing conclusions contrary to the above submissions with respect to the design and structure of the plant of the Applicant and other companies and the use of slate and other alternate fuel resource to produce the required quantity of clinker. Based on mere conjectures, the Committee has erroneously concluded that it is not feasible to run the cement plants by replacing about three-fourth of their coal requirement by a non-fuel mineral such as slate.

4.10 The Committee, while drawing such conclusions, has even ignored the fact that the Government of Meghalaya has more recently started encouraging the

use of *inter alia* alternate fuel in place of fossil fuels in the industries operating in the state and the fact that the companies such as Applicant have been repeatedly advised to use hazardous waste/refused derived fuel/alternate fuel resources in kilns and even the EC granted to various cement plants in the region stipulates such conditions.



4.11 Clearly, the findings of the Committee are baseless, contrary to the submissions and are not based on any firm and tenable considerations.

V. **Recommendations to recover royalty, tax and other monetary payments contrary to statute and in excess of power conferred on this Hon'ble Tribunal**

5.1 Without prejudice to the above it is submitted that the Applicant has not been engaged in any coal mining activity and hence the liability to pay royalty and MEPRF on alleged illegal mining cannot be imposed on the user. There is no provision under the MMDR Act, 1957 or any other statute under which the liability, that is being imposed by the committee and that too on mere assumptions and no cogent evidence, is sustainable.

5.2 The Committee has also recommended for payment @ Rs.400/MT of coal to be utilised in future by the companies in Meghalaya. This coal will primarily comprise of coal imported from other countries and states that was purchased in the auction undertaken by the Coal India Ltd. and that may be produced after grant of Mining Lease by the authorities. This is totally arbitrary as such

type of cess can be imposed only under a valid statute and not on the basis of an order without any basis at all.



- 5.3 Show Cause Notices for recovery of MVAT, GST and electricity duty have been issued to the Applicant basis the recommendations in the 5th Interim Report. In the present case the department has completed the assessment for the relevant years without finding any discrepancy in the returns filed by the Applicant. In any event, if the department is of the opinion that any tax is short paid or not paid and wants to reopen assessment, the procedure prescribed under the MVAT Act, 2002 or CGST Act 2017 or Meghalaya Electricity Duty Act, 2003 will have to be adhered to before initiating any action against the Applicant.
- 5.4 The tax liability cannot be imposed only in view of the report of the Committee since the manner of levy of taxes and recovery under different statutes are hedged by various limitations and subject to fulfilment of various pre-conditions specified in the respective statutes. Without there being any determination of liability and assessment thereof being completed by competent authority after examining books of record, demand and recovery of the levy does not arise.
- 5.5 The Committee has no power to levy taxes and other dues payable under various statutes as mentioned above. It is further submitted that the GST on

coal is on a reverse charge basis. In the absence of any evidence of any known supplier, levy of GST based on a hypothesis would cause grave injustice.



- 5.6 The recommendations of the Committee for recovery of royalty, taxes and other statutory dues from various industries including that of the Applicant company amounts to entrenchment of powers specifically reserved for some other State authorities under some different statutes. Such recommendations are clearly usurpation of powers conferred on the said other authorities under their respective statutes. It is most respectfully submitted that this Hon'ble Tribunal has no jurisdiction to enquire into questions arising out of Meghalaya VAT Act, 2003, the Meghalaya GST Act, 2017 and the Mines and Minerals (Development and Regulation) Act, 1957 under the NGT Act, 2010. Consequently, the Committee constituted by the NGT equally has no power to enquire into questions arising out of the aforesaid Acts inasmuch as the powers have been conferred on specific authority by the said enactments and the Committee and the Tribunal cannot entrench upon the powers and jurisdiction reserved for a particular authority.
- 5.7 The Committee also failed to take into consideration that the Meghalaya Goods and Service Tax Act, 2017 was enacted and the Meghalaya VAT Act was repealed by the said GST Act. No proceedings for recovery of any VAT for the period prior to enactment of Meghalaya GST Act was pending before any authority at the any point of time and thereby the same is not saved by the provisions of the Meghalaya GST Act and thereby the recovery for

realization of the VAT prior to the enactment of the Meghalaya GST Act without there being any proceeding pending before any taxing authority is absolutely illegal, without jurisdiction and in complete violation of the Meghalaya GST Act and thereby the recommendation of the Committee for recovery of Vat and directing the State for recovery of the same is absolutely illegal, arbitrary and liable to be set aside.



VI. There is no evidence to establish that the Applicant has purchased illegally sourced coal

- 6.1 It is evident that there is no concrete evidence whatsoever to establish that the Applicant has purchased illegally sourced coal. The entire 5th Interim Report is based on conjectures and premises based on an analysis of another Cement manufacturing plant and Thermal power plant, i.e. Star Cement Limited.
- 6.2 It may be noted that this Hon'ble Tribunal, vide its order of 4.1.2019 had asked the Committee to look into whether illegal coal mining and transportation is continuing and also directed trucks and cranes found to be involved in illegal mining and transportation be seized. Even the Hon'ble Supreme Court in State of Meghalaya vs. All Dimasa Students Union, Dima Hasao District Committee & Ors [(2019) 8 SCC 177] has held that the coal extracted and lying in open after 15.05.2016 does not automatically vest in the State of Meghalaya and the owner of the coal or the person who has

mined shall have the proprietary right in the mineral which shall not be lost. The Court has further held that only the coal which has been seized by the State in illegal transportation and illegal mining for which separate cases have been registered shall be dealt with in accordance with the provisions of Section 21 of MMDR Act, 1957.



- 6.3 Therefore, there is no evidence to show that the Applicant has either been involved in any illegal mining or illegal transporting or has used any such illegally sourced coal. In fact, it is submitted that in Meghalaya about 2800 trucks transporting illegal coal have been seized by the concerned authorities. If the Applicant herein were actually involved in the use of illegal coal on a massive scale as has been concluded by the NGT Committee, at least in a few cases the coal being procured by the Applicant herein would have also been seized/detected. There is not even a single reported case, involving Applicant, of seizure/detection of illegal coal in transit by the concerned authorities.
5. The observations of the Committee are clearly based on erroneous presumptions without taking into account the technical and scientific explanations and therefore liable to be rejected.



- 6. In view of the aforesaid submissions, it is most respectfully submitted that the recommendations of the Committee in the 5th Interim Report in so far as they relate to the Applicant herein are wholly baseless and liable to be rejected.
- 7. The annexures annexed to the present affidavit are true and correct copies of their respective originals.

SOLEMNLY AFFIRMED AND DECLARED BEFORE ME ON IDENTIFICATION

S. Ghosh
NOTARY

Meghalaya Cements Limited

Mahendra Kumar Agarwal

Managing Director

Mahendra Kumar Agarwal

DEPONENT

VERIFICATION

20 MAY 2024

I, the deponent above named do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from.

Identified by Me
Mimadri Chakraborty
Advocate
Enrollment No WB/154-A/199
M M Court Kolkata

Verified at Kolkata on this the 20th day of May, 2024.

Meghalaya Cements Limited

Mahendra Kumar Agarwal

Managing Director

Mahendra Kumar Agarwal

DEPONENT

ANNEXURE 18/1

BEFORE THE NATIONAL GREEN TRIBUNAL,
Circuit Bench at High Court of Meghalaya,
Shillong

Original Application No. 13 of 2014
And
Original Application No. 73 of 2014
And
M. A. No. 174 of 2014, M. A. No. 294 of 2014, M. A. No. 300 of 2014,
M. A. No. 317 of 2014, M.A. No. 352/2014, M.A. No. 371/2014 &
M. A. No. 318 of 2014

In
Original Application No. 73 of 2014

IN THE MATTER OF :

Impulse NGO Network Vs. State of Meghalaya & Ors.
And
All Dimasa Students Union Dima Hasao Dist. Committee
Vs.
State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Original Application No. 13 of 2014
Applicant: Mr. Raj Panjwani, Sr. Advocate along with Mr. Aagney Sail and Ms. Hasina Kharbhih, Advocate
Respondent No.1: Mr. Ranajan, Mukherjee, Ms. Aprajita Mukherjee, Advs. with Sh. R. P. Marak, Director of Mineral Resources
Respondent No2: Mr. Tayenjam Momo Singh, Advocate
Respondent No3: Mr. SubhroSanyal, Advocate
Respondent No. 4: Ms. P. Batra Singh, Advocate

(Original Application No. 73 of 2014)
Applicant: Mr. Arunabh Chowdhury, Mr. Parthiv Kr. Goswami and Barnali Chowdhury, Advs.
Respondent No.1: Mr. Pinaki Mishra, Sr. Adv. with Mr. Ranjan Mukherjee, Advocate and Ms. Aprajita Mukherjee, Advocate, Sh. C.K. Marak, Dy. Secy. Mining & Geology, Meghalaya Govt.
Respondent No. 3: Mr. Avijit Roy and Ms. Kankana Arandhara, Advs.
Respondent No. 4: Mr. Himmka Baruah, Adv.
Respondent No. 5: Smti Purabi Sarma, Adv.
MoEF: Ms. P. Batra Singh, Adv.
Respondent No. 9: Mr. Nitesh, Mr. Dharitry Phokan, Advs.
Respondent No. 10: Mr. H.S. Thanj Khiew, Sr. Adv. with Pyllang Mr. Nongbri and hilemon Nongbri, Advs.
Respondent No. 11: Mr. K.K. Sharma, Sr. Adv. and Mr. Pragyan Sharma, Mr. S.P. Mabanta and Mr. ODV Ladia, Advs.

Date and Remarks	Orders of the Tribunal
Item Nos. 2&3 June 9, 2014	<p><u>The Original Application No. 13/2014 and Original Application No. 73/2014.</u></p> <p>Both the above applications shall be heard and decided together.</p> <p>Even in the Original Application No. 110 (The)/2012, the documents filed,</p>

in so far as they are related to these two cases, shall be read as part of this file.

List the matters on 1st August, 2014 at Shillong.

M.A. No. 317/2014

This is a miscellaneous application filed by the Western Coal Miners and Exporters Association through Secretary for their impleadment in the main application, Original Application No. 73/2014, as they claim that their interests are likely to be affected by the orders that this Tribunal may pass during the pendency and/or disposal of the main application.

None of the Counsel appearing for the non-applicants has any objection. Consequently, M.A. No. 317/2014 is allowed subject to just exception. They are ordered to be impleaded as Respondents in the main application.

Liberty is granted to file reply to the main application within three weeks from today with advance copy to the Counsel appearing for the applicant who may file rejoinder thereto, if any, within two weeks thereafter.

M.A. No. 317/2014 is accordingly disposed of.

M.A. No. 352 / 2014

This is a miscellaneous application filed by the State Coordination Committee of Coal Owners, Miners and Dealers Forum, East Khasi Hills District Meghalaya for their impleadment in the main application, Original Application No. 73/2014, as they claim that their interests are likely to be affected by the orders that this Tribunal may pass, during the pendency and/or disposal of the main application.

None of the Counsel for the non-applicants has any objection. Consequently, M.A. No. 352/2014 is allowed subject to just exception. They are ordered to be impleaded as Respondents in the main application.

Liberty is granted to file reply to the main application within three weeks from today with advance copy to the Counsel appearing for the applicant who may file rejoinder thereto, if any, within two weeks

thereafter.

M.A. No. 352/2014 is accordingly disposed of.

M.A. No. 371/2014

This is a miscellaneous application filed by the State Coordination Committee of Coal Owners Miners and Dealers Forum, East Khasi Hills District Meghalaya for exemption from filing certified copy of order dated 17.04.2014 and modification is sought for.

The application is allowed subject to just exception that certified copy be filed in due course.

M.A. No. 371/2014 is accordingly disposed of.

M.A. No. 318/2014, M.A. No. 294/2014 and M.A. No. 300/2014

In all these miscellaneous applications, the applicants pray for modification/vacation of the order passed by this Tribunal on 17.04.2014. Vide our order dated 17.04.2014, we had directed that State of Meghalaya shall ensure that rat-hole mining is stopped forthwith through-out the State of Meghalaya and any illegal transportation of coal shall not take place until further orders passed by this Tribunal. Against this order, some of the parties had preferred a civil appeal before the Hon'ble Supreme Court of India which came to be dismissed vide order dated 19.05.2014 passed by the Hon'ble Supreme Court of India. However, the Hon'ble Supreme Court of India had granted liberty to the applicants to approach the Tribunal for variations of the order dated 14.05.2014, if they so desire.

We have heard the learned Counsel appearing for the various respondents in all these petitions at some length.

There is not and, in fact, cannot be any dispute that there has been serious air, water and environmental pollution being caused by the illegal, unregulated and indiscriminate rat-hole mining being carried on in various parts of the State of Meghalaya and an attempt is made to say that in some parts particularly towards Khasi Hills, the pollution is less. This is also disputed by the Counsel appearing for the State Pollution Control Board on the plea that what has been referred to is the resultant

pollution to the downstream, there is also serious pollution to the upstream even in that area. Be that as it may, the *factum* of the pollution remains undisputed.

There are documents on record before us to show that right from the year 2003, that there has been serious air and water pollution in the mining areas of Meghalaya which is injurious and has not only resulted in degradation of environment, particularly the streams and underground water, but has also seriously jeopardized the human health. Transportation of coal in an illegal, unregulated, indiscriminate and unscientific manner has resulted in serious diseases to the people, particularly involved in the mining activity in the different districts of the State of Meghalaya.

In the report of 2003 prepared by the Pollution Control Board, it has been stated that the coal mine workers are suffering from diseases such as malaria, skin diseases, tuberculosis, and lung cancer. The environmental degradation & deterioration does not end here. In a very recent inspection conducted by a joint team of the Central Pollution Control Board (CPCB) and the Meghalaya State Pollution Control Board (MSPCB), it has been noticed that the stream water, ground water and the environment in general has been seriously damaged and no measures have been taken by any of the authorities, including the State Government, to remedy the continuing degradation.

In the report submitted to this Tribunal by its Committee dated 09.06.2014 which is founded upon the Minutes recorded by the Committee during its inspections on 17.04.2014, 29.04.2014, 06.05.2014 and 13.05.2014 in different areas of the State of Meghalaya. In this report at page 11 with photographs, it has been said "*the effluent in the mines below is pumped out via PVC/plastics pipes onto a tank and from there is then discharged out into the nearest stream (or river)*". In the joint inspection report at this stage, we may refer to the comments made by the joint inspection team in its report as placed below:

"After sampling and analysis of active coal mines in Garo, West Khasi and East Jaintia Hills, it found that the pH of mine water effluent / acid mine drainage (AMD) remain very low and found less than 3 in all the cases. These AMDs are pumped out from the mines and

discharged into nearby streams or river. This has polluted most of the rivers and streams in the mining areas by turning the water highly acidic.

The AMD generated from the coal dumping yards are highly acidic and they also contribute equally to the surface water pollution in the mining areas.

The discharge of acid mine drainage (AMD) from the coal mines (active and abandoned) and the surface runoff from the coal dumping yards are the root cause of the water pollution in the area. All the surface water bodies in the area have become highly acidic. Most of the cases, pH level in mine water and surface water are becoming even lesser than three (3) and in that low level of pH, it is understood that no aquatic life can sustain.

So far there is no control over the miners by any of the regulatory bodies. There is immediate need for enforcing treatment of AMDs and reclamation of the abandoned mines. Measures for neutralization of AMDs from the coal dumping yards to be regulate.

Out of 21 parameters analyzed, the pH level of water is alarming. Most of the parameters analyzed are within the limits desirable for drinking water as per IS 1991 except Iron, which level is also very high in most of the samples analyzed."

Besides the above observations of the technical experts, the Applicants in original application no. 73/2014 has specifically alleged that Kopili river is seriously polluted by discharge of various effluents from the acid mine drainage and the colour of the river water has become dark brown and this has also affected the sources of drinking water of the areas in question. Of course, this is disputed by the coal mine owners.

The above inspection reports and constant history of the area shows, at least prima facie, that there is serious pollution resulting from carrying on of illegal mining activity in various districts of the State. It also remains undisputed by all the Applicants/Associations that none of them have sought consent/permission of the Pollution Control Board to carry on the mining activity. It is also not disputed that the mining activity is being carried on without permission from any governmental authority/body and in fact, it is an unregulated activity. The activity is neither being supervised nor scientifically regulated by any authority under the State or the State Pollution Control Board. The provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 are in force in this area. Furthermore, the Mines and Minerals (Development and Regulation) Act, 1957 is in force and even

the State Government has formulated a Mining Policy in the year 2012 whereby mining activity is to be carried on in consonance with law and the statutory provisions. The whole emphasis is that it is a customary activity which has been in force for so many years and the people have unquestionable right to carry on like this even without compliance to any of the environment or regulatory laws.

We are not at all impressed by the contentions. Whether these are private mines or they are mines which are on the lands other than private lands, yet they cannot carry on this activity in an unregulated, indiscriminate and illegal manner without compliance with the laws in force. At this stage, even if we overlook the legal issues relating to the claimed right of carrying on with the mining activity, still in the interest of environment and public health, this activity cannot be permitted to be carried on in that manner its presently carried on. Thus, we refuse to modify the order dated 17.04.2014. The State would ensure that no unregulated, illegal, indiscriminate mining is carried on by any person in the State of Meghalaya and all the mines shall be sealed forthwith as per law. The Deputy Commissioner and Superintendent of Police of their respective districts shall be liable to comply with this order.

The question that has been vehemently argued before us is that the orders of NGT have adversely affected the economy of the State. On behalf of the Counsel of the districts, it is contended that their major source of revenue is the royalty assets that is received from the State which is recovered from the mining activity. Generally it is contended that large number of persons are dependent for their livelihood on the coal related activities and if the transport of already extracted coal is also prohibited, it will cause serious damage to the economy and hurt the livelihood of the people of the State of Meghalaya. It is also stated that huge quantity of extracted coal is stored near the mines and if they are not removed at the earliest, they will cause further environmental hazards and are also likely to be wiped away by the heavy rains in this area for a prolonged period. This may result in further pollution of the rivers, groundwater, adversely affect the public health and would also cause

great loss to the nation besides causing injury to the economy of the area. This is also contended on behalf of State Government and the Applicants.

Having examined the cumulative effect of the contentions raised before us, the applicant contends that even if this is to be permitted, it must be in strict terms, entirely regulated and should be carried on in a scientific manner.

We are of the considered view that to a limited extent, we should permit the transportation of the already extracted coal lying in open near the mining sites. However, such removal shall be subject to strict supervision and directions of the following Committee and the terms and conditions of this Order:-

(I) We hereby constitute a Committee of the following:

- (1) Director of Mines, Meghalaya.
- (2) Member Secretary, Meghalaya State Pollution Control Board.
- (3) Members Secretary, Assam State Pollution Control Board.
- (4) Sr. Scientist of the Central Pollution Control Board.
- (5) Sr. Representative of Ministry of Environment & Forests.
- (6) Principal Secretary, Mining & Geology Dept. Government of Meghalaya.

(II) The above Committee shall, within one week from today, conduct inspection of all the mining sites in the concerned districts of the State of Meghalaya. They shall quantify the extracted coal and the location thereof. The Committee shall also state the proximate value of the coal presently lying in the open. No coal shall be transported before this report is submitted to the NGT and is examined by the Government as well.

(III) For this purpose, they would be entitled to engage any expert in the field, if they so require. The entire administration of State of Meghalaya shall provide full assistance to this Committee.

(IV) This Committee shall further prescribe the mode of transportation of the extracted coal with due regard to the safeguards and protections that the transporter should take, both in regard to the health of the public at large, the workers involved in transportation and the general

environment. The procedure so prescribed shall be duly provided for.

(V) The carriage and transportation of coal would be done strictly in terms of the conditions imposed by the aforesaid Committee and not otherwise. There is serious variation in the amount or extent of the extracted coal lying open near the mines. According to the State, it is 3.4 million metric tonnes while according to the Applicant, it is approximately 9 million metric tonnes. This variation has to be reconciled before any coal is permitted to be transported by the authorities concerned.

(VI) The Committee shall fix two check-points *en route* transportation of the extracted coal from the point of loading to the point of destination. In addition, there shall be an exclusively devoted check point at the borders of Bangladesh and the State of Assam. Due records shall be maintained by these check points. Further the mine-owners would also maintain the records which will be subject to check and verification by the staff of the concerned authorities in the State Government. The records shall state the quantity of coal loaded, quantity transported, quantity received at destination and particularly at the border of the State. We are permitting the transportation of extracted coal lying near the mines, only for a period of three months and would consider enlargement of such period or passing of such other directions at a subsequent stage.

(VII) We direct the Committee above appointed under clause (I) to submit a detailed report in regard to the pollution of rivers, streams, groundwater in and around these mining pockets, the damage already done to the environment and ecology of the areas, the damage to the people who are suffering from various diseases due to this pollution. The State Government shall immediately direct taking of such steps and measures to ensure medical aid and health care to the people adversely affected in the mining areas

(VIII) The State may also take steps to inform the public so that steps for preventive health care, particularly of the younger generation of the State, could be taken. After the report is received, we would consider the matter in relation to issuance of notice to all the mine owners as to why they

should not be called upon to pay compensation for restoration of environment, health and ecology.

(IX) The Authorities will ensure that the trucks carrying or transporting coal are not overloaded at all. The transportation should be in a scientific way and the trucks should be fully covered to ensure that the coal dust does not pollute the area.

(X) The State Government and all its authorities shall fix weighing machines at all exit points from Meghalaya, particularly towards Assam and Bangladesh. The Secretary, Transport, Government of Meghalaya will ensure strict compliance of the weight restrictions as per law.

(XI) We further direct the Chief Secretary and Secretary, Mining & Geology of the State of Meghalaya to take up the matter with the Secretary, MoEF and the Secretary, Coal, Government of India and finalize the coal mining plan in the State of Meghalaya at the earliest, the law which ought to have been complied with before carrying on the mining activity and the manner in which the mining activity, if at all, could be permitted in the State of Meghalaya.

(XII) We also grant liberty to the Applicants and for that matter all persons claiming to be owners of the coal mines in the State of Meghalaya to apply for obtaining consent of the State Board and SEIAA or MoEF, as the case may be, within one month from today. If such applications are moved, they shall be disposed of, in accordance with law expeditiously.

(XIII) We hereby direct the said authorities i.e. Chief Secretary, Meghalaya, the Secretary, MoEF and the Secretary, Coal in Government of India to approve a health plan that should be prepared by the State of Meghalaya within one month from today which shall specify all measures which ought to be taken to protect the health of the persons involved in the mining activity transportation of coal and even the residents of the villages who are residing in and around such areas.

(XIV) The State Government shall take into consideration, if necessary, the views of the local Councils while preparing the plan for protection, prevention of environment, control of pollution and public health and other requirements in that behalf. Let this exercise be taken up at the

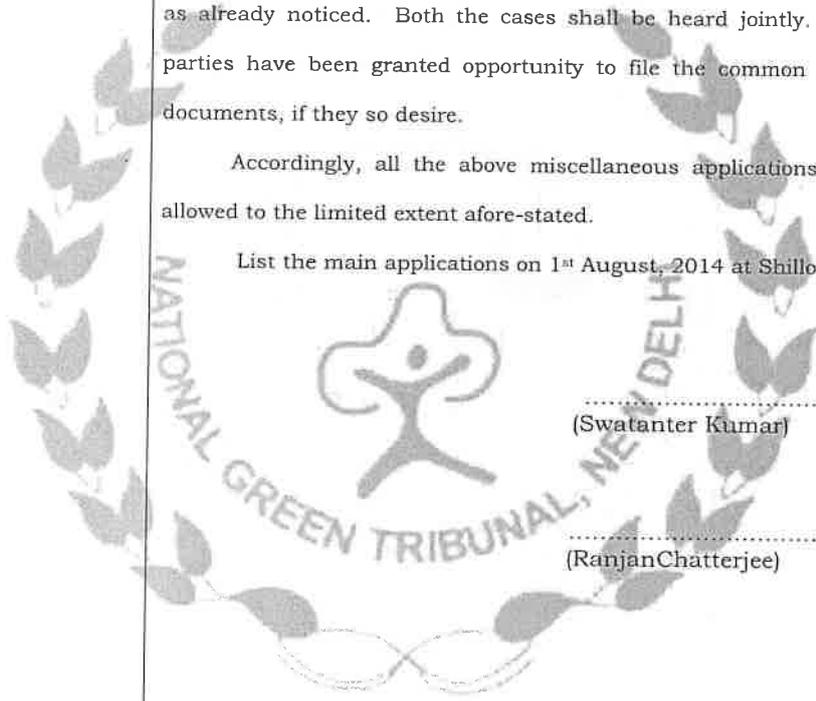
earliest.

(XV) The records would be maintained not only on what we have indicated above but shall be maintained regarding royalty and revenue received by the State Government for transportation of coal, strictly in terms of the above order. The amount so received by the State Government would be shared with the District Councils as per the administrative policy but major part of the royalty that the State receives must be retained for the expenses to be spent for environmental projects for protecting further degradation of the environment, its restoration and ensuring protection of public health.

All parties are granted liberty to file replies to the main petitions, as already noticed. Both the cases shall be heard jointly. Therefore, parties have been granted opportunity to file the common replies and documents, if they so desire.

Accordingly, all the above miscellaneous applications are partly allowed to the limited extent afore-stated.

List the main applications on 1st August, 2014 at Shillong.



.....,CP
(Swatanter Kumar)

.....,EM
(Ranjan Chatterjee)

(Tie)

ANNEXURE R-18 (2 Colly)

**BEFORE THE NATIONAL GREEN TRIBUNAL,
Circuit Bench at High Court of Meghalaya,
Shillong**

**Original Application No. 13 of 2014
And
Original Application No. 73 of 2014
And
M. A. Nos. 174/2014, 653/2014, 656/2014, 660/2014, 661/2014 &
662/2014
In
Original Application No. 73 of 2014**

IN THE MATTERS OF :

**Impulse NGO Network Vs. State of Meghalaya & Ors.
And
All Dimasa Students Union Dima Hasao Dist. Committee**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. DEVENDRA KUMAR AGRAWAL, EXPERT MEMBER
HON'BLE DR. (PROF.) P.C. MISHRA, EXPERT MEMBER**

Present:

Original Application No. 13 of 2014
Applicant: Mr. Raj Panjwani, Sr. Advocate along with Mr. Aagney Sail, Advocate
Respondent No.1: Mr. Ranajan, Mukherjee, Advocate
Respondent No 2: Mr. Tayenjam Momo Singh, Advocate
Respondent No. 4: Ms. P. Batra Singh, Advocate and Mr. Purushottam Sakhare and Dr. H. Tepsong, Scientists

(Original Application No. 73 of 2014)
Amicus Curiae Mr. Raj Panjwani, Sr. Advocate along with Mr. Aagney Sail, Advocate
Respondent No.1: Mr. Ranjan Mukherjee, Advocate
Respondent No2: Mr. Tayenjam Momo Singh, Advocate
Respondent No. 3: Mr. Avijit Roy Adv.
Respondent No. 5: Smti Purabi Sarma, Adv.
Respondent No. 6: Mr. V.K. Jindal, Sr. Adv. and Ms. Q.B. Lamre
MoEF & CC: Ms. P. Batra Singh, Advocate and Mr. Purushottam Sakhare and Dr. H. Tepsong, Scientists
Respondent No. 9: Mr. Nitesh, Adv.
Respondent No. 10: Mr. H.S. Thagkhiew, Sr. Adv. with Pyllang Nongbri and Philemon Nongbri, Advs.
Respondent No. 11: Mr. S.P. Mahanta, Sr. Adv. and Dr. O.D.V. Ladia, Adv.
 Mr. G.N. Sahewalla, Sr. Adv. and Mr. Sourabh Sharma, Adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 3&4 October 7, 2014	<p style="text-align: center;">Heard.</p> <p>The Committee constituted vide our order dated 01.08.2014 has filed a detailed and comprehensive report dated 01.10.2014 before the Tribunal. At the very outset, we must record our</p>

appreciation for the effort put in by this Committee as serious attempt to regulate illegal, unauthorised and unscientific mining activities that have been carried out in the entire State of Meghalaya now for a considerable time.

Referring to the impact on environment and ecology of this rat-hole mining which patently was being carried on in a most unauthorised, unscientific, illegal, unregulated and impermissible manner as has been specified in this report at the very opening part, it has been stated that Meghalaya possesses rich deposits of high calorific value coal, and its mining was being carried on by traditional non-scientific method commonly known as "rat-hole mining". Various institutions like NEHU, MPCB, CPCB, CWC and CGWB have attempted the studies and monitored adverse impact of coal mining on air, water and soil for about a decade now. The inspecting team through the Agencies took grab samples from the air, soil, rivers and other water-bodies, hand pumps, bore-wells and carried out analysis. The analysis of the grab samples from different bodies have indicated high acidity as well as high concentration levels of dissolved iron sulphate and other chemical components yielding a higher level of conductivity values. The pH level as well as other levels have been found violative of the prescribed values. The highly acidic nature of rivers/streams is mainly due to the discharge of untreated acidic mine drainage from active or abandoned mines spread across the State. The monitored ambient air quality data has also shown suspended particulate matter beyond the prescribed range. The Committee thus concluded that since unregulated coal mining is going on for decades and resultantly untreated acidic effluents finding their way into various water bodies for a long time, it would be logical to expect an adverse impact on the environment and human life.

Further, the Committee with a specific reference to the ambient air quality has stated that the air quality was monitored in the residential, coal mining and coal storage areas of Jaintia Hills District as per the recommendations of the CPCB. The analysis thereof shows that the ambient air quality of coal mining and coal storage areas is found to be degraded to certain extent.

The Committee has noticed certain disturbing trends in respect of declarations made by the coal owners in the process of assessment of coal quantity in para-(G) of its report: A large number of coal owners have made false declarations without having any commensurate coal stock. Some mine owners have grossly over declared their stock. These can only be attributed to malafide intent to mine coal despite the interim ban or illegal disposal of the coal after the declaration but before the assessment. These cases need to be examined and penalised. Another aspect which the committee has pointed out is in para-20 of its current report where it is stated *"past experience shows that several illegal/unauthorised check gates operate whenever there is movement of coal trucks. The DGP at the State level and the DMs and SPs at the district level will ensure through regular inspections and monitoring that such illegal check gates, wherever existing, are immediately dismantled and no such illegal check gates operate to ensure proper movement of the coal trucks"*.

We may also notice that the learned Amicus Curiae appearing in the case while referring to the previous report of the Committee has pointed out that a large number of coal which was stated to have been declared by the coal miners in fact upon inspection was found to be NIL. Such wrong declarations were made to the extent of lakh tonnes of coal.

From the above, it is evident that all is not well with the mining

activity in the State of Meghalaya. The unscientific, unregulated and impermissible rat-hole mining is proving to be of serious consequences not only in relation to human health, pollution of environment but in causing great revenue losses to the State with cascading effect on general well-being of her citizens as well. The report submitted before the Tribunal has brought out facts which so far either did not surface or receive the attention of all the concerned authorities particularly the State Government. The time has come when all concerned persons/authorities must pay proper heed to the interest of the environment and human health in the State of Meghalaya. May be there is some financial loss to a very small section of the people of the Meghalaya but interests of such limited mass of people i.e. mining owners must give way to the larger interest of public, environment and human health. In our considered view, it is constitutional obligation of the State to ensure and provide decent and clean environment to its citizenry and at the same time to ensure that undue losses further compounding the environmental interest are not caused to the state revenue.

It is not disputed before us that the different Acts having bearing on environmental interests including Water (Prevention and Control of Pollution) Act, Air (Prevention and Control of Pollution) Act, Environment (Protection) Act, 1986, Forest (Conservation) Act, the Mines and Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988, EC Regulations of 2006, Forest Conservation Rules, 2003, Indian Forest Act, 1927 and other Acts are in force in the State of Meghalaya and it is the duty of all concerned and that of the individuals to obey the law. To enforce and obey the laws are the mutual obligations of the State and her citizens. This mutuality must be respected to maintain the dignity

and essence of laws, particularly of the environmental jurisprudence.

The learned Counsel appearing for the State of Meghalaya as well as for some of the Applicants have pleaded certain difficulties faced by some of the stakeholders and contended that the royalty payable on extraction of coal should be paid in accordance with section-9 of the Mines and Minerals Development Regulation Act, 1957 (for short, the Act of 1957) and not as per any other provision and they should be permitted to pay royalty in some instalments rather than paying the royalty in one stroke at the time of extraction itself. According to them, it is causing some financial problems for the people of Meghalaya as they are not in a position to pay the entire royalty in one go or in advance. It is further contended that there is some discrepancy as regards the extent of royalty payable as well as the weight of the coal on which such royalty is to be paid.

It is also argued before us that it may not be very practical for the State to fix weighing machines/weigh bridges because of limitation of spaces and geographical conditions of the State of Meghalaya. We may notice that this has been indicated by the Committee in its report. Having perused the report and having heard the learned Counsel appearing for all the parties concerned, we pass the following directions:

1. The guidelines suggested by the Committee for transportation of the extracted coal for six districts are accepted except to the extent where this order specifically provides otherwise. We had permitted the guidelines to be published vide our order dated 01.09.2014. The guidelines, thus, would be read in conjunction with this order and wherever the guidelines are at variance with the specific directions contained in this order, the order of this Tribunal and the directions issued herein shall prevail.

2. We make it clear that the State Government shall forthwith establish ten check posts as contemplated in our order and these ten check posts shall operate in accordance with the directions contained in the earlier orders of the Tribunal.

3. The State and the Committee appointed by the Tribunal shall ensure that weigh bridges are made as per the earlier directions of the Tribunal but wherever it is not possible to provide weigh bridges due to limitation of land etc. the State Government shall install online weigh bridges by fixing requisite sensors on the road. It is made clear that no vehicle carrying coal/transporting coal to any destination would be permitted to leave/exit the state without it passing through the specified weighing bridges.

4. The concerned authorities of the State which in fact under the mining rules would maintain due records of coal extracted/consumed, coal transported and coal permitted to exit the State, and such records would always be produced for inspection before the Committee as and when so directed. The royalty shall be payable under the levying section i.e. section-9 of the Act of 1957 on the coal removed or consumed as i.e. the mandate of the section.

5. The royalty shall be charged on the coal declared or assessed whichever is higher.

6. The coal royalty shall be payable computed by the concerned authorities by adopting correction factor i.e. 0.88 multiplier for converting weight of moist coal to dry coal as suggested by the Committee.

7. We further direct that the royalty shall be payable by the mine owners and it shall be their principal liability. However, the money can be tendered on their behalf by their agent/s. We further make it clear that the amount of royalty shall be a charge on the extracted coal. The amount of royalty can be paid by the mine owner in

accordance with law in three equal instalments-first would be payable forthwith, second within 30 days and third within 15 days thereafter. In other words, the entire amount of royalty shall be paid within 45 days hereafter. We make it clear that the entire extracted coal will not be permitted to be transported before clearance of the entire royalty amount but to the extent of royalty paid on any given date.

8. We direct the State Government to provide royalty collection counters in the district of West Khasi Hills, if not already provided. Any clarification in relation to the payment of royalty or computation of weight can be sought from the Committee, and it will be in the discretion of the Committee to pass appropriate order in that regard, correctness whereof can be challenged before the Tribunal.

9. In relation to the two districts i.e. West Khasi Hills and South Garo Hills, the Committee can proceed to complete the weighing/measuring the mined extracted coal lying on the sites. Wherever the weighing/measuring has been completed in relation to a specific mine, those mine owners can be permitted to transport the coal in accordance with the guidelines and the orders issued by the Tribunal from time to time.

10. As indicated in the report, nearly 6.3 million tonnes of extracted coal valued at Rs. 3078 crores is lying in the State of Meghalaya. The royalty payable to the State in reference to the extracted coal would be somewhere approximately Rs. 400 crores.

In light of the above, we hereby specifically permit transport of coal in the State of Meghalaya forthwith subject however to strict regulatory regime on payment of royalty as aforesaid in a scientific manner ensuring that it does not cause any environmental pollution.

However, we continue the order of injunction prohibiting any unscientific, illegal, unregulated and impermissible rat-hole mining

in any part of the State of Meghalaya.

11. We direct the Committee to submit a complete and comprehensive report as to the methodology along with the mining plan which should be adopted for the purposes of carrying out mining activities in a scientific, regulated, permissible manner in the State of Meghalaya. This report shall also provide the measures that should be taken for ensuring pollution free mining, duly protecting humans in general and labourers life and health in particular, and to keep the flora and fauna intact in the State of Meghalaya and to ensure that there is no further deterioration of water bodies including rivers/streams. This report shall also give measures which should be taken to ensure prevention, control and restoration of acidic water to normalcy with reference to pH, iron and sulphates levels, and to bring SPM and RSPM ambient air within the permissible limits.

The above steps are necessary to ensure that people of Meghalaya should be able to drink water of their streams, rivers and water bodies and breathe clean air without fear of sickness and ill-health. It cannot be disputed that Meghalaya is one of the most green states of the country and has enviable environment and ecology. It is the obligation of the State and every citizen to ensure that the environment, ecology and public health of the State is not permitted or subjected to further degradation and destruction. We would, therefore, be passing appropriate directions in regard to the restoration of the environment, water bodies and/or public health and even would proceed to determine whether all these mine owners are liable to compensate in terms of section 15 read with section 20 of the National Green Tribunal Act, 2010 on the basis of principle of polluter pays.

12. The Committee may for the purposes of submitting the above

report carry on surveys/inspections, and may engage specialised agencies like NEERI or CMPDI to carry-out the specific scientific surveys and submit its final report to the Tribunal.

13. The entire incident which has led to this litigation of a wide magnitude arose as a result of 15 persons getting fatally trapped in a mine on 06.07.2012. Evidently, the Tribunal cannot ignore this most important facet of this case. Though better working conditions in mining may not be strictly a subject of the Tribunal but it needs to be dealt with by the Tribunal as the Government has an obligation to provide humane working conditions, safety gadgets, proper remuneration and such other facilities so that workers engaged in the mines as well as in the transportation of the coal are not forced to work in the conditions which are bound to expose them to chronic diseases and make them susceptible to fall as victims on recurrence of such event. The young boys, who are expected to be studying in the schools at the tender age of 12/13 years are not expected to be working in rat-hole mine.

We express a pious hope that the State Government shall take all such measures including those which have been stated in the recommendations of the Committee and direct the mine owners to provide for all such measures and conditions of service to the mine workers as are required under the prevalent laws. This may not be a question directly related to the environment but by necessary implications it would touch upon the issue of bad environment and service conditions with resultant fear of recurrence of fatal incident and its injurious effect on human health.

14. We request the Committee to map the entire coal reserve of the State and superimpose the existing coal mines irrespective of their individual areas on map in order to identify the clusters and suggest measures needed for preparing appropriate environmental friendly

mining plan. We would request the Committee to complete its proceedings and submit final report at the earliest. We also expect that the State shall provide all manpower and facilities to the Committee to ensure that it completes its work at the earliest in order to facilitate the Tribunal to consider the individual requests to carry on mining activity.

Learned Counsel appearing for the MoEF has placed on record the minutes of meeting dated 17.09.2014. The same are directed to be taken on record. Further report, if any, be filed before the next date of hearing.

15. We would request the Committee to ensure that the proceedings are completed and report is submitted to the Tribunal atleast one week in advance of the next date.

We also direct the Committee to offer its comments as to the extent of coal in relation to which false declarations have been made by the mine owners and the existence of such coal as of today and what action the Committee proposes to State Government against these mine owners.

Rest of the reliefs are declined.

The matter to be listed for further hearing and directions on 8th and 9th December, 2014 at Shillong.

M. A. Nos. 653/2014, 656/2014 and 661/2014

These miscellaneous applications stand disposed of in light of the above order.

M.A. No. 660/2014

The applicant is permitted to intervene in the matter. He will have the right to address the Tribunal. With the above direction, M.A. No. 660/2014 stands disposed of.

,CP (Swatanter Kumar)
,JM (U.D. Salvi)
,EM (Dr. D.K. Agrawal)
,EM (Dr. (Prof.) P.C. Mishra)



**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M.A. NO. 92 of 2015, M.A. NO. 95 of 2015, M.A. NO. 96 of 2015, M.A. NO. 112 of
2015, M.A. NO. 116 of 2015, M.A. NO. 152 of 2015, M.A. NO. 153 of 2015, M.A.
NO. 184 of 2015, M.A. NO. 185 of 2015 & M.A. NO. 245 of 2015

In
Original Application No. 73 of 2014
And
M. A. NO. 154 OF 2015
IN
Original Application No. 13 of 2014

IN THE MATTER OF :

All Dimasa Students Union Dima Hasao Dist. Committee
Vs.
State of Meghalaya & Ors.
And
Impulse NGO Network Vs. State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Original Application No. 73 of 2014

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv. with Mr. Aagney Sail, Adv.
Ms. Shaurya Sahay Applicant in M.A.152 & 153/2015
Mr. Rajiv Dutta, Sr. Adv. along with Mr. Saurabh Sharma, Adv. Applicant in MA No. 96 of 2015

Respondent No. 2: Mr. Tayenjam Momo Singh, Adv. for MSPCB
Respondent No. 5: Ms. Panchajanya Batra Singh, Adv. MoEF & CC
Respondent No. 10 Mr. H.S. Thangkhiem, Sr. Adv. along with Mr. Philemon Nongbri Adv. in M.A. No. 92/15
Respondent No. 11 : Dr. O.D.V. Ladia, Sr. Adv. with Mr. Philemon Nongbri, Adv.
Mr. R. Biswas, Adv. in M.A. No. 955 OF 2015 & Mr. A. Paul, Adv., in M.A. No. 185 of 2015
Mr. Vijay Panjwani, Adv. for Mr. Thomas Nongbri and Mr. S.K. Rai, Adv. in M.A. Nos. 111 of 2015 & 112 of 2015

Original Application No. 13 of 2014

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv. with Mr. Aagney Sail, Adv.
Ms. Shaurya Sahay Applicant in M.A.152 & 154/2015
Respondent No. 2: Mr. Tayenjam Momo Singh, Adv. for MSPCB

Date and Remarks	Orders of the Tribunal
Item No. 01-02 March 25, 2015	Rampant, illegal, unscientific and life threatening mining activity, particularly Rat hole mining is going on in the State of Meghalaya for years now. Truly, it was unregulated, uncontrolled and unchecked. This has <i>inter-alia</i> the following adverse impacts:-

		<p>(a) It causes serious pollution of river and water bodies due to acidic nature of the effluent besides causing environmental degradation and environmental hazards having injurious impacts upon human health.</p> <p>(b) Adverse impacts on ecology and environment of the entire State, particularly in the mining areas has brought about climate change. Most significantly, it has resulted in deaths of the young generation involved in the mining activity. In fact, it was the death of 15 young labourers in the mine that had persuaded the High Court of Gauhati to take <i>suo-moto</i> action. It was this petition that has been transferred to the Tribunal. This Application has been numbered as Original Application 73 of 2014 (Suo-Moto) and urges stoppage of illegal mining activity in the State of Meghalaya, particularly in district Jaintia Hill forthwith and for appointment of a committee to carry out the assessment of the impact of illegal mining and determination of the damage to the environment.</p> <p>In the above circumstances, the Tribunal, vide its order dated 17th April, 2014 had directed the authorities to ensure that Rat hole mining and illegal mining is stopped forthwith throughout the State of Meghalaya, as well as the illegal transportation of coal does not take place. After notice to all concerned, the Tribunal had also constituted a committee. It was noticed that pH of mine effluent/mine drainage remained very low and was found less than 3 in all cases out of the 21 samples analysed.</p>
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	<p>It was also noticed that the effluent from the mines, was being pumped out via PVC-Plastic pipe into the tank and thereafter discharged into the nearest stream or river. These details have been noticed by the Tribunal in its order dated 09th June, 2014.</p> <p>We also noticed that transportation of coal was being done in the most unscientific manner, openly, without any check or precaution for protecting the environment. To put it simply, the transportation of coal was in flagrant violation of environmental norms. This resulted in passing of the injunctive order by the Tribunal. A specific report had also been called for in relation to the pollution of rivers/streams and groundwater in and around the pockets where mining activity was being carried out. The committee was expected to submit a report in relation to damage done to the environment and ecology of the area and to public health, i.e., the health of people who were living around the mines and were consuming the highly polluted water for their day to day needs as well as the diseases suffered by them.</p> <p>Vide these orders, number of directions were issued, including those for installation of weighbridges, adoption of appropriate measures for environmental protection during transportation and the committee constituted was to recommend and frame the guidelines for transportation of the coal which has already been extracted and was lying around the mines in question.</p> <p>Before we proceed further, it will be significant to note that the incident of 06th July, 2012 was in relation to 30 labourers who were trapped in the Rat hole mine in</p>
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	<p>South Garo Hills, out of which 15 could escape mine flooding and 15 others reportedly died, leading to registration of crime punishable under section 304A of the Indian Penal Code.</p> <p>In furtherance to the order of Tribunal, the appointed committee had conducted inquiry and found that huge quantity of extracted coal was lying near the coal mines. It further noticed that there was serious variation in the quantity of coal declared to be extracted by the mine owners and the physically assessed quantity of extracted coal by the mine owners. It was stated that 36,59,152 MT of coal had been declared to be extracted by the mine owners and upon assessment by the committee it was found to be 37,36,325 MT. It was also pointed out that the extracted coal declared by the miner, which could not be verified, weighed 87,85,147 MT. The value of the extracted coal was stated to be approximately Rs. 18,000 crore. On subsequent dates, the committee informed the Tribunal that on physical verification 6.3 MT of extracted coal valued at Rs. 3078 crores is lying in the State of Meghalaya and was expected to fetch royalty of approximately Rs. 400 crore.</p> <p>During the course of arguments before us, we found from the statement filed on behalf of the State that the State of Meghalaya has permitted 17,83,359 MT coal to be transported in terms of the directions of the Tribunal and recommendation made by the committee. If the above quantum of coal is taken as correct at its face value and is multiplied by approximate value of coal per metric tonne as earlier determined by the State and as mentioned in the</p>
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	<p>report, the value of the total coal comes to Rs. 35,67,18,000, which means that out of the coal which is worth more than Rs. 3000 crore found to be lying, only coal which is worth Rs. 356 crore approximately has been permitted to be transported leaving the balance of coal worth Rs. 2644 crore.</p> <p>The State of Meghalaya has promulgated a mining policy of 2012, which does not deal with rat hole mining, but on the contrary, deprecates it. Considering its illegal, unscientific and unregulated character and its obvious adverse impact on various facets of environment, life and even economy of the state, we had through our various orders, directed the committee to be constituted and the State Government to formulate and declare mining policy and prepare guidelines for the State of Meghalaya which was expected to deal with all the aspects of mining without exception. The formulation of such policy and guidelines for the State has yet to see the light of the day.</p> <p>Some of the interested parties had filed a Special Leave Petition (SLP) along with Statutory Appeal before the Hon'ble Supreme Court of India against the interim order passed by the Tribunal. The Appeal preferred (D.No. 2198 of 2014) came to be dismissed vide order dated 02nd February, 2015 passed in SLP Appeal titled as LBER LALOO Vs. ALL DIMASA STUDENTS UNION & ORS. However, the Hon'ble Supreme Court of India vide the said order observed that the Applications before the Tribunal should be disposed of expeditiously.</p> <p>It is undisputable that orders of the Tribunal have been violated without exception. The transportation of</p>
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	<p>coal has continued without taking any environmental protection measures and without strictly complying with the guidelines framed by the committee and the State of Meghalaya. The illegal mining has been going on despite specific and complete prohibitory orders. The State Government has failed to check illegal mining effectively and has also not framed the mining policy, mining plan and the guidelines as directed under the orders of the Tribunal.</p> <p>The violations are not only apparent from the record but find due support from the facts placed on record by the State Government itself. The State Government has found as many as 73 cases of illegal transportation of coal in one district. In furtherance thereto, 15 more case of specific violation of the NGT orders had already been registered by the State Government. The total number of vehicles sealed are 87 in relation to one district i.e. East Jaintia Hill. As per the statement furnished by the State in all the 11 districts of the State of Meghalaya, 308 cases of violation have been registered and a total number of 605 trucks and 2675.63 Tonnes of coal has been seized in addition to 40 Bags of coal. There are apparently no plans/guidelines framed by the State as of now. As far as the violation by individuals before us are concerned, we will deal with them separately. However, as far as State is concerned, as regards non-compliance and its inability to execute and comply with the directions of the Tribunal, the following <i>inter-alia</i> primary grounds are submitted</p> <p>(a) lack of forces to carryout counter insurgency operations and implementation of NGT orders.</p>
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		<p>(b) The State Government proposes to approach the Central Government for claiming an exemption, in terms of para 12 A (b) of the VIth Schedule of the Constitution of India and from the condition of previous approval of the Central Government under the Mine and Mineral Rule Regulation Act, 1957 in respect of reconnaissance, prospecting and mining of coal and from the operations of Coal Mines Nationalization Act.</p> <p>We find no merit in either of them. Firstly, a year or more has lapsed since the directions and orders have been passed by the Tribunal and at no point of time, except now, that the State Government has put forward this ground of its incapability for compliance of the order of the Tribunal. The orders of the Tribunal are required to be enforced without exception particularly when such directions relate to environment and human life which are of fundamental value and are, in fact enshrined as the Fundamental Right in Part III under Article 21 of the Constitution of India. Despite this view, we have permitted the State Government to approach the Secretary, Home, Coal and MoEF and/or to the concerned Authority in the Central Government to request for deployment of appropriate forces so that not only the orders of the Tribunal are complied with, but property of the State and environment is protected and no illegal and unscientific mining contrary to law is permitted to be carried on in the state.</p> <p>We are informed that the Secretary, Mine and Geology, State of Meghalya, met the Additional Secretary</p>
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		<p>and Joint Secretary in the Ministry of Home, who has asked for appropriate proposals to be sent to him for his consideration. In light of the above, we pass the following directions.</p> <ol style="list-style-type: none"> 1. The Additional Secretary, North East in the Ministry of Home, Central Government shall, within a period of two weeks from today, hold a meeting with the Chief Secretary of the State of Meghalaya and other concerned Authorities and consider the proposal of the State of Meghalaya for deployment of appropriate force to ensure compliance of orders of the Tribunal and protection of the Environment and Ecology, particularly water bodies as recorded in various orders of the Tribunal. We are hopeful, that the decision will be taken objectively and in the interest of public at large. 2. Without hesitation, we record our disapproval, for the said conduct of the State of Meghalaya in not formulating appropriate policy and guidelines despite orders of the Tribunal, even after lapse of a period of one year,. The mining in the State cannot be permitted till the time such policy and mining plan/map is prepared by the State Government. This would be the requirement whether the mines are private or State owned and/or whether the State is granted exemption by the Central Government/Parliament in accordance with the law or not. Neither of this can be raised as a defense for permitting illegal, unscientific and unregulated mining in the State which would not only endanger
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the ecology, environment, water bodies in the area, but, would be fatal to human life also. Thus, in this regard we issue the following directions.

The Special Secretary/Additional Secretary of Ministry of Coal and MoEF would be approached by the Chief Secretary of the State of Meghalaya for any appropriate legal framework for exemption as they deem fit and proper but in any event this committee shall ensure that the State of Meghalaya prepares and places before both the Special Secretary and Additional Secretary of the Government of India, a road map/policy of mining and guidelines for carrying out mining activity in the State of Meghalaya within 6 weeks from today. This would be examined and appropriate decision would be taken collectively by the State of Meghalaya and Central Government. We make it clear and as already directed in our order, we would be able to permit the mining activity in the State only when such plan/guidelines are placed before the Tribunal and are enforced in the State of Meghalaya.

As it is practical and admitted case before us that illegal mining, particularly Rat hole mining, is still being carried on in various parts of the State of Meghalaya, despite clear orders issued by the Tribunal, which have not been even disturbed on Appeal by the Hon'ble Supreme Court of India.

We may notice that vide its order dated 29th January, 2015, the Tribunal had appointed Local Commissioners to inspect the mining sites and

	<p>transportation activity in the State of Meghalaya. Three Commissioners had collectively inspected the site in the areas of East Jaintia hills of Meghalaya and have made serious observations in regard to the violation of the orders of the Tribunal. It has been specifically recorded that they found fresh coal extracted and being carried in the garb of transportation. <i>Inter-alia</i> they noticed that top most layer was fresh and dark in color. They filed various photographs in relation to various sites. Photographs No. 10 and 13 clearly depict that rat hole mining is still being carried on in the most unscientific impermissible manner, in violation of environmental norms and in the manner injurious to human health. The videography has been prepared and filed by the Local Commissioners. We may refer to abstract of the joint report filed by the Local Commissioners as under:</p> <p><i>"The first instance of open violation of the National Green Tribunal's order banning rat-hole mining was witnessed at Kongong village, East Jaintia Hill District, where newly extracted coal were being unloaded from trucks to replenish the existing stock. Upon inquiry the laborers' disclosed that the coal was brought in from the mines located in Krem Koin village and Wah Shyrpi village (mines owned by Mr. Sarki Phawa and Prakash Phawa – locations not known). Meanwhile, one of the concerned Mine Owner, Mr. Sarki Phawa somehow got wind of the presence of the Local Commissioners' in his area and drove up to the site in his 4x4 Jeep (Maruti Gypsy ML-05K-0923 refer</i></p>
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		<p>photo file no.3. Upon further enquiry with him as to why the fresh stock of coal from the two trucks – bearing registration No. MA-04-A-9250 and ML-04-B-5502 (photo file no.2) was being unloaded at his storage site. He defended himself by stating that he had deposited revenue with the Directorate of Mineral Resources for 2000 MT of coal in advance however he was unable to transport the stated quantity he had already paid for before the deadline expired. His answer to the above question posed by the local commissioners was evasive and unsatisfactory.</p> <p>In another instance Local Commissioner J.B. Kharbhih spoke to one Mr. Prakash Phawa over phone. He revealed that one Mr. Nip Dkhar another mine owner known to him was not able to transport the remaining 322 MT of coal he paid royalty for to the Directorate of Mineral Resources. He too ran out of time during the temporary relaxation of the ban to transport the same. By observing this trend and the evasive explanations it is strongly suspected that royalty to the State was paid not so much only on the declared stock of extracted coal but also on the quantity of coal yet to be extracted and hence mining activity continues in violation of the Hon'ble Natiaol Green Tribunal's order banning rat-hole mining. There is a hunch of a sinister practice-specially with regard to declaration and assessment of extracted coal, payment of royalties, acquiring of challans and</p>
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transportation of coal – the complete understanding of which is beyond the scope of the local commissioners at this stage.

Homogenous quantities of coal stocks were sighted along the storage sites in Wapung, Mookhep, 1kilo, 4 kilo and Sutnga road of East Jaintia Hills District. The top layers were observed to be fresh and dark in color. Several trucks were also sighted unloading (refer photo file no. 8 and video file nos. 4 & 5) coal at the storage sites.”

It is needless to point out that this is in utter disregard and violation of the orders of the Tribunal. A specific case of violation by the private party has also been brought to our notice. Even the weigh bridges have not been installed and made operative in the State in regard to which various mine owners have raised specific grievances and filed applications before us.

Normally for such gross violations and incapability of the State to execute and comply with our orders, we would have banned even the transportation of the coal in the entire state. However, keeping in view the fact that storage of coal itself is likely to cause serious environmental degradation and pollute the ground water and water bodies which are already exceeding the prescribed parameters and keeping in mind the principle of Sustainable Development and Principle of Polluter Pays contemplated under Section 20 of the NGT Act and the economic growth of the state, we would permit transportation of the coal subject to and in compliance with the conditions stated hereinafter. At this stage we

	<p>direct as follows:</p> <p>(a) We direct the Director General of Police, Chief Secretary, concerned Secretary of the State Government, all the district Magistrate, SPs of the respective districts to ensure the enforcement of the orders of the Tribunal in regard to complete prohibition of illegal, unscientific and unregulated rat hole mining in the State of Meghalaya without delay and default.</p> <p>If any case of violation is brought to our notice henceforth, we will be compelled to take action against these officers personally in accordance with law including directing them to pay compensation for degradation of the environment and ecology of the area falling under their jurisdiction.</p> <p>(b) The State of Meghalaya shall prepare the mining map, policy and guidelines within six weeks from today and is free to take assistance of the committee constituted by the Tribunal.</p> <p>(c) Transportation of the coal shall be permitted strictly in accordance with the guidelines prepared by the committee, orders of the Tribunal and all environmental protection measures for carriage of such coal.</p> <p>All the 12 weigh bridges shall be made operative within four weeks from today. We are informed that vide its notification dated 24th March, 2015 the weigh bridge at Mandi Hati, East Jaintia Hills District has become operative. It is suggested on behalf of the State that the weigh bridge at Dhalu, which is not operative, is near to</p>
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another exit point at Gasuapara and can meet the need of the transportation at the point of Dhalu. We do not accept this contention. A separate independent weigh bridge shall be provided at Dhalu.

It is further pointed out that at Garam Pani, the Government had invited tenders for manning and installing weigh bridge, but none has responded. We again see this as no ground for the Government not to be proactive and install and manage the weigh bridges itself at Garam Pani. Let this now be done positively within four weeks from today. In other words, all the 12 independent weigh bridges shall be made operative within four weeks from today without default and exception, whatever be the reason.

As far as transportation of coal is concerned, various applicants have come up before the Tribunal on the ground that they had paid the royalty but could not transport because of non-availability of weigh bridges and for such other allied reasons. According to them, they have missed an opportunity for carrying on their business which they are entitled to and were even permitted under the orders of the Tribunal. In view of this, we direct as follows:

- (1) All, whether before the Tribunal or not, persons, owners of the mines and or in any way interested thereto in accordance with law can pay the royalty for carriage of already extracted coal within 3 weeks from today;
- (2) Thereafter, the State would not accept any royalty without specific orders of the Tribunal.

(3) Within six weeks or by 31st May, 2015 whichever is earlier, the extracted coal for which the royalty had already been paid can be permitted to be transported by the State of Meghalaya strictly in accordance with the guidelines laid down by the committee, approved by the Tribunal and the orders of the Tribunal passed from time to time.

(4) All the weigh bridges shall maintain due computerized record of all the coal that is permitted to be transported from any of the 12 approved points in the State of Meghalaya. The computerized record shall be maintained and would be subject to inspection by the committee constituted by the Tribunal.

We may also notice that the Hon'ble Supreme Court of India vide its order dated 22.05.2012 had directed that the State Government should continue to issue weighbridge certificate and maintain the weighbridges properly. Even in view of this order, the State must maintain weighbridges as per law.

(5) As already noticed earlier, huge extracted coal is lying in open and the same shall be permitted by the Government for transportation strictly in terms of these orders. The royalty collected by the State would be maintained under separate heads.

It is also undisputable that there has been huge environmental degradation and pollution of the waterbody in the State of Meghalaya, because of this illegal, unscientific mining. No one has even thought of restoration of the area in question, to bring to some

	<p>extent, if not completely, restoration of ecology and environment in question. Serious steps are required to be taken for cleaning polluted waterbodies and ensure that no further pollution is caused by this activity and the activity which would be permitted to be carried on finally including transportation of coal. On the basis of 'Polluter Pay Principle'. We direct that the State Government shall in addition to the royalty payable to it, shall also collect 10% on the market value of the coal for every consignment. Having heard the learned Counsel appearing for the parties and keeping in view the notifications of the Central Government dated 10.05.2012 and that of the State Government dated 22.06.2012, we may notice that in the report of Comptroller and Auditor General of India for the period ending 31st March, 2013 under 7.5.18 of Chapter 7 of which the invoice value of the coal has been taken Rs. 4850/- per metric tonne.</p> <p>Thus, we direct that the State Government shall in addition to the royalty payable to it, also collect 10% of the said market value of the coal per metric tonne from each person. The amount so collected shall be deposited in the account to be titled as 'Meghalaya Environment Protection and Restoration Fund' to be maintained by the State under the direct control of the Chief Secretary of the State of Meghalaya.</p> <p>This amount shall only be used for restoration of environment and for necessary remedial and preventive measures in regard to environment and matters related thereto.</p> <p>We make it clear that this 10% of the additional</p>
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		<p>amount shall be payable by all persons who had transported the coal in the past or would transport in future, without exception. Such persons would be given fresh permission to transport extracted coal, only after they pay additional amount of 10% as directed under this order. We also direct the committee constituted under this order to place before the Tribunal any suggestion in regard to preventive steps that are required to be taken in respect of the coal, which has remained un-transported at the sites, to prevent pollution and ensure that no further degradation of environment occurs in that area within 6 weeks from today.</p> <p>Vide our order dated 29th January, 2015 we had appointed commissioners to inspect the mining site in question and the places where coal had been stored. Keeping in view the load, nature of the work and other attendant circumstances, we appoint additional local Commissioners to visit the sites in question. The entire team of Commissioners appointed by the Tribunal is as follows:</p> <ol style="list-style-type: none"> 1. Mr. J.P. Kharbhi, Adv. 2. Ms. Rosana Lyngdoh, Environmentalist 3. Mr. Vijay Pradhan, Environmentalist 4. Mr. Katdoh Rymbui, Retired SP 5. Mr. N. Bhattacharjee, Environmentalist 6. Mr. Daleep Kumar Dhyani, Adv. 7. Mr. Ajit Sharma, Adv. 8. Mr. Rajul Shrivastava, Adv 9. Mr. Narinder Pal Singh, Adv. 10. Mr. Karan Veer Khehar, Adv. 11. Mr. Karan Singh Chandhiok, Adv. 12. Mr. Tanmaya Mehta, Adv.
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		<p>The above said Commissioners in pair of two each would visit the mining sites where the coal is stored, weighbridges sites, the trucks carrying coal and inspect all other matters directly or incidentally covered under the order of Tribunal. All the expenses of the Commissioners' including travelling, fee and other expenses shall be borne at the first instance by the State of Meghalaya and would be subject to further orders of the Tribunal. We make it clear that mine owners and mine workers, transporters who are found in the default would be liable to pay this amount and reimburse the State Government finally. The fee of the Commissioners, who had already been appointed, and belong to the State of Meghalaya, shall be Rs. 20,000/- per trip. While the advocates appointed from Delhi, who will have to go to the State of Meghalaya, shall be paid a sum of Rs. 35,000/- per trip. The inspection team consisting of two commissioners would submit their report directly to the Principal Bench of NGT in sealed cover.</p> <p>We direct the administration and police authority to provide full protection and facility to the Commissioners who are going to visit the site in future.</p> <p>Payment of royalty shall be permitted through RTGS as ordered earlier.</p> <p>In terms of the challans of deposit of royalty, which had been issued by the State Government from time to time before the expiry of the time period granted, transportation can be permitted for a period of 6 weeks from today, however, upon payment of compensation of additional 10% of the value of the coal as aforesated.</p>
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		<p>All the persons including mine owners would be permitted to deposit royalty along with compensation as per Letter of Credit aslo.</p> <p>For clarification, date for payment of royalty and compensation would be 3 weeks i.e. 21 days w.e.f. 25th March, 2015, both first and last day inclusive.</p> <p><u>General Directions</u></p> <p>We hereby direct that in the 308 cases which have already been registered by the State Government as the cases of illegal mining or transportation and in those cases, which may come to the notice of the State in future, the miners, whose agents, carriers/transporters or any other person are indicted therein shall be liable to pay three times the royalty amount to the State government. In other words, if the royalty on carriage is taken to be Rs. 675/- per MT then it would be Rs. 675x3= Rs. 2025 viz. Rs. 2025/- amount as royalty charged and the excess charged, shall be kept under the 'Meghalaya Environment Protection and Restoration Fund' to be utilized for restoration of environment.</p> <p>Now we will revert to violation of the orders of the NGT on account of illegal mining and unauthorized transportation of coal carried out by the private individuals.</p> <p>The Learned Local Commissioners have been appointed in different cases. However, for the present we would only confine ourselves to the case of Mr. Sarki Phawa. From the relevant abstract of the Local Commissioners report, which we have already reproduced, it has been specifically noticed that the Local</p>
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	<p>Commissioners found fresh coal being transported in the trucks and being stored at different sites. The commissioners have filed videography as well as photographs on record. From the photographs before us, it is clear that colour of the fresh coal is different from the other stored coal which certainly means that it was freshly extracted coal. Furthermore Mr. Sarki Phawa has not paid any royalty for transportation of coal. The truck also shows that no protection measures were taken for transportation of extracted coal in an eco-friendly manner. In fact, it is in flagrant violation of the commonly known environmental protection measures for carriage of coal. Unscientifically transportation of coal is bound to cause environmental pollution as the dust falls in the waterbodies near the passage through which such vehicles travel.</p> <p>The Learned Counsel appearing for Mr. Sarki Phawa contended that photographs do not show any extraction of fresh coal. According to him, Mr. Sarki Phawa had carried coal from Chamcham to Kongyong Village which is 12 kms away and near to the National Highway No. 44. The Learned Counsel submitted that despite this, his client tenders unconditional apology.</p> <p>Having perused report of the Local Commissioners and having heard the counsel appearing for Mr. Sarki Phawa, we find that there has been intentional violation of the directions of the Tribunal by him. Furthermore, he has polluted the environment and still he obviously brought the coal near to National Highway from where it could be taken to any other final destination. We find that</p>
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		<p>there is complete lack of bonafide on the part of Mr. Sarki Phawa who ought not to have violated orders of the Tribunal and carried on illegal mining at the risk of the life of the others and environment in terms of the public health and contamination of nature. We hold no sympathy and find that the apology has been tendered in order to primarily divert the attention of the Tribunal from the realm of violation to the field of sympathy. Resultantly we direct that Mr. Sarki Phawa will be liable to pay a sum of Rs. 5 Lakhs as compensation in terms of Section 15 of the NGT Act read with Section 20 of the Act. Till the time this amount is paid, the entire coal extracted and lying in his village Chamcham and Kongyong Village shall be seized and will be available for disposal subject to the orders of the Tribunal.</p> <p>As regards the remaining defaulters we would take up the case subsequently.</p> <p>List this matter on 16th April, 2015 at Shillong as the date already fixed.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M. A. NO. 92 of 2015, M. A. NO. 95 of 2015, M. A. NO. 96 of 2015, M. A. NO. 112
of 2015, M. A. NO. 116 of 2015, M. A. NO. 152 of 2015, M. A. NO. 153 of 2015,
M. A. NO. 184 of 2015, M. A. NO. 185 of 2015 & M. A. NO. 245 of 2015

In

Original Application No. 73 of 2014

And

M. A. NO. 154 OF 2015

IN

Original Application No. 13 of 2014

IN THE MATTER OF :

All Dimasa Students Union Dima Hasao Dist. Committee

Vs.

State of Meghalaya & Ors.

And

Impulse NGO Network Vs. State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Original Application No. 73 of 2014

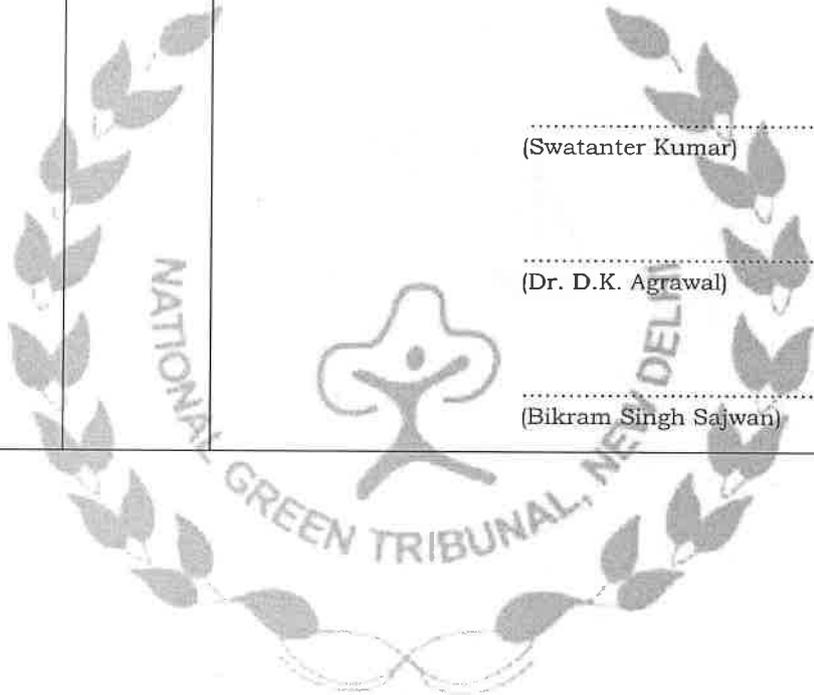
Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv.
Respondent No. 1: Mr. Ranjan Mukherjee, Advocates
Respondent No. 5: Ms. Panchajanya Batra Singh and Mr. Pankaj
Agarwal, Adv. MoEF & CC
Respondent No. 8 : Mr. Ardhendumauli Kumar Prasad, Adv. for
Ministry of Coal
Respondent No. 10 : Mr. Anil Kumar Mishra, Adv. for Mr. Aditya,
Adv.
Mr. Vijay Panjwani, Adv.

Original Application No. 13 of 2014

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv.
Respondent No. 1: Mr. Ranjan Mukherjee, Advocates
Respondent No. 5: Ms. Panchajanya Batra Singh and Mr. Pankaj
Agarwal, Adv. MoEF & CC

Date and Remarks	Orders of the Tribunal
Item No. 02-03 March 30, 2015	<p>Having heard the learned Counsel appearing for the parties and keeping in view the notifications of the Central Government dated 10.05.2012 and that of the State Government dated 22.06.2012, we may notice that under the report of Comptroller and Auditor General of India for the period ending 31st March, 2013 under the head 7.5.18, the invoice value of the coal has been as taken Rs. 4850/- per metric tonne.</p> <p style="text-align: center;">Thus, we direct that the State Government shall in</p>

	<p>addition to the royalty payable to it, also collect 10% of the said market value of the coal per metric tonne from each person. The amount so collected shall be deposited in the account to be titled as 'Meghalaya Environment Protection and Restoration Fund' to be maintained by the State under the direct control of the Chief Secretary of the State of Meghalaya.</p> <p>Three weeks or 21 days period shall start from 30th March, 2015.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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(T.C.)

ANNEXURE-18/3

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 73 OF 2014
(M.A. No. 210 of 2016)
And
Original Application No. 13 of 2014
(M. A. NO. 154 OF 2015)
AND
Original Application No.186 of 2014

IN THE MATTER OF :

All Dimasa Students Union Dima Hasao Dist. Committee
Vs.
State of Meghalaya & Ors.
And
Impulse NGO Network Vs. State of Meghalaya & Ors.
And
Thomas Nongtdu & Anr. Vs. State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Original Application No. 73 of 2014

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv. with Mr. Aagney Sail, Adv.
Respondent No. 1: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Adv.
Respondent No. 2: Mr. Tayenjam Momo Singh, Adv. for Meghalaya
Respondent No. 5: Ms. Panchajanya Batra Singh, Adv. for MoEF
Respondent No. 8 : Mr. Ardhendumauli Kumar Prasad, Adv. and Mr. Pancshul Chandra, Adv.
Mr. Vijay Panjwani, Adv.
Mr. Saurabh Sharma, Adv.

Original Application No. 13 of 2014

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv. with Mr. Aagney Sail, Adv.
Respondent No. 1: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Adv.
Respondent No. 2: Mr. Tayenjam Momo Singh, Adv. for Meg. SPCB
Respondent No. 5: Ms. Panchajanya Batra Singh, Adv. for MoEF

Original Application No.186 of 2014

Present: Applicant : Mr. Vijay Panjwani, Adv.
Respondent No. 1: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Adv.
Respondent No. 3: Mr. Tayenjam Momo Singh, Adv. for Meg. SPCB

Date and Remarks	Orders of the Tribunal
<p data-bbox="443 427 555 479">Item No. 05 to 07</p> <p data-bbox="443 501 555 553">March 31, 2016</p> <p data-bbox="491 575 515 598">ss</p>	<p data-bbox="580 456 1259 1182">The Learned Counsel appearing for the State of Meghalaya submits that as far as the matter in relation to mining policy, issuance of guidelines, mining plan, environmental restoration and regulatory regime and in relation to prevention and control of pollution as well as check on abatement of pollution, the Government has taken up the matter with the Central Government. The Joint Secretary of the Ministry of Coal of Central Government has decided to visit the site in question as well as to have deliberation with the State Government where upon the said mining plan would be finalized and published. He prays for time for this purpose. The counsel appearing for the MoEF as well as Coal Ministry submits that they would expedite the matter.</p> <p data-bbox="580 1211 1259 1883">As far as the matter in relation to extension of date for depositing of royalty along with environmental charges to the Meghalaya Environmental Restoration Fund (MERF), is concerned, we permit the royalty to be paid by 15th April, 2016. However, we specifically decline to extend the date for transportation of the coal already extracted. No coal in any form whatsoever shall be permitted to be transported after 15th May, 2016 on which date the entire remaining coal shall vest in the State Government and shall be disposed of in accordance with law subject to due protection and care for environment and prevention of pollution resulting there from, either by washing of coal or by transportation. We further direct</p>

		<p>that the following persons would be appointed as Commissioners in addition of those already appointed who will visit any part of the State of Meghalaya, particularly in the areas where mining activity was being carried on earlier and report thereto be submitted to the Tribunal, if there is/was any illegal mining and or any illegal transportation of coal in that area. All the following Commissioners would be entitled to receive air fare from the State Government in addition to the remuneration. They would be entitled to the same remuneration that had been fixed by the Tribunal earlier. All the Commissioners either from Delhi or from Shillong would be entitled to Rs. 35,000/- for each visit in addition to the expenses that they would be incurred. It will be for the State to ensure that Commissioners going from Delhi are provided transportation, lodging, and boarding etc. in addition to their remuneration. The following are the Commissioners:-</p> <ol style="list-style-type: none">1. Mr. K. Krishna Kumar, Adv.2. Mr. Abhinav Shrivastava, Adv.3. Mr. Rajneesh Chunni, Adv.4. Mr. Shantanu Bhowmick, Adv.5. Mr. Sanjay Kumar Pandey, Adv. <p>The State Government in consultation with the MoEF, shall submit a report within four weeks from today, mentioning as to what steps they are proposing to take for restoration of the environment and ecology, particularly protection of waterbodies resulting from legal or illegal mining, unscientific or unregulated mining that has taken place in the previous years. For this purpose a committee</p>
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	<p>is constituted.</p> <p>The Secretary, MoEF shall be the Chairman of this Committee of which the Chief Secretary, Meghalaya, Secretary, Environment, Secretary Mining of the State of Meghalaya as well as the Additional Secretary, Ministry of Coal, Government of India would be the members. Additional Secretary, MoEF shall be the Nodal Officer. The report should positively be submitted within 4 weeks to the Tribunal. The Committee would be at liberty to engage any expert if necessary.</p> <p>The Learned Counsel appearing for Meghalaya submits that they are already in touch with the NEHU, Shillong. The Committee to submit the report before the Tribunal within four weeks without fail. The team of Commissioners shall consist of one learned Commissioner from Delhi and one learned Commissioner from Shillong. All of them to inform the learned counsel appearing for the State of Meghalaya of their visit.</p> <p>With the above orders, this application as well as the the Miscellaneous Applications stand disposed of.</p> <p>The State Government shall file an independent Status Report of compliance within four weeks. The High Power Committee constituted above, shall also file its report within a period of four weeks. Both these reports shall be placed before the Tribunal for appropriate direction under newly registered matters. All these Original Application Nos.73 of 2014, Original Application No. 13 of 2014 and Original Application No. 186 of 2014 stand disposed of.</p> <p>This order will not affect the proceeding in any</p>
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		<p>manner whatsoever pending in the case of Threat to Life Arising Out of Coal Mining in South Garo Hills District Vs. State of Meghalaya & Ors. in Original Application No. 110(THC) of 2012.</p> <p>Liberty to the parties to move for clarification if needed.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
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(T.C.)

ANNEXURE R-18/14

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 73 OF 2014
(M.A. No. 400 of 2016 & M.A. No. 427 of 2016)

And

Original Application No. 13 of 2014

AND

Original Application No.186 of 2014

IN THE MATTER OF :

All Dimasa Students Union Dima Hasao Dist. Committee
Vs.

State of Meghalaya & Ors.

And

Impulse NGO Network Vs. State of Meghalaya & Ors.

And

Thomas Nongtdu & Anr. Vs. State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Original Application No. 73 of 2014

Present: Amicus Curie:

Respondent No. 1:

Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs.

Respondent No. 5:

Mr. Rahul Pratap, Adv. for MoEF

Respondent No. 8 :

Mr. Ardhendumauli Kumar Prasad, Adv. and Mr. Pancshul Chandra, Advs.

Mr. Philemon Mongbi in M.A. No. 427/2016

Mr. Subhro Sanyal and Mr. P. Yobin, Advs.

in M.A. No. 400/2016

Original Application No. 13 of 2014

Present: Amicus Curie:

Respondent No. 1:

Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs.

Respondent No. 2:

Mr. Tayenjam Momo Singh, Adv. for Meg. SPCB

Respondent No. 5:

Mr. Rahul Pratap, Adv. for MoEF

Original Application No.186 of 2014

Present: Applicant :

Mr. Vijay Panjwani, Adv.

Respondent No. 1:

Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs.

Respondent No. 3:

Mr. Tayenjam Momo Singh, Adv. for Meg. SPCB

	Date and Remarks	Orders of the Tribunal
	Item Nos. 03 to 05 May 10, 2016	<p><u>M.A. No. 400 of 2016 & M.A. No. 427 of 2016</u></p> <p>We have heard the Learned counsel appearing for the parties.</p> <p>These Applications are dismissed as we see no reason even to issue Notice.</p>

		<p>Accordingly, M.A. Nos. 400/2016 and 427/2016 stand disposed of without any order as to costs.</p> <p><u>Original Application NO. 73 OF 2014,Original Application No. 13 of 2014 and Original Application No.186 of 2014</u></p> <p>Let the MoEF file status report of the meeting.</p> <p>List these matters on 07th July, 2016. In the meanwhile, the State of Meghalaya shall also place on record the exact current quantity of coal and value thereof including the status of the coal lying and mined anywhere in the entire State of Meghalaya as on 01st April, 2015 and the exact quantity of coal lying as on 16th May, 2016 monthly status thereafter. The State will also submit its proposal as to how the State shall deal with the coal that is vested in the State primarily for the reasons that this entire coal is illegally extracted coal.</p> <p>The Tribunal will also pass appropriate directions in regard to the violators, the list of which has been furnished by the State of Meghalaya. We direct the State to also state the action taken against these violators.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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(T.C.)

CA 5272/16

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ANNEXURE-18/5

ITEM NO.14

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No.5272/2016KA HIMA NONGSTOIN LAND OWNERS, COAL
TRADERS AND PRODUCERS ASSOCIATION

Appellant(s)

VERSUS

ALL DIMASA STUDENTS UNION, DIMA HASAO
DISTRICT COMMITTEE AND ORS.

Respondent(s)

(With appln.(s) for permission to file additional documents and
stay and office report)

Date : 21/09/2016 This appeal was called on for hearing today.

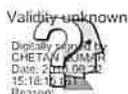
CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE C. NAGAPPANFor Appellant(s) Mr. Vijay Hansaria, Sr. Adv.
Mr. H.S. Thangkhiew, Sr. Adv.
Mr. Philimon Nongbri, Adv.
Mr. A. Rohen Singh, Adv.
Mr. Ahanthem Henry, Adv.
Dr. Kailash Chand, AORFor Respondent(s) Dr. B.P. Todi, Adv. Gen.
Mr. Ranjan Mukherjee, Adv.

Mr. Prithvi Pal, AOR

Mr. Nalin Kohli, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Ankit Roy, Adv.
Mr. P. Yobin, Adv.
Mr. Yoginder Handoo, AOR

Mr. Amit Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

Having heard counsel for the parties, it is directed that the petitioners, as well as the respondents, who have mined the coal, are permitted to transport the coal on payment of royalty and other fees as fixed by the National Green Tribunal (for short, 'the tribunal') and other relevant status. The extracted coal can be transported from 1st October, 2016 till 31st May, 2017. It is further directed that no other extraction shall take place in the meantime.

The finding of the tribunal that the coal is vested in the State on the ground that it is illegally extracted coal, shall be adverted to at the time of final hearing. The miners shall keep the accounts and if, ultimately, it is held that the coal belongs to the State, they will refund the amount with interest. The quantum of interest shall be determined at the time of final hearing. Needless to say, these observations have been made without prejudice to the contentions to be raised by the learned counsel for the parties. The tribunal can proceed with regard to the other aspects which are pending before it.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(T.C.)

ANNEXURE-18/6

ITEM NO.51

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. NO. 40667 of 2018 in Civil Appeal No(s). 5272/2016

KA HIMA NONGSTOIN LAND OWNERS,
COAL TRADERS AND PRODUCERS ASSOCIATION

Appellant(s)

VERSUS

ALL DIMASA STUDENTS UNION,
DIMA HASAO DISTRICT COMMITTEE & ORS.

Respondent(s)

Date : 28-03-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. H.S. Thangkhiew, SR. Adv.
Mr. Phileman N., Adv.
Mr. Ahanthem Henry, Adv.
Mr. A. Rohan Singh, Adv.
Mr. Vivek Kumar, Adv.
Dr. Kailash Chand, AOR

For Respondent(s) Mr. Prithvi Pal, AOR

Mr. Yoginder Handoo, AOR
Mr. Nishant Kumar, Adv.

Mr. Shaurya Sahay, Adv.
Mr. Avijit Mani Tripathi, Adv.
Mr. Amit Kumar, AOR

Mr. Avijit Roy, AOR

Mr. Satish Kumar, AOR

Mr. Sanjai Kumar Pathak, Adv.
Ms. Prerna Kumari, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Saurabh Sharma, Adv.

Mr. Ranjan Mukherjee, Adv.

UPON hearing the counsel the Court made the following

O R D E R

On 21.09.2016 this Court has passed the following order:

"Having heard counsel for the parties, it is directed that the petitioners, as well as the respondents, who have mined the coal, are permitted to transport the coal on payment of royalty and other fees as fixed by the National Green Tribunal (for short, 'the tribunal') and other relevant status. The extracted coal can be transported from 1st October, 2016 till 31st May, 2017. It is further directed that no other extraction shall take place in the meantime.

The finding of the tribunal that the coal is vested in the State on the ground that it is illegally extracted coal, shall be adverted to at the time of final hearing. The miners shall keep the accounts and if, ultimately, it is held that the coal belongs to the State, they will refund the amount with interest. The quantum of interest shall be determined at the time of final hearing. Needless to say, these observations have been made without prejudice to the contentions to be raised by the learned counsel for the parties. The tribunal can proceed with regard to the other aspects which are pending before it."

It is clear from the aforesaid order that though the petitioner as well as the respondents were permitted to transport the coal, already mined, on payment of royalty and other fee as fixed by the National Green Tribunal, it was very categorically directed that no further extraction of coal shall be allowed.

The State of Meghalaya has filed the instant application wherein it is stated that approximately 5.00 lakhs MT of coal is still lying on various places and time up to 31st May, 2018 be granted to transport the aforesaid coal. It is also stated that the authorities are not allowing any illegal extraction of the coal.

Having regard to the averments made in the said application, we extend the time for transportation of the extracted quantity of approximately 5.00 lakhs MT lying in various places in the State of Meghalaya, upto 31.05.2018 in the same terms and conditions as contained in the order dated 21.09.2016. All attempts be made to

transport the entire left over quantity during this period. It is also made clear that no extraction of the coal shall be allowed by anyone and the authorities shall ensure that this order is strictly complied with. It shall also be ensured that while transporting the aforesaid quantity of coal, it shall not lead to creation of any type of pollution.

Interlocutory Application is disposed of.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

(T.C.)

ANNEXURE R-18/7

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 110(THC)/2012

And

Original Application No. 73/2014

(M.A. No. 655/2016, M.A. No. 963/2016, M.A. No. 1051/2016, M.A. No. 285/2017, M.A. No. 961/2017, M.A. No. 1010/2017, M.A. No. 536/2018, M.A. No. 537/2018, M.A. No. 549/2018, M.A. No. 550/2018, M.A. No. 551/2018, M.A. No. 552/2018, M.A. No. 589/2018, M.A. No. 638/2018, M.A. No. 695/2018, M.A. No. 738/2018, M.A. No. 790/2018, M.A. No. 1006/2018, M.A. No. 1007/2018, M.A. No. 1008/2018 & M.A. No. 1214/2018)

And

Original Application No. 13/2014

And

Original Application No. 186/2014

And

Original Application No. 287/2017

IN THE MATTERS OF:

Threat to Life Arising Out of Coal Mining in South Garo Hills District

Vs.

State of Meghalaya & Ors.

And

All Dimasa Students Union Dima Hasao Dist. Committee

Vs.

State of Meghalaya & Ors.

And

Impulse NGO Network Vs. State of Meghalaya & Ors.

And

Thomas Nongtdu & Anr. Vs. State of Meghalaya & Ors.

And

R.K. Momin Vs. State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Original Application No. 110(THC)/2012:

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv, Mr. Aagney Sail, Adv.
Respondent No. 2: Mr. B. V. Niren and Mr. K. Mudgal, Advs.
MoEF&CC: Mr. Rahul Pratap, Adv.
Meghalaya State PCB: Mr. Tayenjam Momo Singh, Adv.
State of Meghalaya: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Daniel Stone Lyngdon, Advs.
CGSC: Mr. Ardhendumauli Kr. Prasad, Adv. and Mr. Shashank Saxena, Adv.
Respondent nos. 4 & 5: Mr. P. Yobin and Mr. Saurabh Sharma, Advs.
Mr. Shuvodeep Roy and Mr. Vinayak Gupta, Adv. for State of Assam

Original Application No. 73/2014:

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv, Mr. Aagney Sail, Adv.
MoEF&CC: Mr. Rahul Pratap, Adv.
Meghalaya State PCB: Mr. Tayenjam Momo Singh, Adv.
State of Meghalaya: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Daniel Stone Lyngdon, Advs.
Mr. Raka Bijoy Phookan, Mr. Neha Tandon, Advs. in M.A. Nos. 1006/2018 to 1008/2018
CGSC: Mr. Ardhendumauli Kr. Prasad, Adv. and Mr. Shashank Saxena, Adv.
Mr. Mayank, Adv.
Mr. H. S. Thangkhiew, Sr. Adv., Mr. Philemn Nongbri and Mr. A. Rohen Singh, Advs.
Mr. Shuvodeep Roy and Mr. Vinayak Gupta, Adv. for State of Assam

Original Application No. 13/2014:

Present: Amicus Curie: Mr. Raj Panjwani, Sr. Adv, Mr. Aagney Sail, Adv.
 Meghalaya State PCB: Mr. Tayenjam Momo Singh, Adv.
 State of Meghalaya: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee
 and Mr. Daniel Stone Lyngdon, Adv.
 CGSC: Mr. Ardhendumauli Kr. Prasad, Adv. and Mr.
 Shashank Saxena, Adv.

Original Application No.186/2014:

Present: Applicant: Mr. Tayenjam Momo Singh, Adv.
 Meghalaya State PCB: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee
 State of Meghalaya: and Mr. Daniel Stone Lyngdon, Adv.
 CGSC: Mr. Ardhendumauli Kr. Prasad, Adv. and Mr.
 Shashank Saxena, Adv.

Original Application No. 287/2017:

Present: Applicant: Mr. Yashpal Rangi, Adv. along with Mr. Hariom,
 Adv.
 MoEF&CC: Mr. Rahul Pratap, Adv.
 Meghalaya State PCB: Mr. Tayenjam Momo Singh, Adv.
 State of Meghalaya: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee
 and Mr. Daniel Stone Lyngdon, Adv.
 CGSC: Mr. Ardhendumauli Kr. Prasad, Adv. and Mr.
 Shashank Saxena, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>1. The proceedings in these matters were initiated initially before the then Bench of Guwahati High Court at Shillong on the basis of news item reports to the effect that on 06.07.2012, 30 coal labourers were trapped inside a coal mine at Nongalbibra in the District of South Garo Hill and 15 of them died inside the coal mine. According to the news item, the incident happened on account of lack of safety norms. Vide order dated 10.12.2012 in <i>PIL (Suo Moto) Number (SH) 3 of 2012</i>, the matter was directed to be transferred to this Tribunal.</p> <p>2. The Tribunal issued notice to the parties on 30.01.2013 and has been, thereafter, dealing with the matter since the last five years.</p> <p>3. It will be appropriate if reference is made to some of the orders passed.</p> <p>4. On 17.04.2014, the Tribunal looked into the validity of the rat-hole mining operation in the light of the scientific studies and by way of interim direction, directed as follows:</p>

	<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p><i>"Accordingly, while admitting the application, we direct the Chief Secretary, Government of Meghalaya and the Director General of Police, State of Meghalaya to ensure that rat-hole mining/illegal mining is stopped forthwith throughout the state of Meghalaya and any illegal transport of coal shall not take place until further orders passed by this Tribunal. The Director General of Police, State of Meghalaya is also directed to report to this Tribunal about the compliance of the order by the next date of hearing."</i></p> <p>5. After the above order was passed, the question was as to what should happen to the already extracted material. The Tribunal, vide order dated 09.06.2014, permitted transportation of already extracted material lying in open near the sites, subject to the supervision and directions of the Committee comprising of Director of Mines, Meghalaya and other officers as per the said order. The Committee was required to quantify the extracted coal and its location and also to assess its value. The Committee was also to prescribe the mode of transportation. The Committee was to fix two check-points en route transportation of the extracted coal from the point of loading to the point of destination. The issue of restoration of damage to the area affected by illegal mining was taken up for consideration on 01.08.2014 and the earlier constituted Committee was substituted to ascertain quantum of extracted coal and to carry out other functions.</p> <p>6. On 07.10.2014, the Tribunal considered the reports of the Committee and directed that check-posts be established apart from setting up of royalty collection counters. It was noted that 6.3 million tonnes of coal of the value of Rs. 3078 crores was lying in the State and the royalty assessed was Rs. 400 crores. The Tribunal</p>
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	<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>also directed making of a mining plan for scientific mining. Direction was also issued on 26.11.2014 to videograph the operations of the weigh bridges. Since there were disputes about the quantum of coal which could be permitted to be transported, the said issue was directed to be gone into with the assistance of the Committee on several occasions.</p> <p>7. On 25.03.2015, it was noted that the State has failed to check illegal mining and the violations. There were no proper guidelines to check such illegal mining. Joint reports of the inspection supported the factum of illegal mining. It was also noted that as per Report of Comptroller and Auditor General of India for the period ending 31st March, 2013 under 07.5.18 of Chapter 7, the invoice value of the coal was taken at Rs. 4850/- per metric tonne. 'Meghalaya Environment Protection and Restoration Fund' (MEPRF) was directed to be constituted to credit an amount of royalty in excess of Rs. 1260 per metric tonne to which the amount of penalty recovered from illegal miner at three time the current royalty rate that is @ Rs. 2025/- was to be credited. This was applicable to 308 cases, registered by the State Government. We are informed that a sum of about Rs. 410 crores up to 31.05.2018 has been credited to this account and deposited in a separate account. There was also a direction on 30.03.2015 that the State Government will collect 10% of the market value of coal per metric tonne in addition to the royalty and the said amount was also be credited to the Meghalaya Environment Protection and Restoration Fund.</p>
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	<p>Item Nos. 6 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>8. On 31.03.2016, the Tribunal directed that except for the coal already transported prior to 2016, the remaining coal shall vest in the State and disposed of in accordance with law and consistent with the norms of environment. The State was to place a plan as to how the coal vested in the State will be dealt with (Order dated 10.05.2016). On 02.01.2018, Restoration Plan filed before this Tribunal on 03.10.2017 by the Ministry of Environment, Forest and Climate Change was noted for consideration.</p> <p>9. On 18.01.2018, there was again issue on un-assessed coal lying at some places.</p> <p>10. At this stage, we may note that following issues are pending before the Hon'ble Supreme Court arising out of orders passed by this Tribunal:</p> <p>i) <i>Civil Appeal No(s). 5272/2016</i> titled as <i>Ka Hima Nongstoin Land Owners, Coal Traders and Producers Association Vs. All Dimas Students Union, Dima Hasao District Committee and Ors.</i> wherein following order was passed on 21.09.2016:</p> <p><i>"Having heard counsel for the parties, it is directed that the petitioners, as well as the respondents, who have mined the coal, are permitted to transport the coal on payment of royalty and other fees as fixed by the National Green Tribunal (for short, 'the Tribunal') and other relevant status. The extracted coal can be transported from 1st October, 2016 till 31st May, 2017. It is further directed that no other extraction shall take place in the meantime.</i></p> <p><i>The finding of the Tribunal that the coal is vested in the State on the ground that it is illegally extracted coal, shall be adverted to at the time of final hearing. The miners shall keep the accounts and if, ultimately, it is held that the coal belongs to the State, they will refund the amount with interest. The quantum of interest shall be determined at the time of final hearing. Needless to say, these observations have been made</i></p>
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	<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p><i>without prejudice to the contentions to be raised by the learned counsel for the parties. The tribunal can proceed with regard to the other aspects which are pending before it."</i></p> <p>The above order shows that question whether coal is vested in the State is to be gone into before the Hon'ble Supreme Court.</p> <p>Thereafter, on 28.03.2018, by the said order, time for transporting already extracted coal was extended up to 31.05.2018 but it was clear that no further extraction shall be allowed.</p> <p>ii) <i>Civil Appeal Diary No. 3067/2018</i> titled as <i>Lber Laloo Vs. All Dimasa Students Union, Dima Hasao District Committee and Ors.</i>, raising the question whether ban on mining can be continued. We are informed that in the said matter, the issue of mining plan has also been raised.</p> <p>11. We have heard learned counsels for the parties present before this Tribunal today.</p> <p>12. Mr. Raj Panjwani, Senior Advocate, appearing as Amicus Curiae has suggested that in view of the orders already passed from time to time, the issue of banning rat-hole mining can be taken as final as far as this Tribunal is concerned, subject to any orders which may be passed in pending proceedings before the Hon'ble Supreme Court. The issue of rehabilitation of the affected victims and the affected areas can be finalized by issuing an appropriate direction. Irrespective of ownership of the already mined coal, a direction can be issued for appointment of a receiver/custodian as no further transportation is permissible after 31.05.2018 in view of</p>
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	<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>orders of the Hon'ble Supreme Court. This can be subjected to further orders of the Hon'ble Supreme Court.</p> <p>We do not find any reason why this suggestion be not accepted.</p> <p>13. Accordingly, we direct that orders of ban of rat-hole mining will continue, subject to further orders of the Hon'ble Supreme Court. Ban of transportation of the already mined material will also continue subject to further orders of the Hon'ble Supreme Court. The State of Meghalaya will be the receiver/custodian of the available extracted coal as on date, subject to further orders of the Hon'ble Supreme Court. If any further coal not so far recorded in the inventory is available, a separate inventory may be made and if it is found that the extraction was illegal, royalty in terms of orders already passed may also be collected. This may be determined by the Secretary of Mining of the State of Meghalaya. While one view is that there is extracted coal and not accounted for, the other view put forward that it is result of illegal mining. This aspect may be gone into by the Secretary of Mining, State of Meghalaya in the first instance. The same be cross-checked by a joint team of representatives of Central Pollution Control Board and Indian School of Mines, Dhanbad.</p> <p>14. Only last question which remains is of restoration of the environment and rehabilitation of the victims for which funds are available. We are of the view that for this task, it will appropriate that we constitute an independent Committee. This Committee will be headed by Justice B.P. Katoki, Former Judge of the Guwahati</p>
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	<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>High Court with representatives from Central Pollution Control Board and Indian School of Mines, Dhanbad.</p> <p>15. The Committee will take the following steps:</p> <ul style="list-style-type: none"> • Take stock of all actions taken so far in this regard. • Prepare time bound action plan to deal with the issue and ensure its implementation. <p>16. The Committee may requisition services of such technical experts as may be necessary and may also carry out visits to sites whenever necessary. They will be entitled to all logistic support for performing these functions which shall be provided under the directions of the Chief Secretary, Meghalaya.</p> <p>17. The Committee may also set up website for receiving and giving information on subject.</p> <p>18. The Committee may also involve educational institutions for awareness and feedback about results.</p> <p>19. All authorities concerned in the State of Meghalaya shall cooperate and coordinate with the Committee. The Committee can seek such technical assistance as may be required from any relevant authority.</p> <p>20. The Chief Secretary, Meghalaya to provide all facilities to said Committee to perform its functions. The Committee may send its periodical reports to the Tribunal by e-mail at filing.ngt@gmail.com.</p> <p>21. The Committee may assume its charge within two weeks from today. The Committee may prepare Action Plan which shall have targets of ensuring compliance. It may meet at such intervals as considered appropriate but twice in every month and fix targets for compliance.</p> <p>22. The Committee will be free to take up all incidental</p>
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	<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>issues. The Committee will be free to seek any further directions from this Tribunal by e-mail.</p> <p>23. The Chief Secretary of State of Meghalaya may determine remuneration of the Chairman in consultation with him and the Chief Secretary of the State of Meghalaya will also provide all logistic support including security if needed for their proper functioning.</p> <p>25. The Committee will be entitled to take the help of the technical experts in execution of this order. The Committee may frame its action plan for implementation within one month from today and implementation may be completed within six months as far as possible. The timelines may be laid down. A copy of the action plan may be sent to this Tribunal by e-mail at filing.ngt@gmail.com. Thereafter, reports may be sent at least once in two months. The Committee may also assess the damage to the environment as well as to the individuals as already suggested in the Report.</p> <p>27. The State of Meghalaya will make available all the relevant records to the Committee for the purpose. The State will also determine the remuneration to be paid to the Chairman of the Committee in consultation with him within one month from today.</p> <p>28. The Committee will be at liberty to take technical assistance from any quarter which may be facilitated by the State of Meghalaya. The Committee may also supervise any issue arising out of receivership/custodianship of the already extracted coal, including any environmental issues which any arise out of storage of the extracted material and the steps required</p>
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<p>Item Nos. 06 to 10</p> <p>August 31, 2018</p> <p>R</p>	<p>to be taken for the purpose.</p> <p>The Report of the Committee may be furnished to this Tribunal by e-mail at filing.ngt@gmail.com.</p> <p>A copy of this order may be sent to all the concerned authorities by e-mail for compliance.</p> <p>All pending matters will stand disposed of in above terms.</p> <p>List for consideration of the Report on 06th March, 2019.</p> <p>.....,CP (Adarsh Kumar Goel)</p> <p>.....,JM (Dr.Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr.Nagin Nanda)</p> <p>31.08.2018</p>
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(Tey)

ANNEXURE R-18/8

Item Nos. 03 to 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.110(THC)/2012
WITH
Original Application No. 73/2014
WITH
Original Application No. 13/2014
WITH
Original Application No. 186/2014
WITH
Original Application No. 287/2017
WITH
Original Application No. 1054/2018

Threat to life arising out of coal mining in south Garo Hills district

State of Meghalaya & Ors. Versus Applicant(s)
Respondent(s)

WITH

All Dimasa Students Union Dima Hasao Dist. Committee Applicant(s)

State of Meghalaya & Ors. Versus Respondent(s)

WITH

Impulse NGO Network Applicant(s)

State of Meghalaya & Ors. Versus Respondent(s)

WITH

Thomas Nongtdu & Anr. Applicant(s)

State of Meghalaya & Ors. Versus Respondent(s)

WITH

R.K. Momin Applicant(s)

State of Meghalaya & Ors. Versus Respondent(s)

WITH

News item published in "Hindustan Times" dated 17.12.2018
"13 believed dead in Meghalaya illegal mine accident" by David
Laitphlang and Utpal Parashar, etc."

Date of hearing: 11.04.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Aagney Sail, Advocate for Amicus Curiae
For Respondent (s): Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee, Mr. Upendra Mishra, Ms. Sneha Kalifa and Ms. Rekha Bavshi, Advocates for State of Meghalaya
Mr. Shuvodeep Roy and Mr. Vinayak Gupta, Advocates for State of Assam
Mr. Tatenjam Momo Singh, Advocates for Meghalaya State Pollution Control Board
Mr. Saurabh Sharma, Advocate for State C. Committee
Mr. Shashank Saxena and Mr. Amritesh Raj, Advocates for MOC

ORDER

1. The matter has been put up in pursuance of order of this Tribunal dated 04.01.2019, to consider the report submitted by the Committee in pursuance of the said order.
2. The proceedings were initiated in this matter to take remedial action against unscientific 'Rat Hole' Mining of coal in the State of Meghalaya. The Tribunal directed stopping of such illegal mining and transportation of illegally mined material by an earlier order. However, the same continued. This led to further direction, including creation of 'Meghalaya Environment Protection and Restoration Fund' (MEPR Fund) to be recovered from law violators for restoration of environment. A sum of Rs. 410 Crores has been credited to the said fund. On the subject of restoration of the damage to the environment and rehabilitation of victims, the Tribunal directed constitution of a Committee headed by a former Judge of Gauhati High Court vide order dated 31.08.2018.

3. The Committee gave its report on 02.01.2019 which was considered on 04.01.2019. The report was furnished after undertaking spot inspections, reviewing and analyzing the ground situation and preparing an action plan. The report of the Committee noted that the problem was continuing since 1991 but no steps were taken to remedy the quality of water in the affected areas or to impound the vehicles and equipment used for illegal mining. Mining was being done with the help of cranes and other equipment. More than 2712 trucks were seized for illegal transportation. Illegal mining was continuing without adopting safety measures. A tragic incident dated 13.12.2018 was widely published wherein 15 workers were trapped and are reported to have died. The power plants and cement plants were encouraging coal mining activities. There was huge damage to the environment as a result of illegal activities. The Committee recommended various steps to prevent and remedy the situation.
4. The Tribunal accepted the report and directed that action be taken for illegal mining on "Polluter Pays" principle, apart from prosecution or other actions. The Tribunal also directed the State of Meghalaya to deposit a sum of Rs. 100 Crores as an interim measure for restoration of the environment, which could be recovered from the violators of law, including the colluding officers of the Government. The Tribunal also suggested for consideration of the Committee measures to deal with the vehicles involved in illegal activities, to identify victims and to take mitigation measures.
5. Further report dated 31.03.2019 received vide e-mail dated 06.04.2019 has been put up for consideration today. The report has chapters on introduction, 'gist of deliberations of proceedings' held by

the Committee, 'extent of implementation of action plan' and finally 'request for releasing of a sum of Rs. 96.59 Lakh from the MEPR Fund' for purchase of six vehicles, mounted with water tanks.

6. We approve the proposal of the Committee. The said amount may be released for the purpose mentioned by the Committee.
7. We have noted from the report that four persons died on 11.03.2019 in East Jaintia Hills District and the State was directed to take remedial action. The Committee also noted as follows:

"From the aforesaid admitted position, it is, therefore, evident that despite the order passed by the Hon'ble Supreme Court prohibiting transportation of coal, such transportation is going on which has not been stopped by the authorities for the reasons best known to them. As reported in various newspapers, illegal coal mining activities are also going on despite the ban by the Hon'ble NGT."

8. It was also noted that no digital display boards have been installed in the Sub-Divisional, District and State headquarters/capital, displaying the quality of water in the respective areas for information of the general public.
9. We direct Chief Secretary of the State to forthwith take remedial measures in the matter. Learned Counsel for the State submits that the above issues will be duly dealt with and a compliance report filed before the Committee within two weeks which may be considered by the Committee on the next date which we are informed is 25.04.2019. The Committee may consider the matter and pass further orders/recommendations.
10. The Committee may consider requiring a foolproof mechanism to be adopted for effective action against transportation of illegally mined

coal such as electronic manifest system for regulating movement of vehicles and issuance of challans. The Committee may also consider requiring audit of the sources of coal acquired by the power generation and cement plants in the State of Meghalaya.

11. The report dated 31.03.2019 is disposed of.

Put up for further consideration as and when necessary or in August, 2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM



April 11, 2019
Original Application No. 110(THC)/2012
And other connected matters
DV

(T.C.)



मस्यस्य स्यस्य

129

GOVERNMENT OF MEGHALAYA
DEPARTMENT OF FORESTS AND ENVIRONMENT

ANNEXURE-18/9

OFFICE OF

THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : MEGHALAYA
& HEAD OF FOREST FORCE

No. MFG.39/87/NGT (C)/ Vol.-VII/ 8 ~~448~~ - 468

Dated Shillong, the 8th July, 2019

From: Shri H. C. Chaudhary, IFS
Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya, Shillong

- To:**
1. **The Managing Director**
Adhunik Cements Limited
Thangskai, East Jaintia Hills District, Meghalaya
(Email: Pradhan.Bhabagrahi@dalmiabharat.com)
 2. **The Managing Director**
Amrit Cements Limited
Umlaoer Village, Elaka Rymbai, East Jaintia Hills District, Meghalaya
(Email: sriagarwal@yahoo.co.in)
 3. **The Managing Director**
Cosmos Cement Limited
Village Salang, Elaka Rymbai, East Jaintia Hills District, Meghalaya
 4. **The Managing Director**
Goldstone Cements Limited
Village Musiang Lamare (Old) East Jaintia Hills District, Meghalaya
 5. **The Managing Director**
Green Valley Industries Limited
Village- Nongsning, P.O. Chiehruphi
East Jaintia Hills District, Meghalaya
 6. **The Managing Director**
Hills Cement Company Limited
Village Mynkree, East Jaintia Hills District, Meghalaya
 7. **The Managing Director**
Jaintia Cements Limited
Manbha Passah Building, Jowai, West Jaintia Hills District, Meghalaya
(Email: aproc@rediffmail.com)
 8. **The Managing Director**
JUD Cements Limited
Wahiajer (Narpuh), East Jaintia Hills District, Meghalaya
 9. **The Managing Director**
Mawmluh Cherra Cements Limited
Taxation Building, Near Raj Bhawan,
Shillong - 793001, Meghalaya

ann.
12/7/19

10. **The Managing Director**
Megatech Engineers Limited
East Jaintia Hills District, Meghalaya
11. **The Managing Director**
Meghalaya Cements Limited
Lumshnong, Shillong - Agartala - Sabrum Road, Thangskai,
East Jaintia Hills District, Meghalaya
12. **The Managing Director/ Chief Executive Officer**
RNB Cements (P) Limited
Umiam, Ri-Bhoi District, Meghalaya
13. **The Managing Director/ Chief Executive Officer**
Star Cement Limited
Lumshnong, East Jaintia Hills District, Meghalaya
(Email: lumshnong@starcement.co.in)
14. **The Managing Director/ Chief Executive Officer**
Star Cement Meghalaya Limited
Lumshnong, East Jaintia Hills District, Meghalaya
(Email: lumshnong@starcement.co.in)
15. **The Managing Director**
Virgo Cements Limited
Damas, East Garo Hills District, Meghalaya
16. **The Managing Director**
CMJ Breweries Limited
Ferndale Complex, CMJ House, Block III,
Keating Road, Shillong, Meghalaya 793001,
17. **The Managing Director**
Maithan Alloys Limited
Export Promotion Industrial Park (EPIP), Byrnihat,
Ri-Bhoi District, Meghalaya 783 101
18. **The Managing Director**
Sree Sakambari Ferro Alloys Pvt. Ltd.
Village Riwiang, Branch Post Office Sienduli,
West Khasi Hills District, Meghalaya 793 119
19. **The Managing Director/ Chief Executive Officer**
Shyam Century Ferrous Limited
Export Promotion Industrial Park (EPIP), Raj Bagan, Byrnihat,
Ri-Bhoi District, Meghalaya 793 101



20. The Managing Director
Meghalaya Power Limited
Lumshnong, East Jaintia Hills District, Meghalaya

Sub: Request to attend a Sitting of a Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court on 23rd July, 2019.

Sir/Madam,

With reference to above-mentioned subject, it is stated that the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi by order dated 31st August, 2018 in the O.A. No. 110 (THC) / 2012 in the matter of Threat to Life Arising Out of Coal Mining in South Garo Hills District Vs State of Meghalaya & Ors. and other connected matters, constituted a Committee headed by Hon'ble Justice B.P. Katakey, Former Judge, Guwahati High Court to take stock of all actions taken so far for restoration of environment and rehabilitation of victims of coal mining in this State and to prepare time bound action plan to deal with the above issue and ensure its implementation.

The said Committee in its fifteenth Sitting held at Shillong on 28.06.2019 noted that the Hon'ble NGT in order dated 04.01.2019 directed the Committee to undertake resource (coal) audit of Meghalaya Power Limited and Star Cement Limited to ascertain the legitimate procurement of coal and its source. In compliance, the Central Pollution Control Board (CPCB) prepared a report. The Committee, after examination of the report advised the CPCB to update the same by incorporating year-wise details of cement and/or power produced by these plants to ascertain and satisfy that the quantity of coal stated to be procured by these plants from legal resources since imposition of ban on coal mining in the State in April 2014 was sufficient to produce reported quantity of cement and/or power by each of these plants.

The Committee further noted that the Hon'ble NGT in their order dated 11.04.2019 directed the Committee to undertake audit of the sources of coal acquired by all the thermal power plants and cement factories in the State. The Committee in its twelfth Sitting held on 25.04.2019 directed the CPCB to undertake resource (coal) audit of each power plant and cement factory in the State in a format prepared by the Committee.

The representative of the CPCB in fourteenth Sitting of the Committee held on 03.06.2019 informed that due to non-receipt of requisite information from the cement and power plants in the State, it has not been possible for them to complete the resource (coal) audit of these plants.

The Committee noted that the year-wise details of coal reported to be purchased from legal sources is already available in the report submitted to the Committee by the CPCB.



Information on the clinker and power produced by some of these plants are also available in their annual reports, a copy of which is available in the public domain. From a perusal of these information *prima facie* it appears that the quantity of coal reported to be procured by some of these plants was grossly insufficient to produce reported quantity of cement and/or power by these plants. The gap has, in all probability, been met by illegally mined coal. The same, if found to be true, has not only resulted in gross violation of the orders of the Hon'ble NGT and the Hon'ble Supreme Court but has also resulted in enormous loss of revenue to the State.

To have a preliminary assessment of illegally sourced coal, if any, used by any of these plants/factories after ban on mining of coal was imposed by the Hon'ble NGT in April, 2014, the Committee in the said Sitting held on 28.06.2019 directed that the Managing Directors/Chief Executive Officers of all cement factories and thermal power plants in the State shall depute their duly authorised representative(s) to remain present before the Committee in its Sitting to be held on 23.07.2019 and produce before the Committee, along with supporting documentary evidence, the following information / documents:

- (i) Year-wise details of clinker and/or power produced since imposition of ban on coal mining in the State in April 2014;
- (ii) Year-wise details of coal and/or any other alternate fuel procured since imposition of ban on coal mining in the State in April 2014;
- (iii) Year-wise details of the quantity of cement/clinker on which transport subsidy, if any, has been claimed by the plant since imposition of ban on coal mining in the State in April 2014;
- (iv) A copy of annual report for each of the years since imposition of ban on coal mining in the State ;
- (v) Average estimated quantity of coal and/or any other alternate fuel(s) required to produce one tonne of clinker and / or one unit (kwh) of power; and
- (vi) A copy of Detailed Project Reports (DPRs) submitted to the Bank(s) / Financial Institution(s) to obtain loan for establishment /expansion/modernisation of the plant.

Accordingly, you are requested to depute a duly authorised representative(s) to remain present before the Committee in its Sitting to be held on 23.07.2019 at 10.00 AM onwards in the Conference Hall at Office of the Principal Chief Conservator of Forests and Head of Forest Force (HoFF), Sylvan House, Lower Lachumiere, Shillong 793 001 and produce before the Committee, along with supporting documentary evidence, the afore-mentioned information/documents.



This is for your information and necessary action.

Yours faithfully,



(H C Chaudhary, IFS)

Addl. Principal Chief Conservator of Forests (Planning,
Development and Legal Matters)
(E-mail: harishcc@yahoo.com)

Memo No. MFG.39/87/NGT (C)/ Vol.-VII/

Dated Shillong, the July, 2019

Copy to:

1. The Principal Secretary to the Government of Meghalaya, Forests and Environment Department, Shillong for information.



Addl. Principal Chief Conservator of Forests
(Planning, Development and Legal Matters)



(T.C.)



MEGHALAYA CEMENTS LIMITED

CIN-U26942ML2003PLC007125

ANNEXURE 18/10



Date: 22.07.2019

To,
Shri H.C. Choudhary, IFS,
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters),
Government of Meghalaya,
Shillong.

Subject: Your letter dated 08.07.2019.

Dear Sir,

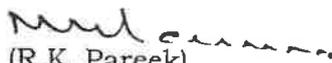
We are in receipt of the above letter and would like to inform you that :-

- In the recent judgment issued by the Hon'ble Supreme Court, it is clearly stated that violation, *if any*, of the Mines and Minerals (Development and Regulation) Act 1957 should be dealt with in accordance with Section 21 of Mines and Minerals (Development and Regulation) Act 1957 by the State Government in accordance with law.
- The Hon'ble Supreme Court had also brought in various scope for the Committee as referred in your letter and hence, there is a need to re-look into the matter being carried out by way of the letter issued.

We, therefore, request you to kindly set this matter aside as the same is also done by other Government department/agencies.

Thanking you,

Yours Faithfully,
For Meghalaya Cements Limited,


(R.K. Pareek)
President



Sales & Marketing Office :
Mega Plaza, 4th Floor, Christian Basti
G.S. Road, Guwahati - 781 005
Tel. : 0361 2345421/2223, Fax : 0361 2345419
E-mail : guwahati@topcem.in
Web : www.topcem.in

Kolkata :
BE-77, Salt Lake City
Sector-1, Kolkata - 700 064
Tel. : 033 2334 0666 / 0004
Fax : 033 2334 0505
E-mail : kolkata@topcem.in

Registered Office :
Village: Thangskai, P.O. & P.S. Lumshnong
District : East Jaintia Hills, Meghalaya, PIN: 793210
Tel. : 03655 278324 / 363 / 364
Fax : 03655 278327
E-mail : meghalaya@topcem.in



HELPLINE NO : 18001233666

(T.C.)



ANNEXURE-18/14

ans
12/8/19

GOVERNMENT OF MEGHALAYA
DEPARTMENT OF FORESTS AND ENVIRONMENT

OFFICE OF
THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : MEGHALAYA
& HEAD OF FOREST FORCE

No. MFG.39/87/NGT (C)/ Vol.-VIII/ 16/25 - 160

Dated Shillong, the 1st August, 2019

- From:** Shri H. C. Chaudhary, IFS
Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya, Shillong
- To:**
1. Prof. Ashok K. Singh
Indian School of Mines, IIT -ISM, Dhanbad
 2. Dr. Shantanu Kumar Dutta
Addl. Director, Central Pollution Control, Regional Directorate Shillong
Nongthynmai, Shillong Meghalaya 793014
 3. Professor O.P. Singh
Department of Environmental Studies,
North Eastern Hill University, Shillong 793002
 4. The Addl. Chief Secretary to the Government of Meghalaya
Home (Police) Department, Shillong
 5. The Director General of Police
Government of Meghalaya, Shillong
 6. The Principal Secretary to the Government of Meghalaya
Public Health Engineering Department, Shillong
 7. The Commissioner and Secretary to the Government of Meghalaya
Mining and Geology Department, Shillong
 8. The Secretary to the Government of Meghalaya
Health Department, Shillong
 9. The Chairman
Meghalaya State Pollution Control Board
Arden, Lumpyngad, Shillong Meghalaya 793014
 10. The Addl. Director General of Forests (Central)
North Eastern Regional Office
Ministry of Environment, Forest and Climate Change, Government of India
Law-U-Sib, Lumbatngen, Near M.T.C. Workshop, Shillong 793021
 11. The Addl. Director General of Police (L & O/TAP/SB/ Border)
Government of Meghalaya, Police Headquarters, Shillong
 12. The Principal chief Conservator of Forests (Climate Change, Research & Training,
Forests and Environment Department,
Government of Meghalaya, Shillong

13. **The Chief Executive Officer**
The Meghalaya State Compensatory Afforestation Fund Management and Planning Authority (CAMPA)
Sylvan House, Shillong
14. **The Director**
North Eastern Space Applications Centre (NESAC)
Department of Space, Government of India
Umiam, District- Ri-Bhoi, Meghalaya
15. **The Regional Director**
Central Pollution Control, Regional Directorate Shillong
Nongthymmai, Shillong, Meghalaya 793014
16. **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department, Shillong
17. **Smti P. L. Lawai, MCS**
Joint Secretary to the Government of Meghalaya,
Mining & Geology Department
18. **Shri. N. Bhattacharjee,**
Chairman
State level Expert Appraisal Committee (SEAC), Meghalaya
19. **The Director**
Directorate of Mineral Resources, Government of Meghalaya
Risa Colony, Malki, Shillong, Meghalaya 793014
20. **The Director**
Directorate of Health Services (MI), Government of Meghalaya, Shillong
21. **The Director**
Directorate of Employment and Craftsman Training, Government of Meghalaya
22. **The Chief Engineer**
Public Health Engineering Department, Government of Meghalaya
23. **Dr. Aman Warr**
Joint Director
Directorate of Health Services (MI), Government of Meghalaya, Shillong
24. **Mr. J.H. Nengnong**
Member Secretary
Meghalaya State Pollution Control Board, Shillong
25. **Shri P.Ch. Marak,**
Mining Engineer,



Directorate of Mineral Resources,
Government of Meghalaya, Shillong

26. **Shri M. Somorjit Singh, Scientist**
North Eastern Space Application Centre
Umiam, District- Ri-Bhoi, Meghalaya.
27. **Dr. H. Tynsong, Scientist D**
North Eastern Regional Office
Ministry of Environment, Forest and Climate Change, Government of India
Law-U-Sib, Lumbatngem, Near M.T.C. Workshop, Shillong 793021
28. **Mr. A. Saxena**
Chief Executive Officer
Growdiesel Ventures Ltd, Delhi
29. **Shri M. Koireng**
Growdiesel Ventures Ltd., Delhi
30. **Mr. G. S. Sah,**
Assistant General Manager
Meghalaya Mineral Development Corporation Ltd, Shillong
31. **Mr. M. Passah**
Sub-Divisional Officer, Public Health Engineering Department,
Rural Water Supply Division, Khlichriat
32. **Mr. O.P. Lamare**
North Eastern Hill University, Shillong, Meghalaya

Sub: Record of Minutes of Proceedings of the First Day of Sixteenth Sitting of the Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court held at Shillong on 22nd July, 2019.

Sir/Madam,

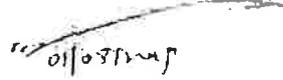
With reference to above-mentioned subject it is stated that a copy of the record of minutes of proceedings of the First Day of Sixteenth Sitting of the Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court held on 22nd July, 2019 at 09.00 AM onward in Conference Hall at office of the Principal Chief Conservator of Forests & Head of Forest Force, Sylvan House, Lower Lachumiere, Shillong is enclosed herewith for your information and necessary actions as indicated therein.



This is for favour of your kind information and necessary action.

Yours faithfully,

Encl.: As stated above.



(H C Chaudhary, IFS)

Addl. Principal Chief Conservator of Forests (Planning,
Development and Legal Matters)
(e-mail id- harishcc@yahoo.com)

Memo No. MFG.39/87/NGT (C)/ Vol.-VIII/

Dated Shillong, the August, 2019

Copy to:

1. The Principal Secretary to the Government of Meghalaya, Forests and Environment Department, Shillong along with a copy of the said minutes of proceeding for favour of his information.


Addl. Principal Chief Conservator of Forests
(Planning, Development and Legal Matters)



QUORUM

HON'BLE MR. JUSTICE BROJENDRA PRASAD KATAKEY,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI

PROF. ASHOK K. SINGH, MEMBER
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES, DHANBAD
IIT (ISM), DHANBAD (826004)
(Email id. singhashok0707@gmail.com)

DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
(Email id: shantanucpcb@gmail.com)

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

The State of Meghalaya & Ors.
And other connected matters

PRESENT

Prof. U. P. Singh
Department of Environmental Studies,
South Eastern Hill University
Email id. upsinghashu@gmail.com

Mr. C. P. Marak, IFS
Principal Secretary, Government of Meghalaya
& Principal Chief Conservator of Forests & Haff &
Chairman, Meghalaya State Pollution Control Board
Government of Meghalaya
Email id: cpmarak@gmail.com, pccfmegh@gmail.com,
megspcb@rediffmail.com

Mr. T. Dkhar, IAS
Commissioner & Secretary to the Government of
Meghalaya, Mining & Geology Department,
Email id: tdkhar2011@gmail.com

Mr. H. Nongpluh, IPS
Director General of Police (L & O/TA/ SB/ Border),
Home (Police) Department, Government of Meghalaya
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Forest & Environment Dept. Government of Meghalaya
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Mr. H.C. Chaudhary, IFS
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters), Government
of Meghalaya.
Email id: hcrshcc@yahoo.com

Mr. M. B. K. Reddy, IFS
Chief Executive Officer, Meghalaya State CAMPA
Forest & Environment Department
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Mr. K. A. Khleya
Commissioner Custom (P)
Office of the Commissioner of Customs
Email id: cusshge@gmail.com

Mr. I. R. Kharkongor
Deputy Commissioner
Office of the Commissioner of Customs
Email id: cusshge@gmail.com

Dr. Manjunatha C. IFS
Secretary to the Government of Meghalaya Mining &
Geology Department
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Mr. J. W. Ingty, IAS
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Government of Meghalaya, Transport Department
Email id: ingty.israel@gmail.com

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Chairman
State Level Export Appraisal Committee, Meghalaya
Email id: naavstar@gmail.com

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North Eastern Space Applications Centre (NESAC)
Meghalaya
Email id: director@nesac.gov.in

Mr. M. Somorjit Singh
North Eastern Space Applications Centre (NESAC)
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Directorate of Employment and Craftsmen Training
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Mr. J. H. Nengnong, Member Secretary
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Mr. M. Koireng,
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Mr. K. D. Talukdar
 Chief Engineer, Public Health Engineering Department,
 Government of Meghalaya
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Dr. H. Tynsong, Scientist 'D',
 Ministry of Environment & Forests & CC,
 North Eastern Regional Office, Shillong
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 Directorate of School Education and Literacy (DSEL)
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 Email id: achmarak@gmail.com

Mr. G. S. Sah
 Assistant General Manager
 Meghalaya Mineral Development Corporation Ltd.
 Email id: mmdcltd.shg@gmail.com

Mr. M. Passah
 Sub - Divisional Officer
 Public Health Engineering, Sub - division, Khliehriat
 Email id: sdophkhliehriat@icloud.com

Mr. O. P. Lamare
 North - Eastern Hill University
 Meghalaya
 Email id: masellsun@gmail.com

PROCEEDING NO. 16-A

RECORD OF THE MINUTES OF FIRST DAY OF SIXTEENTH SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. P. KATAKEY, FORMER JUDGE, GAUHATI HIGH COURT HELD ON 22nd July, 2019 AT 9.00 A.M ONWARD IN THE CONFERENCE HALL, D/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG, MEGHALAYA.

At the outset, Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department & Principal Chief Conservator of Forests & Head of Forest Force, Meghalaya, welcomed the Hon'ble Chairperson, Members of the Committee, Special Invites, Senior Officials of the State Government and other officers present.

AGENDA ITEMS FOR DISCUSSION

1. Review of action taken to comply with directions issued by the Committee in its First Special Sitting held on 12.07.2019.
2. Review of actions taken to comply with directions issued by the Committee in its Fourteenth and Fifteenth Sitings held on 03.06.2019 and 28.06.2019 respectively.
3. Review of the existing mechanism for exercise of powers conferred on the State under Sub-section (S) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 to recover illegally raised minerals or cost (along with royalty, taxes etc.) thereof.
4. Review of status of implementation of Rules, if any, framed in exercise of powers conferred on the State Government under Section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957 for preventing illegal mining, transportation and storage of minerals.
5. Presentation by a representative of M/s. Growthlase Ventures Limited on a pilot project formulated by them for reclamation of one running kilometre acid mine drainage affected

stretch of Umkrum stream in Suchen village, East Jaintia Hills District by using Atmoscane Catalytic Boulders and Algae

6. Final presentation by North Eastern Space Application Centre (NESAC), Umiam on a study assigned to them on mapping and analysis of coal mining affected areas in East and West Jaintia Hills Districts.
7. Consideration of a report dated 15.07.2019 from the Superintendent of Police, East Jaintia Hills District on a News report titled "Youth falls down limestone shaft, rescue on" appeared in a Local Daily Highland dated 1st July, 2019
8. Interaction with Chairman and other members of Meghalaya State Coordination Committee of Coal Owners, Miners, Exporters, Transporters and Dealers Forum.
9. Any other matter (s) to be raised with permission of the Chair.

AGENDA ITEM NO. 1

1. Mr. T. Dikhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Committee in its first special sitting held at Shillong on 12.07.2019 to have preliminary discussions on directions issued by the Hon'ble Supreme Court in judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya versus All Dimas Student Union, Dimas-Hasao District Committee & Ors and other connected matters directed him to provide certain information and documents to the Committee within ten days. These information and documents are required by the Committee to formulate a mechanism for transportation and weighing of assessed coal in Meghalaya, as has been directed by the Hon'ble Supreme Court in the said judgment.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the information and documents sought by the Committee are being compiled and will be provided to the Committee during the next day of this sitting to be held on 23.07.2019.

The Committee accepts the afore-mentioned request and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide the afore-mentioned information and documents to the Committee on 23.07.2019 without fail.

2. Mr. I. W. Ingty, IAS, Commissioner Transport, Government of Meghalaya makes a similar request to allow him to submit the information relating to weighbridges sought from Transport Department on 23.07.2019. The Committee accepts the afore-mentioned request and directs the Commissioner Transport to provide the afore-mentioned information to the Committee on 23.07.2019 without fail.
3. The Committee in its first special Sitting held on 12.07.2019 noted that the Hon'ble Supreme Court in para 129 of the Judgment dated 03.07.2019 in the Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya versus All Dimas Student Union, Dima Hasao District Committee and Ors. and other connected matters directed the State of Meghalaya to transfer an amount of Rs. 100 Crores from the Meghalaya Environment Protection and Restoration Fund (MEPRF) to the Central Pollution Control Board (CPCB). The Committee in the said Special Sitting directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to transfer an amount of Rs. 100 Crores to the CPCB within one week and submit a report to the Committee in this Sitting being held today on 22.07.2019.

The Regional Director, North Eastern Directorate, CPCB, Shillong states that so far the said amount of Rs. 100 crore has not been received by the CPCB. The Committee therefore directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to transfer the said amount of Rs. 100 crore in favour of the Central Pollution Control Board (CPCB) within one week and submit a report to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

AGENDA ITEM NO. 2

1. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya place before the Committee a Report on a visit to West Virginia, USA for search of appropriate coal mining technology for the State of Meghalaya received by him from Mr. Songit Kumar Bagrodia, Director, Mahacoal Trexim Private Limited. The Committee takes the same on record.

As per the Report, in September 2008 a high level delegation consisting of Mr. Timothy Dalbot Shira, Deputy Chief Minister; Mr. Paul Lyngdoh, Minister of Urban Affairs; Mr. Donkumar Massar, Minister of Mining and Geology; Mr. Alexander Laloo Hek, Minister of Public Health; Mr. James Sangma, Parliamentary Secretary; Mr. Arindam Sum, IAS, the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department; and Mr. Peter Sinsan Dkhur, Managing Director of the Meghalaya Mineral

Development Corporation Limited visited the West Virginia in USA to experience in real life situation - the similarities of the landscape, geology and coal deposits between Meghalaya and West Virginia, to get acquainted with the application of the highwall mining technology in West Virginia, USA and to discuss the possibilities of transferring this technology to the State of Meghalaya.

The Delegation also visited the factory of Terex SHM located in Beckley WV at about 100 km south of Charleston WV, the capital of West Virginia. The Terex SHM, as per the said Report, is the world leader in manufacturing of highwall mining technology.

Mr. Songit Kumar Bagrodia in a letter dated 10.07.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya stated that a copy of the said report has already been submitted to the Government of Meghalaya in November, 2008.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that decision, if any, taken by the Government of Meghalaya on the said Report may be intimated to the Committee in its next Sitting to be held at Shillong on 14.08.2019. In case no decision on the said Report has been taken by the State Government so far, the same may be taken and intimated to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

5. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya informs the Committee that decision of the Hon'ble NGT on a Recommendation of the Committee that entire expenditure of Rs. 19,19,500/- (rupees nineteen lakh nineteen thousand five hundred) only to be incurred on a pilot project formulated by M/s. Trinity Impex International for treatment of acidic water in a stream at Rymbal having current pH of 3.5 and estimated flow of about 100-120 MLD by using micro-algae technology may be met from the Meghalaya Environment Protection and Restoration Fund (MEPRF) is still awaited. The Committee notes the same.
6. Mr. I.R. Kharkongor, Deputy Commissioner in office of the Commissioner of Customs, Shillong informed the Committee that as per the Directorate General of Foreign Trade (DGFT) Notification No. 08/20115-2020 dated 04-06-2015, export of coal to Bangladesh through Land Custom Stations in Meghalaya requires three sets of mandatory documents viz. (i) Bill of Lading/ Airway Bill/ Lorry Receipt/ Railway Receipt / Postal Receipt; (ii) Commercial Invoice with Packing List, and (iii) Shipping Bill/ Bill of Export. As per the

Central Board of Indirect Taxes and Customs (CBIC) Circular No. 01/2015-Cus dated 12.01.2015, separate Commercial Invoice & Packing List can also be accepted.

Mr. I.R. Kharkongor further states that in terms of a decision taken during the Joint Group of Customs Meeting between India and Bangladesh, a Car Pass is also required to be issued to trucks carrying export consignment to Bangladesh. For the purpose of ensuring that correct transaction value is stated, a copy of the Letter of Credit (LoC) issued by the Bank is also obtained from the exporter. In case of any doubt on nature or valuation of the goods as per the Customs Valuation (Determination of Value of Export Goods) Rules, 2007, a Proper Officer may call for additional documents from an exporter.

Mr. I.R. Kharkongor further stated that in terms of para 1.23 of the Foreign Trade Policy, 2015-2020, consignments of items meant for export are not to be withheld/delayed for any reason by any agency of Central/ State Government. However in case of specific intelligence, action can be taken under Section 113 (d) of the Customs Act which is applicable to any goods attempted to be exported or brought within the limit of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under the Customs Act or any other law for the time being in force.

Mr. I.R. Kharkongor also states that the coal meant for export through Land Custom Stations in Meghalaya arrives at Customs Area for clearances after crossing Directorate of Mineral Resources (DMR) check-gates and on passing through designated weighbridges. There is no provision under the Customs Act, 1962 or the Foreign Trade (Development & Regulation) Act, 1992 for Customs to ascertain the legal origin of goods intended for export. The documentation presented by the exporter i.e. Shipping Bill/ Bill of Export requires the exporter to declare that all particulars given therein are true and correct. The Shipping Bill/ Bill of Export has a field for declaring the State of Origin of the goods.

Mr. I.R. Kharkongor placed before the Committee a statement containing month-wise details of coal exported to Bangladesh after April 2014 through seven Land Custom Stations in Meghalaya viz. Bagamara (South Garo Hills District), Bholaganj (East Khasi Hills District), Borsora (South West Khasi Hills District), Dairi (West Garo Hills District), Dawki (West Jaintia Hills District), Ghasuapara (South Garo Hills District) and Mahendraganj (West Garo Hills District). The same is taken on record.

The Committee after preliminary examination of the said statement observes that as per the said statement total 13,23,073 metric tonnes of coal in 5,39,134 truck load was

exported to the Bangladesh since the ban on rat hole coal mining was imposed by the Hon'ble NGT in April 2014. The Committee also observes that during the months of April 2014 and April 2018 average quantity of coal transported by a truckload through Ghasuapara Land Custom Station is less than one (1) metric tonne. The quantity of coal exported by each truck load from the Ghasuapara Land Custom Station during these months is substantially lower than the average quantity of about 9.00 MT coal exported by each truck during all other months.

It was also stated by Mr. L.R. Kharkangur that about 80 percent of coal exported to Bangladesh during the said period from these seven Land Custom Stations has originated from the Meghalaya. The remaining 20 percent coal has originated from Bhutan.

The Committee after detailed examination of the matter directs the Commissioner of Custom, Shillong to provide following information to the Committee within ten (10) days:

- (i) Month-wise details of name & full address of the exporter and Source of Origin for each consignment of the coal which was allowed to be exported to the Bangladesh from each of the seven Land Custom Stations in Meghalaya since ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April 2014.
- (ii) Actual quantity and truckload of coal allowed to be exported to the Bangladesh through Ghasuapara Land Custom Station during the months of April 2014 and 2018.
- (iii) In case quantity and truck loads given in the said statement for the Ghasuapara Land Custom Station for the months of April 2014 and April 2018 are correct, the reasons for it being much lower than the average quantity of coal exported by a truck load during all other months.
- (iv) Details of the Land Custom Stations on the India-Bhutan Border through which the coal originating in Bhutan is allowed to enter and transit through India while its export to Bangladesh.
- (v) Month-wise details of name & full address of the exporter for each consignment of coal which was allowed to enter and transit through India while its export to Bangladesh through each Land Custom Station on India-Bhutan Border since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April 2014.

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The Committee also directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to the Committee month-wise details of name & full address of the exporter for each consignment of the coal originating from the Meghalaya allowed to be exported to the Bangladesh from each of the afore-mentioned seven Land Custom Stations in the State since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NCT in April 2014.

7. Dr. Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department stated that a decision to sanction and release an amount of Rs. 15,50,000/- in favour of the Deputy Commissioner, South Garo Hills district for payment of *ex-gratia* @ Rs. 1,00,000 to the next of kin of each of 14 (fourteen) coal mine workers who died while working in an illegal coal mine in South Garo Hills district in 2012 and @ Rs. 50,000 to 5 (five) coal mine workers who were injured in the said accident is likely to be taken by the State Government shortly. He further stated that in response to a notice inviting applications for payment of *ex-gratia* published in local Dailies in compliance of a direction issued by this Committee, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department received applications from next of kin of 10 (ten) persons who had allegedly died in coal mining related accidents. Veracity of the claims made in these applications is still being examined by the respective Deputy Commissioners.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite decision on payment of *ex-gratia* to next of kin of the afore-mentioned persons who died in accidents relating to illegal coal mining and to the persons who suffered injuries in such accidents. A report on the same may be submitted to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

8. Dr. Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that on 20.06.2019 an amount of Rs. 96.97 lakh has been released in favour the Deputy Commissioner, East Jaintia Hills District from the Meghalaya Environment Protection and Restoration Fund (MEPRF) for purchase of six vehicles, mounted with water tankers, as has been approved by the Hon'ble National Green Tribunal by its order dated 11.04.2019.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to obtain from the Deputy Commissioner, East Jaintia Hills District a Utilisation Certificate (UC) for the said amount along with a

report on use of these vehicles and place the same before the Committee in its next Sitting to be held at Shillong on 14.08.2019

9. Dr. Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that on 09.07.2019 a meeting was held under chairmanship of the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to review the progress made in developing a coal mining surveillance system as directed by this Committee in its Twelfth Sitting held at on 25.04.2019. During the said meeting, the Director of Mineral Resources reported that out of the 12 (twelve) check gates of the Mining & Geology Department, CCTV cameras of only 5 check gates are functional. In 3 (three) check gates, CCTV cameras have been installed but the same are presently not functional and in 4 others, CCTV cameras have not been installed due to lack of infrastructure in these check gates. He further stated that during the said meeting the following decisions were taken:

- (i) The Transport Department and Director of Mineral Resources to share the list of CCTV cameras installed at the respective weighbridges/ check gates of their Department with the Director General of Police
- (ii) The Director of Mineral Resources to ensure immediate repair of all non-functional CCTV cameras and to take steps to acquire the infrastructure necessary for installation of CCTV cameras in the remaining check gates.
- (iii) The Director of Mineral Resources to take necessary action to reposition the cameras so as to capture the registration number of trucks at the back, the front side of the trucks (3 cameras in all) and to position one camera for recording the top of the trucks so as to help the identification of the nature of consignment.
- (iv) To upgrade the storage capacity of the CCTV cameras to 6 TB. Each check gate will have 4 numbers 6 TB hard drive for recording and storing of CCTV footage for one year & the Directorate of Mineral Resources (DMR) will take necessary action to purchase 6 TB hard drive for all check gates.
- (v) To examine the possibility of replacement of the hard disc to ensure retention of data for at least one year.
- (vi) The Mining and Geology Department will liaise with the Public Works Department (Roads) for construction of additional lanes/lay bays to facilitate checking of trucks passing through the designated check gates/ weighbridges of DMR/

transport department. Identifying and such additional lanes may be prioritised based on the volume of traffic handled by a particular weighbridge.

- (vii) The DGP shall ensure that trucks pass through the check gates for video recording of the registration number and consignment.
- (viii) For the present, the data of registration number of trucks recorded by Transport Department will be utilised by DMR for monitoring purposes in those check gates where the CCTV cameras are non-functional/not installed.
- (ix) The Mining and Geology Department will explore the possibility of installing sophisticated scanners as a long term measures.

The Committee notes that in compliance of all directions issued by the Hon'ble NGT by Order dated 11.04.2019, the Committee in its 106th Sitting held on 25.04.2019 issued several directions to ensure detection and prevention of illegal mining and transportation of the coal in Meghalaya. Majority of these directions recorded in para (5) of the Record of Minutes of the said Sitting have not been implemented so far. The Committee therefore, directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to submit a report on status of implementation of each of these directions to next Sitting of the Committee to be held at Shillong on 14.08.2019.

- 10 Dr. Manjunatha C. IES, Secretary to the Government of Meghalaya, Mining and Geology Department states that latest data received from the MSPCB on quality of water in 10 worst polluted streams in the State are being displayed in two Digital Display Boards installed at Shillong. The tenders for installation of similar Boards at the Headquarters of all the coal mining affected districts and sub-divisions in the State have been finalised and the orders for supply and installation of these Boards in favour of the successful bidder is being issued shortly.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to complete installation and display thereon the quality of ten worst polluted rivers and streams, of these Boards at headquarters of all coal mining affected districts and sub-divisions in State, at the earliest and to submit a report to the Committee within one month.

- 11 The Director of Mineral Resources, Government of Meghalaya states that drilling of all the requisite number of bore holes for preparation of a Geological Report and Feasibility Report for 1 sq. km. area in Khilshinat-Sutpara area in East Jaintia Hills District has been

completed. The samples collected during the drilling have been sent to the Central Mine Planning and Design Institute Limited (CMPDI), Dhanbad for analysis.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite the preparation of Geological Report, Feasibility Report and Environment Report for the said areas. A report on current status of preparation of these Reports along with a definite timeframe for completion thereof, shall be intimated to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

12. Prof. O.P. Singh of Department of Environmental Studies, North Eastern Hill University (NEHU) made a presentation on the work for neutralization of Acid Mine Drain (AMD) contaminated water of some selected streams in coal mining areas in East Jaintia Hill district by construction of open limestone channels using locally available limestone and intermittent wetlands using local aquatic plants.

During the presentation the Committee notes that due to formation of a protective layer on outer surface of the limestone, efficiency of the limestone bed to enhance quality of water gradually reduces. Due to the above process called armoring, limestone bed is required to be periodically regenerated either by addition of fresh limestone or by breaking of the existing lumps of limestone available in such bed to create new surface. During the presentation Committee also notes that limestone available in some of the areas in East Jaintia Hill district contains high sulphur content. Such limestone, if used in treatment of AMD affected water, results in release of sulphuric acid, resulting in reduction in overall efficiency of the bed. The Committee also notes that the project involves introduction of Vetiver grass, which naturally does not grow in the State. Though the Vetiver grass has been used to stabilize the steep slopes along the highways etc. in the North Eastern Region, impact of the said grass on the local ecology is still unknown. The same needs to be assessed through a scientific study. The Committee, therefore, advises Prof. O. P. Singh to assess feasibility to use any other native species of grass in place of the vetiver grass in such projects.

The Committee also advises Prof. O.P. Singh to prepare a detailed protocol and year-wise cost estimates for use of the above technology for treatment of AMD contaminated stream. The protocol and the cost estimates may specifically provide for use of limestone with low sulphur content and expenditure to be incurred on periodic rejuvenation of limestone beds.

13. Dr. Manjunatha C. IPS, Secretary to the Government of Meghalaya, Forests and Environment Department states that decision on the proposals submitted by the Principal Chief Conservator of Forests & HoPE for payment of sitting fee to official members of the Committee and various experts invited to attend meetings of the Committee and to enhance the rates of monthly honorarium payable to the Chairman of this Committee are still under consideration of the Government.

The Committee directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department to expedite decision on the said proposals and submit a report to the Committee in its next sitting to be held at Shillong on 14.08.2019.

14. The Chairman, Meghalaya State Pollution Control Board (MSPCB) states that agreements between the MSPCB and the Council of Scientific and Industrial Research- Central Institute of Mining and Fuel Research (CSIR-CIMFOR), Dhanbad for two studies, namely: (i) Technology development for treatment of acid mine water for its reuse and safe disposal; and (ii) Scientific investigations for planning, design and supervision of controlled blasting to permanently annihilate all the abandoned and illegal rate holes mines in the State of Meghalaya were signed on 28.06.2019. The MSPCB has also released the amount of payment of Rs. 50,00,000/- (rupees fifty lakh) only and Rs. 14,75,000 (rupees fourteen lakh seventy five thousand) only payable to the CSIR-CIMFOR respectively for these studies by an account payee cheque dated 18.07.2019.

The Committee directs the Chairman, MSPCB to ensure that both these studies are executed as per the schedule. The Committee further directs the Chairman, MSPCB to submit monthly reports to the Committee on progress made in implementation of these studies.

15. The Chairman, MSPCB states that after scrutiny of the list of miners, dealers and transporters of coal received from the office of the Director of Mineral Resources it was observed that it contains only the communication addresses of these miners, dealers and transporters but does not contain the location of mines under operation by each of these miners. He further states that the MSPCB has consulted the matter with their Standing Counsel who has given his opinion to the effect that for the purpose of initiating action against the defaulting mine owner, the Board needs to carry out inspection of the mines and collect samples of the trade effluent discharged by that mine including the sample of the water of the receiving water body where such trade effluent is discharged, in order to ascertain that the discharged effluent does not meet the prescribed standard and thus pollutes the receiving water body. He further states that in pursuance to the above-

mentioned opinion of the Legal Counsel, the Board has written to the Directorate of Mineral Resources to also furnish the location of mines under operation by the particular listed miners so as to enable the Board to carry out inspection for initiating further necessary actions as per law. The Board has also sought information from the listed miners with respect to the location of mines operated by them in the State.

The Committee notes that establishment and operation of a coal mine in Meghalaya requires prior consent from the MSPCB under Section 25 of Water (Prevention and Control of Pollution) Act, 1974. It is an admitted position that all coal mines in the State have been established and operated without obtaining prior consent from the Board. The owners of all these mines are therefore liable to be punished under Section 44 of the Water (Prevention and Control of Pollution) Act, 1974 for contravention of section 24 of the said Act, without a need to establish before the concerned Court of law that establishment and operation of such mines have caused pollution of one or more water streams.

The Committee therefore directs the Chairman, MSPCB to re-examine the matter in the light of the above observation and initiate necessary penal actions in accordance with the all relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974 and all other environmental Acts, rules and regulation against the persons involved in illegal mining of coal in the State.

The Committee also notes that apart from the mines, coal depots are also a major source of acid mine drain (AMD). Establishment and operation of coal depots therefore need to be regulated under relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974.

The Committee directs the Chairman, MSPCB to place before the Committee in its next meeting to be held at Shillong on 14.08.2019, the details of the regulatory regime presently in force to govern establishment and operation of coal depots in the State along with a proposal to fill gaps, if any, in such regime to ensure prevention and control of generation of acid mine drain (AMD) from such depots.

Pending establishment of a fool proof regulatory regime for establishment and operation of coal depots in the State, the MSPCB in consultation with its Standing Counsel shall formulate a strategy to file fool proof complaints under relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974 against the persons involved in establishment and operation of coal depots in the State for causing pollution in the river.

and steams and place the same before this Committee in its next sitting to be held at Shillong on 14.08.2019.

- 16 The Committee after perusal of the documents placed before it by the Member-Secretary, MSPCB observes that actions are proposed to be taken by the MSPCB against a limited number of persons involved in illegal mining, storage and transportation of coal resulting in pollution of rivers, streams and other water bodies in the State. The Committee is of the view that the mining, storage and transportation of about 12 million tonnes of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT from time to time after ban on illegal rat hole coal mining in the State was imposed by the NGT in April, 2014 could not have been undertaken by these limited number of persons.

The Committee therefore, directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to furnish to the MSPCB and to this Committee a district-wise list of all persons involved in mining, storage and transportation of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT after the ban on illegal rat hole coal mining was imposed by the Hon'ble NGT in April 2014.

- 17 Mr. H Tymsong, Scientist D, North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India (GoI) states that as per the information available in the official website of the MoEFCC, GoI (www.mefcc.in) the Expert Appraisal Committee (EAC) on Environmental Impact Assessment (EIA) of Thermal Power project in a meeting held on 26.06.2019 has recommended following additional condition (with amendment in Environmental Clearance (EC) conditions related to sourcing of coal for the Thermal Power Plants (TPPs) in the State of Meghalaya:

(i) Local coal sourced from Meghalaya shall not be used for operation of power plant unless the coal mine in Meghalaya has a valid Mining Lease and Approved Mine Plan under Mines and Minerals (Development and Regulation) Act 1957 and its amendment and connected Regulations. In addition, the coal mine from the State of Meghalaya shall also have valid Environmental Clearance (lease with more than 5 ha under EIA Notification 1994, lease with more than or equal to 5 ha under EIA Notification, 2006 up to 15.01.2016, all coal mining leases irrespective of lease area from 15.01.2016 onwards).

(ii) The Project Proponent shall submit the source of coal mine, its location, along with boundary coordinates of lease, quantity of coal transported along with the mode of

transportation, copies of valid mining lease, approved mine plan and Environmental Clearance (EC) to the Ministry and its Regional Office, before sourcing the coal from Meghalaya State. Further, this information is to be updated and submitted along with six monthly EC Compliance Report to the Ministry and its Regional Office.

Mr. Tynsong further states that information from the State Environmental Impact Assessment Authority (SEIAA), Meghalaya in respect of stipulation of similar additional condition in Environmental Clearance the TPPs in the State granted by them is still awaited.

The Committee after examination of the matter observes that the afore-mentioned additional conditions in the EC to the TPPs located in Meghalaya have been recommended by the EAC with an understanding to discourage the illegal coal mining which was causing the loss of human lives. The Committee however, was of the view that condition to prohibit use of local coal in the EC granted to one of the TPP in Meghalaya viz. the Meghalaya Power Limited was stipulated keeping in view the high sulphur content in the local coal use of which by a TPP may cause severe air pollution.

The Committee therefore, reiterates its earlier direction and further directs the Addl. Director General in-charge North Eastern Regional Office of the MoEFCC, GoI to request the MoEFCC, GoI and the SEIAA, Meghalaya to stipulate an appropriate additional condition in ECs granted to all the TPPs in the State to prohibit use of high sulphur local coal by such TPPs.

- 18 Shri H. Tynsong, Scientist, D, North Eastern Regional Office of the MoEFCC, GoI states that decision of the MoEFCC, GoI on the proceedings initiated against the Meghalaya Power Limited for use of locally sourced coal in violation of a condition stipulated in the EC to the said TPP is still awaited.

The Committee reiterates its earlier direction and directs the Addl. Director General in-charge North Eastern Regional Office of the MoEFCC, GoI to ensure that appropriate punitive measure against the said TPP for violation of a condition stipulated in the EC shall be initiated at the earliest and a report be submitted to the Committee within one month.

- 19 Dr. Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that the Comprehensive Disaster Management Plan, both "on-site" and "off-site" is still awaiting approval of the State Disaster Management Authority.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Revenue and Disaster management Department to obtain approval of the competent authority to the said Plan and place a copy of duly approved plan before this Committee in its next Sitting to be held at Shillong on 14.08.2019.

- 20 Dr. Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that so far 67 (sixty seven) cases under relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 have been registered by the Police against the persons involved in illegal mining, storage and transportation of coal in the State. All these cases have been registered.

The Committee noted that during its Fifteenth Sitting held on 03.06.2019, Mr. Manjunath C. stated that apart from the Police, the enquiries have also been initiated by some of the officers in the Mining and Geology Department and the District Administration who have been authorised under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 to file complaint against the persons involved in illegal raising and transportation of coal. Dr. Manjunatha C. during the said Sitting stated that such officers will make complaint in Competent Court of law once such the enquiries are completed. Dr. Manjunatha C. however clarifies during this Sitting that no such enquiry has been initiated by any of the Authorised Officers in the Mining and Geology Department and the District Administration.

The Committee notes the above with great concern and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to issue directions to all such officers to exercise powers conferred on them to enquire into and file complaint against the persons involved in illegal raising and transportation of coal in the State. A report on the same may be submitted to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

- 21 Shri H. Nongpluh, IPS, Addl. Director General of Police (L 80/ TAP/ SB/Borders), Government of Meghalaya states that the investigation in the Nangal Bibra P.S. case No. 10 (03) of 2013 is still pending due to non-receipt of non-receipt of the Post-Mortem Report.

The Committee directs the Secretary to the Government of Meghalaya, Health and Family Welfare Department and the District Medical and Health Officer (DMHO), East Garo Hills district, Williamnagar to provide requisite Post-mortem report to the concerned investigation Officer within five (5) days. A report on the same shall be submitted to the Committee in its next Sitting to be held at Shillong on 14.08.2019 by the

Secretary to the Government of Meghalaya, Health and Family Welfare Department and the Director General of Police.

27. The Addl. Principal Chief Conservator of Forests (Planting, Development and Legal Matters) Government of Meghalaya places before the Committee a letter dated 19.07.2019 of the Superintendent of Police, Ri-Bhoi District wherein it has been stated that investigation in an incident involving overturning of a coal laden truck at Jatab village in Ri-Bhoi district has been completed. Vide C.S. No.02/2019 dated 13.07.2019, Shri. Sharukh Sarin driver of the truck, Shri. Poo Sarin owner of the truck and coal and Shri. Lost Sarin, Manager of the truck were charge sheeted U/S 188/279/427/34 IPC read with Section 21 MMDR and Section 15 of the Environment Protection Act. It has also been stated in the said letter that after this incident a Police Check Post has been set up at Kyhyndewso to prevent such illegal transportation of coal. The Committee places a copy of the said letter on record.

It is also stated in the said letter that the probable routes through which the mined coal can be illegally transported using internal road are as follows:

1. ROUTE-1: Nartiang-Khyndewso-Tyrso-Mawhati-Jagroad.
2. ROUTE-2: Nartiang-Khyndewso-Mawlasna-Bhoirymbong-Umshtaw-Mawhati-Jagroad.
3. ROUTE-3: Nartiang-Khyndewso-Kyrdem-Bhoirymbong-Umshtaw-Mawhati-Jagroad.
4. ROUTE-4: Mairang-Dongklingding-Patharkmah-Rail.
5. ROUTE-5: Mairang-Dongklingding-Kyrdemkula-Umsning.
6. ROUTE-6: Mairang-Mawlyndep-Lad Umsaw.

The Superintendent of Police, Ri-Bhoi district in the said letter further states that in order to preclude illegal transportation of coal through Route-1, 2 and 3 a Police Check Post has been set up at Khyndewso, Ri-Bhoi District. Police Check Posts have also been set up at Patharkmah to tackle Route-4 and at Kyrdemkula to tackle Route-5 and at Lad Umsaw Check Post for Route-6. Necessary directions have been issued to all Officers in-Charge of Police jurisdiction to deter illegal transportation of coal in Ri-Bhoi District.

The Superintendent of Police, Ri-Bhoi district in the said letter suggested that to effectively avert illegal transportation of coal by manoeuvring through the aforesaid internal routes Police Check Posts may be set up at Dongklingding, West Khasi Hills District and Nartiang, West Jaintia Hills District.

The Committee directs the Director General of Police, Meghalaya to ensure setting up of Police Check Posts at the afore-mentioned locations suggested by the Superintendent of Police, Ri-Bhoi district and to submit a Report to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

23. Mr. M.B.K. Reddy, IFS, Chief Executive Officer, the Meghalaya State Compensatory Afforestation Fund Management and Planning Authority (CAMPA) states that a plan to obtain approval of the competent authorities for execution of various activities from the CAMPA funds has been formulated. The plan envisages afforestation activities in some of the areas affected by coal mining in the State.

The Committee directs Mr. M.B.K. Reddy to place a copy of the said Plan before the Committee in its next Sitting to be held at Shillong on 14.08.2019. Details of activities to be undertaken in areas affected by the Coal Mining shall separately be provided to the Committee in the said Sitting.

AGENDA ITEM NO. 3

24. The Committee notes that environment in the coal mining affected areas in Meghalaya can not be restored unless the illegal mining of coal in these areas is effectively controlled. Except for 67 cases which have recently been registered by the Police under relevant Sections of the Mines and Minerals (Development and Regulation) Act, 1957 against the persons involved in illegal raising and/or transportation of coal in the State, all other persons who raised huge quantity of coal, admittedly without any lawful authority, have been allowed to transport, sale and retain the entire sale proceeds of such illegally raised coal. Even after five years from the day the ban on coal hole mining of coal was imposed by the Hon'ble NGT, the coal miners in the State continue to declare stock of coal purported to be extracted prior to imposition of the ban by the Hon'ble NGT.

The Committee is of view that non-exercise of the powers conferred on the State by relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 to take punitive and coercive actions against the persons involved in illegal raising, storage and transportation of coal is the main reason for continuation of illegal mining of coal even after imposition of a blanket ban by the Hon'ble NGT.

Sub section (5) of section 21 in the Mines and Minerals (Development and Regulation) Act, 1957 provides that whenever any person mines without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so mined, or, where such mineral has already been disposed of, the

price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority

The Committee is of the view that above power, if effectively exercised by the State, can play a big rôle to prevent illegal coal mining in the State. In any case, every power conferred on any person under any statute always cast a duty on such person to exercise such powers to achieve the intent and purpose under which such power has been conferred on such person. State is thus duty bound to exercise all the Powers conferred on it under relevant sections, including sub-section (1) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

Dr. Manjunath C. IES, Secretary to the Government of Meghalaya, Mining and Geology Department however states that powers conferred on the State under sub-section (5) of section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 have not been exercised by the State even in a single case.

The Committee takes note of the above with great concern and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to put in place an appropriate institutional and administrative mechanism for exercise of the above power conferred on the State. If required, guidelines stipulating therein the procedure for exercise of the said power shall be formulated and distributed to all concerned for necessary action. Progress made in the above shall be placed before the Committee in its next sitting to be held at Shillong on 14.08.2019

The Committee further directs that now onwards in the cases where any person declares any stock of coal purported to be extracted prior to imposition of the ban by the Hon'ble NGT, apart from other punitive actions, immediate actions under sub-section (5) to section 21 of the Mines and Mineral (Development and Regulation) Act, 1957 to recover such coal shall be initiated by the State of Meghalaya.

AGENDA ITEM NO. 4

25. The Committee notes that sub-section (1) of Section 23 C of the Mines and Mineral (Development and Regulation) Act, 1957 provides that the State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith

The Committee further notes that Sub-Section (2) of Section 23.C of the Mines and Minerals (Development and Regulation) Act, 1957 provides that in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) establishment of check-posts for checking of minerals under transit;
- (b) establishment of weigh-bridges to measure the quantity of mineral being transported;
- (c) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals is given;
- (d) inspection, checking and search of minerals at the place of excavation or storage or during transit;
- (e) maintenance of registers and forms for the purposes of these rules;
- (f) the period, within which and the authority, to which applications for revision of any order passed by any authority be preferred under any rule made under this section, and the fees to be paid therefor and powers of such authority for disposing of such applications; and
- (g) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals.

The Commissioner & Secretary to the Government of Meghalaya, Mining & Geology Department states that State Government has initiated measures to frame Rules under Section 23 C have been initiated. The Rules will be notified after obtaining requisite approvals.

Committee notes that existence of these Rules and an effective institutional mechanism to enforce these Rules is a pre-requisite for prevention of illegal coal mining in the State.

The Committee therefore directs the Commissioner & Secretary to the Government of Meghalaya, Mining & Geology Department to complete all necessary procedural requirements and notify these rules within one month. A copy of a Gazette Notification containing these rules shall be provided to the Committee within one month.

AGENDA ITEM NO. 5

26. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya states that in pursuance of a decision taken by the Committee in its fifteenth sitting held at Shillong on 28.06.2019, M/s Growdiesel Ventures Ltd. has submitted a pilot project proposal for treatment of one kilometre long acid mine affected stretch of a stream in Suchen Village, East Jaintia Hills District. The proposal envisages construction of ten (10) aquatic algal lagoons at an estimated cost of Rs. 5,40,42,400 (rupees five crore forty lakh forty two thousand four hundred) only. The Committee takes a copy of the said proposal on record.

The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya further states that in pursuance of a similar decision taken by the Committee in its fifteenth sitting held at Shillong on 28.06.2019, M/s. Trinity Impex International & Phycospectrum Environmental Research Centre have submitted a proposal to undertake a Pilot Project on treatment of acidic water at a Water Supply Scheme (WSS) under the Public Health Engineering (PHE) Department at Lalad village in East Jaintia Hills District by using micro-algae consortia as an alternative to lime solution. The proposal envisages supply and installation of requisite equipment/machineries and treatment of the water being supplied by the said WSS on a pilot basis for a period of 30 days at an estimated cost of Rs. 4, 15,000 (rupees four lakh fifteen thousand) only plus GST at the applicable rates. The Committee takes a copy of the said proposal on record.

The Committee notes that there is a possibility of many such proposals coming up for its consideration. The Committee therefore decides to constitute a Sub-Committee to be headed by Dr. Shantanu Kumar Dutta, Addl. Director, North Eastern Regional Directorate of the Central Pollution Control Board, Shillong and having Prof. D. P. Singh, Department of Environmental Studies, North Eastern Hill University, Shillong and suitable representatives, one each from the Mining & Geology Department, Government of Meghalaya; Meghalaya State Pollution Control Board; Forest & Environment Department, Government of Meghalaya and North Eastern Regional Office of the Ministry of Environment, Forests & Climate Change, Government of India as its members.

All such proposals shall be scrutinised by the said Sub-Committee. Based on recommendations of the said Sub-Committee, the Central Pollution Control Board will take appropriate decision on all such proposals for release of funds from an amount of Rs. 100 crore being placed at their disposal in compliance of direction issued by the Hon'ble

Supreme Court by the Hon'ble Supreme Court in judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2011 in the matter of State of Meghalaya versus All Dimas Student Union, Dima-Hasao District Committee & Ors and other connected matters. Decision taken by the CPCB on such proposals shall be intimated to this Committee for information and record.

The Committee directs the Mining & Geology Department, Government of Meghalaya, Meghalaya State Pollution Control Board, Forest & Environment Department, Government of Meghalaya and North Eastern Regional Office of the Ministry of Environment, Forests & Climate Change, Government of India to nominate a suitable representative as a member of the said Sub-Committee within ten (10) days and intimate the name and designation of such representative to this Committee in its next sitting to be held at Shillong on 14.08.2019.

The Committee also directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) to send a copy of the above-mentioned proposals received from M/s Crowdtresol Ventures Ltd. and M/s Trinity Impex International & Physcospectrum Environmental Research Centre to Dr. Shantanu Kumar Dutta, Addl. Director, North Eastern Regional Directorate of the Central Pollution Control Board, Shillong for necessary action as directed above.

AGENDA ITEM NO. 6

20. Shri P.L.N. Raju, Director, North Eastern Space Application Centre (NESAC) and Mr. M. Somorjit Singh, NESAC, made a presentation on mapping and analysis of coal mining affected areas in East and West Jaintia Hills Districts undertaken by them by using high resolution satellite Imageries of 0.80 m resolution for the period of January to March 2018. As per the study 24,392 mine are available in the 470 square kilometre coal mining affected study area. Some

The Committee noted that some of the existing water quality monitoring stations existing in the study area have not been incorporated in the relevant layer. The Committee therefore directs the Director, NESAC to update the relevant layer by incorporating details of all water quality monitoring stations existing in the Study area and provide atleast ten hard and soft copies of the Report to the Meghalaya State Pollution Control Board for further distribution to all concerned, including the North Eastern Regional Directorate of the CPCB, Commissioner and Secretary to the Government of Meghalay, Mining and Geology Department, Addl. Principal Chief Conservator of Forests

(Social Forestry and Environment), Government of Meghalaya; Director of Mineral Resources, Government of Meghalaya and Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya.

The Committee further directs that based on the information available in the Report, all concerned may identify and prioritise the critically affected vulnerable area for execution of various activities listed in the Action Plan prepared by the Committee for restoration of environment in the coal mining affected study area.

The afore-mentioned representatives of the NESAC also made a presentation on a proposal to undertake similar land-use land-cover analysis of the areas having coal dumps/deposits for the period immediately before the ban on coal mining was imposed by the Hon'ble NGT in April 2014 and once in a year thereafter (i.e. 2014, 2015, 2016, 2017 and 2019) at an estimated outlay of Rs. 24,35,500/- (rupees twenty four lakh thirty five thousand five hundred) only to ascertain that coal stated to be existing at these dumps was continuously existing at each such dump/heap since ban on rat hole coal mining was imposed by the Hon'ble NGT in April, 2014. The Committee decides that decision on the said proposal shall be taken during next sitting to be held at Shillong on 14.08.2019.

AGENDA ITEM NO. 7

29. The Committee considers a Report submitted by the Superintendent of Police, East Jaintia Hills District on a News report titled 'Youth talk down limestone shaft, rescue on' appeared in a Local Daily (English) dated 17 July, 2019. The necessary final decision shall be initiated by the appropriate authority.

During the field visit, the Committee noticed a number of mine pits which are not being guarded or fenced in East Jaintia Hills district. The Committee has also been apprised by the NESAC about the existence of around 24,000 such pits in Jaintia Hills, most of which are un-guarded or un-fenced which gives rise to the possibility of the accidental falling of human beings, cattle, wild animal etc. In the Action Plan framed by the Committee, it has been stipulated that all safety measures including the fencing of those pits are to be taken. The Hon'ble Supreme Court vide judgement dated 03.07.2019 in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya versus All Dimas Student Union, Dima Hasar District Committee & Ors and other connected matters has held that that the coal mines in form of the said owners, community

The Committee therefore directs that the Mining & Geology Department, Government of Meghalaya in association with the Deputy Commissioners of the respective districts shall ensure taking of all safety measures including fencing of the abandoned and working coal pits as per the Coal Mines Regulations, 2017 and Mines and Minerals (Development and Regulation) Act, 1957 and all other applicable laws.

AGENDA ITEM NO. 8

- 30 Due to late arrival of the Chairman and other members of Meghalaya State Coordination Committee of Coal Owners, Miners, Exporters, Transporters and Dealers, Forum the Committee could not interact with them.

The Committee decides to defer interaction with the Chairman and other members of the said Forum to 09.00 AM on 23.07.2019.

The Committee directs the Addl. Principal Chief Conservator of Forests (Planning Development and Legal Matters) Government of Meghalaya to inform the above to the Chairman of the said Forum.

AGENDA ITEM NO. 9

- 31 No new issue was raised by any member during the meeting.
- 32 The meeting was adjourned at 09.00 AM on 23.07.2019 ended with a vote of thanks from the Chair.


(Justice Brojendra P. Katakey)
Chairman

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GOVERNMENT OF MEGHALAYA
DEPARTMENT OF FORESTS AND ENVIRONMENT

OFFICE OF
THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : MEGHALAYA
& HEAD OF FOREST FORCE

No. MFG.39/87/NGT (C)/ Vol.-VIII/ 10,297 - 347 Dated Shillong, the 2nd August, 2019

- From:** **Shri H. C. Chaudhary, IFS**
Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya, Shillong
- To:**
1. **Prof. Ashok K. Singh**
Indian School of Mines, IIT -ISM, Dhanbad
 2. **Dr. Shantanu Kumar Dutta**
Addl. Director, Central Pollution Control, Regional Directorate Shillong
Nongthymmai, Shillong Meghalaya 793014
 3. **The Commissioner and Secretary to the Government of Meghalaya**
Mining and Geology Department, Shillong
 4. **The Chairman**
Meghalaya State Pollution Control Board
Arden, Lumpyngad, Shillong Meghalaya 793014
 5. **The Addl. Director General of Forests (Central)**
North Eastern Regional Office
Ministry of Environment, Forest and Climate Change, Government of India
Law-U-Sib, Lumbatngan, Near M.T.C. Workshop, Shillong 793021
 6. **The Regional Director**
Central Pollution Control, Regional Directorate Shillong
Nongthymmai, Shillong, Meghalaya 793014
 7. **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department, Shillong
 8. **Smti P. L. Lawai, MCS**
Joint Secretary to the Government of Meghalaya,
Mining & Geology Department
 9. **Shri. N. Bhattacharjee,**
Chairman
State level Expert Appraisal Committee (SEAC), Meghalaya
 10. **The Director**
Directorate of Mineral Resources, Government of Meghalaya
Risa Colony, Malki, Shillong, Meghalaya 793014
 11. **Mr. J.H. Nengnong**
Member Secretary
Meghalaya State Pollution Control Board, Shillong

12. **Shri P.Ch. Marak,**
Mining Engineer,
Directorate of Mineral Resources,
Government of Meghalaya, Shillong
13. **Dr. H. Tynsong, Scientist D**
North Eastern Regional Office
Ministry of Environment, Forest and Climate Change, Government of India
Law-U-Sib, Lumbatngem, Near M.T.C. Workshop, Shillong 793021
14. **Mr. G. S. Sah,**
Assistant General Manager
Meghalaya Mineral Development Corporation Ltd, Shillong
15. **The Managing Director**
Adhunik Cements Limited
Thangskai, East Jaintia Hills District, Meghalaya
(Email: Pradip.Bhattacharjee@dalmiabharat.com)
16. **The Managing Director**
Amrit Cements Limited
Umlaoer Village, Elaka Rymbai, East Jaintia Hills District, Meghalaya
(Email: sriagarwal@yahoo.co.in)
17. **The Managing Director**
Cosmos Cement Limited
Village Salang, Elaka Rymbai, East Jaintia Hills District, Meghalaya
18. **The Managing Director**
Goldstone Cements Limited
Village Musiang Lamare (Old) East Jaintia Hills District, Meghalaya
19. **The Managing Director**
Green Valley Industries Limited
Village- Nongsning, P.O. Chiehruphi
East Jaintia Hills District, Meghalaya
20. **The Managing Director**
Hills Cement Company Limited
Village Mynkree, East Jaintia Hills District, Meghalaya
21. **The Managing Director**
Jaintia Cements Limited
Manbha Passah Building, Jowai, West Jaintia Hills District, Meghalaya
(Email: aprocc@rediffmail.com)



22. **The Managing Director**
JUD Cements Limited
Wahiajer (Närpuh), East Jaintia Hills District, Meghalaya
23. **The Managing Director**
Mawmluh Cherra Cements Limited
Taxation Building, Near Raj Bhawan,
Shillong - 793001, Meghalaya
24. **The Managing Director**
Meghalaya Cements Limited
Lumshnong, Shillong - Agartala - Sabrum Road, Thangskai,
East Jaintia Hills District, Meghalaya
25. **The Managing Director**
RNB Cements (P) Limited
Umiam, Ri-Bhoi District, Meghalaya
26. **The Managing Director**
Star Cement Limited
Lumshnong, East Jaintia Hills District, Meghalaya
(Email: lumshnong@starcement.co.in)
27. **The Managing Director**
Star Cement Meghalaya Limited
Lumshnong, East Jaintia Hills District, Meghalaya
(Email: lumshnong@starcement.co.in)
28. **The Managing Director**
Virgo Cements Limited :
Damas, East Garo Hills District, Meghalaya
29. **The Managing Director**
CMJ Breweries Limited
Ferndale Complex, CMJ House, Block III,
Keating Road, Shillong, Meghalaya 793001,
30. **The Managing Director**
Maithan Alloys Limited
Export Promotion Industrial Park (EPIP), Byrnihat,
Ri-Bhoi District, Meghalaya 783 101
31. **The Managing Director**
Sree Sakambhari Ferro Alloys Pvt. Ltd.
Village Riwiang, Branch Post Office Sienduli
West Khasi Hills District, Meghalaya 793 119



32. **The Managing Director**
Shyam Century Ferrous Limited
Export Promotion Industrial Park (EPIP), Raj Bagan, Byrnihat,
Ri-Bhoi District, Meghalaya 793 101
33. **The Managing Director**
Meghalaya Power Limited
Lumshnong, East Jaintia Hills District, Meghalaya
34. **Mr. R. K. Pareek**
President
Meghalaya Cements Ltd
Email id: rkpareek@topcem.in
35. **Mr. P. Purohit**
Vice President
Star Cement Ltd
Email id: pradeep@starcement.co.in
36. **Mr. W. Hynnlewta**
COSMOS Cements Ltd
Email id: wanaibor@gmail.com
37. **Mr. I. Reza**
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Email id: rezaisrafil@gmail.com
38. **Mr. S. A. Langstang**
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Email id: langstang.arbor@gmail.com
39. **Mr. P. Dohling**
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Email id: dohlingpransingh@gmail.com
40. **Ms. P. Bora,**
Legal Head
Dalmia Bharat Cement Ltd
Email id: bora.purbali@dalmiacement.com
41. **Mr. M. P. Sharma**
Manager Commercial & Liaison
Amrit Cement Ltd
Email id: mpsharma@amrit.co.in
42. **Mr. R. C. Tripathi**
Amrit Cement Ltd
Email id: rctripathi@amritcement.in
43. **Mr. J. Pde,**
Jaintia Cements Ltd
Email id: jaintiacements@gmail.com



44. **Mr. S. Gopal Bhattacharjee**
Chief Financial Officer
JUD Cements Ltd
Email id: sundar@bestcement.co.in
45. **Mr. Y Sharma,**
JUD Cements Ltd
Email id: yubaraj.sharma1971@gmail.com,
yubaraj@bestcement.co.in
46. **Mr. Y Sharma,**
JUD Cements Ltd
Email id: yubaraj.sharma1971@gmail.com,
yubaraj@bestcement.co.in
47. **Mr. A. K. Verma**
Authorized Sp. Person
M/s Shree Shakambari Ferro Alloys Pvt Ltd
Email id: montexferro@gmail.com
48. **Mr. S. Choudhury**
Maithan Alloys Ltd
Email id: santu_5c@yahoo.com
49. **Mr. P. Dhand**
Maithan Alloys Ltd
Email id: dhand@maithanalloys.com
50. **Mr. V. Agarwal**
Sr. Manager (Accounts)
Maithan Alloys Ltd
Email id: vinod.agarwal@maithanalloys.com

Sub: Record of Minutes of Proceedings of the Second Day of Sixteenth Sitting of the Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court held at Shillong on 23rd July, 2019.

Sir/Madam,

With reference to above-mentioned subject it is stated that a copy of the record of minutes of proceedings of the Second Day of Sixteenth Sitting of the Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court held on 23rd July, 2019 at 09.00 AM onward in Conference Hall at office of the Principal Chief Conservator of Forests & Head of Forest Force, Sylvan House, Lower Lachumiere, Shillong is enclosed herewith for your information and necessary actions as indicated therein.

Sylvan House, Lower Lachumiere
Shillong 793001



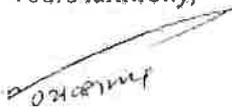
Phone: 91 364 2500414
Fax: 91 364 2501068

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This is for favour of your kind information and necessary action.

Yours faithfully,

Encl.: As stated above.


(H C Chaudhary, IFS)
Addl. Principal Chief Conservator of Forests (Planning
Development and Legal Matters)
(e-mail id- harishcc@yahoo.com)

Memo No. MFC.39/87/NGT (C)/Vol.-VIII/

Dated: Shillong, the August, 2014

Copy to:

1. The Principal Secretary to the Government of Meghalaya, Forests and Environment Department, Shillong along with a copy of the said minutes of proceeding for favour of his information.


Addl. Principal Chief Conservator of Forests
(Planning, Development and Legal Matters)



QUORUM

HON'BLE MR. JUSTICE BROJENDRA PRASAD KATAKEY,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI

PROF. ASHOK K. SINGH, MEMBER
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES, DHANBAD
IIT (ISM), DHANBAD (826004)
(Email id: singhashok0707@gmail.com)

DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
(Email id: shantanucpcb@gmail.com)

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

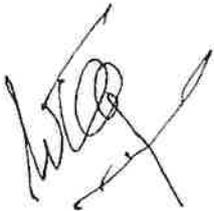
The State of Meghalaya & Ors.
And other connected matters

PRESENT

- 1. **Mr. C. P. Marak, IFS,**
Principal Secretary, Government of Meghalaya,
Forest & Environment Department;
Principal Chief Conservator of Forests & HoFF &
Chairman, Meghalaya State Pollution Control Board
Government of Meghalaya
Email id: cpmarak@gmail.com, pccfmegh@gmail.com,
megspcb@rediffmail.com
- 2. **Mr. S. K. Agarwal, IFS,**
Addl. Director General of Forests (Central)
Ministry of Environment, Forests & Climate Change,
North Eastern Regional Office, Shillong
Email id: ro.n.ez.shil@gmail.com
- 3. **Mr. H.C. Chaudhary, IFS,**
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters), Government
of Meghalaya
Email id: harishcc@yahoo.com
- 4. **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya, Mining &
Geology Department
Email id: manju2020@gmail.com

- : **Shri. N. Bhattacharjee,**
 Chairman
 State level Expert Appraisal Committee, Meghalaya
 Email id: nmaest@rediffmail.com
- : **Mr. J. H. Nengnong**
 Member Secretary
 Meghalaya State Pollution Control Board, Shillong
 Email id: megspcb@rediffmail.com
- : **Dr. Z. Changsan**
 Regional Director, Central Pollution Control Board,
 Regional Directorate North East, Shillong
 Email id: zchangsan.cpcb@nic.in
- : **Mr. M. S. Lyngdoh**
 Director
 Directorate of Mineral Resources
 Government of Meghalaya
 Email id: msanlyngdoh@gmail.com
- : **Dr. H. Tynsong**
 Scientist 'D'
 Ministry of Environment, Forests & Climate Change,
 Government of India
 North Eastern Regional Office, Shillong
 Email id: h.tynsong@gov.in
- : **Mr. P Ch. Marak**
 Mining Engineer
 Directorate of Mineral Resources
 Government of Meghalaya
- : **Mr. R. K. Pareek**
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- : **Mr. A. Kejriwal**
 Meghalaya Cements Ltd
 Email id: akejriwal@topcem.in
- : **Mr. P. Purohit**
 Vice President
 Star Cement Ltd
 Email id: pradeep@starcement.co.in
- : **Mr. W. Hynniewta**
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 Email id: wanaibor@gmail.com
- : **Mr. I. Reza**
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 Manager Commercial & Liaison
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- : **Mr. R. C. Tripathi**
 Amrit Cement Ltd
 Email id: rctripathi@amritcement.in
- : **Mr. J. Pde,**
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- : **Mr. S. Gopal Bhattacharjee**
 Chief Financial Officer
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 yubaraj@bestcement.co.in
- : **Mr. S. K. Patra**
 Shyam Century Ferrous Ltd
 Email id: sumantarpatra@starcement.co.in
- : **Mr. A. K. Verma**
 Authorized Sp. Person
 M/s Shree Shakambari Ferro Alloys Pvt Ltd
 Email id: montexferro@gmail.com
- : **Mr. S. Choudhury**
 Maithan Alloys Ltd
 Email id: santu_5c@yahoo.com
- : **Mr. P. Dhand**
 Maithan Alloys Ltd
 Email id: dhand@maithanalloys.com



Mr. V. Agarwal
 Sr. Manager (Accounts)
 Maithan Alloys Ltd
 Email id: vinod.agarwal@maithanalloys.com

PROCEEDING NO. 16-B

RECORD OF THE MINUTES OF THE SECOND OF SIXTEENTH SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. P. KATAKEY, FORMER JUDGE, GAUHATI HIGH COURT HELD ON 23rd July, 2019 AT 9.00 A.M IN THE CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG, MEGHALAYA.

At the outset, Mr. C. P. Marak, IFS, Principal Chief Conservator of Forests & HoFF, Meghalaya Principal Secretary to the Government of Meghalaya, Forest & Environment Department who is also holding charge of the posts of the Principal Chief Conservator of Forests & HoFF, Meghalaya and the Chairman, Meghalaya State Pollution Control Board welcomed the Hon'ble Chairman & Members of the Committee, Senior Officials of the State Government, Representatives of the Cement and Thermal Power Plants and other officers present in the meeting.

AGENDA ITEMS FOR DISCUSSION

1. Interaction with Chairman and other members of the Meghalaya State Coordination Committee of Coal Owners, Miners, Exporters, Transporters and Dealers Forum.
2. Review of actions taken to comply with directions issued by the Committee in its First Special Sitting held on 12.07.2019.
3. Discussions with representatives of the Power Plants and Cement Factories in Meghalaya on the year - wise quantity of clinker and/ or power produced and coal procured/ utilised by such Factories/ Plants since the rat hole coal mining was banned by the Hon'ble National Green Tribunal in April, 2014.
4. Any other matter (s) to be raised with permission of the Chair.

AGENDA ITEM NO. 1

1. The Chairman of the Committee welcomes the Chairman and other members of the Meghalaya State Coordination Committee of Coal Owners, Miners, Exporters,

Transporters and Dealers Forum to the meeting and requests them to present in brief the issues which they wish to bring to notice of the Committee.

The Chairman and other members of the said Forum expressed their thanks and gratitude to the Chairman and all other members of the Committee for providing the Forum an opportunity to present their views before the Committee. They requests the Committee to expedite transportation of the coal which has already been assessed by the State Government. They also requests the Committee to facilitate early resumption of coal mining in the State as it involves livelihood of large number of tribal residents in the State.

The Chairman of the Committee **states** that the Hon'ble Supreme Court in Judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee & Ors and other connected matters has issued detailed directions on transportation and disposal of coal which has already been assessed by the State Government. The Hon'ble Supreme Court in the said Judgment has also permitted resumption of coal mining in the State subject to **adherence to all mining and environmental laws**. The transportation/disposal of the **already assessed coal and fresh mining** of the coal in the State can therefore be **undertaken only in conformity with** Hon'ble Supreme Court's said Judgment and **provisions of all mining and environmental laws**.

The Committee informs the Chairman and all other members of the Forum that all necessary actions shall be taken to carry out the directions issued by the Hon'ble Supreme Court in the said Judgment.

AGENDA ITEM NO. 2

2. The Secretary to the Government of Meghalaya, Forests and Environment Department places before the Committee a letter dated 22.07.2019 received by him from the Commissioner and ~~Secretary to the Government of Meghalaya, Mining and Geology Department~~. The following has *inter alia* been stated in the said letter:

"..... Judgement and Order of the Hon'ble Supreme Court dt 03.07.2019 passed in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya versus Dimasa Student Union has been referred for opinion to learned Advocate General on 17.07.2019 and it has been opined by the learned Advocate General that the mandate of the Committee has been laid down by the Hon'ble Supreme Court in Paragraph 167 of the aforesaid Judgment that the Committee has been

constituted to look into the enormous task of restoration of environment which has to be supervised on the spot by the Committee.

The Hon'ble Supreme Court in Paragraph 188 has directed the Commissioner and Secretary of the State in the Department of Mining and Geology along with the officers of the Coal India Limited to finalise and prepare comprehensive plan of transportation and handing over of the coal to the Coal India Ltd. for disposal/auction as per rules of Coal India Ltd. and may deliberate with the Committee. The deliberation have been held by the Department with the stakeholders/mine owners, purchasers, companies situated in Meghalaya and proposed to be held with other stakeholders also. After receiving the input from the stakeholders, a proper policy of the Government in this regard will be prepared and the same will be submitted to the Committee for deliberations.

In view of the above, it may be mentioned that the State Government will require atleast one month's time to come out with a proper policy for transportation and handing over of coal to Coal India Ltd. and deliberation will be held with the Committee accordingly. In this connection you are therefore, requested to inform the Hon'ble Committee to defer its meeting with officials of Mining and Geology Department on the above issue of transportation and handing over of the coal to Coal India Ltd. for at least a period of one month.

This has the approval of the "Competent Authority" and vetted by the Advocate General, Meghalaya."

The Committee takes a copy of the said letter on record. The Committee, without going into merit of the contentions made in the afore-mentioned letter, decides to postpone its Second Special Sitting scheduled to be held at Guwahati on 26.07.2019 on formulation of a policy for transportation and handing over of the coal to the Coal India Ltd. The fresh, date time and venue for the said Special Sitting will decided in consultation with the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department in the next Sitting of the Committee to be held at Shillong on 14.08.2019.

The status of framing of the said policy shall be intimated to the committee in its sitting to be held on 14/08/2019.

The Committee directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya to inform the above to all those who have been invited to attend aforesaid Special Sitting.

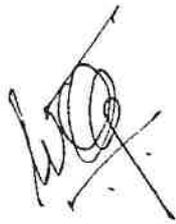
3. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya places before the Committee a statement containing details of weighbridges in the Meghalaya received by him under a letter dated 22.07.2019 from the Commissioner of Transport, Meghalaya. The Committee takes a copy of the said statement along with a copy of the Commissioner of Transport's said letter dated 22.07.2019 on record.

On perusal of the above, the Committee notes that presently total 88 weighbridges are available in the State. Of these, 18 weighbridges are run by the Transport Department in the Government of Meghalaya and the remaining 66 weighbridges are operating in private companies. The Committee also notes that majority of the weighbridges operating in private companies appears to be installed by these companies for their captive use. These weighbridges may not be available for weighing of the coal to be auctioned by the Coal India Limited. The geo-coordinates (latitude and longitude) of all these weighbridges sought by the Committee to facilitate creation of a GIS layer containing details of these weighbridges are not available in the said Statement.

The Committee therefore directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to the Committee in its next Sitting to be held at Shillong on 14.08.2019, an updated Statement in the format provided by the Committee in its First Special Sitting held at Shillong on 12.07.2019, containing details of all those weighbridges which will be available for weighing of coal to be auctioned by the Coal India Limited in compliance of the Hon'ble Supreme Court's Judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018. The geo-coordinates (latitude and longitude) of each such weighbridges as requested in the said format shall mandatorily be provided to the Committee.

AGENDA ITEM NO. 3

4. A representation vide a communication dated 22.07.2019, signed by Mr. R. K. Pareek, President, Meghalaya Cement Ltd. who is present in today's Proceedings, is placed before the Committee. The Committee takes the said representation on record.



In the said representation, Mr. R. K. Pareek has raised the question on the jurisdiction of this Committee about the information sought for by the Committee. However, Mr. R. K. Pareek has submitted that Meghalaya Cement Ltd shall furnish the required information supported by the relevant documents provided time is granted for gathering all the information as it requires more time to collect the information sought by the Committee. Mr. R. K. Pareek, notwithstanding the aforesaid communication dated 22.07.2019 accepts the jurisdiction of this Committee to ask for information which have already been asked in writing in that regard.

The Committee directs the Meghalaya Cements Limited to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

5. A representation vide a communication dated 22.07.2019, signed by a Director of the **Cosmos Cements Limited** is placed before the Committee by Mr. W. Hynniewta, who is present in today's Proceedings. The Committee takes a copy of the said representation on record.

It has been stated in the said representation that M/s. Cosmos Cement Limited has not yet installed the plant and machineries of the Cement Plant and neither commence production of the plant, hence, they have not yet purchased coal and nor have done any production of clinker/cement/power during the period after April 2014. The Committee notes the same.

6. A representation vide a communication dated 21.07.2019, signed by Mr. P. Purohit, Vice-President of **Star Cement Limited**, who operates two Cement Manufacturing Plants (viz. Star Cement Limited and Star Cement Meghalaya Limited) and one Thermal Power Plant (viz. Meghalaya Power Limited) in Meghalaya, who is present in today's Proceedings, is placed before the Committee. The Committee takes a copy of the said representation on record.

In the said representation, Mr. P. Purohit has raised the question on the jurisdiction of this Committee about the information sought for by the Committee. However, Mr. P. Purohit has submitted that Star Cement Limited shall furnish the required information supported by the relevant documents provided time is granted for gathering all the information as it requires more time to collect the information sought by the Committee. Mr. P. Purohit, notwithstanding the aforesaid communication dated 21.07.2019, accepts

the jurisdiction of this Committee to ask for information which have already been asked in writing in that regard.

The Committee directs the Star Cements Limited to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee in respect of the afore-mentioned two Cement Manufacturing Plants and one Thermal Power Plant, without fail.

7. A representation vide a communication dated 23.07.2019, signed by Mr. M.P. Sharma, Authorised Signatory, Amrit Cement, who is present in today's Proceedings, is placed before the Committee. The Committee takes a copy of the said representation on record.

In the said representation, Mr. M.P. Sharma has raised the question on the jurisdiction of this Committee about the information sought for by the Committee. However, Mr. M.P. Sharma has submitted that Amrit Cement shall furnish the required information supported by the relevant documents provided time is granted for gathering all the information as it requires more time to collect the information sought by the Committee. Mr. M.P. Sharma, notwithstanding the aforesaid communication dated 23.07.2019 accepts the jurisdiction of this Committee to ask for information which have already been asked in writing in that regard.

The Committee directs the Amrit Cement to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

8. Ms. P. Bora, Legal Head, Dalmia Bharat Cement Ltd (formerly known as Adhunik Cement Ltd), who is present in today's Proceedings states that the nature of information asked by the Committee is not known to her. She however assures the Committee that Dalmia Bharat Cement Ltd will be pleased to provide all the information and documents sought by the Committee provided some additional time is granted to them.

The Committee notes that the details of information and documents required by the Committee have clearly been stated in the letter sent to Dalmia Bharat Cement Limited to request them to depute a suitable representative to attend this Sitting of the Committee. These details are also available in Record of Minutes of Fifteenth Sitting of the Committee, a copy of which is available at website of the Forests and Environment Department, Government of Meghalaya (www.megforest.gov.in).

The Committee directs the Dalma Bharat Cement Ltd. to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

9. Mr. I Reza, Mr. S. A. Langtang and Mr. P. Dohling attend this Sitting of the Committee on behalf of **Mawmluh Cherra Cement Limited** and place before the Committee all information and documents sought by the Committee except the Annual Report for the year 2018-19 and the Detailed Project Report (DPR) of their Cement Plant. The Committee takes a copy of the documents provided by Mawmluh Cherra Cement Limited on record.

The afore-named representatives of Mawmluh Cherra Cement Limited informs the Committee that Annual Report for the year 2018-19 is presently being prepared. They assured the Committee that a copy of the DPR of the Cement Plant will be provided to the Committee within three days. They also assured that a copy of the Annual Report for the year 2018-19 will also be provided to the Committee as and when the same is prepared and duly approved by the Competent Authority. They also inform the Committee that as their plant was under renovation, no clinker was produced during the years 2014-15 and 2015-16.

The Committee directs the **Mawmluh Cherra Cement Limited** to provide a copy of the DPR of their cement plant to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) within seven days.

On perusal of the information/documents provided by Mawmluh Cherra Cement Limited the Committee notes that during a period of three years from 2016-17 to 2018-19 the Mawmluh Cherra Cement Limited consumed 32,190 MT coal to produce 1,11,475 MT clinker. The representative of CPCB present in the meeting stated that after due scrutiny of all requisite documents the CPCB has found that the entire 32,190 MT coal has been procured by Mawmluh Cherra Cement Limited from legal sources. The Committee also notes that during those three years average per unit coal consumption by the plant is 28.876 percent (i.e. 288.76 Kg of coal per tonne of clinker produced). The Committee after examination of the available records and interaction with experts does not find any anomaly in utilisation of coal by Mawmluh Cherra Cement Limited.

10. Mr. J. Pde attends this Sitting of the Committee on behalf of Jaintia Cement Limited and informs that the Jaintia Cement Limited does not use coal as a fuel. He states that the entire fuel requirement for the said plant is met from the Coke Breeze sourced from

Assam. He further states that they do not publish Annual Report. Mr. J. Pde further states that during the period of five years from 2014-15 to 2018-19 Jaintia Cement Limited produced 1,00,153 MT clinker by consuming 26,203.11 MT Coke Breeze. The average per unit requirement of Coke Breeze is 26.163 % (i.e. 261.63 kg Coke Breeze per tonne of Clinker).

The Committee directs the Central Pollution Control Board (CPCB), Regional Directorate, Shillong to undertake audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month.

The Committee further directs the CPCB, Regional Directorate, Shillong to undertake audit of each of the Coke Plants located in Meghalaya in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month.

11. Mr. S. Gopal Bhattacharjee, Chief Financial Officer and Mr. Y Sharma attend this Sitting of the Committee on behalf of JUD Cements Ltd. They inform the Committee that the said Cement Plant was non-operational for some time. Efforts have been made to revive production in the plant. Compilation of information and documents sought by the Committee may take some time. They requested the Committee to grant some additional time to provide information/documents sought by the Committee.

The Committee directs the JUD Cements Ltd. to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

12. Mr. S. K. Patra attends this Sitting of the Committee on behalf of Shyam Century Ferrous Ltd. He seeks two weeks time to provide the information and documents sought by the Committee. The Committee has been informed that the plant is not in operation since 25/11/2018 due to non-availability of coal.

The Committee directs the Shyam Century Ferrous Limited to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

13. Mr. S. Choudhury, Mr. P. Dhand and Mr. V. Agarwal attends this Sitting of the on behalf of Maithan Alloys Limited and place before the Committee all information and documents

sought by the Committee except the Detailed Project Report (DPR) of their 15 MW capacity captive Thermal Power Plant. The Committee takes a copy of these documents on record. The Committee has also been apprised that the plant is not in operation from 13/11/2018 due to non-availability of coal.

The Committee directs the Maithan Alloys Limited to provide a copy of the DPR of their Captive Thermal Power Plant to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) within two weeks.

On perusal of the information/documents provided by Maithan Alloys Limited the Committee notes that during a period of five years from 2014-15 to 2018-19 the Maithan Alloys Limited utilised 2,61,818.86 MT coal, 7,011.805 MT rice husk, 780.26 MT saw dust, 2,343.96 MT Coke Breeze and 60.16 MT wood chips to produce 33,18,25,132 units of power. The average estimated per unit requirement of coal for the said plant is 0.72 Kg per unit.

The Committee further notes that the quantity of coal reported to be procured by Maithan Alloys Limited as per the Statement submitted to the Committee in this Sitting is substantially different than the quantity of coal consumed by the said Plant as per the details given in a report on coal consumption by the Thermal Power Plants and Cement Industries submitted to the Committee by the Central Pollution Control Board Regional Directorate, Shillong in the month of March 2019.

The Committee directs the Maithan Alloys Limited to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 to explain the afore-mentioned anomaly.

14. Mr. A. K. Verma attends this Sitting of the Committee on behalf of Shree Sakambari Ferro Alloys Pvt. Ltd. and place before the Committee information and documents sought by the Committee. The Committee takes a copy of these documents on record.

On perusal of these information the Committee observes that unit of power produced by the said Thermal Power Plant stated in the Statement provided to the Committee does not appear to be in order. It was also observed the quantity of coal reported to be consumed by Shree Sakambari Ferro Alloys Pvt. Ltd. as per the Statement submitted to the Committee in this Sitting is substantially different than the quantity of coal consumed by the said Plant as per the details given in a report on coal consumption by the Thermal Power Plants and Cement Industries submitted to the Committee by the

Central Pollution Control Board, Regional Directorate, Shillong in the month of March 2019.

The Committee directs Shree Sakamhari Ferro Alloys Pvt. Ltd. to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 to explain the afore-mentioned anomaly.

15. The Committee notes with great concern that in spite of prior notice, four Cement Plants (*viz.* Greenvalley Industries Limited, Goldstone Cements Limited, Hills Cements Limited, and Virgo Cements Limited) and one Thermal Power Plant (*viz.* CMJ Breweries Limited) did not depute a representative to attend this Sitting. One of these cement plants *viz.* Goldstone Cements Limited has a captive power plant also.

Dr. Shantanu Kumar Dutta, Addl. Director, North East Regional Directorate of the Central Pollution Control Board, who is also a member of this Committee informs that the RNB Cement Limited will not be able to provide any information or document as the plant has been taken over by the National Company Law Tribunal (NCLT) and is managed by an Insolvency Resolution Professional (IRP) *w.e.f.* 13.06.2019. The Committee notes the same.

The Committee directs all the afore-mentioned Cement Plants and Thermal Power Plants, except RNB Cement Limited, to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

16. The Committee notes with great concern that in spite of its clear direction on several occasions, majority of the Cement and Power Plants have not provided the year-wise data relating to clinker and/or power produced and the quantity of coal consumed to produce the stated quantity of the clinker and/or power to the North East Regional Directorate of the Central Pollution Control Board to undertake resource (coal) audit of these plants as has been directed by the Hon'ble NGT by their orders dated 04.01.2019 and 11.04.2019.

The Committee therefore decides to compare, as a test case, the quantity of coal required to produce the quantity of clinker and power by two cement plants and one power plant of Star Cements Limited, reported in their Annual Reports for the years 2014-15 to 2017-18, a copy of which is available in the public domain, and the coal actually procured from legal sources during these years as per the details given by them to the North Eastern Regional CPCB.

As stated in paragraph 9 above, the actual coal consumed by one of the cement plants in the State viz. Mawmluh Cherra Cement Limited, is 28.876 percent (i.e. 288.76 Kg of coal per tonne of clinker produced) of the clinker production. The Committee however, is of the view that coal requirement for the cement plants of Star Cement Limited may be between 10 % to 20 % of the clinker produced. The Committee therefore, decides to estimate the quantity of coal required to produce reported quantity of the clinker by these cement plants based on three unit rates viz. 10%, 15% and 20 %.

Similarly, as stated in paragraph 13 above, the average actual requirement of coal to produce one unit (kwh) of power by one of the Thermal Power Plant in the State viz. Maithan Alloys Limited, is 0.72 Kg per unit. The coal required to produce one unit of power by the thermal power plant of Star Cements Limited viz. Meghalaya Power Limited has therefore been assessed on the basis of two per unit rates viz. 0.50 kg per unit and 0.72 kg per unit.

Due to non-availability of Annual Report and data on coal stated to be procured by the Star Cements Limited for the year 2018-19, it is been possible for the Committee to do the above analysis for the first four years (viz. 2014-15 to 2017-18) since the illegal rat hole coal mining was banned by the Hon'ble NGT in April 2014.

A summary of above analysis is as below:

Plant	Items	Year				Total
		2014-15	2015-16	2016-17	2017-18	
1	2	3	4	5	6	7
Star Cement Limited	Clinker produced* (MT)	3,30,010	4,92,055	5,67,241	5,15,350	19,04,656
	Coal required (MT) @ 10%	33,001	49,206	56,724	51,535	1,90,466
	Coal required (MT) @ 15 %	49,502	73,808	85,086	77,303	2,85,698
	Coal Required (MT) @ 20 %	66,002	98,411	1,13,448	1,03,070	3,80,931
	Coal procured** (MT)	30,892	31,208	25,398	16,909	1,04,407

Plant	Items	Year				Total
		2014-15	2015-16	2016-17	2017-18	
1	2	3	4	5	6	7
Star Cement	Clinker produced* (MMT)	15,49,349	16,29,025	15,79,345	15,41,945	62,99,664
Meghalaya Limited	Coal required (MT) @ 10%	1,54,935	1,62,903	1,57,935	1,54,195	6,29,966
	Coal required (MT) @ 15%	2,32,402	2,44,354	2,36,902	2,31,292	9,44,950
	Coal Required (MT) 20%	3,09,870	3,25,805	3,15,869	3,08,389	12,59,933
	Coal procured** (MT)	149156	98,038	60,998	40,773	3,48,965
Meghalaya Power Limited	Power Produced (Million kwh)	167,921	183,110	201,624	190,110	742,761
	Coal required in (MT) @ 0.50 kg/unit	83,962	91,557	1,00,812	95,050	3,71,381
	Coal required (MT) @ 0.72 kg/unit	1,20,905	1,31,842	1,45,169	1,36,872	5,34,788
	Coal procured** (MT)	41,484	58,281	52,536	23,749	1,76,050

*: As per Annual Reports available in the Public Domain

** : As per the information given in CPCB Report

MT: Metric Tonne.

From the above Table it appears that the quantity of coal reported to be procured by these plants during each of the afore-mentioned years (2014-15 to 2017-18) is grossly insufficient to produce the quantity of clinker and thermal power as reported in their Annual Reports. The committee has to ascertain the source of coal to meet the gap which ranges from 5,62,391 MT (at the unit rate of 10 % for clinker production and 0.50 kg/kwh for power production) to 15,46,230 MT (at the unit rate of 20 % for clinker production and 0.72 kg/kwh for power production) for these four years. In fact, the Star Cement Limited at page 12 of its Annual Report for 2017-18 has stated that coal is accessed from 10-12 kilometres. During 2017-18, no legal coal mine was available within 10-12 kilometres from its clinker manufacturing plants located at Lumshinong village in East Jaintia Hill district.

The Committee will make its observation finally on the next sitting as the cement plants and power plants have been given time till 14.08.2019 to furnish the required information and documents.

17. The next Sitting of the committee will be held on 14.08.2019 at 10:00 AM in the Conference Room, O/o Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong.

The meeting ended with a vote of thanks from the Chair.



(Justice Brojendra P. Katakey)
Chairman

(T.C.)

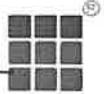
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MEGHALAYA CEMENTS LIMITED

CIN-U26942ML2003PLC007125

ANNEXURE R-18/12



TOPCEM
CEMENT

Mazbooti ka bharosa...hamesha

Ref: - MCL/Comm/PCCF/2019-20/52

Date: - 12.08.2019

file
17/8/19

To,
Shri H.C.Chaudhary, (IFS)
Addl. Principal Chief Conservator of Forests
(Planning, Development and Legal Matters),
Office of the Principal Chief Conservator of Forests,
Meghalaya, Shillong

Sub: - Submission of Documents

Ref: - Your letter No. MFG.39/87/NGT@/Vol-VII/8448-468 dated 8th July'2019

Dear Sir,

With reference to the subject cited above we are hereby submitting the desired documents / information as sought in your above referred letter. Hope you will find the same in order.

You are requested to kindly acknowledge the receipt of the same.

Thanking you,

Yours faithfully,
For Meghalaya Cements Limited,

(Signature)
(R.K. Pareek)
President



Encl: - as above

Received
11/8/19
Pareek



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BE-77, Salt Lake City
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Tel: 033 2334 0666 / 0004
Fax: 033 2334 0505
E-mail: kolkata@topcem.in

Registered Office :
Village: Thangskai, P.O. & P.S. Lumshong
District: East Jaintia Hills, Meghalaya, PIN: 793210
Tel: 03655 278324 / 363 / 364
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E-mail: meghalaya@topcem.in



HELPLINE NO : 18001233666

Table 3 : Capacity Utilization by Cement Plants

Capacity Utilization by Cement Plants											
Sl. No.	Name of Cements Plant	Clinker Production					Capacity utilization (%)				
		2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
1	Adhunik Cement Limited										
2	Amrit Cements Limited										
3	Green Valliey Industries Limited										
4	Hills Cement Company Limited										
5	JUD Cements Limited										
6	Mawmluh Cherra Cement Limited							18.058	22.467	21.405	
7	Goldstone Cements Limited										
8	Meghalaya Cements Limited	7,98,378	8,43,815	6,96,071	8,39,931	8,38,237	93.05%	98.35%	81.13%	97.89%	97.70%
9	Star Cement Limited (Formerly Cement Manufacturing Company Limited)										
10	Star Cement Meghalaya Limited										

Table 4 : Coal consumption by Cement Industries In Meghalaya

Sl. No.	Name of Cement Plant	Coal consumption (MT)				
		2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
1	Adhunik Cement Limited	25400	62789	29048	66322	
2	Amrit Cements Limited	23217	30464	32173	30335	
3	Goldstone Cements Limited	Plant was not Commissioned		936	9949	
4	Green Valliey Industries Limited	44844	50555	46762	51068	
5	Hills Cement Company Limited	7358	10000	13948	6120	
6	JUD Cements Limited	-	-	-	-	
7	Mawmluh Cherra Cement Limited	7008	2142	10196	10192	
8	Meghalaya Cements Limited	77457	29899	30881	35220	34317
9	RNB Cement Limited	Plant has been taken over by NCLT and managed by IRP w.e.f. 13th June, 2019				
10	Star Cement Limited	30892	31208	25398	16909	
11	Star Cement Meghalaya Limited	149156	98038	60998	40773	
Total		3,65,332	3,15,095	2,50,340	2,66,888	

Table 5 : Capacity Utilization by Thermal Power Plants

Sl. No.	Name of Thermal Power Plant(CPPs)	Total Production (MWhr)/MU					Capacity utilization (%)				
		2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
1	Adhunik Cement Limited						54	49	40	47	
2	Amrit Cements Limited						61	61	51	50	
3	Goldstone Cements Limited								16	58	
4	CMJ Breweries Limited							26.21	14.32	28.43	20.7
5	Maithan Alloys Limited							49.24	97.44	89.06	33.49
6	Meghalaya Cements Limited	27,738	54,472	58,191	68,590	69,887	35.02%	68.78%	73.47%	86.60%	88.24%
7	Meghalaya Power Limited (MPL)						41	45	50	47	
8	Shree Shakambari Ferro Alloys Pvt Ltd						15	24	60	58	
9	Shyam Century Ferrous Limited							45.7	86.36	56.99	28.71

Table 6 : Coal Consumption in the TPPs

Sl. No.	Name of PP or CPP	Coal Consumption (MT)					Coal Requirement at 100% Capacity utilization		
		2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19	Installed capacity	Coal Requirement (MTPD)	Coal Requirement (MTPA)
1	Adhunik Cement Limited	14225	34167	16960	40770				
2	Amrit Cements Limited	16773	20212	18369	17519				
4	CMJ Breweries Limited	15232	16605	10874	15738		167	50100	
3	Goldstone Cements Limited	NA	NA	1417	14912				
5	Maitan Alloys Limited	43812	36902	71064	69455			72000	
6	Meghalaya Cements Limited	19076	14787	15087	18792	19670	79200 MW/ ANNUM	137	45144
7	Meghalaya Power Limited (MPL)	41484	58281	52536	23749				
8	Shree Shakambari Ferro Alloys Pvt Ltd		14381	36438	38379	45545			
9	Shyam Century Ferrous Limited	37316	34142	54811	42578			74950	
* Goldstone Cements Limited was commissioned in July 2016									
		1,87,918	2,29,477	2,77,556	2,81,892				

(T.C)

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GOVERNMENT OF MEGHALAYA
DEPARTMENT OF FORESTS AND ENVIRONMENT

ANNEXURE R-18/13
20/8/19

OFFICE OF
THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : MEGHALAYA
& HEAD OF FOREST FORCE

No. MFG.39/87/NGT (C)/ Vol.-VIII/ 11,256-329 Dated Shillong, the 20th August, 2019

From: **Shri H. C. Chaudhary, IFS**
Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya, Shillong

- To:**
1. **Prof. Ashok K. Singh**
Indian School of Mines, IIT -ISM, Dhanbad
 2. **Dr. Shantanu Kumar Dutta**
Addl. Director, Central Pollution Control, Regional Directorate Shillong
Nongthymmai, Shillong Meghalaya 793014
 3. **Professor O.P. Singh**
Department of Environmental Studies,
North Eastern Hill University, Shillong 793002
 4. **The Addl. Chief Secretary to the Government of Meghalaya**
Home (Police) Department, Shillong
 5. **The Director General of Police**
Government of Meghalaya, Shillong
 6. **The Principal Secretary to the Government of Meghalaya**
Public Health Engineering Department, Shillong
 7. **The Chief Executive Officer**
Meghalaya Basin Development Authority, Shillong
 8. **The Commissioner and Secretary to the Government of Meghalaya**
Transport Department, Shillong
 9. **The Commissioner and Secretary to the Government of Meghalaya**
Mining and Geology Department, Shillong
 10. **The Secretary to the Government of Meghalaya**
Health Department, Shillong
 11. **The Chairman**
Meghalaya State Pollution Control Board
Arden, Lumpyngad, Shillong Meghalaya 793014
 12. **The Addl. Director General of Forests (Central)**
North Eastern Regional Office
Ministry of Environment, Forest and Climate Change, Government of India
Law-U-Sib, Lumbatngen, Near M.T.C. Workshop, Shillong 793021
 13. **The Addl. Director General of police (L&O/TAP/SB/Border)**
Police Headquarters, Government of Meghalaya, Shillong

14. **The Director**
North Eastern Space Applications Centre (NESAC)
Department of Space, Government of India
Umiam, District- Ri-Bhoi, Meghalaya
15. **The Regional Director**
Central Pollution Control, Regional Directorate Shillong
Nongthymmai, Shillong, Meghalaya 793014
16. **The Principal Chief Conservator of Forests (CC, R & T)**
Government of Meghalaya, Shillong
17. **Addl. Principal Chief Conservator of Forests (SF&E)**
Meghalaya, Shillong
18. **The Chief Executive Officer**
Meghalaya State CAMPA, Shillong
19. **Mr. K.A. Khieya, IRS**
Commissioner of Custom (Preventive)
North Eastern Region, Shillong
20. **Mr. I.R. Khrakongor, IRS**
Deputy Commissioner,
O/o Commissioner of Custom (Preventive)
North Eastern Region, Shillong
21. **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department, Shillong
22. **Smti P. L. Lawai, MCS**
Joint Secretary to the Government of Meghalaya,
Mining & Geology Department
23. **Shri. N. Bhattacharjee,**
Chairman
State level Expert Appraisal Committee (SEAC), Meghalaya
24. **The Director**
Directorate of Mineral Resources, Government of Meghalaya
Risa Colony, Malki, Shillong, Meghalaya 793014
25. **The Director**
Directorate of Health Services (MI), Government of Meghalaya, Shillong
26. **The Director**
Directorate of Employment and Craftsman Training, Government of Meghalaya
27. **The Chief Engineer**
Public Health Engineering Department, Government of Meghalaya



28. **Mr. J.H. Nengnong**
Member Secretary
Meghalaya State Pollution Control Board, Shillong
29. **Shri P.Ch. Marak,**
Mining Engineer,
Directorate of Mineral Resources,
Government of Meghalaya, Shillong
30. **Shri M. Somorjit Singh, Scientist**
North Eastern Space Application Centre
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31. **Dr. H. Tynsong, Scientist D**
North Eastern Regional Office
Ministry of Environment, Forest and Climate Change, Government of India
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32. **Smt. I. Mawlong, MCS**
Joint Secretray to the Government of Meghalaya
Revenue and Disaster management Department
33. **Shri D. Sangma**
Joint Secretary to the Government of Meghalaya
Transport Department
34. **Shri P.M. Sangma**
Deputy Commissioner Transport
Government of Meghalaya
35. **Smt. R. Kynjing**
Executive Engineer, Rural Water Supply Division, Jowai
Public Health Engineering Department, Jowai
36. **Shri K.L. Nonglait**
Deputy Conservator of forests (CC, R &T)
Government of Meghalaya
37. **Dr. G. Ch. Mondal**
Principal Scientist, Council of Scientific and Industrial Research- Central Institute
of Mining and Fuel Research (CSIR-CIMFR), Dhanbad, Jharkhand
38. **Dr. C. Sawanliana**
Sr. Principal Scientist, Council of Scientific and Industrial Research- Central
Institute of Mining and Fuel Research (CSIR-CIMFR), Dhanbad, Jharkhand
39. **Dr. A. Kr. Singh**
Principal Scientist, Council of Scientific and Industrial Research- Central Institute
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39. **Dr. M. Prasad Roy**
Principal Scientist, Council of Scientific and Industrial Research- Central Institute
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40. **Mr. G. S. Sah,**
Assistant General Manager
Meghalaya Mineral Development Corporation Ltd, Shillong
41. **Mr. E. Kharmawphlang**
Directorate of Mineral Resources
Government of Meghalaya
42. **Mr. P. Lyngdoh,** Junior Engineer
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43. **The Managing Director**
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44. **The Managing Director**
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45. **The Managing Director**
Goldstone Cements Limited
Village Musiang Lamare (Old) East Jaintia Hills District, Meghalaya
46. **The Managing Director**
Green Valley Industries Limited
Village- Nongsning, P.O. Chiehruphi
East Jaintia Hills District, Meghalaya
47. **The Managing Director**
Hills Cement Company Limited
Village Mynkree, East Jaintia Hills District, Meghalaya
48. **The Managing Director**
JUD Cements Limited
Wahiajer (Narpuh), East Jaintia Hills District, Meghalaya
49. **The Managing Director**
Mawmluh Cherra Cements Limited
Taxation Building, Near Raj Bhawan,
Shillong - 793001, Meghalaya



- 50. The Managing Director**
Meghalaya Cements Limited
Lumshnong, Shillong - Agartala - Sabrum Road, Thangskai,
East Jaintia Hills District, Meghalaya
- 51. The Managing Director**
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- 52. The Managing Director**
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(Email: lumshnong@starcement.co.in)
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Virgo Cements Limited
Damas, East Garo Hills District, Meghalaya
- 54. The Managing Director**
CMJ Breweries Limited
Ferndale Complex, CMJ House, Block III,
Keating Road, Shillong, Meghalaya 793001,
- 55. The Managing Director**
Maithan Alloys Limited
Export Promotion Industrial Park (EPIP), Byrnihat,
Ri-Bhoi District, Meghalaya 783 101
- 56. The Managing Director**
Sree Sakambari Ferro Alloys Pvt. Ltd.
Village Riwiang, Branch Post Office Sienduli
West Khasi Hills District, Meghalaya 793 119
- 57. The Managing Director**
Shyam Century Ferrous Limited
Export Promotion Industrial Park (EPIP), Raj Bagan, Byrnihat,
Ri-Bhoi District, Meghalaya 793 101
- 58. The Managing Director**
Meghalaya Power Limited
Lumshnong, East Jaintia Hills District, Meghalaya
- 59. Mr. R. K. Pareek**
President
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60. **Dr. A. Saraf**
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71. **Mr. A. K. Verma**
Authorized Sp. Person
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72. **Mr. S. Choudhury**
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73. **Mr. V. Agarwal**
Sr. Manager (Accounts)
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Email id: vinod.agarwal@maithanalloys.com

Sub: Record of Minutes of Proceedings of Seventeenth Sitting of the Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court held at Shillong on 14th August, 2019.

Sir/Madam,

With reference to above-mentioned subject it is stated that a copy of the record of minutes of proceedings of Seventeenth Sitting of the Committee constituted by the Hon'ble National Green Tribunal (NGT) under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court held on 14th August, 2019 at 10.00 AM onwards in Conference Hall at Office of the Principal Chief Conservator of Forests & Head of Forest Force, Sylvan House, Lower Lachumiere, Shillong is enclosed herewith for your information and necessary actions as indicated therein.

This is for favour of your kind information and necessary action.

Yours faithfully,

Encl.: As stated above.

(H C Chaudhary, IFS)

Addl. Principal Chief Conservator of Forests (Planning,
Development and Legal Matters)
(e-mail id- harishcc@yahoo.com)

Memo No. MFG.39/87/NGT (C)/ Vol.-VIII/

Dated Shillong, the August, 2019

Copy to:

1. The Principal Secretary to the Government of Meghalaya, Forests and Environment Department, Shillong along with a copy of the said minutes for favour of his information.

Addl. Principal Chief Conservator of Forests
(Planning, Development and Legal Matters)



QUORUM

HON'BLE MR. JUSTICE BROJENDRA PRASAD KATAKEY,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI

PROF. ASHOK K. SINGH, MEMBER
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES, DHANBAD
IIT (ISM), DHANBAD (826004)
(Email id: singhashok0707@gmail.com)

DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
(Email id: shantanucpcb@gmail.com)

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

The State of Meghalaya & Ors.
And other connected matters

PRESENT

- : Prof. O. P. Singh,
Department of Environmental Studies,
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Email id: opsinghnehu@gmail.com
- : Mr. C. P. Marak, IFS,
Principal Secretary, Government of Meghalaya,
Forest & Environment Department,
& Principal Chief Conservator of Forests & HolF &
Chairman, Meghalaya State Pollution Control Board
Government of Meghalaya
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- : Mr. T. Dkhar, IAS
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- : Mr. H. Nongpluh, IPS
Additional Director General of Police
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- : Mr. S. K. Agarwal, IFS,
Additional Director General of Forests (Central)
Ministry of Environment, Forests & Climate Change,
Government of India North Eastern Regional Office,
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Representative of PCCF (CC & R & T)
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Directorate of Mineral Resources
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- : **Mr. A. K. Verma, Authorized Sp. Person**
M/s Shree Shakambari Ferro Alloys Pvt Ltd
Email id: montexferro@gmail.com

PROCEEDING NO. 17

**RECORD OF THE MINUTES OF SEVENTEENTH SITTING OF THE COMMITTEE
CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE
CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. P. KATAKEY, FORMER JUDGE, GAUHATI HIGH
COURT HELD ON 14th AUGUST, 2019 AT 10.00 A.M IN THE CONFERENCE HALL, O/O
PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG,
MEGHALAYA.**

At the outset, Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department who is also holding charge of the posts of the Principal Chief Conservator of Forests & HOFF, Meghalaya and the Chairman, Meghalaya State Pollution Control



Board welcomed the Hon'ble Chairman & Members of the Committee, Special Invitees, Senior Officials of the State Government, Representatives of the Cement & Thermal Power Plants and other officers present in the meeting.

AGENDA ITEMS FOR DISCUSSION

1. Review of actions taken to comply with directions issued by the Committee in its First Special Sitting held on 12.07.2019.
2. Review of actions taken to comply with directions issued by the Committee in its Sixteenth Sitting held on 22.07.2019 and 23.07.2019.
3. Presentation by scientists from the Council of Scientific and Industrial Research - Central Institute of Mining and Fuel Research (CSIR - CIMFR), Dhanbad on progress made in studies assigned to CSIR-CIMFR on development of protocols for treatment of acid mine drain originating from coal mines and closure of abandoned rat hole coal mines by controlled blasting.
4. Consideration of two similar representations dated 12.07.2019 and dated 11.07.2019 from Mr. Marthon Sangma, Hon'ble Member Legislative Assembly and Mr. Nizamuddin M. Marak respectively regarding use of rack loading infrastructure available at Mendipathar Railway Station for evacuation of coal allowed to be transported by the Hon'ble Supreme Court.
5. Consideration of a representation dated Nil from Mr. Rakbirthson D. Sangma regarding estimate of actual quantity of coal lying in the State of Meghalaya for auctioning in terms of the Hon'ble Supreme Court's final Order and Judgement dated 03.07.2019.
6. Consideration of a proposal to involve Eco - Task Force in bio - restoration of areas affected by coal mining in Meghalaya.
7. Any other matter (s) to be raised with permission of the Chair

AGENDA ITEM NO. 1

1. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that information/documents sought by the Committee in its First Special Sitting held at Shillong on 12.07.2019 are still being compiled. The same will be submitted to the Committee within a week.



The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that all the information/documents sought by the Committee from the Mining and Geology Department in the First Special Sitting held on 12.07.2017 including the video records of all the coal depots where the coal to be handed over to the Coal India Limited is presently lying shall positively be provided to the Committee within one week. As directed by the Committee in the said Special Sitting the videos of the coal depots shall be recorded by joint teams, consisting of representatives from the Mining and Geology Department, Meghalaya State Pollution Control Board and the Coal India Limited.

2. Mr. D. Sangma, M.C.S., Joint Secretary to the Government of Meghalaya, Transport Department states that an updated Statement in the format provided by the Committee in its First Special Sitting held at Shillong on 12.07.2019 containing details of all those weighbridges which will be available for weighing of coal to be auctioned by the Coal India Limited in compliance of the Hon'ble Supreme Court's Judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 along with the geo-coordinates (latitude and longitude) of each of these weighbridges is being prepared. The same will be provided to the Committee within one week.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Transport Department that the afore-mentioned information shall positively be provided to the Committee within one week.

3. Mr. H. Nongpluh, IPS, Addl. Director General of Police (L &O/ TAP/ SB/Borders), Government of Meghalaya states that in compliance of the direction issued by the Committee in the First Special Sitting held on 12.07.2019, the Director General of Police, Meghalaya held a meeting with officials of the Mining and Geology Department and the North Eastern Coalfields, Coal India Limited to prepare an Action Plan to ensure that no freshly mined coal is mixed with the assessed coal available at the existing identified depot(s). The Action Plan will be finalised after the Policy for handing over of the coal available at such depots to the Coal India Limited for disposal through e-auction is finalised. The Committee notes the same.
4. The Committee notes that details of the complaints under relevant Section(s) of the Water (Prevention and Control) Act, 1974 and/or the Air (Prevention and Control of Pollution) Act, 1981 against the persons involved in illegal mining, storage and transportation of coal in Meghalaya already filed or proposed to be filed before the concerned competent Courts of Laws is still awaited from the North Eastern Regional Directorate, Central Pollution

Control Board (CPCB). The Committee therefore, directs the Regional Director, North Eastern Regional Directorate, CPCB to positively provide the said details to the Committee within fifteen days.

5. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, CPCB states that decision of the competent authority in the CPCB on advise of this Committee to make available the entire amount of Rs. 100 Crore placed at disposal of the CPCB from amounts available in the Meghalaya Environment Protection and Restoration Fund (MEPRF) in compliance of directions issued by the Hon'ble Supreme Court in para 179 of the Judgment dated 03.07.2019 in the Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee and Ors. and other connected matters for implementation of the Action Plan prepared by the Committee for restoration of environment in areas affected by illegal rat hole coal mining in the State to ensure that the amounts available for restoration of Environment in Meghalaya is utilised in a holistic and integrated manner, is still awaited.

The Committee directs Mr. Z. Changsan to obtain a decision of the competent Authority in the CPCB on the above and communicate the same to the Committee within fifteen days.

The Committee further reiterates that in case the aforesaid suggestion of the Committee is not acceptable to the CPCB, the CPCB shall prepare a detailed Action Plan for utilisation of the afore-said amount of Rs. 100 crore and submit the same to the Committee within one month. The Action Plan shall among other contain full details of activities proposed to be undertaken, estimated cost and the agencies responsible for execution and monitoring of each of these activities.

6. The Committee notes that the Addl. Director General (Central), North Eastern Regional Office, Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India (GoI) in a letter dated 08.08.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya has stated that the list of miners, coal dealers/transporters submitted by the Directorate of Mineral Resources, Shillong have been sent to the MoEF&CC, New Delhi to advise the Regional Office, Shillong on the actions to be taken against these persons. He further states that decision of the MoEF&CC, New Delhi is yet to be received by the Regional Office. The Committee takes a copy of the said communication on record.

The Committee directs the Addl. Director General (Central), North Eastern Regional Office, MoEFCC, GoI to pursue and obtain decision of the concerned competent authority in the MoEFCC, GoI on the above and intimate the same to the Committee within fifteen days.

AGENDA ITEM NO. 2

7. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, CPCB states that in compliance of a direction issued by the Hon'ble Supreme Court in para 179 of the Judgment dated 03.07.2019 in the Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee and Ors. and other connected matters an amount of Rs. 100 Crores has been transferred to the CPCB from the MEPRF. He further states that the said amount has been deposited in a separate account opened by the headquarters of the CPCB at Delhi. The Committee notes the same.

The Committee also notes that the Hon'ble Supreme Court in the said Judgment dated 03.07.2019 has directed that the said amount of Rs. 100 crore shall be utilised only for restoration of the environment in the State of Meghalaya. The Committee therefore is of the view that it may be desirable to transfer the said amount in a separate bank account to be opened in any Nationalised Bank at Shillong.

The Committee, keeping in view the above, advises the CPCB to transfer the said amount in a separate bank account to be opened in any Nationalised Bank at Shillong. The Committee also advises the CPCB to invest the surplus amount which is not likely to be utilised in near future in fixed deposit(s) in Nationalised Bank(s) who offers highest rates of interest.

8. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that report on a visit undertaken in 2008 by a High Level Delegation headed by the then Deputy Chief Minister to West Virginia, USA for search of appropriate coal mining technology for the State of Meghalaya is presently being examined by the State Government. An appropriate decision on the said Report will be taken by the Government shortly.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite decision on the said Report and communicate the same to the Committee within fifteen days.

The Committee after consultation with the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department directs that to have first-hand

experience of the said technology and to assess feasibility of its adoption in the State, a delegation consisting of the Commissioner and Secretary and/or Secretary to the Government of Meghalaya, Mining and Geology Department; one member of the Committee (*viz.* Dr. Shantanu Kr. Dutta) and Mr. N. Bhattacharjee, Chairman, State Level Expert Appraisal Committee may on 22nd and 23rd August, 2019 visit any of the mines in India where Highwall Mining Technology is presently being deployed and submit a report to the Committee immediately thereafter.

9. Mr. K. A. Khieya, Commissioner Custom (Preventive), Office of the Commissioner of Customs, Shillong states that month-wise details (*viz.* name & full address) of the exporter for each consignment of the coal originated from the Meghalaya allowed to be exported to the Bangladesh from each of the seven Land Custom Stations in Meghalaya since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014, as sought by the Committee in the first day of its Sixteenth Sitting held on 22.07.2019, is still being compiled. He therefore requested the Committee to provide atleast one month additional time to place the said information before the Committee. The Committee accepts the said request and directs Mr. K.A. Khieya to submit the said information to the Committee within one month positively. The Committee further directs that the information in respect of Gasuapara Land Custom Station for the month of May 2019 along with a copy of supporting documents shall positively be provided to the Committee within seven days.
10. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that month-wise details (*viz.* name & full address) of the exporter for each consignment of the coal originated from the Meghalaya allowed to be exported to the Bangladesh from each of the seven Land Custom Stations in Meghalaya since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014, as sought by the Committee in the first day of its Sixteenth Sitting held on 22.07.2019, is still being compiled. He therefore requested the Committee to provide atleast one month additional time to place the said information before the Committee. The Committee accepts the said request and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to submit the said information to the Committee within one month positively. The Committee further directs that the information in respect of Gasuapara Land Custom Station for the month of May 2019 along with a copy of supporting documents shall positively be provided to the Committee within seven days.

11. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that an amount of Rs. 16,50,000/- has already been sanctioned on 01.08.2019 for payment of *ex-gratia* @ Rs. 1,00,000 to the next of kin of each of 14 (fourteen) coal mine workers who died while working in an illegal coal mine in South Garo Hills District in 2012 and @ Rs. 50,000 to 5 (five) coal mine workers who were injured in the said accident. He further states that said amount will be disbursed to the concerned beneficiary once they approach the Deputy Commissioner, South Garo Hills District along with requisite documents duly verified by the concerned competent authority. The Deputy Commissioner, South Garo Hills District by a WT Message dated 19.07.2019 has already requested the Deputy Commissioners of all concerned districts and Officer in-charge of the concerned Police Stations in Assam having jurisdiction over the last known place of residence of these beneficiaries to inform the beneficiaries to approach him along with duly verified documents to receive the compensation.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite disbursement of the aforesaid compensation to the concerned beneficiaries and submit a report to the Committee within one month.

12. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that in response to a notice inviting applications for payment of *ex-gratia* published in local Dailies in compliance of a direction issued by this Committee, he received 11 (eleven) claims. These claims have been forwarded to Deputy Commissioners of the concerned districts (viz. East Jaintia Hills and South Garo Hills Districts) for verification. Report from Deputy Commissioners of both these districts is still awaited.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite verification of these claims and disbursement of *ex-gratia* to the genuine/eligible claimants and submit a report to the Committee within one month.

13. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that an order has already been placed by the Deputy Commissioner, East Jaintia Hills District to purchase six vehicles, each mounted with a water tanker, from an amount of Rs. 96.97 lakh released in his favour from the MEPRF, as has been approved by the Hon'ble National Green Tribunal (NGT) by its order dated 11.04.2019. So far two such vehicles have already been delivered. Smti. R. Kynjing,

Wep

Executive Engineer, Rural Water Supply Division, Jowai states that so far these vehicles have not been used for supply of potable water to villages affected by acid mine drain.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite purchase and use of these vehicles, obtain from the Deputy Commissioner, East Jaintia Hills District a Utilisation Certificate (UC) for the said amount along with a report on use of these vehicles and provide a copy thereof to the Committee within fifteen days.

14. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Government has taken up steps to introduce new transportation challans with security features like watermark, hologram and QR code to prevent misuse of challans.

The Committee notes that in compliance of directions issued by the Hon'ble NGT by Order dated 11.04.2019, the Committee in its twelfth Sitting held on 25.04.2019 issued several directions to ensure detection and prevention of illegal mining and transportation of the coal in Meghalaya. The Committee further notes that keeping in view that majority of these directions recorded in para (5) of the Record of Minutes of the said Sitting have not been implemented so far, the Committee in its sixteenth sitting held on 22.07.2019 had directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to submit a report on status of implementation of each of these directions in this Sitting. The said report is still awaited.

The Committee therefore directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite implementation of each of these directions and submit a report on status of implementation of each of these directions to the Committee within fifteen days positively.

15. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that an order for supply and installation of Digital Display Boards at Headquarters of all the coal mining affected districts and sub-divisions in the State has been issued. Installation of these Boards is likely to be completed on 15.09.2019.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to complete installation and display thereon the quality of ten worst polluted rivers and streams, of these Boards at headquarters of all coal mining affected districts and sub-divisions in State, at the earliest and to submit a report to the Committee within one month.

16. The Director of Mineral Resources, Government of Meghalaya states that contrary to what has been reported in records of minutes of proceedings of first day of Sixteenth Sitting of the Committee held at Shillong on 22.07.2019, out of the total ten (10) bore holes required for preparation of a Geological Report and Feasibility Report for 1 sq. km. area in Khliehriat-Sutnga area in East Jaintia Hills District, so far drilling of four (4) bore holes has only been initiated. Out of these, drilling of three (3) bore holes had to be abandoned mid-way due to jamming of drilling bits. Drilling of one bore hole, which has been completed, did not detect any coal seam. He further states that services of Mineral Exploration Corporation Limited (MeCL) are being availed to undertake drilling of requisite number of bore holes in the said area.

The Committee notes with concern the long delay in drilling of requisite number of bore-holes in the said area and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite drilling of bore-holes and preparation of Geological Report, Feasibility Report and Environment Report for the said area. A report on updated current status of preparation of these Reports along with a definite timeframe for completion thereof, shall be intimated to the Committee within fifteen days.

17. Prof. O.P. Singh, Department of Environmental Studies, North Eastern Hill University (NEHU) places before the Committee a status report of a project on neutralization of acid mine drain (AMD) contaminated water of some selected streams in coal mining areas of Meghalaya by constructing open limestone channel (OLC) using locally available limestone and intermittent wetlands with local aquatic plants, being undertaken in East Jaintia Hills district under his guidance. The Committee takes the same on record.
18. The Committee in first day of its Sixteenth Sitting held at Shillong on 22.07.2019 requested Prof. O.P. Singh to prepare a detailed protocol and year-wise cost -estimates for neutralization of acid mine drain (AMD) contaminated water of some selected streams in coal mining areas of Meghalaya by constructing open limestone channel (OLC) using locally available limestone and intermittent wetlands with local aquatic plants. It was also requested that the protocol and the cost-estimates may specifically provide for use of limestone with low sulphur content and expenditure to be incurred on periodic rejuvenation of limestone beds. Prof. O.P. Singh states that preparation of the said protocol is presently under progress. The Committee therefore, requests Prof. O.P. Singh to expedite preparation of the said protocol and submit a copy thereof to the Committee within fifteen days.



19. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Forests and Environment Department states that decision on a proposal submitted by the Principal Chief Conservator of Forests & HoFF for payment of sitting fee to official members of the Committee and various experts invited to attend meetings of the Committee is still under consideration of the State Government.

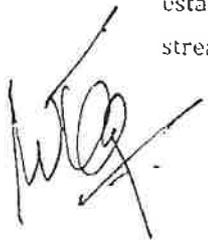
The Committee directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department to expedite decision on the said proposal and intimate the same to the Committee within one week.

20. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Forests and Environment Department states that a proposal submitted by the Principal Chief Conservator of Forests & HoFF to enhance the rates of monthly honorarium payable to the Chairman of this Committee has been forwarded to the Mining and Geology Department for appropriate decision.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite decision on the said proposal and intimate the same to the Committee within one week.

21. The Committee during first day of its Sixteenth Sitting held on 22.07.2019 directed the Chairman, MSPCB to submit details of the regulatory regime presently in force to govern establishment and operation of coal depots in the State along with a proposal to fill gaps, if any, in such regime to ensure prevention and control of generation of acid mine drain (AMD) from such depots. The same is still awaited. The Committee therefore directs the Chairman, MSPCB to provide the above information to the Committee positively within one week.

22. The Committee in first day of its Sixteenth Sitting held on 22.07.2019 noted that establishment and operation of a coal mine in Meghalaya requires prior consent from the MSPCB under Section 25 of Water (Prevention and Control of Pollution) Act, 1974. The Committee also noted that it is an admitted position that all coal mines in the State had been established and operated without obtaining prior consent from the Board. The owners of all these mines are therefore, liable to be punished under Section 44 of the Water (Prevention and Control of Pollution) Act, 1974 for contravention of section 24 of the said Act, without a need to establish before the concerned Court of Law that establishment and operation of such mines have caused pollution of one or more water streams.



Keeping in view the above, the Committee in the said sitting directed the Chairman, MSPCB to initiate necessary penal actions in accordance with all relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974 and all other Environmental Acts, rules and regulation against the persons involved in illegal mining of coal in the State. In response the Member Secretary, in a communication dated 13.08.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya stated that the MSPCB has sought advice of its Standing Legal Counsel on the matter. In response the Standing Legal Counsel gave his opinions as follows:-

- (i) That a prior general public notice is necessary to be published in leading local news paper barring all mining operations, mining activities, coal depots, establishments, coal transportation, etc., from carrying out any activity without prior consent from the board. Failing which, legal actions may be followed.
- (ii) That the Directorate of Mineral Resources, Forest Department, District Administration, etc., may immediately stop issuing challans, clearance, grating any permission or licence to any mine owner or miner or trader without prior consent from the Board.
- (iii) That the Board on being approached for availing consent by the occupier will ensure by visiting the identified site/location/ETPs and will inspect it in the presence of the Stakeholders tested & mapped and further assure that no effluent or pollutant is allowed to leak in to the river or stream or land before granting consent.
- (iv) That unless the aforesaid are initiated afresh and complied by all the stakeholders before granting consent, it would be too huge a task to identify any coal miner, or mine owner or trader spread out across the interiors of the State.

The Committee after examination of the matter is of the view that the name and address of the mine owners have already been provided to the MSPCB by the Directorate of Mineral Resources. It is also an admitted position that all coal mines in the State have been established and operated without obtaining prior consent from the Board. The Committee is also of the view that every power conferred on any person or any authority under any statute always cast a duty on such person or authority to exercise such power to achieve the intent and purpose under which such power has been conferred on such person or authority. The MSPCB is thus duty bound to exercise all the Powers conferred on it under relevant sections, including section 44 of the Water (Prevention and Control of

Pollution) Act, 1974 to initiate proceedings against all those persons who have undertaken mining of coal in contravention of the provisions of section 21 of the said Act.

The Committee therefore reiterates its earlier direction to the effect that the MSPCB shall initiate necessary penal actions in accordance with all relevant provisions of the **Water (Prevention and Control of Pollution) Act, 1974** and all other environmental Acts, rules and regulation against the persons involved in illegal mining of coal in the State and submit a report to this Committee within one month.

23. The Committee after perusal of certain documents placed before it by the Member-Secretary, MSPCB in first day of its Sixteenth Sitting held at Shillong on 22.07.2019 observed that actions are proposed to be taken by the MSPCB against only a limited number of persons involved in illegal mining, storage and transportation of coal resulting in pollution of rivers, streams and other water bodies in the State. The Committee was of the view that the mining, storage and transportation of about 12 million metric tonnes of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT from time to time after ban on illegal rat hole coal mining in the State was imposed by the NGT in April, 2014 could not have been undertaken by these limited number of persons.

The Committee keeping in view the above, in the said Sitting directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to furnish to the MSPCB and to this Committee a district-wise list of all persons involved in mining, storage and transportation of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT after the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014. The said list is still awaited.

The Committee therefore, reiterates its direction to the effect that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall positively furnish to the MSPCB and to this Committee within one week a district-wise list of all persons involved in mining, storage and transportation of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT after the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014.

24. The Committee keeping in view that use of high sulphur local coal by Thermal Power Plants (TPPs) in the State may cause environmental pollution, in the first day of its Sixteenth Sitting held at Shillong on 22.07.2019 directed the Addl. Director General (Central), North Eastern Regional Office, MoEFCC, Gol to request the MoEFCC, Gol and the

State Environment Impact Assessment Authority (SEIAA), Meghalaya to stipulate an appropriate additional condition in Environment Clearances (ECs) granted to all the TPPs in the State to prohibit use of high sulphur local coal by these TPPs.

Mr. S.K. Agarwal, Addl. Director General of Forests (Central), North Eastern Regional Office, MoEFCC, GoI in a communication dated 08.08.2019 addressed to the Member-Secretary of this Committee stated that the Regional Office vide letters dated 06.08.2019 communicated a copy of the minutes of the said Sitting to the Member-Secretary, Impact Assessment - I (Thermal) Division in the MoEFCC, GoI and the Member-Secretary, SEIAA, Meghalaya with a request to impose an appropriate additional condition in the EC of TPPs operating in the State. The Committee takes a copy of the said letter on record.

It has also been stated in the said letter that the SEIAA, Meghalaya vide letter dated 29.07.2019 has already stipulated an additional condition to the effect that *"the PP shall not use coal in Thermal Power Plant procured from the local source, since illegal activities of coal mining is rampant in the State."* in the Environmental Clearance (EC) to the Meghalaya power Limited

The Committee notes that in case of the Meghalaya Power Limited a condition to the effect *"In case source of fuel supply is changed at a later stage (now proposed on imported coal from Indonesia the project proponent shall intimate the Ministry well in advance along with necessary requisite documents for its concurrence for allowing the change., In such a case the necessity for re-conducting public hearing may be decided by the Ministry in consultation with the Expert Appraisal Committee"* has already been stipulate in the EC to the said TPP. Stipulation of an additional condition in the EC to the said TPP by the SEIAA, Meghalaya by the said letter dated 29.07.2019 will therefore not serve purpose. In fact the Committee in its several previous meetings has directed the North Eastern Regional Office of the MoEFCC, GoI to take necessary actions to stipulate a similar condition in the ECs granted to other TPPs in the State. Instead of doing so, an additional condition in ECs granted to other TPPs, the SEIAA Meghalaya has stipulated an additional condition to EC granted to the Meghalaya Power Limited, which already had a condition to prohibit use of high sulphur local coal.

The Committee therefore, reiterates its earlier direction to the effect that the Addl. Director General of Forests (Central), North Eastern Regional Office, MoEFCC, GoI shall take immediate necessary actions to get an additional condition stipulated in ECs granted to all TPPs in the State to prohibit use of high sulphur local coal by all such TPPs and submit a report to the Committee within one month.

25. Mr. S.K. Agarwal, Addl. Director General of Forests (Central), North Eastern Regional Office, MoEFCC, Gol states that decision of the MoEFCC, Gol on the proceedings initiated against the Meghalaya Power Limited for use of locally sourced coal in violation of a condition stipulated in the EC to the said TPP is still awaited.

The Committee notes with great concern long delay in taking a decision in the matter and reiterates its earlier direction to the effect that the Addl. Director General in-charge North Eastern Regional Office of the MoEFCC, Gol shall ensure that appropriate punitive measure against the said TPP for violation of a condition stipulated in the EC shall be taken at the earliest and submit a report to the Committee within one month.

26. Smt. I. Mawlong, Joint Secretary to the Government of Meghalaya, Revenue and Disaster Management Department states that the State Government after examination of a draft Comprehensive Disaster Management Plan, both "on-site" and "off-site" received from the Deputy Commissioner, East Jaintia Hills District observed that the same is not up to the mark and needs further improvements. The State Government has therefore, recently requested the Deputy Commissioner, East Jaintia Hills District to submit a revised draft Plan. On receipt, the same will be placed before the State Disaster Management Authority for consideration and approval.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Revenue and Disaster Management Department to take all possible measures to prepare an acceptable plan, get the same approved by the competent authority and provide a copy thereof duly approved by the competent authority to this Committee within fifteen days.

27. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that necessary directions have been issued to the officers in the Mining and Geology Department and the District Administration who have been authorised under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 to file complaint against the persons involved in illegal raising and transportation of coal to exercise power vested on them. He further states that till date no enquiry has been initiated by any of these Authorised Officers in the Mining and Geology Department and the District Administration to file complaint before the concerned competent Court of Law for violation of the Mines and Minerals (Development and Regulation) Act, 1957.



The Committee notes the above with great concern and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to ensure that all such officers exercise powers conferred on them to enquire into and file complaint against the persons involved in illegal raising and transportation of coal in the State. A monthly report on the enquiries initiated and complaints filed by such officers shall be submitted to this Committee every month. First such report shall be submitted to this Committee on or before 10.09.2019.

28. Mr. H. Nongpluh, IPS, Addl. Director General of Police (L. &O/ TAP/ SB/Borders), Government of Meghalaya states that in the Nangal Bibra P.S. case No. 10 (03) of 2013, Post-Mortem Report has already been received from the District Medical and Health Officer, Williamnagar. Charge-sheet in the said case, which was pending so far due to non-receipt of the said post-mortem report, will be filed before the concerned Court of Law within one week. The Committee directs the Director General of Police, Meghalaya to submit a report on the same to the Committee within fifteen days.
29. Mr. H. Nongpluh, IPS, Addl. Director General of Police (L. &O/ TAP/ SB/Borders), Government of Meghalaya states that in compliance of directions issued by the Committee in the first day of its Sixteenth Sitting held on 22.07.2019, Police Check Posts have already been set up at Dongkiingding in West Khasi Hills District and Nartiang in West Jaintia Hills District to effectively avert illegal transportation of coal by using vulnerable internal routes passing through these areas. The Committee notes the same.
30. The Committee in first day of its Sixteenth Sitting held on 22.07.2019 directed Mr. M.B.K. Reddy, IPS, Chief Executive Officer, the Meghalaya State Compensatory Afforestation Fund Management and Planning Authority (CAMPFA) to place before the Committee a plan formulated by the Meghalaya State CAMPFA to obtain approval of the competent authorities for execution of various activities from the CAMPFA. He was also directed to the effect that details of activities to be undertaken in areas affected by coal mining shall separately be provided to the Committee. The same are still awaited.

The Committee therefore reiterates its earlier direction to the effect that Mr. M.B.K. Reddy, Chief Executive Officer, Meghalaya State CAMPFA shall provide a copy of the said Plan to the Committee within one week. Details of activities to be undertaken in areas affected by the coal mining shall also be provided to the Committee separately within one week.



31. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Government of Meghalaya vide Notification dated 13.03.2019 has notified 'Authorised Officers' to seize mineral raised or transported illegally along with the vehicles. He further states that the officers authorised by above notification shall also exercise power conferred under sub-section (5) of section 21 of Mines and Minerals (Development and Regulation) Act, 1957 to recover mineral raised unlawfully from such person or where such mineral has already been disposed to recover price thereof.

He further states that the Chief Secretary, Meghalaya convened a meeting on 07.01.2019 in connection with illegal mining and transportation of coal and a direction was issued to form a joint operation team of police, mining and transport Departments under the supervision of respective Deputy Commissioner/Superintendent of Police to seize coal and machineries/equipment in each mining districts of the State. Deputy Commissioner from time to time to have deputed Magistrate and Executive Magistrate, and police to conduct checking in mines to seize mineral, tools and vehicles used in illegal coal mining. The authorised officers under Section 21 and section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 are enforcing the provisions of the Act.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya to place before the Committee a copy of notification/communication wherein it has been stated that the officers authorised by the notification dated 13.03.2019 shall also exercise power conferred under sub-section (5) of section 21 of Mines and Minerals (Development and Regulation) Act, 1957 to recover mineral raised unlawfully or where such mineral has already been disposed to recover price thereof. The Committee further directs that the district-wise details of minerals or price thereof recovered by such Authorised Officers and the mineral, tools, and vehicles seized by the Joint Operation Teams shall also be placed before the Committee within one month.

32. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the State Government has initiated measures to frame Rules under Section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957 for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith. He further states that these draft rules are yet to be placed before the Cabinet for approval.



The Committee reiterates its earlier direction to the effect that the Commissioner and Secretary to the Government of Meghalaya, Mining & Geology Department shall complete all necessary procedural requirements and notify these rules within one month. A copy of a Gazette Notification containing these rules shall be provided to the Committee within one month.

33. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, CPCB states that he has received a communication from the Mining and Geology Department, Government of Meghalaya to the effect that Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department has been nominated to be a member of the Sub-Committee to be headed by Dr. Shantanu Kumar Dutta, Addl. Director, North Eastern Regional Directorate of the CPCB to scrutinise the proposal involving use of new technologies for restoration of environment in general and quality of water in particular, in areas affected by coal mining in Meghalaya.

The Committee directs the Principal Secretary to the Government of Meghalaya, Forest & Environment Department; the Chairman, Meghalaya State Pollution Control Board and the Addl. Director General of Forests (Central), North Eastern Regional Office of the MoEFCC, Gol to nominate their representative to the said Sub-Committee within one week. The Committee further directs that on receipt of the nomination from all concerned, the Regional Director, North Eastern Regional Directorate, CPCB shall issue a formal notification to constitute the Sub-Committee. The notification shall clearly state the Terms of Reference (ToR) of the Sub-Committee. The representative of the Meghalaya State Pollution Control Board shall be the Member Secretary of the said Sub - Committee who shall from time to time issue notification for holding the meeting of the said Sub - Committee.

The Committee, in partial modification of its earlier directions, directs that recommendation of the Sub-Committee shall be placed before the Committee for its examination and approval.

34. Mr. M. Somorjit Singh, Scientist, North Eastern Space Application Centre (NESAC), Umiam provides a copy of the final draft of a report on a study assigned to NESAC to prepare geospatial inputs for planning and restoration of areas affected by coal mining in East and West Jaintia Hills districts in Meghalaya to the representatives of the CPCB, Meghalaya State Pollution Control Board (MSPCB), Forests and Environment Department and Mining and Geology Department and requests that the comments, if any, on the said report may

be provided to the NESAC within fifteen days, so that the same may be incorporated in the report before the same is finalised.

The Committee directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department; the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department; the Chairman, MSPCB and the Regional Director, North Eastern Regional Directorate, CPCB to examine the said draft report and communicate their comments, if any, on the report to the NESAC within fifteen days. The Committee also directs the NESAC to finalise the report and provide a copy thereof to the Committee within three weeks. The Committee further directs the NESAC to expedite preparation of similar reports for the remaining coal bearing districts in the State and submit a copy thereof to the Committee within one month.

The Committee also decided that decision of a proposal of the NESAC to undertake similar land-use Land -cover analysis of the areas having coal dumps/depots for the period immediately before the ban on coal mining was imposed by the Hon'ble NGT in April 2014 and once in a year thereafter (*i.e.* 2014, 2015, 2016, 2017 and 2019) at an estimated outlay of Rs. 24, 35, 500/- (rupees twenty four lakh thirty five thousand five hundred) only to ascertain that coal stated to be existing at these dumps/depots was continuously existing at each such dump/depot since ban on rat hole coal mining was imposed by the Hon'ble NGT in April, 2014 will be taken after the receipt of a copy of the draft policy being formulated by the Mining and geology Department, Government of Meghalaya for handing over and transportation of coal permitted to be transported by the Hon'ble Supreme, is received by the Committee.

35. The Committee directs the Commissioner and Secretary to Government of Meghalaya, Mining and Geology Department to submit monthly reports on safety measures including fencing of the abandoned and working coal pits as per the Coal Mines Regulations, 2017 and Mines and Minerals (Development and Regulation) Act, 1957 and all other applicable laws undertaken by the Mining & Geology Department, Government of Meghalaya in association with the Deputy Commissioners of the respective districts to prevent human and animal deaths due to accidental falling in unguarded coal mining pits/shafts. The first such report for the month of August 2019 shall be submitted to the Committee on or before 10.09.2019.
36. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that a Policy for transportation and handing over of the coal available at various Depots in the State to the Coal India Limited for its disposal

through e-auction will shortly be placed before the Cabinet for approval. The Policy as approved by the Cabinet will be provided to the Committee.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that the policy as approved by the Cabinet shall be placed before the Committee at the earliest. The Committee further directs that the Policy as approved by the Cabinet will be examined by the Committee in its Second Special Sitting to be held at Guwahati on 07.09.2019.

37. Dr. A. Saraf, learned Senior Advocate along with Smti. N.N. Dutta, learned Advocate appears before the Committee on behalf of State Cement Limited. Mr. Pradeep Purohit, Vice President, Star Cement Limited is also present during the Sitting. Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya places before the Committee documents relating to two cement plants (viz. Star Cement Limited and Star Cement Meghalaya Limited) and one Thermal Power Plants (viz. Meghalaya Power Limited) of Star Cement Limited received by him vide three separate communications, each dated 13.08.2019. The Committee takes these documents on record.

As per these documents, year wise details of clinker (MT)/power (kwh) produced and coal procured by each of these plants, since the illegal rat hole coal mining was banned by the Hon'ble NCT in April 2014 (viz, 2014-15 to 2018-19), are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited	Clinker produced (MT)	3,30,010	4,92,055	5,67,241	5,15,350	6,00,025	25,04,681
	Coal procured (MT)	13,417	47,628	10,192	25,267	10,989	1,07,493
Star Cement Meghalaya Limited	Clinker produced (MT)	15,49,349	16,29,025	15,79,345	15,41,945	14,36,600	77,36,264
	Coal procured (MT)	58,448	1,48,954	9,775	67,624	84,188	3,68,989
Meghalaya Power Limited	Power Produced (Million kwh)	167,923	183,114	201,624	190,059	170,116	912,836
	Coal procured (MT)	25,182	60,092	41,863	36,129	18,024	1,89,290

It has also been stated in these documents that these plants also purchased alternate fuels such as Mu Slate, Petcoke and Saw dust. Year-wise details quantity of alternate fuels stated to be used by each of these plants is as below:

(Metric Tonne)

Plant	Nature of Alternate Fuel	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited	Mu Slate	50,042	91,556	82,969	1,92,859	1,01,129	5,18,555
Star Cement Meghalaya Limited	Mu Slate/ Pet Coke/ Saw Dust	1,87,631	3,01,027	2,03,188	4,45,209	1,86,032	13,23,087
Meghalaya Power Limited	Mu Slate	1,06,243	1,39,303	1,73,348	2,87,638	1,58,652	8,65,184

It has also been stated in these communications that average estimated requirement of coal and alternate fuel for production of clinker by these plants is 9% - 14% and 25% - 35% respectively. Similarly, it has also been stated in these communications that average estimated requirement of coal and alternate fuel for production of one kwh of power by the said Thermal Power Plant is 0.45 - 0.65 kg per kwh and 1.20 - 1.60 kg per kwh.

The Committee after examination of the Techno-Economic Feasibility Report of the Modernisation & Expansion of the then existing plant of the Cement Manufacturing Company Limited (now Stat Cement Limited) from 1800 TPD to 2400 TPD clinker and a similar report of 5300 TPD clinkerization plant (now State Cement Meghalaya Limited), both prepared by Holtec Consulting Private Limited, a copy of the which was provided to the Committee during the meeting by Mr. Pradeep Vyas, Vice Chairman, Star Cement Limited, the Committee observes that both these plants have been designed to use 100% Meghalaya coal available locally from areas within the distance of 50 kms. Nowhere in these reports it is stated that any of these plants can be operated by any alternate fuel other than coal.

As per these reports, net calorific value of the local coal to be used in these clinker plants is 5,800 Kcal/kg. It has also been stated in these reports that specific heat consumption of these plants is 740 Kcal per kg of clinker. The average estimated requirement of coal as per these information given in these reports is 12.75 %. Keeping in view that the project proponent in

their own communication has stated that estimated requirement of coal for these plants is upto 14 % and both these plants are more than 10 years old, the Committee is of the view that actual requirement of coal for production of clinker by both these plants is atleast 14 %.

The Committee after examination of the Techno-Economic Feasibility Report of the Meghalaya Power Limited prepared jointly by Technical Consultant – Cethar Consulting Engineers (P) Ltd., Chennai and Financial Consultant- KBC Consultants Pvt. Ltd., Kolkata, a copy of the which was provided to the Committee during the meeting by Mr. Pradeep Vyas, Vice Chairman, Star Cement Limited, the Committee observes that the said plant was designed to use coal sourced from nearby coal mines at Bapung and Khliehriat, Jaintia Hills, in Meghalaya & captive mines, Meghalaya. Requirement of the locally sourced Meghalaya coal at 100 % capacity for the said 43 MW TPP, as per the said report, is 720 MT per day. The specific fuel requirement for the said TPP, as per the information given in the said plant is therefore 0.70 kg/ kwh. Nowhere, in the said report it has been stated that it will be feasible to run the plant by using any alternate fuel other than coal.

Keeping in view the non-availability of a legal source of the local coal, Environmental Clearance (EC) to the said TPP was accorded subject to among others a condition that *"In case source of fuel supply is changed at a later stage (now proposed on imported coal from Indonesia the project proponent shall intimate the Ministry well in advance along with necessary requisite documents for its concurrence for allowing the change., In such a case the necessity for re-conducting public hearing may be decided by the Ministry in consultation with the Expert Appraisal Committee"*. The North Eastern Regional Office of the MoEFCC, GoI during routine monitoring of conditions stipulated in EC to the said TPP has observed that in contravention of the said condition, the plant has been operated by using locally sourced coal. For the said violation, the North Eastern Regional Office has requested the MoEFCC, GoI to initiate penal measures in accordance with the provisions of the Environment (Protection) Act, 1986 against the said TPP. In pursuance, a show cause notice has already been issued to the said TPP by the MoEFCC, GoI.

In the information provided by Mr. Pradeep Vyas, Vice-President, Star Cement Limited it has been stated that during the last five years Star Cement has procured 6,65,772 metric tonnes of coal and 27,06,862 metric tonne of alternate fuel. As per these information two of these plants (viz. Star Cement Limited and Meghalaya Power Limited) used only one type of alternate fuel (viz. Mu Slate). As per these information, one of these plants (viz. Star Cement Meghalaya Limited), apart from the Mu Slate, used pet coke and saw dust have also been used as alternate

fuel



Use of alternate fuel, in place of coal in these plants, which have been designed to use coal as an exclusive fuel, requires major modification/alteration in their design and operation. Nothing was placed before the Committee to the effect that design of these plants have been altered/modified to enable them to utilise fuel such as Mu slate having very low calorific value of about 1200 Kcal/ kg in place of the high calorific value local Meghalaya coal of about 5800 Kcal/kg calorific value. During the year 2016-17 as per the information provided Mr. Pradeep Vyas, the Star Cement Meghalaya Limited was operated by using 9,775 MT coal and 2,03,188 MT of alternate fuel. The Committee is of the view that even with modifications, a clinker plant cannot attain the requisite kiln temperature with such a low calorie fuel mix.

The Committee also observes that paragraph 2 of the Environment Impact Assessment (EIA) Notification issued by the MOEFCC, Gol vide S.O. 1533 dated 16.09.2006 mandates prior EC in the cases involving change in product mix. Mr. Pradeep Vyas, Vice President, Star Cement Limited admits that no such EC has been obtained for any of these plants. Mr. H. Tynsong, Scientist D, North Eastern Regional Office of the MoEFCC, Gol draws attention of the Committee to specific condition no. (xi) (*viz. efforts shall be made to use low -grade lime, more fly ash and solid waste in cement manufacturing*) and no. (xii) (*viz. an effort shall be made to use of high calorific hazardous waste in the cement kiln and necessary provision shall be made accordingly*) stipulated in EC to Star Cement Meghalaya Ltd. issued by the MoEFCC, Gol vide letter dated 28.10.2009 and states that these conditions specifically provides for use of alternate fuel. He further states that keeping in the above, use of alternate fuel in place of coal by the said plant does not requires prior EC. The Committee after examination of six-monthly self-compliance reports to said EC, a copy of which is available on website of the Star Cement Limited, observes that in respect of the afore-mentioned condition no. (xi) it has been reported that "SMCL is a clinkerization unit, no fly ash is used in the unit. The generated solid waste from the pollution control equipment has been recycled and re-used in the process and has been used for clinker manufacturing. Amount 8-10 % of low grade lime available in the mine has been used in the process". Similarly, in respect of the afore-mentioned specific condition no. (xii) it has been reported that "Provision already made to use of high calorific waste i.e. waste oil in the kiln. The tank capacity is 1000 litres. The used oil disposal process along with photograph has been submitted along with CREP in MoEF&CC, Shillong & New Delhi." Use of any alternate fuel, as is being claimed by Mr. Pradeep Vyas, Vice President, Star Cement Limited, has not been reported anywhere in these self-compliance report. Even for the used oil, merely making a provision for its use and not any actual use has been reported.



Apart from the revised EC, change in fuel for a plant also requires prior No objection Certificate approval of the MSPCB. The Member- Secretary, MSPCB places before the Committee a letter dated 24.09.2017 wherein the MSPCB communicated its no-objection certificate to M/s. Star Cement Meghalaya Limited for use of Petroleum Coke in its cement plant subject to conditions stipulated in the said letter. However, use of Petroleum Coke by the said Cement Plant is not reported in the Six Monthly self-compliance reports in respect of the said plant for the period after 24.09.2017.

The mining/ winning/ extraction of Mu slate claimed to be used by these plants requires prior mining lease. It also requires payment of royalty and other taxes to the State Government. Nothing is placed before the Committee to indicate that any mining lease has been granted in the State for mining of Mu slate and the Mu slate, if any, used by these plants has been sourced from an area having valid mining] lease after payment of requisite royalty and other taxes payable to the State Government. Subject to confirmation within one week by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department, committee is of the view that State of Meghalaya neither has a valid mining lease for Mu slate nor any royalty has so far been realised by the State on slate used by any of the cement plants or TPPs in the State.

Keeping in view the above, the Committee prima facie is of the view that the gap in coal required to produce reported quantity of clinker and power by the afore-mentioned plants of the Star Cements Limited in all probability has been met by illegally sourced local coal. Even if a part of it has been met by any alternate fuel, the same has been done in violation of the environmental and mining laws and also without payment of the requisite royalty and other taxes to the State Government.

Keeping in view the above, the Committee is of the view that neither it is technically feasible, nor it is legally possible to replace coal by alternate fuel by any of these cement and power plants

Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker/power produced (@ 14% for clinker and 0.70 kg of coal per kwh of power produced) and gap in coal requirement which has in all probability been met from illegally sourced local coal in respect of each of the afore-mentioned three plants of the Star Cement Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	

1	2	3	4	5	6	7	8
Star Cement Limited	Clinker produced (MT)	1,30,010	4,92,055	5,67,241	5,15,350	6,00,025	25,04,681
	Coal required (MT)	46,201	68,808	79,414	72,149	84,004	3,50,655
	Coal procured (MT)	13,417	47,628	10,192	25,267	10,989	1,07,493
	Gap (MT)	32,784	21,260	69,222	46,882	73,015	2,43,162
Star Cement Meghalaya Limited	Clinker produced (MT)	15,49,349	16,29,025	15,79,345	15,41,945	14,36,600	77,36,264
	Coal required (MT)	2,16,909	2,28,064	2,21,108	2,15,872	2,01,124	10,83,077
	Coal procured (MT)	58,448	1,48,954	9,775	67,624	84,108	3,68,989
	Gap (MT)	1,58,461	79,110	2,11,333	1,48,248	1,16,936	7,14,088
Meghalaya Power Limited	Power Produced (Million kwh)	167.92	183.11	201.62	190.06	170.12	912.84
	Coal required (MT)	1,17,546	1,28,180	1,41,137	1,33,041	1,19,081	6,38,985
	Coal procured (MT)	25,182	68,092	41,863	36,129	18,024	1,89,290
	Gap (MT)	92,364	60,088	99,274	96,912	1,01,057	4,49,695
Total for above three plants	Coal required (MT)	3,80,656	4,25,131	4,41,659	4,21,063	4,04,209	20,72,718
	Coal procured (MT)	97,047	2,64,674	61,830	1,29,020	1,13,201	6,65,772
	Gap (MT)	2,83,609	1,60,457	3,79,829	2,92,043	2,91,008	14,06,946

38. Mr. R.K. Pareek, President, Meghalaya Cement Limited appears before the Committee and places before the Committee documents relating to one cement plant and one 10 MW capacity Captive Power Plant. The Committee takes these documents on record.

The Committee after examination of the Techno-Economic Feasibility Report of the Augmentation of the Clinkerization capacity of the plant from 900 TPD to 2,600 prepared by Holtec Consulting Private Limited, a copy of the which was provided to the Committee



during this Sitting by Mr. R.K. Pareek, observes that the said plant has been designed to use 100% Meghalaya coal available locally. As per the said report, net calorific value of the local coal to be used in the clinker plants is 5,800 Kcal/kg. It has also been stated in the said reports that specific heat consumption of these plants is 840 Kcal per kg of clinker. The average estimated requirement of coal as per the information given in the said report is 14.66 %.

The Committee after examination of the Techno-Economic Feasibility Report of the 10 MW capacity Captive Power Plant prepared by AKB Power Consultants Pvt. Ltd., a copy of the which was provided to the Committee during the Sitting by Mr. R.K. Pareek, observes that the said plant was envisaged to use coal sourced from Western Parts of Meghalaya Hills. The Annual requirement of the locally sourced Meghalaya coal at 100 % capacity for the said 10 MW TPP, as per the said report, is 63,072 MT. The specific fuel requirement for the said TPP, as per these information given in the said report, is therefore 0.72 kg/kwh. Nowhere, in the said report it has been stated that it will be feasible to run the plant by using any alternate fuel other than coal.

Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker/power (@ 14.66% for clinker and 0.72 kg of coal per kwh of power produced) and gap in coal requirement which has, in all probability been met from illegally sourced local coal in respect of clinker/cement plant and captive TPP of the Meghalaya Cement Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Clinker/ Cement Plant	Clinker produced (MT)	7,98,378	8,43,815	6,96,071	8,39,931	8,38,237	40,16,432
	Coal required (MT)	1,17,042	1,23,703	1,02,044	1,23,134	1,22,886	5,88,809
	Coal procured (MT)	77,457	29,899	30,881	35,220	34,317	2,07,774
	Gap (MT)	39,585	93,804	71,163	87,914	88,569	3,81,035
Captive	Power Produced	27,738	54,472	58,191	68,590	69,887	278.88

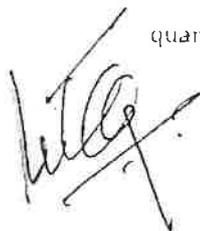
Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Thermal Power Plant (TPP)	(Million kwh)						
	Coal required (MT)	19,971	39,220	41,898	49,385	50,319	2,00,792
	Coal procured (MT)	19,076	14,787	15,087	18,792	19,670	87,412
	Gap (MT)	895	24,433	26,811	30,593	30,649	1,13,380
Total for the Clinker/ Cement and TPP	Coal required (MT)	1,37,014	1,62,923	1,43,942	1,72,519	1,73,204	7,89,601
	Coal procured (MT)	96,533	44,686	45,968	54,012	53,987	2,95,186
	Gap (MT)	40,481	1,18,237	97,974	1,18,507	1,19,217	4,94,415

39. Mr. M.P. Sharma, Authorised Signatory, Amrit Cement appears before the Committee and places before the Committee some of the documents relating to one cement plant and one 12 MW capacity Captive Power Plant of Amrit Cement. The Committee takes these documents on record.

In the absence of Techno-Economic Feasibility Report of the Clinker/Cement and Captive Power Plant, a copy of which has not been submitted to the Committee, it is not feasible for the Committee to assess the estimated requirement of coal to produce a one MT of clinker and one unit of power by the said cement and power plants respectively. Subject to further correction on receipt of these reports from the Amrit Cement, the Committee assumes that specific requirement of coal for the Clinker/Cement and Thermal Power Plants of Amrit Cement Ltd. will be same as the corresponding unit requirement of coal by similar plants of the Meghalaya Cements Ltd.

The documents submitted by Mr. M.P. Sharma also does not contain year-wise details of coal consumed by these clinker and captive power plants. The Committee therefore, decides to utilise the year-wise quantity of coal consumed by these plants as indicated in a report submitted to the Committee by North Eastern Regional Directorate of CPCB for further analysis.

Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker and power (@ 14.66% coal for clinker and 0.72 kg of coal per kwh of

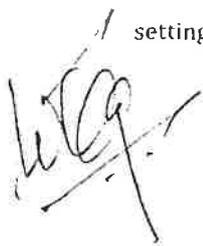


power) and gap in coal requirement which has in all probability been met from been met from illegally sourced local coal in respect of Clinker/Cement plant and captive TPP of the Amrit Cement, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Clinker/ Cement Plant	Clinker produced (MT)	3,07,286	4,03,205	4,25,842	4,01,497	5,40,902	20,78,732
	Coal required (MT)	45,048	59,110	62,428	58,859	79,296	3,04,742
	Coal procured (MT)	23,217	30,464	32,173	30,335	40,868	1,57,057
	Gap (MT)	21,831	28,646	30,255	28,524	38,428	1,47,685
Captive Thermal Power Plant (TPP)	Power Produced (Million kwh)	44,976	54,197	49,257	46,977	77,392	272.80
	Coal required (MT)	32,383	39,022	35,465	33,823	55,722	1,96,415
	Coal procured (MT)	16,773	20,212	10,369	17,519	28,861	1,01,734
	Gap (MT)	15,610	18,810	17,096	16,304	26,861	94,681
Total for the Clinker/ Cement and TPP	Coal requirement (MT)	77,431	98,132	97,893	92,683	1,35,018	5,01,157
	Coal procured (MT)	39,990	50,676	50,542	47,854	69,729	2,58,791
	Gap (MT)	37,441	47,456	47,351	44,829	65,289	2,42,366

40. Mr. G. S. Sodhi, Authorised Signatory, **Goldstone Cements Limited** appears before the Committee and places before the committee documents relating to one cement plant and one 10 MW capacity Captive Power Plant. The Committees takes these documents on record.

The Committee after examination of the Techno-Economic Feasibility Report for setting up of 2615 TPD Green Field Cement Plant of Goldstone Cements Ltd. at village



Musiang Lamare in East Jaintia Hills district, a copy of which was provided to the Committee during the Sitting by Mr. R.G.S. Sodhi, observes that the said plant has been designed to use the coal available in command area of the site (i.e. local Meghalaya Coal). As per the said report, the average estimated requirement of coal for the said plant is 18% of the weight of clinker produced. Mr. G.S. Sodhi also states that the plant started operations in the year 2016-17.

It has also been stated in the documents provided by Mr. G.S. Sodhi to the Committee during the meeting that apart from the coal, alternate fuel such as Mu Slate/Saw dust etc. have also been utilised for production of clinker by the said plant. For the detailed reasons given in respect of similar claims made by Star Cement Limited, the Committee is of the view the neither it is technically feasible, nor it is legally possible to replace coal by alternate fuel. The Committee therefore decides not to take into account the use of such alternate fuel while assessing the gap in the coal required to produce reported quantity of clinker.

Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker power (@ 18.00%), gap in coal requirement which has in all probability been met from illegally sourced local coal and quantity of alternate fuel claimed to be purchased by the said cement plant of Goldstone Cement Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
2	3	4	5	6	7	8
Clinker produced (MT)	-	-	1,52,995	3,99,197	4,82,500	10,34,692
Coal required (MT)	-	-	27,539	71,855	86,850	1,86,245
Coal procured (MT)	-	-	5,918	21,295	4,946	32,159
Alternate fuel (Muslate/ Saw Dust etc.) claimed to be purchased	-	-	99,242	2,65,532	2,57,928	6,22,702

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
2	3	4	5	6	7	8
Gap (MT)	-	-	21,621	50,560	81,904	1,54,086

41. Ms. P. Bora, Legal Head, Dalmia Bharat Cement Ltd (formerly known as Adhunik Cement Ltd), who is present in today's Proceedings states that a part of the information and documents sought by the Committee have already been provided to the North Eastern Regional Directorate of the CPCB who is undertaking detailed fuel (coal) Audit of various cement plants and Thermal Power Plants in Meghalaya. She further states that the remaining information and documents will also be provided to the CPCB shortly.

The Committee directs the Dalmia Bharat Cement Ltd. to provide all requisite information and documents to this Committee as well as to the CPCB within one week without fail.

Subject to further correction on receipt of information/documents from the Dalmia Bharat Cement Limited, the Committee decides to estimate gap in coal requirement for the above plant based on the data compiled by the CPCB and assuming that estimated requirement of coal to produce one MT of clinker and one unit of power is same as the corresponding requirement of coal for cement and TPP of the Meghalaya Cement Limited.

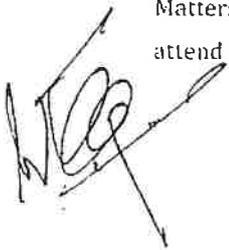
Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker and power (@ 14.66% for clinker and 0.72 kg of coal per kwh of power) and gap in coal requirement which has in all probability been met from illegally sourced local coal in respect of Clinker/Cement plant and 25 MW capacity captive TPP of the Dalmia Bharat Cement Limited, as per data provided by Dalmia Bharat Cement Limited to CPCB, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Clinker/ Cement	Clinker produced (MT)	6,68,239	7,32,700	7,92,075	9,00,686	10,84,883	41,78,583
	Coal required	97,964	1,07,414	1,16,118	1,32,041	1,59,044	6,12,580

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Plant	(MT)						
	Coal procured (MT)	25,400	62,789	35,165	63,851	79,203	2,66,408
	Gap (MT)	72,564	44,625	80,953	68,190	79,841	3,46,172
Captive Power Plant	Power Produced (Million kwh)	117,403	108,108	88,733	102,485	110,108	526.84
	Coal required (MT)	84,530	77,838	63,888	73,789	79,278	3,79,323
	Coal procured (MT)	14,225	34,167	16,960	15,770	13,570	94,692
	Gap (MT)	70,305	43,671	46,928	58,019	65,708	2,84,631
Total for the Clinker/ Cement and Power plants	Coal required (MT)	1,82,494	1,85,252	1,80,006	2,05,830	2,38,322	9,91,903
	Coal procured (MT)	39,625	96,956	52,125	79,621	92,773	3,61,100
	Gap (MT)	1,42,869	88,296	1,27,881	1,26,209	1,45,549	6,30,803

42. Mr. P. Kr. Jothi, Authorised Signatory of **Green Valley Industries Limited** appears before the Committee and places before the Committee a communication dated 14.08.2019 addressed to Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya wherein it is stated that the invitation to attend this Sitting was received by them only on 12.08.2019. It is also stated in the said communication that invitation to attend previous Sitting of the Committee held on 23.07.2019 has also not been received by them. He further states that nature of information sought by the Committee is also not known to them. The Committee place a copy of the said communication on record.

Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) places before the Committee a document wherein receipt of the invitation to attend previous sitting of the Committee containing details of information/documents



sought by the committee has been duly acknowledged by a representative of Green Valley Industries Limited.

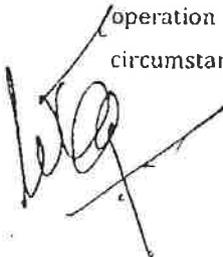
The Committee therefore directs Managing Director of Green Valley Industries Limited that all information/documents sought by the Committee shall positively be provided to the Committee within one week.

Subject to further correction on receipt of information/documents from the Green Valley Industries Limited, the Committee decides to estimate gap in coal requirement for the above cement plant based on the data compiled by the CPCB and assuming that estimated requirement of coal to produce one MT of clinker by the cement plant of Green Valley Industries Limited is same as the corresponding requirement of coal for cement plant of the Meghalaya Cement Limited.

Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker (@ 14.66% of clinker) and gap in coal requirement which has in all probability been met from illegally sourced local coal in respect of Clinker/Cement plant of the Green Valley Industries Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	3,88,036	3,68,412	3,83,369	4,31,151	4,35,984	20,06,952
Coal required (MT)	56,886	54,009	56,202	63,207	63,915	2,94,219
Coal procured (MT)	44,844	50,555	46,762	51,068	30,278	2,23,507
Gap (MT)	12,042	3,454	9,440	12,139	33,637	70,712

- 43 Mr. Y.S. Sharma, AGM, Accounts and Finance, JUD Cements Limited appears before the Committee and places before the Committee a communication dated 13.08.2019 addressed to Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya wherein it is stated that their unit was not in operation in the recent past, hence most of their officials were on leave, under the circumstances, currently they are not in position to compile and provide the information



sought by the Committee. It has also been stated in the said communication that their officials are supposed to resume their duties in the last week of the current month i.e. August, 2019. Mr. Y.S. Sharma in the said communication requests that they may be allowed the time till first week of September, 2019 to compile and provide the requisite data to the Committee. The Committee places a copy of the said communication on record.

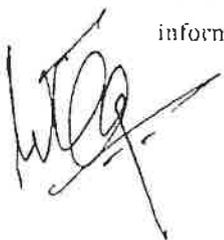
The Committee directs the Managing Director of JUD Cements Limited that all information/documents sought by the Committee shall positively be provided to the Committee within one week.

Subject to further correction on receipt of information/documents from the JUD Cements Limited, the Committee decides to estimate gap, if any, in coal requirement for the above cement plant based on the data compiled by the CPCB and assuming that estimated requirement of coal to produce one MT of clinker by the cement plant of JUD Cements Limited is same as the corresponding requirement of coal for cement plant of the Meghalaya Cement Limited.

Year-wise details of clinker produced, coal required to produce reported quantity of clinker (@ 14.66% of clinker) and gap in coal requirement which has in all probability been met from illegally sourced local coal in respect of Clinker/Cement plant of JUD Cements Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Power Produced (Million kwh)	1,80,367	2,33,961	1,45,419	1,72,206	1,24,702	8,56,655
Coal required (MT)	26,442	34,299	21,310	25,245	18,281	1,25,586
Coal procured (MT)	22,729	17,788	8,512	24,529	16,332	89,890
Gap (MT)	3,713	16,511	12,806	716	1,949	35,696

44. Mr. A.B. Rajan from Hill Cement Limited appears before the Committee and requests the Committee to grant time till first week on November 2019 to provide requisite information/documents to the Committee. The Committee found the same unacceptable.



and directs the Managing Director of Hill Cement Limited that all information/documents sought by the Committee shall positively be provided to the Committee within one week.

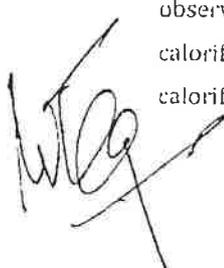
Subject to further correction on receipt of information/documents from the Hill Cement Limited, the Committee decides to estimate gap in coal requirement for the above cement plant based on the data compiled by the CPCB and assuming that estimated requirement of coal to produce one MT of clinker by the cement plant of Hill Cement Limited is same as the corresponding requirement of coal for cement plant of the Meghalaya Cement Limited.

Year-wise details of clinker/power produced, coal required to produce reported quantity of clinker (@ 14.66% of clinker) and gap in coal requirement which has in all probability been met from illegally sourced local coal in respect of Clinker/Cement plant of the Hill Cement Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014, are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	1,22,646	2,14,389	2,56,984	2,03,999	2,33,902	10,31,920
Coal required (MT)	17,980	31,429	37,674	29,906	34,290	1,51,279
Coal procured (MT)	7,358	10,000	13,948	6,120	7,107	44,533
Gap (MT)	10,622	21,429	23,726	23,786	27,183	1,06,746

45. Mr. S. K. Patra and Mr. U. Das from M/s Shyam Century Limited appears before the Committee and places before the committee documents relating to their 13.80 MW capacity Captive Power Plant. The Committee takes these documents on record.

Committee after examination of the Detailed Project Report for the said 13.80 MW Captive Power Plant prepared by AKB Power Consultants Private Limited, a copy of which was provided to the Committee during the Sitting by Mr. S. K. Patra, the Committee observes that the said plant was designed to use both biomass fuel (with estimated calorific value of 3500 K cal/kg) and locally sourced Meghalaya coal (with estimated calorific value of 5500 K cal/kg). The annual requirement of fuel by the said plant at 100%



capacity is 77,616 MT of biomass fuel and 14,256 MT of Meghalaya coal. The specific fuel requirement of the said plant as per the said report is 0.527 kg/kwh of coal or 0.827 kg/kwh of biomass.

It has also been stated in the documents handed over to the Committee during the Sitting that specific fuel requirement of the said TPP is 0.50- 0.70 kg of coal per kwh and 1.00 -1.40 kg of alternate fuel such as coke fine, Tamilnadu Charcoal fines etc. per kwh. Keeping in view that the said TPP is about 15 years old and all other TPPs have also reported specific fuel requirement around 0.70 kg/kwh of coal, the Committee is of the view that actual specific fuel requirement of the said TPP is 0.70 kg / kwh of coal or 1.40 kg/kwh of the alternate fuel.

Year-wise details of power produced, fuel required to produce reported quantity of power (@ 0.70 kg of coal/kwh or 1.40 kg of alternate fuel/kwh) and gap in coal requirement which has in all probability been met from illegally sourced local coal in respect of captive TPP of the Shyam Century Limited is as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Power Produced (Million kwh)	64,117	55,246	104,403	68,898	34,702	327,366
Coal required (MT)	44,882	38,672	73,082	48,229	24,291	2,29,156
Coal procured (MT)	43,576	32,461	72,086	13,704	4,960	1,66,787
Alternate fuel procured	446	-	-	-	29	475
Gap (MT)	1,083	6,211	996	34,525	19,317	62,132

46. Mr. S. Choudhury and Mr. V. Agarwal attends this Sitting of the on behalf of **Maithan Alloys Limited** and places before the Committee a copy of Detailed Project Report (DPR) of their 15 MW capacity captive Thermal Power Plant prepared by AKB Power Consultants Pvt. Ltd. The Committee takes a copy of the said DPR on record. The remaining information/document sought by the Committee have already been provided during second day of Sixteenth Siting held on 23.07.2019.

The Committee after examination of the Detailed Project Report observes that the said plant was designed to use both bamboo chips/dust (with estimated calorific value of 2914 K cal/kg) and locally sourced Meghalaya coal (with estimated calorific value of 7,142 K cal/kg). As per the said DPR, the annual requirement of fuel by the said plant at 100% capacity is 32,400 MT of bamboo chips and 37,800 MT of Meghalaya coal. The specific fuel requirement of the said plant as per the said report is therefore 0.527 kg/kwh of coal or 0.827 kg/ kwh of biomass.

It has also been stated in the documents handed over to the Committee during the meeting that specific fuel requirement of the said TPP is 0.72 kg/kwh. The same appears to be comparable to the specific fuel requirement for other TPPs.

As per the information provided by Maithan Alloys Limited, during the period of last five years (2014-15 to 2018-19) its captive TPP produced 331.823 Million units of power. At the afore-mentioned specific fuel requirement of 0.72 kg of coal per kwh, production of the above power required 2,35,527 MT of coal against which the above firm, as per these documents, purchased 3,13,785 MT coal. From the above, it appears that the above TPP did not use any illegally raised coal during these years.

The Committee further notes that the quantity of coal procured by Maithan Alloys Limited as per the Statement submitted to the Committee is substantially different than the quantity of coal reportedly consumed by the said Plant, as per the details given in a report on coal consumption by the Thermal Power Plants and Cement Industries submitted to the Committee by North Eastern Regional Directorate of CPCB. The Committee therefore, directs the North Eastern Regional Directorate of CPCB to re-examine the records relating to purchase and use of coal by above TPP and submit a report to the Committee within fifteen days.

- 47 Mr. A. K. Verma attends this Sitting of the Committee on behalf of Shree Sakambari Ferro Alloys Pvt. Ltd. and places before the Committee information and documents sought by the Committee. The Committee takes a copy of these documents on record.

On perusal of these information and documents the Committee observes that unit of power produced by the said Thermal Power Plant stated in the Statement provided to the Committee does not appear to be in order. The Committee also observes that the quantity of coal reported to be consumed by Shree Sakambari Ferro Alloys Pvt. Ltd., as per the Statement submitted to the Committee in this Sitting is substantially different than the quantity of coal reportedly consumed by the said Plant as per details given in a report on

coal consumption by the Thermal Power Plants and Cement Industries submitted to the Committee by North Eastern Regional Directorate of CPCB. The Committee therefore directs the North Eastern Regional Directorate of CPCB to re-examine the records relating to purchase and use of coal by above TPP and submit a report to the Committee within fifteen days.

48. In compliance of directions issued by the Committee in the second day of Sixteenth Sitting held at Shillong on 23.03.2019 Mawmluh Cherra Cements Limited places before the Committee the Balance Sheet as on 31.03.2019. The Committee place a copy of the said balance Sheet on record.
49. The Committee notes that a report on audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited, in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants, is still awaited from North Eastern Regional Directorate of CPCCB. The Committee therefore reiterates its earlier direction to the effect that the North Eastern Regional Directorate of CPCB, Shillong shall undertake audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month.
50. The Committee further notes that a report on audit of each of the Coke Plants located in Meghalaya in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya is still awaited from North Eastern Regional Directorate of CPCCB. The Committee therefore reiterates its earlier direction to the effect that the North Eastern Regional Directorate of CPCB, Shillong shall undertake audit of each of the Coke Plants located in Meghalaya in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month.
51. The Committee notes with great concern that the inspite of prior notice, one Cement Plant (viz. Virgo Cements Limited) and one Thermal Power Plant (viz. CMJ Breweries Limited) neither deputed a representative to attend this Sitting as well the Sixteenth Sitting of the Committee held at Shillong on 23.07.2019, nor have provided information/documents sought by the Committee from them.

The Committee directs the Managing Director of these Plants to provide the requisite information to this Committee within one week without fail.



AGENDA ITEM NO. 3

52. Dr. C. Sawanliana, Sr. Principal Scientist, Council of Scientific and Industrial Research-Central Institute of Mining and Fuel Research (CSIR-CIMFR), Dhanbad made a presentation on progress made in study assigned to the CSIR-CIMFR to develop a protocol on closure of abandoned rat hole coal mines by controlled blasting. During the presentation Dr. Sawanliana stated that the CIMFR proposes to develop a protocol to close entry to coal seams by controlled blasting. The surface openings of the mines, including the box-cut shafts, are proposed to be closed either by filling it with debris or by construction of RCC slabs. The Committee observes that the proposed protocol appears to be different than what was envisaged while assigning the study to the CIMFR. The Committee also observes that due to non-availability of large quantity of debris in close vicinity of the mines it may not be cost-effective to close mines and box cut shafts of the existing mines by filling it with debris.

The Committee keeping in view the above advises Dr. C. Sawanliana to re-examine and suitably amend the proposed protocol. The amended protocol may provide for closure of the openings of the mines and box-cut shafts by controlled blasting at the suitable locations around periphery of such openings. The Committee also suggested that in the initial phase mines located in river beds and in close vicinity of rivers/ streams may be selected for closure by controlled blasting. The Committee also advises Dr. C. Sawanliana to re-examine and appropriately reduce the time-lines suggested for the study as majority of the secondary data required for the study are already available with the MSPCB, North Eastern Space Application Centre (NESAC) and other agencies.

53. Dr. A. Kr. Singh, Sr. Principal Scientist, CSIR - CIMFR, Dhanbad makes a brief presentation on progress made in a study assigned to the CSIR-CIMFR on development of a protocol for treatment of acid mine drain originating from coal mines. During the presentation Dr. Singh states that the study envisages design and development of a prototype plant having the capacity to treat acidic water originating from rat hole coal mines at the rate of 250 litres/hour. The estimated cost of the plant is likely to be about Rs. 15.00 lakh. He further states that operation of the plant will also involve expenditure on consumable, power, manpower, repair and maintenance.

The Committee observes that due to high capital and running costs it will not be feasible to use the proposed plant for restoration of the quality of acidic water in the

rivers/streams in the coal mining affected areas in the State. The plant can at best be used to meet requirement of drinking water in such areas.

The Committee keeping in view the above advises Dr. A.K. Singh to explore feasibility to reduce the cost of the proposed prototype. The Committee also advises Dr. A.K. Singh to re-examine and appropriately reduce the time-lines suggested for the study as majority of the secondary data required for the study are already available with the MSPCB, NESAC and other agencies.

AGENDA ITEM NO. 4

54. The Chairman of the Committee states that he received two similar representations dated 12.07.2019 and dated 11.07.2019 from Mr. Marthon Sangina, Hon'ble Member Legislative Assembly and Mr. Nizamuddin R. Marak respectively regarding use of rack loading infrastructure having an area of 2,34,455 sqm (23.45 hectare) at Mendipathar Railway Station for evacuation of coal allowed to be transported by the Hon'ble Supreme Court. He further states that keeping in view that the Mining and Geology Department in the Government of Meghalaya is preparing a policy for sale and transportation of already extracted coal, transportation of which has been permitted by the Hon'ble Supreme Court, he directed the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya to send a copy of these representations to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department for consideration. The Committee takes a copy of these representations on record.

Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department confirms the receipt of these representations and states that availability of rake loading infrastructure at Mendipathar Railway Station will be kept in view while finalising a policy for handing over of the coal allowed to be transported by the Hon'ble Supreme Court to the Coal India Limited for its disposal through e-auction.

The Committee notes the same and directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya to invite Chief Commercial Manager, North East Frontier Railways to attend Second Special Sitting of the Committee to be held at Guwahati on 07.09.2019 to finalize modalities for transportation and disposal of coal allowed to be transported by the Hon'ble Supreme Court through e-auction by the Coal India Limited.

AGENDA ITEM NO. 5

55. The Chairman of the Committee states that he received a representation dated Nil from Mr. Rakbirthson D. Sangma regarding estimate of actual quantity of coal lying in the State of Meghalaya for **auctioning in terms of the Hon'ble Supreme Court's final Order and Judgement dated 03.07.2019**. In the said representation it has been stated that quantity of coal stated to **lying at various depots in the State** reported to the Hon'ble Supreme Court by the State of Meghalaya may be 1,000 (one thousand) only times more than the actual quantity of coal lying at these depots.

He further states that keeping in view that the Mining and Geology Department in the Government of Meghalaya is preparing a policy for sale and transportation of already extracted coal, transportation of which has been permitted by the Hon'ble Supreme Court, he directed the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya to send a copy of these representations to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department for consideration. The Committee takes a copy of these representations on record. The Committee takes a copy of the said representations on record.

Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department confirms receipt of the said representation and states that complete details of all the depots and coal available at each such depot in the State has been placed before the Hon'ble Supreme Court. A copy thereof is also being provided to the Committee. He further states that allegations made in the said representation is baseless, frivolous and devoid of any merit.

The Committee takes note of the seriousness of the allegations made in the said representation and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that to counter such allegations in an **effective and transparent** manner, video recording of all the coal depots where the coal to be handed over to the Coal India Limited is presently lying, to be recorded by joint teams consisting of a representative from the Mining and Geology Department, Meghalaya State Pollution Control Board and the Coal India Limited, as directed by the Committee in its First Special Sitting held at Shillong on 12.07.2019 and use of high resolution satellite imageries for different time-intervals since the imposition of ban on coal mining by the Hon'ble NGT to ascertain continuous existence of all such coal dumps since imposition of ban on coal mining by the Hon'ble NGT in April 2014, shall be essential components of the



Policy being formulated for handing over of the coal to the Coal India Limited for disposal through e-auction.

AGENDA ITEM NO. 6

56. The Chairman of the Committee states that he received a proposal from a concerned Authority in the Indian Army on involvement of Eco Task Force (ETF) Battalions for restoration of environment in areas affected by illegal rat hole coal mining in Meghalaya. The Committee takes a copy of the said proposal on record.

Mr. C.P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Mining and Geology Department states that a proposal seeking raising of an ETF Battalion in the State is presently pending before the Government. Decision on the said proposal is awaited mainly due to inability of the State to make available the requisite funds to meet infrastructural and operational needs of the Battalion. The State is also finding it difficult to make available requisite land for establishment of the headquarters and other operational units of the ETF Battalion.

The Committee directs that the said proposal may first be deliberated by the Sub-Committee constituted under Chairmanship of Dr. Shantanu Kr. Dutta, Addl. Director, CPCB. A report of the Sub-committee on the matter may be placed before the Committee within two months. Representative of the Forests and Environment Department in the said Sub-Committee shall make available all relevant information on the matter to the Sub-Committee.

AGENDA ITEM NO. 7

57. The Chairman of the Committee states that he received a copy of a communication dated 02.08.2019 from Dr. Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department addressed to the Director of Mineral Resources, Government of Meghalaya containing approval of the Government of Meghalaya for transportation of 38,340 MT coal seized and auctioned under section 21 (4A) of the Mines and Minerals (Development and Regulation) Act, 1957 in favour of Mr. Erantis Sympli, Byndihati Village, East Jaintia Hill district. The Committee takes a copy of the said communication on record.

Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the said illegally mined coal was seized by the officers duly authorised by the State Government. The Competent Court by an order dated 12.07.2019 has confiscated the said coal in favour of the State Government.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to the Committee within a week a copy of the Order(s) made by the concerned Court to confiscate the said coal along with the following information:

Name and full address of person(s) from whose possession the seizure has been made	Date of seizure	Quantity seized (MT)	Name and designation of the Officer(s) who has made the seizure	Case/ Complaint No.	Punishment awarded to the person(s) from whose possession the seizure has been made
(1)	(2)	(3)	(4)	(5)	(6)

Date of publication of Notice Inviting Bids for disposal of the coal	Last date for receipt of Bids	No. of Bids Received	The base Rate (Rs/MT) at which the bid has been accepted
(7)	(8)	(9)	(10)

Taxes and other levies to be paid by the successful bidder (Rs./MT)					Gross Amt. payable by successful bidder (Rs./MT)
Royalty	DMF	MEPRF	GST	Any other amt. (pl. specify)	
(11)	(12)	(13)	(14)	(15)	(16)

The Committee also notes that in compliance of direction issued to the Committee by the Hon'ble NGT by order dated 11.04.2019, the Committee in its Twelfth Sitting held at Shillong on 25.04.2019 issued a direction to the effect that to regulate the transportation of coal, the State Government shall follow the procedure similar to one stipulated in Appendix XII of the EIA Notification 2006, inserted vide Notification bearing No. S.O. 141 (E) dated 15.01.2016 for monitoring of sand mining and river bed mining, so that the transportation of coal is regulated. The system provides for adequate security features of Transit Pass (TP)/ Challans to prevent their counterfeiting or multiple use, scanning and uploading of TPs/ Challans on a centralised server to facilitate checking of

TPs/Challans to check their validity, GPS tracking of vehicles and generation of reports and alerts in case of detection of any anomaly. The Committee further notes that to ensure expeditious disposal (after obtaining prior approval of the concerned court) of seized coal in a transparent manner the Committee in the said Sitting directed that the Mining and Geology Department, Government of Meghalaya shall explore the feasibility to dispose of such coal through e-auction conducted by the Coal India Limited. The State Government while allowing transportation of such a huge quantity of the coal has appeared to have ignored these directions. The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to apprise the Committee the reasons for ignoring the afore-mentioned directions of the Committee while disposing off the said seized coal.

58. The Committee proposes to have its Second Special Sitting at 11.00 AM onwards on 07.09.2019 in the Conference Hall at Guest House of the North Eastern Coalfields Coal India Limited located at Black Diamond Towers, GS Rd, ABC, Post Office, Christian Basti, Guwahati, Assam 781 005 to examine the Policy being formulated by the State for handing over of the coal available at such depots to the Coal India Limited for disposal through e-auction.

To have meaningful discussions in the said Sitting, the Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that a copy of the said Policy as approved by the Cabinet shall be provided to all members of the Committee atleast one week before the said Special Sitting.

The Member-Secretary of the Committee shall invite all concerned to attend the said Special Sitting.

The meeting ended with a vote of thanks from the Chair.


(Justice Brojendra P. Katakey)
Chairman

(1-0)

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ANNEXURE R-18/14



MEGHALAYA CEMENTS LIMITED

CIN- U26942ML2003PLC007125

MCL/SL/NGT/19-20


TOPCEM
CEMENT

Mazbooti ka bhavosa...hamesha

10th September'2019

To
 The Hon'ble Chairman
 Committee constituted by the Order dated 31st Aug'2018 of Hon'ble NGT
 Shillong, Meghalaya.

Ref: Record of the Minutes of the 17th sitting of the committee constituted by Honourable National Green Tribunal under the Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Gauhati High Court held on 14th August'2019.

Sub: Reply & submissions to Observations made at Point. No.38 Pages 28- 30 regarding use of Alternate fuels.

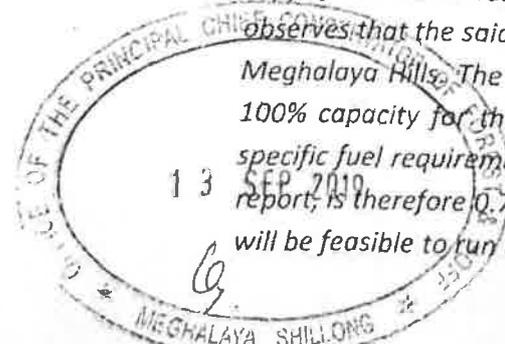
Respected Sir,

We are in receipt of the above referred record minutes, wherein the following observations/comments have been made at point no. 38, pages 28-30 pertaining to Meghalaya Cements Limited.

1. "The committee after examination of the Techno economic feasibility report of the augmentation of the clinkerisation capacity of the plant from 900 TPD to 2600 prepared by Holtec Consulting Private Limited, a copy of which was provided to the committee during this sitting by Mr. R.K.Pareek, observe that the said plant has been designed to use 100% Meghalaya Coal available locally. As per said report, net calorific value of the local coal to be used in the clinker plants is 5,800 Kcal/kg. It has also been stated in the said reports that specific heat consumption of these plants is 840 Kcal per kg of clinker. The average estimated requirement of coal as per the information given in the said report is 14.66%.

The committee after examination of the Techno-economic feasibility report of the 10 MW capacity Captive power plant prepared by AKB Power Consultants Pvt Ltd, a copy of the which was provided to the committee during the sitting by Mr. R.K.Pareek observes that the said plant was envisaged to use coal sourced from western parts of Meghalaya Hills. The Annual requirement of the locally sourced Meghalaya Coal at 100% capacity for the said 10 MW TPP, as per the said report is 63,072 MT. The specific fuel requirement for the said TPP, as per these information given in the said report, is therefore 0.72 kg/kwh. Nowhere, in the said report it has been stated that it will be feasible to run the plant by using any alternate fuel other than coal.

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Sales & Marketing Office :
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 Web : www.topcem.in

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 Sector-1, Kolkata - 700 084
 Tel. : 033 2334 0888 / 0004
 Fax : 033 2334 0505
 E-mail : kolkata@topcem.in

Registered Office :
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HELPLINE NO : 18001233666



MEGHALAYA CEMENTS LIMITED

CIN- U26942ML2003PLC007125



Year-wise details of Clinker/power produced, coal required to produce reported quantity of Clinker / power (@14.66% for clinker and 0.72 kg of coal per kwh of power produced) and gap in total requirement which has in all probability been met from illegally sourced coal in respect of Clinker/ Cement plant and captive TPP of the Meghalaya Cement Limited, since the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April'2014."

It has been concluded based on above statement that:

- (i) The MCL plant is designed to use 100% Meghalaya Coal only;
- (ii) During the years 2014-15 to 2018-19, there is a gap of 4,94,415 metric tons and the same is met from illegally sourced coal;
- (iii) It is not feasible to run the plant by using any alternate fuel other than coal.

2. In the above context, we respectfully submit herewith as follows:

- a. Objective of Techno-Economic Feasibility Studies/ Detailed Project Reports is to determine the technical feasibility and financial viability of the project, assess the risks associated with the project and enumerate imminent actions that are required to be taken.
- b. The same is required by financial institutions to assess the viability, site conditions, availability of resources, background, market etc. and funding of the project within the desired limits. Further, Plant & Machinery is ordered based on the current technology available, industry trends, market standards, fuel efficiency, design and technical specifications released by the consultant during project execution. Details and data given in TEFRs would therefore, may vary as per site conditions.
- c. It is very much feasible by Plants of this calibre, to use alternate fuel without any hindrance. Alternate fuels are being successfully used world-wide and usage at our plant also, can be verified by a technically competent agency. Several seminars and conferences are being held time to time to promote the use of alternate fuel within the same infrastructure, by Government agencies along with Cement manufacturers Association, Pollution Control Board, CII etc. aided by research scholars and technology experts. The Government of India vide its

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Registered Office :
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District : East Jaintia Hills, Meghalaya, PIN: 783210
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E-mail : meghalaya@topcem.in



HELPLINE NO : 18001233666



MEGHALAYA CEMENTS LIMITED

CIN- U26942ML2003PLC007125



different programs is keen to ensure a seamless transition to Alternate fuels by Cement Industry.

- d. All our procurements, including alternate fuel procurements are made by way of banking transactions, duly paid by cheque; Sales Tax/GST paid on the same time to time and accounted for. It duly appears on our Books of accounts submitted with Income Tax department & Annual returns filed with Registrar of Companies, Shillong.
- e. Royalty have also been paid on the same periodically, from April 2014 to September'2017. Balance payments till March'2019 is under progress.
- f. The use of alternate fuel (Slate/ MuSlate) has duly been reported in Environmental Statements to Meghalaya State Pollution Control Board, Shillong every year as compliance.

We therefore humbly state, that the observations made in the record minutes may kindly be reviewed in the light of the facts submitted here-in above. In case, any further details are required in this context, we would be ready to submit the required documents for your kind perusal.

Thanking you,

Yours truly,

For Meghalaya Cements Limited


R.K. Pareek
President

Copy to:

1. Dr. Shantanu Kumar Dutta,
Addl. Director, Central Pollution Control Board.
– for information please.

Page – 3 of 3



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50001:2011 Certified Company

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(T.C.)



ANNEXURE R-18/15
 केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
 (पर्यावरण एवं वन मंत्रालय, भारत सरकार)
 (MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

RDNE/397/NGT-Coal Mining/2017-26/1232

Sept 13, 2019

To
 The Chairman
 NGT Committee
 (Constituted vide order dated 31.8.2018 by Hon'ble NGT)
 Shillong, Meghalaya

Sub: Representation dated 26.8.2019 from Star Cement Limited containing comments on observation made at para 37 of the record of minutes of 17th sitting of the Committee constituted by the Hon'ble NGT under Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge, Guwahati High Court.

Sir,

This has reference to letter No. MPG.39/NGT(C)/Vol.-IX/11.897-899 dated 29.08.2019 received from Addl. PCCF (Planning, Development & Legal Matters), Shillong, Meghalaya. We have gone through the submissions made by the Star Group of Companies. In respect of issues concerning CPCB, we hereby submit the following:

Comment on Point 2 (i)

As per the literature available in published journal of repute, the calorific value (kcal/kg) of Eocene and Oligocene coal deposit of Meghalaya remains in the range of 6500-8500 and 6255-8650 kcal/kg respectively (Ref: Mishra, H. K. and Ghosh, R. K, 1996, *Geology, Petrology and Utilization Potential of some Tertiary coals of the Northeastern Region of India. International Journal of Coal Geology*, 30: 65 - 100). From the letter submitted by the industry, it is understood that in the Techno Economic Feasibility Report (TEFR) for modernization and expansion of existing projects of Star Cement Limited (SCL), Star Cement Meghalaya Limited (SCML), the average calorific value of local coal was assumed as 5800 kcal/kg. If we go with the published literature (copy enclosed in Annexure-1), it could be assumed the coal requirement in actual for clinker production in SCL/ SCML/ MPL could be even less than the percentage (12.75%) requirement of coal as indicated in the TEFR made by the projects. Assuming calorific value at 5800 kcal/kg, the coal requirement was estimated at 12.75%. In actual consumption the value may come down as the calorific value of local coal may be higher.

Comment on Point 2 (ii)

If the industries use Pet Coke or slate (Muslate) as Alternate Fuel and Resources (AFR), it is not required to modify or attach a new fuel/material feeding system. AFR is generally used together with coal. As the Pet Coke or Muslate are having similar physical characteristics as compared with the coal, the said AFR could be used in the existing coal mills for pulverization before feeding into the Kilns or the boilers after blending with coal.

Contd.

CPCB has been working on use of Alternate Fuel and Resources (AFR), Hazardous Wastes (HW) and Refused Derived Fuel (RDF) in the cement mills, power plants and also in the blast furnaces so as to use the resources inherited in the wastes generated by various industries or municipalities (as fuel and as raw material). It is already established that disposal of wastes in the cement kiln, power plants, blast furnaces, etc, could be best possible method to dispose of the wastes in an environmentally sound manner in one hand and also to recover the resources inherited in the wastes by these industries so that use of conventional fuel is reduced significantly.

CPCB has published guidelines for use of AFR/HW/RDF in these industries. CPCB has been conducting workshops, seminars etc. amongst the shareholders to promote the use of these AFR/HW/RDF in Cement Kiln or boilers. Guidelines published by CPCB and proceeding of workshop conducted by CPCB, Shillong in 2014 is annexed (Annexure-II).

Besides the encouragement by CPCB, MoEF&CC, of late, has been stipulating specific condition to a few cement mills in Meghalaya to use HW/RDF/AFR in kilns. Copy of EC granted to various cement industries in the region is annexed (Annexure-III).

Comment on Point 2 (iii)

To use AFR/RDF/HW in the kilns, amendment in the EC by the concerned project is not required as per the provisions of the EC Notification, 2006. Amendment of EC is required for expansion, modification of projects and also changing in product mix. Using of AFR/HW/RDF is only a change in fuel mix but not a change in product mix. By using AFR/HW/RDF in a kiln/boiler/furnace, use of conventional fuel like coal is reduced. The arrangement helps in reducing the consumption of conventional fuel like coal and this brings in reduction in greenhouse gas emission. Thus, the use of AFR/HW/RDF in cement kilns/power plants/blast furnace, etc., have significant environmental benefits and therefore such industries are encouraged to use AFR/HW/RDF. Moreover, as the country is facing lot of problems in managing the solid wastes, use of these wastes in kilns shall also minimize the waste disposal problems in the country.

As per the provisions of the Hazardous Wastes and Other Wastes (Management and Transboundary Movement) Rules, 2016 an industry has to apply to SPCB for authorization under the Rules for using Hazardous Wastes (HW) in its kiln/boiler/furnace. As per the the provisions of the said Rules, CPCB prepares guidelines for use of HW in cement kiln/boiler/furnace. Such guidelines for various types of HW are available in the website of CPCB (www.cpcb.nic.in)

Comment on Point 2 (iii), (vii), (ix) and (x).

In case of the cement industries and power plants in Meghalaya, the industries are using slate (MuSlate is the common term in the coal mining areas) as AFR in the cement kilns and the power plants. It is understood that slate are also mined together with coal in the coalfields of Meghalaya. Slates are differentiated from coal from their appearance and structure. It is learnt that slates commonly occur as overburdens together with the coal deposits. Slates are having less calorific value than the coal and therefore have less market values. Though data is not available regarding calorific value of slate in the State of Meghalaya, during field visit to the industries, use of slate/MuSlate by the industries were observed. When coal mining was in operation before the mining ban, various small crushers were

observed in the coal depots. These crushers used to crush/pulverize the slate into powder form and used to mix with the coal.

Comment on Point 2 (v),

From the sample documents supplied by the industries, it is observed that the industries are paying royalty on the Slate (MuSlate) being procured. CPCB in general does not go into the detail of the royalty payment by the industries.

Comment on Point 2 (viii)

CPCB agrees to the point that the Cement Industries/ Power plants are not involved in illegal mining of coal or slate. Documentary evidences have been submitted by the industries that the fuel/AFR are procured after payment of royalty.

Thanking you,

Yours faithfully,



(Dr. Z. Changsan)
Regional Director

(T.C.)

ANNEXURE R-18/16

THE FIFTH INTERIM REPORT

of

The Independent Committee

Consisting of

JUSTICE BROJENDRA PRASAD KATAKEY
FORMER JUDGE, GUWAHATI HIGH COURT, GUWAHATI

PROF. S. C. BHOWMIK
RUNGTA CHAIR PROFESSOR, DEPARTMENT OF MINING ENGINEERING
REPRESENTATIVE OF THE INDIAN INSTITUTE OF TECHNOLOGY- INDIAN SCHOOL
OF MINES (IIT -ISM), DHANBAD 826 004

DR. SHANTANU KUMAR DUTTA, ADDL. DIRECTOR
REPRESENTATIVE OF THE CENTRAL POLLUTION CONTROL BOARD

On

**RESOURCE (COAL) AUDIT OF CEMENT INDUSTRIES AND
THERMAL POWER PLANTS IN MEGHALAYA**

Submitted To

**The Hon'ble National Green Tribunal, Principal
Bench, New Delhi**

On 02.12.2019

Constituted vide order dated 31.08.2019 to go into the issues
arising out of the coal mining in the State of Meghalaya

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CHAPTER-1: BACKGROUND

1.1 On 12.11.2018, the Committee visited some coal mine areas in East Jaintia Hills District. The Committee on the said day also visited two Cement Plants (*viz.* Star Cement Limited and Star Cement Meghalaya Limited) and a Thermal Power Plant (*viz.* Meghalaya Power Limited) of the Star Cement Limited located at Lumshnong village in East Jaintia Hills District. The Committee during the visit to these plants made following observations:-

- (i) M/s Meghalaya Power Limited is a 43 MW Coal Based Power Plant. The Unit stands beside M/s Star Cement Limited, which is an integrated cement plant. M/s Meghalaya Power Limited, M/s Star Cement Limited and another cement plant, namely, M/s Star Cement Meghalaya Limited, are Units of same group of Companies. The cement plants are branded as 'Star Cement'.
- (ii) Huge quantity of coal is lying in open coal storage areas. The representative of the cement plants, present during the visit, claims that they procure coal for the plant from North East Coalfields Limited, Margherita and from Eastern Coal Fields as well as from the State of Nagaland. It has also been stated that they procured coal from local market when the transportation of the coal from mines in the State of Meghalaya was allowed by the Hon'ble Supreme Court and Hon'ble National Green Tribunal. They also claimed import of about 20,000 MT of coal from Malaysia during the last financial year.
- (iii) As per the record of the Central Pollution Control Board, the Star Cement Group of Companies, which has 2(two) power plants of 1 X 43 MW and 1 X 8 MW capacity, which need considerable amount of coal for operating the power plants. It has 2(two) integrated cement Units, *viz.* Star Cement Limited and Star Cement Meghalaya Limited, which use coal of about 15% of total clinker production.
- (iv) Moreover, as per the record of Central Pollution Control Board, there are few other Coal Based Power Plants in Lumshnong areas of East Jaintia Hills District. The capacity of captive power plants of various cement producing mills, as is available with the Central Pollution Control Board, is given below -

<i>Sl. No.</i>	<i>Name of the Cement Plant</i>	<i>Capacity of Captive Power Plants</i>
1.	<i>Adhunik Cement Limited</i>	<i>25 MW</i>
2.	<i>Meghalaya Cements Limited</i>	<i>12 MW</i>
3.	<i>Amrit Cements Limited</i>	<i>10 MW</i>
4.	<i>Goldstone Cements Limited</i>	<i>10 MW</i>

1.2 The Committee in its Fourth Sitting held on 13.11.2019 took note of the above observations and directed the North Eastern Regional Directorate of the Central Pollution Control Board (CPCB) to prepare and submit a report on the coal consumption in the Captive Power Plants of the Cement Manufacturing Units of East Jaintia Hills District and also in the clinker production for the last 4 (four) years (*viz.* 2014-15, 2015-16, 2016-17 and 2017-18) based on technical data on average coal requirement per MT of clinker production and coal consumption per million units of power generation.

1.3 During Fifth Sitting of the Committee held on 07.12.2019 the North Eastern Regional Directorate of the CPCB assured the Committee that based on compilation of the data, a report on coal consumption as sought by the Committee in its Fourth Sitting will be submitted to the Committee within a week.

1.4 During Sixth Sitting of the Committee held on 20.12.2019 the North Eastern Regional Directorate of the CPCB informed the Committee that the report as asked for relating to year - wise requirement, source of procurement and consumption of coal by the Cement Industries, Power Plants and Captive Power Plants in the State of Meghalaya, shall be submitted to the Committee in its next meeting

1.5 The Committee through its First Interim Report dated 31.12.2018 placed its observations on the matters as contained in paragraph 1.1 above, before the Hon'ble National Green Tribunal (NGT). The Hon'ble NGT in Order dated 04.01.2019 took note of these observations and directed that the Committee may consider the

resource (coal) audit of Meghalaya Power Limited and Star Cement Limited to ascertain the legitimate procurement of coal and its source.

1.6 During Seventh Sitting of the Committee held on 11.01.2019 the North Eastern Regional Directorate of the CPCB informed that out of 7 (seven) Captive Power Plants in the State of Meghalaya, the relevant data relating to coal consumption from 6 (six) Plants have been collected. It was also informed that the data from the remaining 1 (one) Plant viz. Goldstone Cement Limited will be collected soon and the consolidated data for all these 7 (seven) plants will be submitted to the Committee in its next Sitting.

1.7 During Eighth Sitting of the Committee held on 11.02.2019 the North Eastern Regional Directorate of the CPCB submitted a report on coal consumption by Thermal Power Plants and Cement Industries in the State of Meghalaya. As per the said report the State of Meghalaya is home to sixteen (16) Cement Industries and 9 nine (9) Thermal Power Plants. Except one standalone Thermal Power Plants (viz. Meghalaya Power Limited), all other Thermal Power Plants are Captive Power Plants of the Cement and other Industries. Out of these sixteen (16) Cement Industries, one (1) Cement Industry (viz. Billenium Cement Limited) is a clinker grinding unit which does not use any coal. It has also been stated in the said report of the North Eastern Regional Directorate of the CPCB that three (3) Cement Industries (viz. H.M. Cement Limited, RNB Cement Limited and Megatech Engineers Limited) did not consume any coal since the year 2014-15 as these industries were under shutdown. It has also been stated in the said report that out of these sixteen (16) Cement Industries, two industries (viz. Jaintia Cement Limited and Virgo Cement Limited) are vertical shaft Kiln (VSK) based cement producing units. These units use coke breeze/low ash metallurgical coke (LAMC) as a fuel. No coal has been used by any of these industries since ban on rat hole mining was imposed by the Hon'ble NGT in the month of April, 2014.

1.8 The Committee took a copy of the said Report on record for further examination and directed the North Eastern Regional Directorate of the CPCB to submit a report to the Committee as to whether the procurement of coal from Meghalaya by the Thermal Power Plants and Cements Industries has violated any

condition set forth in the licence/ permission granted for setting up of such power plants and cement industries and if so, the required action to be taken against those Thermal Power Plants and Cement Industries. The Committee further directed that the said report shall be submitted on 25.02.2019.

1.9 During Ninth Sitting of the Committee held on 25.02.2019 the North Eastern Regional Directorate of the CPCB sought more time to submit a report relating to the violation or otherwise of any condition set forth in the license/ permission granted to the thermal power plants and cement industries by procuring coal locally from the State of Meghalaya and also the action required to be taken against those thermal power plants and cement industries. The Committee allowed the North Eastern Regional Directorate of the CPCB to submit the report till its next Sitting to be held on 25.03.2019.

1.10 During Eleventh Sitting of the Committee held on 25.03.2019 the North Eastern Regional Directorate of CPCB submitted an updated report on coal consumption by Cement Industries and Thermal Power Plants in the State of Meghalaya. The Committee after examination of the said Report observed that year-wise details of coal reported to be consumed by various Cement and Thermal Power Plants have only been provided in the said report. The Committee further noted that in the absence of year-wise details of cement or the power produced by each of the Cement Industries and Thermal Power Plants and the quantity of coal required to produce such quantity of cement or power, it is not possible for the Committee to ascertain that quantity of coal reported to be procured by these plants was sufficient to produce reported quantity of cement/power. The Committee further noted that difference between the quantity of coal reportedly consumed by each of the Cement Industries and Thermal Power Plant and the quantity of coal required to produce such reported quantity of cement or power by each such plant, if any, could have been met by illegally mined coal. The Committee therefore directed the North Eastern Regional Office of the CPCB to revise the report keeping in view the above observations and submit the same to the Committee during its next Sitting to be held on 25.04.2019.

1.11 The Hon'ble NGT by order dated 11.04.2019 directed that the Committee may also consider requiring audit of the sources of coal acquired by the power generation and cement plants in the State of Meghalaya.

1.12 The Committee in its twelfth Sitting held on 25.04.2019 formulated a format for undertaking resource (coal) audit of each Cement Industry and Thermal Power Plant in the State of Meghalaya by North Eastern Regional Directorate of the CPCB in compliance of the directions issued by the Hon'ble NGT's by the said Order dated 11.04.2019.

1.13 During Fourteenth Sitting of the Committee held on 03.06.2019 representative of the CPCB informed the Committee that information in respect of resource (coal) audit of Cement Industries and Thermal Power Plants in the State of Meghalaya to be undertaken by them in compliance of directions issued by the Hon'ble NGT by order dated 11.04.2019 has been received from only two such units. Information received from these units also does not appears to be correct. The Committee during the said Sitting noted that reluctance of these Cement Industries and Thermal Power Plants to provide requisite information not only amounts to total disregard and disrespect to the Hon'ble NGT and to the CPCB but also creates a suspicion about use of illegally mined coal by these plants. The Committee further noted that continuous defiance of these units is highly unacceptable and cannot be tolerated any further. The Committee, keeping in view the above, directed that in case any of these units continues to wilfully disobey the requests made by the North Eastern Regional Directorate of CPCB to provide the data/information required by them to conduct the resource (coal) audit, the North Eastern Regional Directorate of CPCB shall initiate appropriate punitive action, as per law, against each such defaulting units.

1.14 The Committee during its Fourteenth Sitting held on 03.06.2019 also noted that year-wise details of coal purchased by each of these units since imposition of ban on mining of coal in the State by the Hon'ble NGT are already available in the first report prepared by the North Eastern Regional Directorate of the CPCB. The Committee further noted that other information such as annual production of coal/power and specific fuel consumption by each such units are available in the Annual Reports and Detailed Project Report (DPR) of these units, a copy of which is either

available in the public domain or is already available with North Eastern Regional Directorate of the CPCB. The Committee keeping in view the above directed that the North Eastern Regional Directorate CPCB shall complete resource (coal) audit of each cement/power plant in the State and submit a report to the Committee within a month, without fail.

1.15. The Committee in its Fifteenth Sitting held on 28.06.2019 noted that from perusal of information on the clinker and power produced by some of these plants available in their annual reports, a copy of which is available in the public domain *prima facie* it appears that quantity of coal reported to be procured by some of these plants is grossly insufficient to produce reported quantity of cement and/or power by such plants. The Committee further noted that the gap has, in all probability, been met by illegally mined coal. The same, if found to be true, has not only resulted in gross violation of the orders of the Hon'ble NGT and the Hon'ble Supreme Court but has also resulted in enormous loss of revenue to the State. To have a preliminary assessment of illegally sourced coal, if any, used by any of these plants/industries after ban on mining of coal was imposed by the Hon'ble NGT in April, 2014, the Committee directed the Managing Directors/ Chief Executive Officers of all Cement Industries and Thermal Power Plants in the State of ~~...~~ to depute their duly authorised representative(s) to remain present before the Committee in its sitting to be held on 23.07.2019 and produce before the Committee, along with supporting documentary evidence, the following information /documents:

- (i) Year-wise details of clinker and / or power produced since imposition of ban on coal mining in the State in April 2014;
- (ii) Year-wise details of coal and / or any other alternate fuel procured since imposition of ban on coal mining in the State in April 2014;
- (iii) Year-wise details of the quantity of cement/ clinker on which transport subsidy, if any, has been claimed by the plant since imposition of ban on coal mining in the State in April 2014;
- (iv) A copy of annual report for each of the years since imposition of ban on coal mining in the State ;

- (v) Average estimated quantity of coal and / or any other alternate fuel(s) required to produce one tonne of clinker and / or one unit (kwh) of power; and
- (vi) A copy of Detailed Project Reports (DPRs) submitted to the Bank(s) / Financial Institution(s) to obtain loan for establishment / expansion / modernization of the plant.

1.16 During Sixteenth Sitting of the Committee representatives of 9 (nine) Cement Industries (*viz.* Amrit Cement, Cosmos Cement Limited, Dalmia Bharat Cement Limited, Jaintia Cement Limited, JUD Cement Limited, Mawmluh Cherra Cement Limited, Meghalaya Cement Limited, Star Cement Limited and Star Cement Meghalaya Limited) and four (4) Thermal Power Plants (*viz.* Maithan Alloys Limited, Meghalaya Power Limited, Shree Sakambari Ferro Alloys Pvt. Ltd. and Shyam Century Ferrous Ltd.) appeared before the Committee. A summary of deliberations held on the matter during the said Sitting of the Committee is as below:

- (i) Representatives of Mawmluh Cherra Cement Limited, Jaintia Cement Limited, Maithan Alloys Limited and Shree Sakambari Ferro Alloys Pvt. Ltd. submitted information and documents sought by the Committee. The Committee observed certain discrepancies in information submitted by Maithan Alloys Limited and Shree Sakambari Ferro Alloys Pvt. Ltd. and requested them to depute a representative to attend next sitting of the Committee to be held on 14.08.2019 along with the corrected information. The Committee also noted that the information provided by the Mawmluh Cherra Cement Limited does not contain Annual Report for the year 2018-19.
- (ii) Representative of Jaintia Cement Limited informed that they do not use coal as a fuel. He further stated that the entire fuel requirement for the said plant is met from the Coke Breeze sourced from Assam. The Committee directed the North Eastern Regional Directorate of the CPCB to undertake audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month. The said Report is still awaited from the North Eastern Regional Directorate of CPCB.

- (iii) The representative of Cosmos Cement informed that they have not yet installed the plant and machineries of the Cement Plant and have therefore neither commenced production of the cement nor have purchased any coal.
- (iv) Dr. Shantanu Kumar Dutta, Addl. Director, North East Regional Directorate of the CPCB who is also a member of the Committee informed that the RNB Cement Limited will not be able to provide any information or document as the plant has been taken over by the National Company Law Tribunal (NCLT) and is managed by an Interim Resolution Professional (IRP).
- (v) Representatives of Amrit Cement, Meghalaya Cement Limited, Meghalaya Power Limited, Star Cement Limited and Star Cement Meghalaya Limited initially questioned the jurisdiction of the Committee to seek information from them. Later on they agreed to provide the information and documents sought by the Committee provided additional time is granted to them. Similarly representatives of Dalmia Bharat Cement Limited, JUD Cement and Shyam Century Ferrous Limited requested the Committee to provide additional time for submission of the information and documents sought by the Committee. In spite of prior notice, five Cement Industries (*viz.* Greenvalley Industries Limited, Goldstone Cements Limited, Hills Cements Limited, RNB Cement Limited and Virgo Cements Limited) and one Thermal Power Plant (*viz.* CMJ Breweries Limited) did not depute a representative to attend Sixteenth Sitting of the Committee. The Committee directed the afore-mentioned defaulting Industries to depute a representative to attend next Sitting of the Committee to be held at Shillong on 14.08.2019 along with all information and documents sought by the Committee, without fail.

1.17 During Seventeenth Sitting of the Committee held on 14.08.2019, representatives of nine (9) Cement Industries (*viz.* Amrit Cement, Dalmia Bharat Cement Limited, Goldstone Cement Limited, Green Valley Industries Limited, Hill Cement Limited, JUD Cements Limited, Meghalaya Cement Limited, Star Cement Limited and Star Cement Meghalaya Limited) and four (4) Thermal Power Plants (*viz.* Maithan Alloys Limited, Meghalaya Power Limited, Shree Sakambari Ferro Alloys Pvt. Ltd. and Shyam Century Limited) appeared before the Committee. A learned Senior Counsel along with one other Counsel appeared before the Committee on behalf of Star Cement Limited and two of its subsidiaries (*viz.* Star

Cement Meghalaya Limited and Meghalaya Limited). A summary of deliberations held on the matter during the said Sitting of the Committee is as below:

- (i) The Mawmluh Cherra Cement Limited provided a copy of Annual Report for the year 2018-19. The Committee took the same on record.
- (ii) Three (3) Cement Industries (*viz.* Goldstone Cement Limited, Meghalaya Cement Limited, Star Cement Limited and Star Cement Meghalaya Limited) and four (4) Thermal Power Plants (*viz.* Maithan Alloys Limited, Meghalaya Power Limited, Shree Sakambari Ferro Alloys Pvt. Ltd. and Shyam Century Limited) submitted information and documents sought by the Committee.
- (iii) One (1) Cement Industry (*viz.* Amrit Cement) provided some of the information/document sought by the Committee. Four (4) Cement Industries (*viz.* Dalmia Bharat Cement Limited, Greenvalley Industries Limited, Hill Cement Limited and JUD Cement Limited) sought additional time to provide information/documents sought by the Committee. In spite of prior notice, one Cement Industry (*viz.* Virgo Cements Limited) and one Thermal Power Plant (*viz.* CMJ Breweries Limited) neither deputed a representative to attend meeting of the Committee nor provided the information/documents to the Committee. The Committee directed all these defaulting Industries to provide the information/documents to the Committee within one week positively.
- (iv) The Committee noted that the quantity of coal procured by Maithan Alloys Limited and Shri Sakambari Ferro Alloys Pvt. Ltd, as per the statements submitted to the Committee, is substantially different than the quantity of coal reportedly consumed by the these Plants, as per the details given in a report on coal consumption by the Thermal Power Plants and Cement Industries submitted to the Committee by North Eastern Regional Directorate of CPCB. The Committee therefore, directed the North Eastern Regional Directorate of CPCB to re-examine the records relating to purchase and use of coal by above Thermal Power Plants and submit a report to the Committee within fifteen days.
- (v) The Committee noted that *prima-facie* the quantity of coal purchased by majority of Cement Industries and Thermal Power Plants is much lower than the quantity of coal required to produce reported quantity of clinker and/or electricity.

- (vi) Many of the Cement Industries and Thermal Power Plants claimed that they have used large quantity of slate in place of coal. The Committee noted that it is neither technically feasible nor legally permissible to use large quantity of slate in place of coal.

1.18 The Star Cement Meghalaya vide letter dated 26.08.2019 submitted a representation wherein, among others, it has been stated that observations made by the Committee that *prima-facie* they have used illegal coal for production of clinker/power is not based on the factual information but on the premise that use of alternate fuel by them is not technically feasible and that no royalty on the same was paid. The Committee sent a copy of the said representation to the MSPCB, the North Eastern Regional Directorate of the CPCB and North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India (GoI) for their comments.

1.19 During Eighteenth Sitting of the Committee held on 16.09.2019, the MSPCB, the North Eastern Regional Directorate of the CPCB and North Eastern Regional Office of the MoEFCC, GoI submitted their comments on submissions made by the Star Cement in their said letter dated 26.08.2019. The Committee took a copy of these comments on record and directed as below:

- (i) The MSPCB shall provide to the Committee a copy of Environmental Statements submitted to them by all Cement Industries and Thermal Power Plants in the State of Meghalaya for the period from 20014-15 to 2018-19.
- (ii) The MSPCB shall provide to the Committee a copy of all authorizations/ no objection certificates granted by them to Cement Industries and Thermal Power Plants in the State of Meghalaya for use of any fuel other than coal.
- (iii) The MSPCB shall provide to the Committee a copy of 'Consent to Establish' and/or 'Consent to Operate', if any, granted for mining of slate or muslate in the State of Meghalaya. In case no such consent has been granted, the same shall also be intimated to the Committee within one week
- (iv) The North Eastern Regional Office of the MoEFCC, GoI and the State Environmental Impact Assessment Authority (SEIAA), Meghalaya shall provide to the Committee a copy of Environmental Clearance(s), if any, granted for mining of slate in the State of Meghalaya. In case no such EC has been issued by them the same shall also be intimated to the Committee.

- (v) The North eastern Regional Directorate of the CPCB shall provide to the Committee a copy of data which formed the basis for making a submission before the Committee while preparing its First Interim Report to the effect that the two integrated cement units of State Cement Limited (*viz.* Star Cement Limited and Star Cement Meghalaya Limited) use coal of about 15% of total clinker production. The CPCB may also provide the reasons for discrepancy between the said information provided in December 2018 and the information provide vide letter dated 13.09.2019 wherein it has been stated that actual requirement of coal by these cement plants is even less than self-declared quantity of 12.75% of clinker production.

1.20 During Eighteenth Sitting of the Committee held on 16.08.2019, the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that no mining lease has been granted so far for extraction of slate in the State of Meghalaya. He further stated that local suppliers have supplied muslate or slate sourced from overburden of coal mining carried out prior to ban imposed by Hon'ble NGT. He also stated that six (6) Cement Industries (*viz.* Dalmia Bharat Cement Limited, Goldstone Cement Limited, Green Valley Industries Limited, Meghalaya Cements Limited, Star Cement Limited and Star Cement Meghalaya Limited) and one (1) Thermal Power Plant (*viz.* Meghalaya Power Ltd.) have paid royalty on slate used by them.

1.21. Later on, the Committee received requisite information/documents sought from all defaulting Cement Industries and Thermal Power Plants. The Committee also received information/documents sought from the MSPCB, North Eastern Regional Directorate of CPCB and North Eastern Regional Office of the MoEFCC, GoI in its Eighteenth Sitting held on 16.09.2019.

CHAPTER 2: ANALYSIS OF INFORMATION PROVIDED BY INDUSTRIES AND REGULATORY AUTHORITIES

2.1 Mawmluh Cherra Cement Limited

2.1.1 The Mawmluh Cherra Cement Limited was initiated incorporated as a private enterprise under the Indian Companies Act, 1913 in the name of the 'Assam Cement Limited' on 20.05.1955 to establish first cement plant of the entire North East India at a place named Mawmluh located near Cherrapunjee at about 56 km from Shillong. Keeping in view the inability of the original promoters to raise requisite funds for establishment of the plant, the Government of Assam decided to take-over the enterprise. Accordingly, on 01.01.1964 the Assam Cement Limited became a Government of Assam undertaking with very small and token percentage of share given to private sector. The Cement Plant having installed capacity of 85,000 tones of cement per annum was commissioned in November 1964. With the reorganization of the composite State of Assam resulting in creation of a new State of Meghalaya on 22.01.1972 the control and management of the above enterprise formally passed over to the State of Meghalaya. On 07.05.1974 the above enterprise was rechristened as Mawmluh-Cherra Cement Limited (hereinafter referred to as "MCCL").

2.1.2 The Committee examined the Techno-Economic Feasibility Report for expansion of existing cement plant of MCCL consisting of three long wet process kilns (Kiln 1 of 250 tons per day (TPD) and Kiln 2 and 3 of 340 TPD each) by addition of 600 TPD dry process kiln in the existing cement plant prepared by Holtec Consulting Private Limited in 2004. The said report envisages coal sourced from nearby areas as a fuel for the said plant. List of raw materials for the said plant given in the said Report does not include any other fuel. It has also been stated in the Said Report that specific coal requirement (*i.e.* percentage of coal required to produce a unit quantity of clinker) for the said plant is 16%.

2.1.2 Presently, the dry process kiln of 600 tpd capacity is only operational in the MCCL. The all three wet process kilns have been de-commissioned in 2014. Foundation stone of the said dry process kiln was laid in 2004. The same however,

could be commissioned in the month of September 2016. Hence, after the imposition of ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014 the cement plant of the MCCL was in operation for a period of about three years (viz. from September 2016 to March 2019).

2.1.3 Year-wise details of clinker produced and the coal procured by the MCCL to produce such clinker, since the ban on illegal rat hole coal mining was imposed by the Hon'ble NGT in April 2019 (viz. from the year 2014-15 to the year 2018-19) (hereinafter referred to as 'Audit Period') is as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	-	-	32,505	40,440	38,530	1,11,475
Coal procured (MT)			10,196	10,192	11,802	32,190

2.1.4 The representative of North Eastern Regional Directorate of CPCB informed the Committee that after due scrutiny of all requisite documents, they have found that the entire afore-mentioned quantity of 32,190 MT coal has been procured by MCCL from legal sources.

2.1.5 The Committee notes that as per the afore-mentioned information, the reported specific coal consumption (i.e. percentage of coal consumed to produce a unit quantity of clinker) for the MCCL during the Audit Period is 28.876 %. The Committee also notes that in paragraph 1 of the 'Guidelines on Co-processing in Cement/Power/ Steel Industry' issued by the CPCB in February, 2010, a copy of the which has been placed before the Committee by North Eastern Regional Directorate of the CPCB, it has been stated that 40 million tones of coal is required to produce 200 million tones of cement in the entire country. The specific coal consumption for the cement industry for the country as a whole, as per the said Guidelines, is 20%.

2.1.6 The Committee notes that the reported specific coal consumption by the MCCL during the Audit Period (i.e. 28.876%) is substantially higher than the

average specific coal consumption of the Cement Industry for the country as a whole (i.e. 20 %). The Committee further notes that the reported specific coal consumption of the MCCL is also substantially higher than the same for other Cement Industries in Meghalaya. **The Committee is therefore; of the view that during the Audit Period the entire requirement of coal for the MCCL has been met from legal sources.**

2.2 Star Cement Limited and its Two Subsidiaries (viz. Star Cement Meghalaya Limited and Meghalaya Power Limited)

2.2.1 The Star Cement Limited (formerly known as Cement Manufacturing Company Limited) is the largest cement manufacturer of the North-East India. The first cement plant of the Star Cement Limited, having installed capacity to produce 1,800 TPD clinker was commissioned TPD at Lumshnong village in East Jaintia Hills District in the year 2005. Later on the installed capacity of the said plant was enhanced to produce 2400 TPD clinker. During, 2013, Star Cement Meghalaya Limited, a wholly owned subsidiary of the Star Cement Limited, commissioned a cement plant having installed capacity to produce 5,300 TPD clinker. The Meghalaya Power Limited, a fully owned subsidiary of the Star Cement Limited established 8 MW Thermal Power Plant. The said plant was commissioned in 2009. Later on the installed capacity of the said Thermal Power Plant was enhanced to 51 MW by addition of an eight 43 MW unit. The said Thermal Power Plant having installed capacity of 43 MW was commissioned in 2013. All these Cement Plants and Thermal Power Plant of the Star Cement Limited and its afore-mentioned subsidiaries are located in Lumshnong village in close vicinity to each other. All these plants were in operation before the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014.

2.2.2 The Committee in its Sixteenth Sitting held on 23.07.2019 examined a Techno-Economic Feasibility Report (TEFR) of the Modernization & Expansion of the then existing plant of the Cement Manufacturing Company Limited (now Star Cement Limited) from 1800 TPD to 2400 TPD clinker and a similar report of 5300 TPD clinkerization plant of the Star Cement Meghalaya Limited, both prepared by Holtec Consulting Private Limited, a copy of the which was provided to the

Committee by representatives of the Star Cement Limited, and observed that both these plants have been designed to use 100% Meghalaya coal available locally from areas within the distance of 50 kms. Nowhere in these reports is it stated that any of these plants can be operated by any alternate fuel other than coal. It has also been stated in these Reports that net calorific value of the local coal to be used in these clinker plants is 5,800 Kcal/kg. It has also been stated in these Reports that specific heat consumption of these plants is 740 Kcal per kg of clinker. The specific coal requirement for both these plants, as per the aforementioned information given in these Reports, is 12.75 %.

2.2.3 The Committee in its Sixteenth Sitting held on 23.07.2019 also examined TEFR of the Meghalaya Power Limited prepared jointly by Technical Consultant – Cethar Consulting Engineers (P) Ltd., Chennai and Financial Consultant- KBG Consultants Pvt. Ltd., Kolkata, a copy of the which was provided to the Committee by a representative of the Star Cement Limited, and observed that as per the said Report the said plant has been designed to use coal sourced from nearby coal mines at Bapung and Khliehriat, Jaintia Hills, in Meghalaya & captive mines, Meghalaya. Requirement of the locally sourced Meghalaya coal at 100 % capacity for the said 43 MW TPP, as per the said Report, is 720 MT per day. The specific fuel requirement for the said TPP, as per the information given in the said Report, is therefore 0.70 kg/ kwh. Nowhere, in the said Report it has been stated that it will be feasible to run the plant by using any alternate fuel other than coal.

2.2.4 The Committee in its Sixteenth Sitting held on 23.07.2019 also noted that Environmental Clearance (EC) to the said TPP has been accorded by the Ministry of Environment and Forests, Government of India subject to, among others, a condition that *"In case source of fuel supply is changed at a later stage (now proposed on imported coal from Indonesia the project proponent shall intimate the Ministry well in advance along with necessary requisite documents for its concurrence for allowing the change., In such a case the necessity for re-conducting public hearing may be decided by the Ministry in consultation with the Expert Appraisal Committee"*. The Committee also noted that the North Eastern Regional Office of the MoEFCC, Gol during routine monitoring of conditions stipulated in EC to the said TPP has

observed that in contravention of the said condition, the plant has been operated by using locally sourced coal. For the said violation, the North Eastern Regional Office has requested the MoEFCC, GoI to initiate penal measures in accordance with the provisions of the Environment (Protection) Act, 1986 against the said TPP. In pursuance, a show cause notice has been issued to the said TPP by the MoEFCC, GoI. No action has however been taken against the Meghalaya Power Limited for continuous violation of the said condition stipulated in the EC for last several years.

2.2.5 The Committee after examination of documents submitted by representatives of the Star Cements Limited in its Sixteenth Sitting held on 23.07.2019 noted that year-wise details of clinker (in MT) or power (in kwh) produced and coal procured by each of the afore-mentioned three plants of the Star Cements Limited during the Audit Period are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited	Clinker produced (MT)	3,30,010	4,92,055	5,67,241	5,15,350	6,00,025	25,04,681
	Coal procured (MT)	13,417	47,628	10,192	25,267	10,989	1,07,493
Star Cement Meghalaya Limited	Clinker produced (MT)	15,49,349	16,29,025	15,79,345	15,41,945	14,36,600	77,36,264
	Coal procured (MT)	58,448	1,48,954	9,775	67,524	84,188	3,68,989
Meghalaya Power Limited	Power Produced (Million kwh)	167,923	183,114	201,624	190,059	170,116	912,836
	Coal procured (MT)	25,182	68,092	41,863	36,129	18,024	1,89,290
Total	Clinker produced (MT)	18,79,359	21,21,080	21,46,586	20,57,295	20,36,625	102,40,945
	Power Produced (Million kwh)	167,923	183,114	201,624	190,059	170,116	912,836
	Coal procured (MT)	97,047	2,64,674	61,830	1,29,020	1,13,201	6,65,772

2.2.6 During sixteenth Sitting of the Committee representatives of the Star Cement Limited also placed before the Committee a document stating therein that during the Audit Period, apart from the coal these plants also purchased alternate fuels such as Mu Slate, Petcoke and Saw dust. Year-wise details of the quantity of alternate fuels stated to be purchased by each of these plants are as below:

(Metric Tonne)

Plant	Nature of Alternate Fuel	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited	Mu Slate	50,042	91,556	82,969	1,92,859	1,01,129	5,18,555
Star Cement Meghalaya Limited	Mu Slate/ Pet Coke/ Saw Dust	1,87,631	3,01,027	2,03,188	4,45,209	1,86,032	13,23,087
Meghalaya Power Limited	Mu Slate	1,06,243	1,39,303	1,73,348	2,87,638	1,58,652	8,65,184
Total		3,43,916	5,31,886	4,59,505	9,25,706	4,45,813	27,06,826

2.2.7 The Committee during its Sixteenth Sitting also noted that it has also been stated in the documents submitted to the Committee by representatives of the Star Cements Limited that average estimated requirement of coal and alternate fuel for production of clinker by these plants is 9% - 14% and 25% - 35% respectively. Similarly, it has also been stated in these communications that average estimated requirement of coal and alternate fuel for production of one kwh of power by the said Thermal Power Plant is 0.45 - 0.65 kg per kwh and 1.20 - 1.60 kg per kwh.

2.2.8 The Committee during its Sixteenth Sitting also noted that keeping in view that the project proponent in their own communication has stated that estimated requirement of coal for these plants is upto 14 % and both these plants are more than 10 years old, the actual requirement of coal for production of clinker by both these plants is atleast 14 % of the clinker produced. The Committee in the said

Sitting held on 23.07.2019 also noted that specific coal requirement for the Meghalaya Power Limited is atleast 0.70 kg/kwh as has been stated in its TEFR.

2.2.9 The Committee in its Sixteenth Sitting also noted that use of alternate fuel, in place of coal in these plants, which have been designed to use coal as an exclusive fuel, requires major modification/alteration in their design and operation. The Committee in the said Sitting also noted that nothing was placed before the Committee to the effect that design of these plants have been altered/modified to enable them to utilise fuel such as slate having very low calorific value in place of the high calorific value local Meghalaya coal of about 5800 Kcal/kg calorific value. The Committee also noted that as per documents provided to the Committee, during the year 2016-17, the clinker plant of the Star Cement Meghalaya Limited was operated by using 9,775 MT coal and 2,03,188 MT of alternate fuel. The Committee in the said Sitting noted that even with modifications, a clinker plant cannot attain the requisite kiln temperature with such a low calorie fuel mix.

2.2.10 The Committee in its Sixteenth Sitting also noted that paragraph 2 of the Environment Impact Assessment (EIA) Notification issued by the MoEFCC, GoI vide S.O. 1533 dated 16.09.2006 mandates prior EC in the cases involving change in product mix. A representative of Star Cement Limited admitted before the Committee that no such EC has been obtained for any of these plants. Mr. H. Tynsong, Scientist D, North Eastern Regional Office of the MoEFCC, GoI during the said Sitting drawn attention of the Committee to specific condition no. (xi) (*viz. efforts shall be made to use low -grade lime, more fly ash and solid waste in cement manufacturing*) and no. (xii) (*viz. all efforts shall be made to use of high calorific hazardous waste in the cement kiln and necessary provision shall be made accordingly*) stipulated in EC to Star Cement Meghalaya Ltd. issued by the MoEFCC, GoI vide letter dated 28.10.2009 and stated that these conditions specifically provides for use of alternate fuel. He further stated that keeping in the above, use of alternate fuel in place of coal by the said plant does not requires prior EC. The Committee after examination of six-monthly self-compliance reports to said EC, a copy of which is available on website of the Star Cement Limited, observed that in respect of the afore-mentioned condition no. (xi) it has been reported that "SMCL is

a clinkerization unit, no fly ash is used in the unit. The generated solid waste from the pollution control equipment has been recycled and re-used in the process and has been used for clinker manufacturing. Amount 8-10 % of low grade lime available in the mine has been used in the process". Similarly, in respect of the afore-mentioned specific condition no. (xii) it has been reported that *"Provision already made to use of high calorific waste i.e. waste oil in the kiln. The tank capacity is 1000 litres. The used oil disposal process along with photograph has been submitted along with CREP in MoEF&CC, Shillong & New Delhi."* The Committee further noted that use of any alternate fuel, as was claimed by a representative of the Star Cement Limited, has not been reported anywhere in these self-compliance reports. The Committee also noted that even for the used oil, merely making a provision for its use and not any actual use has been reported in these self-compliance reports.

2.2.11 The Committee in its Sixteenth Meeting also noted that apart from the revised EC, change in fuel for a plant also requires prior No Objection Certificate (NoC) from the MSPCB. The Member- Secretary of the MSPCB, during the said Meeting placed before the Committee a letter dated 24.09.2017 wherein the MSPCB communicated its no-objection certificate to M/s. Star Cement Meghalaya Limited for use of Petroleum Coke in its cement plant subject to conditions stipulated in the said letter. The Committee in the said Sitting further noted that use of Petroleum Coke by the said Cement Plant is not reported in any of the six monthly self-compliance for the period after 24.09.2017.

2.2.12 The Committee in the Sixteenth Sitting also noted that the mining/ winning/ extraction of slate claimed to be used by these plants requires prior mining lease. It also requires payment of royalty and other taxes to the State Government. Nothing was placed before the Committee during the said sitting to indicate that any mining lease has been granted in the State for mining of slate and the slate, if any, used by these plants has been sourced from an area having valid mining lease after payment of requisite royalty and other taxes payable to the State Government.

2.2.13 The Committee in the Sixteenth Sitting noted that year-wise details of clinker/power produced, coal required to produce reported quantity of

clinker/power produced (@ 14% for clinker and 0.70 kg of coal per kwh of power produced) and gap in coal requirement in respect of each of the afore-mentioned three plants of the Star Cement Limited during the Audit Period are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited	Clinker produced (MT)	3,30,010	4,92,055	5,67,241	5,15,350	6,00,025	25,04,681
	Coal required (MT)	46,201	68,888	79,414	72,149	84,004	3,50,655
	Coal procured (MT)	13,417	47,628	10,192	25,267	10,989	1,07,493
	Gap (MT)	32,784	21,260	69,222	46,882	73,015	2,43,162
Star Cement Meghalaya Limited	Clinker produced (MT)	15,49,349	16,29,025	15,79,345	15,41,945	14,36,600	77,36,264
	Coal required (MT)	2,16,909	2,28,064	2,21,108	2,15,872	2,01,124	10,83,077
	Coal procured (MT)	58,448	1,48,954	9,775	67,624	84,188	3,68,989
	Gap (MT)	1,58,461	79,110	2,11,333	1,48,248	1,16,936	7,14,088
Meghalaya Power Limited	Power Produced (Million kwh)	167.92	183.11	201.62	190.06	170.12	912.84
	Coal required (MT)	1,17,546	1,28,180	1,41,137	1,33,041	1,19,081	6,38,985
	Coal procured (MT)	25,182	68,092	41,863	36,129	18,024	1,89,290
	Gap (MT)	92,364	60,088	99,274	96,912	1,01,057	4,49,695
Total for above three plants	Coal required (MT)	3,80,656	4,25,131	4,41,659	4,21,063	4,04,209	20,72,718
	Coal procured (MT)	97,047	2,64,674	61,830	1,29,020	1,13,201	6,65,772
	Gap (MT)	2,83,609	1,60,457	3,79,829	2,92,043	2,91,008	14,06,946

2.2.14 The Committee in its Sixteenth Sitting noted that prima-facie it appears that the gap in coal required to produce reported quantity of clinker and power by the afore-mentioned plants of the Star Cements Limited has been met by illegally sourced local coal. The Committee in the said Sitting also noted that even if a part of it has been met by any alternate fuel, the same has been done in violation of the environmental and mining laws and also without payment of the requisite royalty and other taxes to the State Government. The Committee also noted that neither it is technically feasible, nor it is legally permissible to replace coal by alternate fuel by any of these cement and power plants.

2.2.15 The Star Cement Limited vide letter dated 26.07.2019 submitted a representation stating therein that observations made by the Committee that *prima facie* they have used illegal coal for production of clinker/ power is not based on the factual information but on the premise that use of alternate fuel by them is not technically feasible and that no royalty on the same was paid. Among others, the following has also been stated in the said representation:

- (i) TEFRs are prepared with a view to take a considered decision regarding technical and financial viability of undertaking a project and also is a requirement for funding by financial institutions/ banks. The TEFRs are prepared on the basis of available data and certain assumptions. The details given in the TEFRs and that actual found on the ground at the time of implementation of the project may widely vary. The energy requirement for production of clinker and power given in these Reports cannot be the ground for deciding the actual energy/ coal/ alternate fuel used by them. They had stated that the coal requirement for the plants is 9 -14 %. Based on the above the coal requirement cannot be taken as at least 14%. The age of the plants has nothing to do with the energy required to produce clinker/ power. In fact with passage of time and experience gained, the efficiency of the plants by and large improves.

- (ii) No major or even minor modification/ alteration in the plant design is required at all for using alternate fuel such as slate and pet coke by their plants. The plants can use coal as well as alternate fuel (slate).
- (iii) Revised EC is required only when product mix is changed and not for change in the use of fuel.
- (iv) The EC granted in respect of MPL specifically observes that "*imported coal from Indonesia will be used until domestic coal is available*". It is relevant to mention that none of the ECs granted after 3.6.2011 (when they were granted the EC), the MoEF & CC has prescribed the condition that only imported coal will be used. Similarly in the EC granted earlier to that date also, no such condition was prescribed. In any case for alleged violation of the conditions of the EC, the issue is under consideration of the competent authority and it is not linked with whether they have used legal coal or otherwise. Moreover, on their own they have approached SEIAA seeking change in the EC condition and this matter is yet to be decided.
- (v) Each and every payment for purchase of coal and alternate fuel has been made by cheque by them. The details of the payments made by them can easily be verified. There is no way they could have made any payment in cheque for purchase of illegal coal and no cash transaction has ever taken place for purchase of coal at all. On examination of their books of accounts and Annual Reports, the date - wise details of the payment made by them can easily be verified.
- (vi) Full royalty on purchase of alternate fuel by them has been paid on behalf of the suppliers by them.
- (vii) The alternate fuel is primarily overburden dumps produced during excavation of coal and does not require a separate mining lease at all. Like coal the alternate fuel (slate) was also produced as overburden during rat hole mining of coal - subsequently banned by the Hon'ble NGT.



- (viii) They have never been involved in illegal mining operations. The coal/ alternate fuel has been purchased by them from various local suppliers and royalty for the same has been paid. The Hon'ble Supreme Court has also held only that quantity of coal which was found to be illegally being transported as illegal coal. The ownership of the entire balance quantity lying on ground and already disposed of has been held to be that legally belonging to the concerned land owners/miners. In any case they have neither been involved in illegal mining (because they have not been involved in mining activity of coal/muslate) nor purchase of any illegal coal/ alternate fuel at all.
- (ix) Use of slate in the power plant results in generation of additional fly ash on account of it containing high ash content. The fly ash produced is used in manufacturing of PPC cement by them as well as by others. In fact they have been purchasing fly ash from other sources to meet their full requirement. The use of alternate fuel for production of power by the power plants is environmentally desirable, financially viable and results in use of the by product (fly ash) for further use as a raw material. Similarly in the cement plants use of alternate fuel, which has low sulphur content, is beneficial from the point of view of production process and is also environmentally desirable. However, it results in higher cost of production by way of additional transportation costs, handling cost, storage costs etc., due to which whenever coal at a reasonable rate is available, the same is not preferred by cement plants and power plants etc.
- (x) In fact the Meghalaya Power Limited has used slate during the years 2012 - 13 and 2013 - 14 also.
- (xi) The letter dated 24.11.2017 of the Divisional Mining Officer addressed to the Director of Mineral Resources, Meghalaya, a copy of the which was enclosed to the said representation, shows that alternate fuel (Slate / Muslate) was extensively being used by them as substantial quantity of the same were found to be physically available at their plants.



2.2.16 The Committee vide letter dated 28.09.2019 sent a copy of the said representation to the MSPCB, North Eastern Regional Office of the MoEFCC, GoI and North Eastern Regional Directorate of the CPCB for comments.

2.2.17 In reply, the MSPCB vide letter dated 13.09.2019 informed the Committee that revised Consent to Operate under the Air/ Water Act is not required for use of alternate fuel. It was also informed by the MSPCB that *prima facie* the use of alternate fuel by the cement and power plants is technically feasible and is in fact encouraged by the Pollution Control Board. A copy of Environmental Statement of the afore-mentioned plants of the Star Cement Limited was also provided to the Committee.

2.2.18 Similarly, the North Eastern Regional Directorate of the CPCB vide letter dated 13.09.2019 submitted following comments on the said representation of the Star Cements Limited:

- (i) As per the literature available in published journal of repute (*Ref: Mishra, H. K. and Ghosh, R. K, 1996, Geology, Petrology and Utilization Potential of some Tertiary coals of the North-eastern Region of India. International Journal of Coal Geology, 30: 65 - 100*) the calorific value of Eocene and Oligocene coal deposit of Meghalaya is in the range of 6500 - 8500 and 6255 - 8650 kcal/kg respectively. If we go with the published literature it could be assumed the coal requirement in actual clinker production in these cement plants of Star Cement Limited could be even less than the percentage (12.75%) requirement of coal as indicated in the TEFRR assuming that calorific value of the Meghalaya coal at 5800 kcal/kg.
- (ii) If the industries use Pet Coke or slate as alternate fuel resource (AFR) it is not required to modify or attach a new fuel/ material feeding system. AFRs are generally used together with coal. As the physical characteristics of the Pet Coke and slate are similar to the coal these alternate fuel can be used in the existing coal mills for pulverization before feeding into the Kilns or the boilers after blending with coal. The CPCB has been working on use of AFR, Hazardous Wastes (HW) and Refused Derived Fuel (RDF) in the cement mills, power

plants and also in the blast furnaces so as to use the resources inherited in the wastes generated by various industries or municipalities. It is already established that disposal of wastes in the cement kilns, power plants, blast furnaces, etc. could be best possible method to dispose of the wastes in an environmentally sound manner in one hand and also to recover the resources inherited in the wastes by these industries so that use of conventional fuel is reduced significantly.

- (iii) The CPCB has published guidelines for use of AFR/ HW/ RDF in these industries. The CPCB has been conducting workshops, seminars *etc.*, amongst the stakeholders to promote the use of these AFR/ HW/ RDF in Cement Kiln or boilers.
- (iv) Besides the encouragement by CPCB, MoEF & CC, of late, has been stipulating specific condition to a few cement mills in Meghalaya to use HW/ RDF/ AFR in kilns. The EC granted to various cement industries in the region stipulates such conditions.
- (v) To use AFR/ RDF/ HW in the kilns, amendment in the EC by the concerned project is not required as per the provisions of the EC Notification, 2006. Amendment of EC is required for expansion, modification of projects and also changing in product mix. Using of AFR/ HW/RDF is only a change in fuel mix but not a change in product mix. By using AFR/ HW/RDF in a kiln/ boiler/ furnace, use of conventional fuel like coal is reduced. The arrangement helps in reducing the consumption of conventional fuel like coal and this brings in reduction in greenhouse gas emission. Thus, the use of AFR/ HW/RDF in cements kilns/ power plants/ blast furnace, etc., have significant environmental benefits and therefore such industries are encouraged to use AFR/ HW/RDF. Moreover, as the country is facing lot of problems in managing the solid wastes, use of these wastes in kilns shall also minimize the waste disposal problems in the country.
- (vi) As per provisions of the Hazardous Wastes and Other Wastes (Management and Transboundary Movement) Rules, 2016, an industry has to apply to SPCB

for authorization under the Rules for using Hazardous Wastes (HW) in its kiln/ boiler/ furnace. As per the provisions of the said Rules, CPCB prepares guidelines for use of HW in cement kiln/ boiler/ furnace. Such guidelines for various types of HW are available in the website of CPCB.

- (vii) Cement industries and power plants in Meghalaya, the industries are using slate as AFR in the cement kilns and the power plants. It is understood that slate are also mined together with coal in the coalfields of Meghalaya. Slates are differentiated from coal from their appearance and structure. It is learnt that slates commonly occur as overburdens together with the coal deposits. Slates are having less calorific value than the coal and therefore have less market values. Though data is not available regarding calorific value of slate in the State of Meghalaya, during field visit to the industries, use of slate/ Muslate by the industries were observed. When coal mining was in operation before the mining ban, various small crushers were observed in the coal depots. These crushers used to crush/ pulverize the slate into powder form and used to mix with the coal.
- (viii) From the sample documents supplied by the industries, it is observed that the industries are paying royalty on the slate being procured. The CPCB in general does not go into the detail of the royalty payment by the industries.
- (ix) The CPCB agrees to the point that the Cement Industries/ Power Plants are not involved in illegal mining of coal or slate. Documentary evidences have been submitted by the industries that the fuel/ AFR are procured after payment or royalty.

2.2.19 The North Eastern Regional Office of the MoEFCC vide letter dated 12.09.2019 submitted, among others, the following comments on the said representation of the Star Cements Limited:

- (i) The EC is required only when product mix is changed and not for change in the use of fuel. Even though the project has used alternate fuel in their cement manufacturing process, there is no change in product mix as the produce produced is cement. The specific condition No. 12 in EC accorded to Star

Cement Limited by the MoEFCC, GoI vide letter dated 28.10.2009 specifically provides that all efforts shall be made to use of high calorific hazardous waste in the cement kiln and necessary provision shall be made accordingly

- (ii) Para 3 of the guidelines for Pre-processing and Co-Processing of the Hazardous Waste and other wastes in Cement Plants as per Hazardous and Other Waste (Management and Trans-Boundary Movement) Rules, 2016 issued by the CPCB provides that utilization of hazardous and other waste for co-processing or for any other use shall be carried out only after obtaining authorisation from the State Pollution Control Board in respect of wastes on the basis of standard operating procedure or guidelines provided by the CPCB. The Star Cement Limited has obtained NoC for use of pet-coke in cement plants, and no record is available in the North Eastern Regional Office of the MoEFCC for use of slate as alternate fuel.
- (iii) A Note given in col. 5 of the item 3 (b) pertaining to cement industries in Schedule to the Environment Impact Assessment (EIA) Notification, 2016 substituted by the Notification bearing S.O. No. 3518 (E) dated 23.11.2016 of the MoEFCC, GoI provides that fuel for cement industry be coal, pet coke, waste provided it meets the emission standard.

2.2.20 During Eighteenth Sitting of the Committee held on 16.09.2019, the Committee took on record the afore-mentioned communications from the MSPCB, the North Eastern Regional Directorate of the CPCB and North Eastern Regional Office of the MoEFCC, GoI containing their comments on submissions made by the Star Cement in their said representation dated 26.08.2019 and directed as below:

- (i) The MSPCB shall provide to the Committee a copy of Environmental Statements submitted to them by all Cement Industries and Thermal Power Plants in the State of Meghalaya for the period from 20014-15 to 2018-19.
- (ii) The MSPCB shall provide to the Committee a copy of all authorizations/ no objection certificates granted by them to Cement Industries and Thermal Power Plants in the State of Meghalaya for use of any fuel other than coal.
- (iii) The MSPCB shall provide to the Committee a copy of 'Consent to Establish' and/or 'Consent to Operate', if any, granted for mining of slate or muslate in

the State of Meghalaya. In case no such consent has been granted, the same shall also be intimated to the Committee within one week

- (iv) The North Eastern Regional Office of the MoEFCC, GoI and the State Environmental Impact Assessment Authority (SEIAA), Meghalaya shall provide to the Committee a copy of Environmental Clearance(s), if any, granted for mining of slate in the State of Meghalaya. In case no such EC has been issued by them the same shall also be intimated to the Committee.
- (v) The North eastern Regional Directorate of the CPCB shall provide to the Committee a copy of data which formed the basis for making a submission before the Committee while preparing its First Interim Report, to the effect that the two integrated cement units of Star Cement Limited (*viz.* Star Cement Limited and Star Cement Meghalaya Limited) use coal of about 15% of total clinker production. The CPCB may also provide the reasons for discrepancy between the said information provided in December 2018 and the information provided vide letter dated 13.09.2019 wherein it has been stated that actual requirement of coal by these cement plants is even less than self-declared quantity of 12.75% of clinker production.

2.2.21 The North Eastern Regional Office of the MoEFCC, GoI vide a communication dated 11.10.2019 informed the Committee that as per records available with them no EC has been issued by the MoEFCC or SEIAA for mining of Slate in the State of Meghalaya.

2.2.22 The North Eastern Regional Directorate of the CPCB vide a communication dated 11.10.2019 informed the Committee as below:

- (i) While preparing the Interim Report about the coal consumption by the cement plants in Meghalaya, Mr. P. Chakraborty, Unit Head of Calcom Cement India Ltd. (CCIL), a subsidiary of Dalmia Cement (Bharat) Limited, located at Umrangsoo, Assam was consulted for getting a neutral feedback. He was consulted because of his working experience and vast knowledge about clinker production in North East. It was reported by him that the coal requirement for clinker production stands at about 15% of total clinker production in general. This figure may vary about depending on the calorific value of the coal being used. Similar percentage coal consumption figure data is also supported by data available in the internet.

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- (ii) During the detailed audit of cement plants in the State of Meghalaya regarding coal consumption, it was observed that the units started using alternate fuel to a significant extent which would bring down the consumption of coal further. Moreover, published paper by *Mishra & Ghosh (1996)* reported very high calorific value of Eocene and Oligocene coal found in Meghalaya in the range of 6500 – 8500 and 6255 – 8650 Kcal/ Kg respectively. It is understood that if coal with such high calorific value is used for clinker production together with other alternate fuel like slate, plastic waste, wood-dust etc., the coal consumption percentage will come down even below 12.75%, as reported in their earlier report.

2.2.23 The MSPCB vide a communication dated 30.09.2019 provided to the Committee Environmental Statement of nine cement plants (*viz.* Amrit Cement Limited, Green Valley Industries Limited, Hills Cements Company Limited, Jaintia Cements Limited, JUD Cements Limited, Meghalaya Cements Limited, Dalmia Cements (Bharat Limited), Gold Stone Cements Limited and Mawmluh Cherra Cements Limited). Environmental Statement of both Cement Manufacturing Plants and a Thermal Power Plant of the Star Cement Limited and its subsidiaries had already been provided to the Committee by the MSPCB vide letter dated 13.09.2019.

2.2.24 During Eighteenth Sitting of the Committee held on 16.08.2019, the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that slate is a minor mineral. He further stated that collection and sharing of royalty on minor minerals in the Autonomous District was done under the power of the Executive Order No. TAD/FR/22/55 dated 22.01.1962 till framing of Meghalaya Minor Mineral Concession Rules, 2016 (MMMCR). The said rules came into force on 12.09.2016. He further stated that grant of mining lease/quarry permit for slate was not there till Meghalaya Minor Mineral Concession Rules, 2016 came into force.

2.2.25 The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department further informed the Committee that no mining lease has been granted so far for extraction of slate in the State. He further stated that local suppliers have supplied the slate sourced from overburden of coal mining carried out prior to ban imposed by Hon'ble NGT to the Cement plants. The Cement plants

have paid royalty on slate used by them. He further stated that the amount of royalty paid by the Star Cement Limited and its subsidiaries for slate is as below:

Name and address of Cement or Thermal Power Plant	Date of Payment	Amount Paid (Rs.)	Qty. of Slate (MT)
Star Cement Limited	08.10.2018	1,84,14,900	4,09,220.000
	12.02.2019	43,75,111	97,224.690
	12.02.2019	12,12,000	12,120
	TOTAL	2,40,02,011	5,18,564
Star Cement Meghalaya Limited	10.08.2018	4,82,26,500	10,71,700.000
	12.02.2019	1,23,13,667	2,73,637.060
	12.02.2019	21,32,000	21,320.00
	TOTAL	6,26,72,167	13,66,657.060
Meghalaya Power Ltd.	08.10.20118	3,14,18,100	6,98,180.010
	12.02.2019	8,32,100	8321.000
	18.02.2019	93,27,040	2,07,267.550
	TOTAL	4,15,77,240	9,13,768.560
GRAND TOTAL		12,82,51,418	27,98,989.62

2.2.26 The Committee after examination of the matter frames following questions:

1. Whether the specific coal requirement of afore-mentioned Cement Manufacturing Plants and a Thermal Power Plant of the Star Cement Limited and its subsidiaries is substantially lower than specific coal requirement stated in the respective TEFRs?
2. What is the actual specific coal requirement for the afore-mentioned Cement Manufacturing Plants and a Thermal Power Plant of the Star Cement Limited?
3. Whether it is technically feasible to use huge quantity of slate in lieu of coal without making any modification in design of these Plants?
4. Whether the afore-mentioned Plants of Star Cement Limited and its subsidiaries have actually used huge quantity of alternate fuel (*i.e.* Slate) in lieu of coal?

5. Whether slate, if used, has been used after obtaining all requisite regulatory approvals?

Question No. 1.

2.2.27 As per the TEFR, the specific coal requirement of Mawmluh Cherra Cement Limited is 16%. However, as per details given in para 1.2.3 and 1.2.5 above, the actual specific coal requirement of the Mawmluh Cherra Cement Limited (MCCL), which uses the same relatively high calorific value Meghalaya coal, as is being used by Cement Manufacturing Plants and Thermal Power Plants of the Star Cement Limited and its subsidiaries is 28.876%. Specific coal requirement of Cement Plants of Star Cement Limited which uses the coal of almost similar quality as is being used by MCCL located in Meghalaya can-not be much lower than the specific coal requirement for the MCCL.

2.2.28 As per the TEFR, the specific coal requirement of the 43 MW unit of the Meghalaya Power Limited is 0.70 kg/kwh. However, as per the Environmental Statement submitted by the Meghalaya Power Limited to the MSPCB, the actual specific fuel consumption for the said 43 MW Thermal Power Plant during the year 2015-16, 2016-17 and 2017-18 is 0.909 kg/kwh, 0.986 kg/kwh and 0.717 kg/kwh respectively. Similarly, as per the Environmental Statement submitted to the MSPCB by the Meghalaya Power Limited, the actual specific fuel consumption for the 8 MW unit of their Thermal Power Plant during the year 2014-15 and 2015-16 is 0.799 kg/kwh and 0.800 kg/kwh respectively. As per the Environmental Statement submitted by the Star Cement Limited to the MSPCB, during the year 2016-17 its cement plant consumed 1,21,803.193 MT of coal to produce 5,67,241 MT tonnes of clinker. The specific coal requirement for its cement plant during 2016-17 was 21.47%.

2.2.29 Calorific value of Eocene and Oligocene coal deposit of Meghalaya in the range of 6500 – 8500 and 6255 – 8650 kcal/kg respectively reported in a published Journal, which formed the main basis for the North Eastern Regional Directorate of the CPCB to suggest that the actual specific coal requirement for cement manufacturing plants of the Star Cement Limited is less than the same stated in the respective TEFR, is for a coal sample collected on dry mineral-matter-free basis (*i.e.* for a sample of dry coal free from moisture and any other impurity). The coal actually available in the market does contain substantial quantity of moisture as

well as impurities, including the slate. The actual average calorific value of the Meghalaya coal available in the market is therefore; much lower than the calorific value reported in the said journal.

2.2.30 While preparing the First Interim Report of the Committee in December 2018, the North Eastern Regional Directorate of the CPCB, after consulting one Mr. P. Chakraborty, Unit Head of Calcom Cement India Ltd. (CCIL), a subsidiary of Dalmia Cement (Bharat) Limited, located at Umrangsoo, Assam, which also uses the comparatively higher calorific value coal available in the North Eastern India, as is being used by Cement Plants of Star Cement Limited and other cements plants including a Cement Manufacturing plant of the Dalmia Cement (Bharat) Limited located in Meghalaya, has reported to the Committee that actual specific coal requirement for Cements Plants of Star Cement Limited is 15%.

2.2.31 In paragraph 1 of the 'Guidelines on Co-processing in Cement/Power/ Steel Industry' issued by the CPCB in February, 2010, a copy of the which has been placed before the Committee by North Eastern Regional Directorate of the CPCB, it has been stated that 40 million tonnes of coal is required to produce 200 million tomes of cement in the entire country. The specific coal consumption for the cement industry for the country as a whole, as per the said Guidelines, is 20%.

2.2.32 Keeping in view the above, the Committee is of the view that actual specific coal requirement of Cement Manufacturing Plants and a Thermal Power Plant of the Star Cements Limited and its subsidiaries is higher than the same stated in the respective TEFRs.

Question No. 2

2.2.33 As per details given in para 2.28, the Meghalaya Power Limited in the Environmental Statement submitted to the MSPCB has reported that specific coal consumption of its Thermal Power Plant varied from 0.717 kg/kwh to 0.986 kg/kwh, the Committee is of the view that average actual specific coal requirement of the Thermal Power Plants of the Meghalaya Power Limited is about 0.850 kg/kwh.

2.2.34 For assessment of actual specific coal consumption of the Cement Plants of the Star Cement Limited and it subsidiary, the Committee took note of the followings:

- (i) Specific coal consumption for the cement industry for the country as a whole, as per information available in the Guidelines on Co-processing in Cement/Power/ Steel Industry' issued by the CPCB in February, 2010 is 20%;
- (ii) Average specific coal consumption for a similar Cement Plant of MCCL located in Meghalaya using almost similar quality of coal as is being used by cement plants of the Star Cement Limited and its subsidiaries, is 28.876%;
- (iii) As per the Environmental Statement submitted by the Star Cement Limited to the MSPCB, during the year 2016-17 its cement plant consumed 1,21,803.193 MT of coal to produce 5,67,241 MT tonnes of clinker. The specific coal requirement for the said cement plant of the Star Cement Limited during 2016-17, as per the information by Star Cement Limited itself was 21.47%;
- (iv) As per information obtained by North Eastern Regional Directorate of CPCB from one Mr. P. Chakraborty, Unit Head of a similar cement plant located in adjoining areas of Assam using almost similar quality of coal as is being used by cement plants of Star Cement Limited and its subsidiaries, average specific coal consumption of cement plants in the Region is about 15%.

2.2.35 The Committee after examination of facts given in para 2.234 above, is of the view that the actual specific coal consumption for cement plants of Star Cement Limited and its subsidiaries located in Meghalaya is atleast 15% of the weight of clinker produced.

Question No. 3:

2.2.36 All the cement manufacturing plants and thermal power plants of Star Cement Limited and its subsidiaries in Meghalaya have been designed to use locally sourced coal from the Meghalaya as a fuel. Even if the physical characteristics of the slate are similar to coal, use of slate having very low calorific value in place of high calorie coal requires modifications/changes in design of the plant, especially the components of the plants dealing with handling, processing, grinding and storage of fuel. The Star Cement Limited in their representation dated 26.07.2019 has categorically stated that no such modifications have been made in design of their cement and power plants. As per the information provided by Star Cement Limited during the year 2018-19 their cement plant used 10,989 MT coal and 1,01,129 MT slate. The Committee is of the view that even after modifications it is not feasible to achieve the required kiln temperature with such a low calories fuel mix.

2.2.37 Keeping in view the above, the Committee is of the view that except the small quantity of slate already mixed in the locally mined coal, it is not feasible to run the cement and thermal power plants of the Star Cement Limited by replacing about three-fourth of their coal requirement by a non-fuel mineral such as slate, as is being claimed by the Star Cement Limited.

Question No.4

2.2.38 The Star Cement Limited has claimed that huge quantity of slate has been used in-lieu of coal by all its Cement Manufacturing and Thermal Power Plants located in the State of Meghalaya. However, use of slate has not been reported in majority of Environmental Statements submitted by them to CPCB. In majority of these reports, use of coal as a fuel has only been reported. The Committee during its visit to fuel depot of the Meghalaya Power Limited on 12.11.2019 did not see any slate. During the visit, representative of the Meghalaya Power Limited also did not report to the Committee that a major part of the energy requirement of their plants is met from slate, as is now being claimed by them.

2.2.39 The Star Cement Limited at page 13 of their Annual Report for the year 2017-18 has prominently highlighted that its coal is accessed from 10-20 kilometres. Nowhere in any of the Annual Report it has been stated that about three-fourth of the energy requirement of their huge Cement Manufacturing Plants and Thermal Power Plants has been met by a non-fuel mineral (*viz.* slate).

2.2.40 It has also been claimed by the Star Cement Limited in their said representation dated 26.07.2019 that slate has been sourced from overburden dumps produced during excavation of coal. Except for a small quantity of overburden generated during creation of box-cutting, rat-hole mining does not involve generation of overburden. The Winning of lakhs of metric tonnes of slate from the overburden dumps, as has been claimed by the Star Cement Limited and other Cement Manufacturers and Thermal Power Plants, does not seem feasible. No such large overburden dumps having the capacity to allow extraction of several lakh tonnes of slates have been detected by the North Eastern Space Application Centre (NESAC) while undertaking land-use land-cover analysis of coal mining affected areas in Jaintia Hill districts.

2.2.41 Specific conditions no. (xi) (*viz. efforts shall be made to use low -grade lime, more fly ash and solid waste in cement manufacturing*) and no. (xii) (*viz. all efforts*)

shall be made to use of high calorific hazardous waste in the cement kiln and necessary provision shall be made accordingly) in the EC to Star Cement Meghalaya Ltd. issued by the MoEFCC, GoI vide letter dated 28.10.200 stipulates use of waste the said plant. The Committee after examination of six-monthly self-compliance reports to said EC, a copy of which is available on website of the Star Cement Limited, observed that in respect of the afore-mentioned condition no. (xi) it has been reported that *"SMCL is a clinkerization unit, no fly ash is used in the unit. The generated solid waste from the pollution control equipment has been recycled and re-used in the process and has been used for clinker manufacturing. Amount 8-10 % of low grade lime available in the mine has been used in the process"*. Similarly, in respect of the afore-mentioned specific condition no. (xii) it has been reported that *"Provision already made to use of high calorific waste i.e. waste oil in the kiln. The tank capacity is 1000 litres. The used oil disposal process along with photograph has been submitted along with CREP in MoEF&CC, Shillong & New Delhi."* The Committee further noted that use of any alternate fuel, as is being claimed by the Star Cement Limited has not been reported anywhere in these self-compliance reports. The Committee also noted that even for the used oil, merely making a provision for its use and not any actual use has been reported in these self-compliance reports.

2.2.42 Keeping in view the above, the Committee is of the view that **except for a small quantity of slate found mixed in the locally mined coal, the Cement Manufacturing Plants and Thermal Power Plants of the Star Cement Limited have not used slate as a fuel in lieu of coal.**

Question No. 5

2.2.43 Slate is a fine-grained, foliated metamorphic rock that is created by the alteration of shale or mudstone by low-grade regional metamorphism. It is mainly used for roofing, flooring, and flagging because of its durability and attractive appearance. Slate is mainly a non-fuel mineral. As far as cement industries are concerned, the slate being originated from the shale may be used, to some extent, in place of shale. The composition of the slate does not make it possible to use it as a fuel in place of coal.

2.2.44 Till the declaration of the slate as a minor mineral by the Ministry of Mines, Government of India vide Notification bearing S.O. No. 423 (E) dated 10.02.2015, the slate was classified as a major mineral. The slate along with shale is listed at Sl. No. (7) in Schedule II of the Meghalaya Minor Mineral Concession Rules, 2016 (MMMCR).

2.2.45 Clause (d) in Section 3 of the Mines and Mineral (Development and Regulation) Act, 1957 provides that "mining operation" means any operations undertaken for the purpose of winning any mineral. Winning or obtaining of slate from any area, even from overburden dump, as has been claimed by the Star Cement Limited in their representation dated 26.07.2019, as per the said definition, attracts provisions of Section 4 of the MMDR Act, which mandates prior mining lease for any operation undertaken for the purpose of winning any mineral.

2.2.46 The Meghalaya Minor Mineral Concession Rules, 2016, which came into force on 12.09.2016, provide an elaborate mechanism for grant of mining lease or quarry permit for mining/winning of minor mineral for use in an industry. A mining lease or a quarry permit for winning of a minor mineral, including slate, as per the MMMCR, can be granted only after a prior Environmental Clearance and 'Consent to Establish' is obtained from the concerned regulatory Authorities. Grant of mining lease also requires preparation of a detailed mining plan duly approved by the concerned competent authority in the Mining and Geology Department in Government of Meghalaya. It also requires prior approval of Central Government under the Forest (Conservation) Act, 1980 in case mining/winning of such mineral involves any forest land. Actual winning/mining of slate requires 'Consent to Operate' from the State Pollution Control Board. As per Rule 29 of the MMMCR, a person who undertakes mining operations (viz. respective lessee or the holder of quarry permit) is responsible for payment of royalty. As per the said rule, in case of a mining lease royalty is to be paid by the concerned lessee on a quarterly basis. Similarly, in case of a quarry, royalty is to be paid before transportation.

2.2.47 The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department has informed the Committee that no mining lease has been granted so far for extraction of slate in the State of Meghalaya. The North Eastern Regional Office of the MoEFCC, Gol has informed the Committee that the MoEFCC, Gol and the Meghalaya SEIAA have not granted any EC for mining of slate in the State. Similarly, the MSPCB has informed the Committee that so far no 'Consent to

Operate' or 'Consent to Establish' has been granted by them to any person, firm or company for mining of Slate in the State of Meghalaya.

2.2.48 The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department has informed the Committee that the Star Cement Limited and its subsidiaries has paid an amount of Rs. 12.82 crore as royalty on 27.98 lakh MT slate claimed to be used by their Cement Manufacturing Plants and Thermal Power Plant located in the State of Meghalaya. The entire royalty on slate has been paid during the year 2018 and 2019, much after the MMMCR came into force. Majority of the said royalty has been paid during the month of February 2019 after the resource (coal) audit of these companies was started by this Committee.

2.2.49 The North Eastern Regional Directorate of CPCB, MSPCB and North Eastern Regional Office of the MoEFCC stated that the slate has been used by these plants in lieu of the coal in pursuance of (i) Guidelines on Co-processing in Cement/Power/ Steel Industry' issued by the CPCB in February, 2010; (ii) guidelines for Pre-processing and Co-Processing of the Hazardous Waste and other wastes in Cement Plants as per Hazardous and Other Waste (Management and Trans-Boundary Movement) Rules, 2016; and (iii) specific condition no. (xi) and (xii) as per details given in para 2.239 above stipulated in EC to Star Cement Meghalaya Ltd. issued by the MoEFCC, GoI vide letter dated 28.10.2009.

2.2.50 The Committee after examination of the Guidelines on Co-processing in Cement/Power/ Steel Industry' issued by the CPCB in February, 2010 noted that the said guidelines contains an exhaustive list of waste materials covered by these guidelines. The slate does not find a place in the said list. Similarly, the Committee after examination of the guidelines for Pre-processing and Co-Processing of the Hazardous Waste and Other Wastes in Cement Plants as per Hazardous and Other Waste (Management and Trans-Boundary Movement) Rules, 2016 noted that these guidelines are applicable to the use of only the 'hazardous waste' and 'other waste' respectively defined in clause 17 and 23 of sub-rule (1) of rule 3 of the said rules. The slate, as per these definitions, is neither a 'hazardous waste' nor an 'other waste'. No Authorization from the MSPCB for use of slate, as is required for use of any hazardous or other waste has been obtained by the Star Cement for any of its Cement Manufacturing Plants and a Thermal Power Plant. In any case, the slate

being listed in schedule-II to the MMMCR, which as per the Star Cements Limited has the potential to replace three-fourth of the coal requirement for their huge Cement Manufacturing Plants and a Thermal Power Plant, can-not be classified as a waste.

2.2.51 As far as use of slate in compliance of the conditions stipulated in EC to Star Cement Meghalaya Ltd. issued by the MoEFCC, GoI vide letter dated 28.10.2009 is concerned, as stated in para 2.2.39 above, use of any alternate fuel, as is being claimed by the Star Cement Limited has not been reported anywhere in the six-monthly self-compliance reports to the said EC, a copy of which is available on website of the Star Cement Limited.

2.2.52 Keeping in view the above, the Committee is of the view that, the slate, if used, by the Cement Manufacturing Plants and Thermal Power Plant of the Star Cement Limited and its subsidiaries located in the State of Meghalaya, the same has been used in flagrant violation and contravention of the mining, environmental and pollution control laws as all such slate has admittedly been extracted without obtaining requisite Mining Lease, Consent to Establish, Consent to Operate and Environmental Clearance. If such use of slate, as claimed by Star Cement Limited has happened in the State, it must have caused huge damage to flora, fauna, rivers, streams, water bodies and the environment in general as all such slate has admittedly been extracted in a totally unregulated manner without any measure to mitigate its adverse impacts on the environment.

Conclusion

2.2.53 After examination of the afore-mentioned questions, the Committee is of the view that it is neither technically feasible nor legally permissible to replace more than seventy percent of the coal required to produce reported quantity of clinker and the electricity by Cement Manufacturing Plants and Thermal Power Plants of the Star Cement Limited and its subsidiaries located in the State of Meghalaya during the Audit Period by a non-fuel mineral (*viz.* slate), as is being claimed by the Star Cements Limited. The Committee is of the view that the Star Cement Limited and its subsidiaries have purchased illegally mined coal in the name of slate to

circumvent the ban imposed by the Hon'ble NGT on illegal rat-hole coal mining in the State of Meghalaya and also to evade payment of Royalty, Contribution to Meghalaya Environment Protection and Restoration Fund (MEPRF), Goods and Service Tax, Contribution to District Mineral Fund (DMF) and other statutory duties.

2.2.54 Even for the sake of an argument it is assumed that the claim of these plants that more than 72% of their coal requirement during the audit period has been met by a non-fuel mineral slate without making any change/modification in the design of these plants is true, it would have caused equal, if not more, damage to the flora, fauna, rivers, streams, water bodies and the environment in general in the State of Meghalaya as all such slate has admittedly been mined in an unscientific and haphazard manner without any mitigative measures and without obtaining mandatory mining lease, consent to establish, consent to operate, environmental clearance and authorisation/no-objection certificate from the State Pollution Control Board in a flagrant violation of the existing mining, environmental and labour safety laws.

2.2.55 Year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 15% as given in para 2.2.35 above) and electricity power (@ 0.850 kg/kwh as given in para 2.2.33 above) and the coal procured by Star Cement Limited and its subsidiaries from legal sources are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited	Clinker produced (MT)	3,30,010	4,92,055	5,67,241	5,15,350	6,00,025	25,04,681
	Coal required (MT)	49,502	73,808	85,086	77,303	90,004	3,75,702
	Coal procured (MT)	13,417	47,628	10,192	25,267	10,989	1,07,493
	Gap (MT)	36,085	26,180	74,894	52,036	79,015	2,68,209

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Meghalaya Limited	Clinker produced (MT)	15,49,349	16,29,025	15,79,345	15,41,945	14,36,600	77,36,264
	Coal required (MT)	2,32,402	2,44,354	2,36,902	2,31,292	2,15,490	11,60,440
	Coal procured (MT)	58,448	1,48,954	9,775	67,624	84,188	3,68,989
	Gap (MT)	1,73,954	95,400	2,27,127	1,63,668	1,31,302	7,91,451
Meghalaya Power Limited	Power Produced (Million kwh)	167.92	183.11	201.62	190.06	170.12	913.00
	Coal required (MT)	1,42,732	1,55,644	1,71,377	1,61,551	1,44,602	7,75,906
	Coal procured (MT)	25,182	68,092	41,863	36,129	18,024	1,89,290
	Gap (MT)	1,17,550	87,552	1,29,514	1,25,422	1,26,578	5,86,616
Total for above three plants	Coal required (MT)	4,24,636	4,73,806	4,93,365	4,70,145	4,50,096	23,12,047
	Coal procured (MT)	97,047	2,64,674	61,830	1,29,020	1,13,201	6,65,772
	Gap (MT)	3,27,589	2,09,132	4,31,535	3,41,125	3,36,895	16,46,275

2.3 Amrit Cement Limited and its Captive Thermal Power Plant

2.3.1 An Integrated Clinker cum Cement Manufacturing Plant of Amrit Cement Limited having installed capacity to produce 2,000 TPD clinker is located at Umlaper Village in East Jaintia Hills District in Meghalaya. It also has a Captive Thermal Power Plant having 12 MW installed capacity. Both these Clinker Manufacturing Plant and the Captive Thermal Power Plant were commissioned in the year 2012.

2.3.2 As per the information/documents provided to the Committee by the Amrit Cement Limited, year-wise quantities of clinker and power produced and the coal procured by the Amrit Cement Limited to produce such clinker and thermal power during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	3,07,286	4,03,205	4,25,842	4,01,497	5,40,902	20,78,732
Power Produced (in Million kwh)	44.976	54.197	49.257	46.977	77.392	272.799
Coal Procured (MT)	3,861	88,165	38,785	74,978	31,833	2,37,622

2.3.3 The Amrit Cement Limited has informed the Committee that during the Audit Period they have also procured alternate fuel. Except slate, nature of any other alternate fuel purchased by the Amrit Cement Limited has however been not intimated to the Committee. The MSPCB has informed the Committee that no authorization/non-objection certificate has been granted by the Board to the Amrit Cement Limited for use of any alternate fuel. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that no royalty has been paid by Amrit Cement Limited on the slate claimed to be used by them during the Audit period. Year-wise quantities of the slate claimed to be purchased by the Amrit Cement Limited during the Audit Period are as below:

(Metric Tonne)

2014-15	Year				Total
	2015-16	2016-17	2017-18	2018-19	
23,033	28,977	1,29,698	-	-	1,81,708

2.3.4 The Committee, based on a detailed analysis of a similar claim of the Star Cement Limited on use of slate as an alternate fuel in lieu of coal, as given in para 2.2.26 to 2.2.52, is of the view that it is neither technically feasible nor legally permissible for the Amrit Cement Limited to replace more than half of their coal requirement by a non-fuel mineral such as slate.

2.3.5 The Committee after examination of a Techno-Economic Feasibility Report (TEFR) for the said 0.61 million tonnes per annum (MTPA) clinker and 0.66 MTPA cement (PPC) greenfield cement project with 1 X 12 MW Captive Thermal Power Plant of Amrit Cement Limited prepared by RCV Consulting noted that the said clinker production unit, as per the said TEFR, has been designed to use Meghalaya coal having the estimated net calorific value of 6,000 Kcal/kg as fuel. It has also been stated in the said TEFR that several small collieries are in operation in the Khliehriat and Sutnga coalfields which are at a distance of about 25-30 km from the proposed plant site. The specific heat consumption, as per the said TEFR, for the said clinker production unit is, 750 kcal/ kg of clinker produced. The specific coal requirement for the said clinker manufacturing plant, as per the said TEFR is therefore 12.50 % of the weight of the clinker produced. After examination of the Environmental Statements submitted by the Amrit Cement Limited to the MSPCB, a copy of which has been provided to the Committee by the MSPCB, the Committee observed that quantity of coal actually consumed by the said Cement Manufacturing Plant and Thermal Power Plant has not been indicated in any of these Statements. For the detailed reasons given in para 2.2.35 above, the Committee is of the view that actual specific coal consumption for clinker manufacturing plant of the Amrit Cement Limited is atleast 15%.

2.3.6 The Committee further noted that it has been stated in the said TEFR that 100 % fuel proposed for the captive power plant shall be coal from Khliehriat/ Sutnga area in Meghalaya. The boiler of the said captive power plant, as per the said TEFR, is suitable to accept E-grade coal with ash content upto 45 %. It has also been stated in the said TEFR that for every fifteen days the said plant will require about 4,000 M.T of coal. The specific coal requirement for the said Captive Power Plant, as per the said information, is therefore about 1.20 kg/kwh. The Committee however is

of the view that the actual specific coal requirement for the said Captive Thermal Power Plant is same as the specific coal requirement of the Thermal Power Plant of the Star Cement Limited i.e. 0.850 kg/kwh.

2.3.7 Year-wise gaps in the quantity of coal required to produce the reported quantity of clinker (@ 15 % as given in para 2.3.5) and electricity power (@ 0.850 kg/kwh as given in para 2.3.6) and the coal procured by Amrit Cement Limited from legal sources during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	3,07,286	4,03,205	4,25,842	4,01,497	5,40,902	20,78,732
Power Produced (Million kwh)	44.976	54.197	49.257	46.977	77.392	272,799
Coal required to produced clinker (MT)	46,093	60,481	63,876	60,225	81,135	3,11,810
Coal required to produce Power (MT)	38,230	46,067	41,868	39,930	65,783	2,31,879
Total Coal Required (MT)	84,323	1,06,548	1,05,745	1,00,155	1,46,919	5,43,689
Coal Procured (MT)	3,861	88,165	38,785	74,978	31,833	2,37,622
Gap (MT)	80,462	18,383	66,960	25,177	1,15,086	3,06,067

2.4 Dalmia Cement (Bharat) Limited and its Captive Thermal Power Plant

2.4.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity to 1.30 MTPA clinker and 1.50 MTPA Cement was established by M/s. Adhunik Cement Ltd. at Thangskai Village in East Jaintia Hills District. It also has a Captive Thermal Power Plant of 25 MW installed capacity. Both Clinker Manufacturing Plant and the Captive Thermal Power Plant were commissioned in

the year 2010. Later on, both the Cement Manufacturing Plant and the captive Thermal Power Plant were acquired by the Dalmia Cements (Bharat) Limited.

2.4.2 As per the information/documents provided to the Committee by the Dalmia Cement (Bharat) Limited, year-wise quantities of the clinker and the power produced and the coal procured by the Dalmia Cement (Bharat) Limited to produce such clinker and thermal power during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
Clinker produced (MT)	6,68,239	7,32,700	7,92,075	9,00,686	10,84,883	41,78,583
Power Produced (in Million kwh)	117.403	108.108	88.733	102.485	110.108	526.84
Coal and Pet Coke Procured (MT)	17,433	98,296	56,208	1,07,092	54,478	3,33,507

2.4.3 It has also been stated in documents submitted to the Committee by the Dalmia Cement (Bharat) Limited that in addition to the above, alternate fuel has also been used. These alternate fuels, as per the information provided by the Dalmia Bharat Cement Limited, include saw dust, agro-waste, slate etc. Quantity of these alternate fuels claimed to be used by the Dalmia Bharat Cement Limited during the Audit Period has not been provided to the Committee.

2.4.4 It has also been stated in documents provided to the Committee by the Dalmia Bharat Cement Limited that applicable taxes, duties and royalties have been paid on these alternate fuel. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that Dalmia Cement (Bharat) Limited on 08.02.2019 paid an amount of Rs. 4.10 crore to the Mining and Geology Department, Government of Meghalaya as royalty on 9.12 lakh metric tonnes of slate claimed to be consumed by them. It is worthwhile to note that the entire royalty on the slate claimed to be consumed by the Dalmia Cement (Bharat) Limited was paid on 08.02.2019 after the resource (coal) audit of Cement

Manufacturing Plants and Thermal Power Plants in Meghalaya was initiated by the Committee. The MSPCB has informed the Committee that the MSPCB vide letter dated 01.12.2017 has granted authorization/ no-objection certificate for use of pet-coke by the Dalmia Cement (Bharat) Limited. The Same was renewed on 27.11.2018. Apart from the pet-coke, the MSPCB vide letter dated 19.04.2017 granted authorization to the Adhunik Cement Ltd. (now Dalmia Cement (Bharat) Limited) for use of eight non-hazardous waste (viz. rice hay, rice husk, whole tyre, tyre chips, wood chips, saw dust, textile paper and paper waste). The MSPCB informed the Committee that the Dalmia Cement (Bharat) Limited neither sought nor received any authorization from the MSPCB for use of slate in its Cement Manufacturing Plant and Thermal Power Plant.

2.4.5 The Committee, based on a detailed analysis (given in para 2.2.26 to 2.2.52) of a similar claim of the Star Cement Limited on use of alternate fuel in lieu of coal is of the view that it is neither technically feasible nor legally permissible for the Dalmia Cement (Bharat) Limited to replace more than two-third of their coal requirement, as is being claimed by them, by any alternate fuel.

2.4.6 The Dalmia Cement (Bharat) Limited informed the Committee that copy of the Detailed Project Report (DPR) of Adhunik Cement Limited, which now stand merged with Dalmia Cement (Bharat) Limited, is not available with them. It was also informed by the Dalmia Cement (Bharat) Limited that they are trying to obtain a copy of the same from the concerned banker. Though the Dalmia Cement (Bharat) Limited assured the Committee that they will submit the DPRs as and when the same can be obtained, the Committee till the finalization of this report did not receive a copy of the said DPR. The Dalmia Cement (Bharat) Limited also informed the Committee that average estimated quantity of coal and/or any other alternate fuel(s) required to produce one tone of clinker and one unit (kwh) of power will primarily depend on the calorific value of coal/any other alternate fuel. They further informed that there is very high variation in various kinds of fuel used and therefore there is no standard per ton usage which can be estimated as it varies from year to year.

2.4.7 In the absence of the DPR and input on specific fuel consumption from the Dalmia Cement (Bharat) Limited, it is not possible for the Committee to correctly assess the specific fuel requirement for the Cement Manufacturing Plant and Thermal Power Plant of the Dalmia Cement (Bharat) Limited. The Committee therefore is of the view that specific fuel requirements of the Cement Manufacturing Plant and Captive Thermal Power Plant of the Dalmia Cement (Bharat) Limited are same as the specific fuel requirements of the similar plants the Star Cement Limited (viz. 15 % of the clinker produced and 0.850 kg/kwh of the power produced).

2.4.8 Year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 15 % as given in para 2.4.7) and electricity power (@ 0.850 kg/kwh as given in para 2.4.7) and the coal procured by the Dalmia Cement (Bharat) Limited from legal sources during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	6,68,239	7,32,700	7,92,075	9,00,686	10,84,883	41,78,583
Power Produced (Million kwh)	117.403	108.108	88.733	102.485	110.108	526.837
Coal required to produced clinker (MT)	1,00,236	1,09,905	1,18,811	1,35,103	1,62,732	6,26,787
Coal required to produce Power (MT)	99,793	91,892	75,423	87,112	93,592	4,47,811
Total Coal Required (MT)	2,00,028	2,01,797	1,94,234	2,22,215	2,56,324	10,74,599
Coal and Pet Coke Procured (MT)	17,433	98,296	56,208	1,07,092	54,478	3,33,507
Gap (MT)	1,82,595	1,03,501	1,38,026	1,15,123	2,01,846	7,41,092

2.5 Goldstone Cement Limited and its Captive Thermal Power Plant

2.5.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 0.56 MTPA clinker and 0.88 MTPA cement was established by M/s. Goldstone Cements Limited in Musiang Lamare (Old) village in East Jaintia Hills District. It also has a Captive Thermal Power Plant of 10 MW installed capacity. Both the Clinker Manufacturing Plant and the Captive Thermal Power Plant were commissioned on 02.07.2016.

2.5.2 As per the information/documents provided to the Committee by the Goldstone Cements Limited, year-wise quantity of clinker and power produced and the coal procured by the Goldstone Cements Limited to produce such clinker and thermal power during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
2	3	4	5	6	7	8
Clinker produced (MT)	Nil	Nil	1,52,995	3,99,197	4,82,500	10,34,692
Power Produced (in Million kwh)	Nil	Nil	14.251	50.881	71.846	136.978
Coal Procured (MT)	Nil	Nil	5,918	21,295	4,946	32,159

2.5.3 The Goldstone Cements Limited has informed the Committee that during the Audit Period they have also procured alternate fuel such as Muslate/Saw Dust etc. The MSPCB has informed the Committee that the no authorization/non-objection certificate has been granted by the Board to the Goldstone Cement Limited for use of any alternate fuel. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that the Goldstone Cements Limited has paid an amount of Rs. 2.93 crores to the State of Meghalaya as a royalty on 6,51,134 MT slate claimed to be consumed by them. The Committee noted that the entire amount of royalty was paid on 15.02.2019 after resource (coal) Audit of Cement Manufacturing Plants and Thermal Power Plants in

the State of Meghalaya was initiated by the Committee. Year-wise details of alternate fuel claimed to be purchased by the Goldstone Cements Limited during the Audit Period are as below:

(Metric Tonne)

Year					Total
2014-15	2015-16	2016-17	2017-18	2018-19	
Nil	Nil	99,242	2,65,532	2,57,928	6,22,702

2.5.4 The Committee, based on a detailed analysis of a similar claim of the Star Cement Limited on use of alternate fuel in lieu of coal, as given in para 2.2.26 to 2.2.52, is of the view that it is neither technically feasible nor legally permissible for the Amrit Cement Limited to replace about ninety percent of their coal requirement by any alternate fuel.

2.5.5 The Committee after examination of the Techno-Economic Feasibility Report for setting up of the 2615 TPD Green Field Cement Plant of Goldstone Cements Ltd. at village Musiang Lamare in East Jaintia Hill district observed that the said plant has been designed to use the coal available in command area of the site (i.e. local Meghalaya Coal). As per the said report, the average estimated requirement of coal for the said plant is 18% of the weight of clinker produced.

2.5.6 Even after a specific request, the Goldstone Cement Limited did not provide a copy of the Techno-Economic Feasibility Report (TEFR) for their Captive Thermal Power Plant. The Goldstone Cements Limited informed the Committee that specific fuel requirements for their captive Thermal Power Plant is 0.50 to 0.70 kg of coal per kwh and 1.25 to 1.60 kg of alternate fuel such as slate, bamboo, saw dust, wood chips etc. per kwh. No documentary evidence in support of these claims regarding specific fuel requirement were provided to the Committee by the Goldstone Stone Cement Limited. The Committee is therefore of the view that specific fuel requirement of the Captive Thermal Power Plant of the Goldstone Cement Limited is same as the specific fuel requirement of the similar plant of the Star Cement Limited (viz. 0.850 kg/kwh of the power produced).

2.5.7 Year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 18 % as given in para 2.5.5) and electricity power (@ 0.850 kg/kwh as given in para 2.5.6) and the coal procured by Goldstone Cement Limited from legal sources during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	Nil	Nil	1,52,995	3,99,197	4,82,500	10,34,692
Power Produced (Million kwh)	Nil	Nil	14,251	50,881	71,846	136,978
Coal required to produced clinker (MT)	Nil	Nil	27,539	71,855	86,850	1,86,245
Coal required to produce Power (MT)	Nil	Nil	12,113	43,249	61,069	1,16,431
Total Coal Required (MT)	Nil	Nil	39,652	1,15,104	1,47,919	3,02,676
Coal Procured (MT)	Nil	Nil	5,918	21,295	4,946	32,159
Gap (MT)	Nil	Nil	33,734	93,809	1,42,973	2,70,517

2.6 Green Valley Industries Limited

2.6.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 1300 TPD Cement (expandable to 2600 TPD cement) was established by Green Valley Industries Limited at Nongsning village in East Jaintia Hills District. The said plant was commissioned in the year 2010.

2.6.2 As per the information/documents provided to the Committee by the Green valley Industries Limited, year-wise quantities of the clinker produced and the coal procured by the Green Valley Industries Limited to produce such clinker during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	3,88,036	3,68,412	3,83,369	4,31,151	4,35,984	20,06,952
Coal procured (MT)	44,844	50,555	46,762	51,068	30,278	2,23,507

2.6.3 It has also been stated in documents submitted to the Committee by the Green Valley Industries Limited that apart from the coal they have also used slate as an alternate fuel. Year-wise details of alternate fuel claimed to be purchased by the Green Valley Industries Limited during the Audit Period are as below:

(Metric Tonne)

Year	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
	17,105	18,280	28,221	35,020	49,122	1,12,363

2.6.4 The MSPCB has informed the Committee that the no authorization/non-objection certificate has been granted by the Board in favour of the Green Valley Industries Limited for use of slate as an alternate fuel. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that the Green Valley Industries Limited has paid an amount of Rs. 78.80 lakh to the State of Meghalaya as a royalty on 1.62 lakh MT slate claimed to be consumed by them. The Committee noted that the entire amount of royalty was paid in the month of July 2019 much after resource (coal) Audit of Cement Manufacturing Plants and Thermal Power Plants in the State of Meghalaya was initiated by the Committee.

2.6.5 The Committee, based on a detailed analysis (given in para 2.2.26 to 2.2.52) of a similar claim of the Star Cement Limited on use of alternate fuel in lieu of coal, is of the view that it is neither technically feasible nor legally permissible for the Green Valley Industries Limited to replace more than thirty percent of their coal requirement, as is being claimed by them, by a non-fuel mineral such as slate.

2.6.6 The Committee after examination of a Techno-Economic Feasibility Report (TEFR) for the said 1300 TPD expandable to 2600 TPD Greenfield Cement Project of the Green Valley Industries Limited prepared by Holtec Consulting Private Limited, observed that the said clinker cum cement manufacturing plant of the Green Valley Industries Limited has been designed to use 100 % Meghalaya coal having a net calorific value of 6,000 Kcal/kg being exploited by locals in the areas around Khliehriat and Sutnga, which are located at a distance of about 18 km and 28 km respectively from the plant site as a fuel. The specific heat consumption, as per the said TEFR, for the said clinker production unit is 780 kcal/ kg of clinker produced. The specific coal requirement for the said clinker manufacturing plant, as per the said TEFR is 13.00 %.

2.6.7 After examination of the Environmental Statements submitted by the Green Valley Industries Limited to the MSPCB, a copy of which has been provided to the Committee by the MSPCB, it has been observed that quantity of coal actually consumed by the said Cement Manufacturing Plant has not been indicated in any of these Statements. For the detailed reasons given in para 2.2.35 above, the Committee is of the view that actual specific coal consumption for clinker manufacturing plant of the Green Valley Industries Limited is atleast 15%.

2.6.8 Year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 15 % as given in para 2.6.7) and the coal procured by Green Valley Industries Limited from legal sources during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	3,88,036	3,68,412	3,83,369	4,31,151	4,35,984	12,50,504
Coal required to produced clinker (MT)	58,205	55,262	57,505	64,673	65,398	1,87,576
Coal Procured (MT)	44,844	50,555	46,762	51,068	30,278	1,28,108
Gap (MT)	13,361	4,707	10,743	13,605	35,120	59,468

2.7 Hill Cement Company Limited .

2.7.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 2,500 TPD clinker and 3,000 TPD Cement was established by Hill Cement Company Limited at Mynkree village in East Jaintia Hills District. The said plant was commissioned in the year 2007.

2.7.2 As per the information/documents provided to the Committee by the Hill Cement Company Limited, year-wise quantities of the clinker produced and the coal procured by the Hill Cement Company Limited to produce such clinker during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	1,22,646	2,14,389	2,56,984	2,03,999	2,33,902	10,31,920
Coal procured (MT)	-	11,989	9,797	2,248	13,347	37,381

2.7.3 It has also been stated in documents submitted to the Committee by the Hill Cement Company Limited that apart from the coal they have also used slate as an alternate fuel. Year-wise quantities of slate claimed to be purchased by the Hill Cement Company Limited during the Audit Period are as below:

(Metric Tonne)

2014-15	Year				Total
	2015-16	2016-17	2017-18	2018-19	
29,228	-	1,51,688	-	-	1,90,916

2.7.4 The MSPCB has informed the Committee that the no authorization/non-objection certificate for use of slate has been granted by the Board in favour of the Hill Cement Company Limited. The Commissioner and secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that the Hill Cement Company Limited did not make payment of royalty to the State of Meghalaya on the slate claimed to be utilized by them.

2.7.5 The Committee, based on a detailed analysis (given in para 2.2.26 to 2.2.52) of a similar claim of the Star Cement Limited on use of alternate fuel in lieu of coal, is of the view that it is neither technically feasible nor legally permissible for the Hill Cement Limited to replace more than three-fourth of their coal requirement, as is being claimed by them, by a non-fuel mineral such as slate.

2.7.6 The Committee after examination of a Detailed Project Report of the aforementioned Cement Manufacturing Plant of the Hill Cement Company, a copy of which was provided to the Committee, noted that it does not contain anything on the nature as well as per unit requirement of the fuel for the said plant. The Committee after examination of the Environmental Statements of the said Cement Manufacturing Plant of the Hills Cement Company Limited for the years 2013-14, 2014-15 and 2014-15, a copy of which was provided to the Committee by the MSPCB, observed that quantity of coal actually consumed by the said Cement Manufacturing Plant and Thermal Power Plant has not been indicated in any of these Statements. For the detailed reasons given in para 2.2.35 above, the Committee is of the view that actual specific coal consumption for clinker manufacturing plant of the Hill Cement Company Limited is atleast 15%.

2.7.8 Year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 15 % as given in para 2.7.7) and the coal procured by Hill Cement Company Limited from legal sources during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	1,22,646	2,14,389	2,56,984	2,03,999	2,33,902	10,31,920
Coal required to produced clinker (MT)	18,397	32,158	38,548	30,600	35,085	1,54,788
Coal Procured (MT)	0	11,989	9,797	2,248	13,347	37,381
Gap (MT)	18,397	20,169	28,751	28,352	21,738	1,17,407

2.8 Jaintia Cement Limited

2.8.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 150 TPD cement was established by Jaintia Cements Limited in Latyrke village in East Jaintia Hills District. Commercial production in the said cement plant started in the year 1992.

2.8.2 During sixteenth Sitting of the Committee held on 23.07.2019 a representative of the Jaintia Cement Limited informed the Committee that the Jaintia Cement Limited does not use coal as a fuel. He informed the Committee that the entire fuel requirement for the said plant is met from the coke breeze sourced from Assam. He further informed the Committee that during the Audit Period the Jaintia Cement Limited produced 1,00,153 MT clinker by consuming 26,203.11 MT Coke Breeze. The average per unit requirement of Coke Breeze is 26.163 % (i.e. 261.63 kg Coke Breeze per tonne of Clinker).

2.8.3 The Committee in the said Meeting advised the North Eastern Regional Directorate of the CPCB to undertake audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited and submit a report to the Committee within one month. The said report is awaited from North Eastern Regional Directorate of the CPCB.

2.9 JUD Cements Limited

2.9.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 900 TPD clinkerization facility and 1,350 TPD cement grinding unit was established by JUD Cement Limited at Wahiajer (Narpuh) village in East Jaintia Hills District. The said plant commenced its production in November 2009.

2.9.2 As per the information/documents provided to the Committee by the JUD Cement Limited, year-wise quantities of the clinker produced and the coal reportedly consumed by the JUD Cement Limited to produce such clinker during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	1,80,367	2,33,961	1,45,419	1,71,206	1,24,702	8,55,655
Coal consumed procured (MT)	-	16,348	2,099	377	370	19,194

2.9.3 It has also been stated in documents submitted to the Committee by the JUD Cement Limited that apart from the coal they have also used Coke Breeze, soft coke and diesel as alternate fuels. Year-wise quantities of coke breeze, soft coke and diesel claimed to be consumed by the JUD Cements Limited during the Audit Period are as below:

Nature of Fuel	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
Coke Breeze (MT)	9,120	0	0	23	67	9,210
Soft Coke (MT)	0	0	6,055	10,875	8,560	25,490
Diesel (KL)	37.40	21.45	21.01	24.92	34.34	139.12

2.9.4 The MSPCB has informed the Committee that the no authorization/non-objection certificate has been granted by the Board in favour of the JUD Cement Limited for use of the coke breeze or the soft coke or the diesel as an alternate fuel. In none of the Environmental Statement of the JUD Cement Limited for the years 2013-14, 2014-15 and 2015-16, a copy of which was provided to the Committee by the MSPCB, use of diesel as an alternate fuel has been reported by the JUD Cements Limited.

2.9.5 The Committee after examination of a Techno-Economic Feasibility Report (TEFR) for the said Cement cum Clinker manufacturing plant of the JUD Cement Limited prepared by West Bengal Consultancy organization Limited, Kolkata, a copy

of which was provided to the Committee by JUD Cements Limited, noted that the said clinker production unit, as per the said TEFR, has been designed to use Meghalaya coal to be procured from locally available coal base. It has also been stated in the said TEFR that these are locally owned small mines available in the area and substandard in quality compared to coal available in ECL, BCCL, CCL, MCL etc. It has also been stated in the said TEFR that coal is the main fuel for manufacture of cement in India. The consumption of coal in a typical dry process system, as per the said TEFR, ranges from 20-25% of clinker production. In the documents submitted to the Committee by the JUD Cements Limited it has been stated that specific fuel requirement of the said clinker manufacturing plant of the JUD Cement Limited is 16.50 %. The Committee is therefore of the view that specific coal requirement of the said Clinker Manufacturing Plant of the JUD Cements Limited is 16.50%.

2.9.6 Year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 16.50 % as given in para 2.9.5) and the coal procured by the JUD Cement Limited during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Clinker produced (MT)	1,80,367	2,33,961	1,45,419	1,71,206	1,24,702	8,55,655
Coal required to produced clinker (MT)	29,761	38,604	23,994	28,249	20,576	1,41,183
Coal consumed (MT)	0	16,348	2,099	377	370	19,194
Gap (MT)	29,761	22,256	21,895	27,872	20,206	1,21,989

2.10 Meghalaya Cements Limited and its Captive Thermal Power Plant

2.10.1 An Integrated Clinker cum Cement Manufacturing Plant of Meghalaya Cement Limited having installed capacity to produce 2,600 TPD cement is located at

Thangskai village in in East Jaintia Hills District of Meghalaya. The original plant having installed capacity to produce 900 TPD cement was commissioned in 2006. Later on, in the year 2011 installed capacity of the said plant was enhanced to 2,600 TPD. A Captive Thermal Power Plant of the Meghalaya Cement Limited having 10 MW installed capacity is also located adjacent to its said Cement Manufacturing Plant.

2.10.2 As per the information/documents provided to the Committee by the Meghalaya Cement Limited, year-wise quantities of clinker and power produced and the coal procured by the Meghalaya Cements Limited to produce such clinker and the electrical power during the Audit Period are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Clinker/ Cement Plant	Clinker produced (MT)	7,98,378	8,43,815	6,96,071	8,39,931	8,38,237	40,16,432
	Coal procured (MT)	77,457	29,899	30,881	35,220	34,317	2,07,774
Captive Thermal Power Plant (TPP)	Power Produced (Million kwh)	27.738	54.472	58.191	68.590	69.887	278.88
	Coal procured (MT)	19,076	14,787	15,087	18,792	19,670	87,412
Total for the Clinker/ Cement and TPP	Coal procured (MT)	96,533	44,686	45,968	54,012	53,987	2,95,186

2.10.3 The Meghalaya Cement Limited has informed the Committee that during the Audit Period they have also procured alternate fuel slate. Year-wise quantities of slate used by Meghalaya Cements Limited in its Cement Manufacturing Plant and the Captive Thermal Power Plant were however not provided to the Committee.

The MSPCB informed the Committee that the Meghalaya Cements Limited neither sought nor received any certificate of registration/authorization from the MSPCB for use of slate in its Cement Manufacturing Plant and Thermal Power Plant. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology informed the Committee that the Meghalaya Cement Limited, during the months of March and July 2017 has paid an amount of Rs. 1.00 crore to the State of Meghalaya as a royalty on 2.23 lakh MT slate claimed to be consumed by them.

2.10.4 The Committee, based on a detailed analysis of a similar claim of the Star Cement Limited on use of slate as an alternate fuel in lieu of coal, as given in para 2.2.26 to 2.2.52, is of the view that it is neither technically feasible nor legally permissible for the Amrit Cement Limited to replace more than half of their coal requirement by a non-fuel alternate fuel such as slate..

2.10.5 The Committee after examination of the Techno-Economic Feasibility Report of the Augmentation of the Clinkerization capacity of the plant from 900 TPD to 2,600 prepared by Holtec Consulting Private Limited, a copy of the which was provided to the Committee by the Meghalaya Cement Limited, observed that the said plant has been designed to use 100% Meghalaya coal available locally. As per the said report, net calorific value of the local coal to be used in the clinker plants is 5,800 Kcal/kg. It has also been stated in the said reports that specific heat consumption of these plants is 840 Kcal per kg of clinker. The average estimated requirement of coal as per the information given in the said report is 14.66 %. For the detailed reasons given in para 2.2.35 above, the Committee is of the view that actual specific coal consumption for clinker manufacturing plant of the Meghalaya Cement Limited is at-least 15%.

2.10.6 The Committee after examination of the Techno-Economic Feasibility Report of the 10 MW capacity Captive Power Plant prepared by AKB Power Consultants Pvt. Ltd., a copy of the which was provided to the Committee by the Meghalaya Cement Limited, observed that the said plant was envisaged to use coal sourced from Western parts of Meghalaya Hills. The Annual requirement of the locally sourced Meghalaya coal at 100 % capacity for the said 10 MW TPP, as per the said

report, is 63,072 MT. The specific fuel requirement for the said TPP, as per these information given in the said report, is therefore 0.72 kg/kwh. Nowhere, in the said report it has been stated that it will be feasible to run the said Thermal Power Plant by using any alternate fuel other than coal. The Committee is of the view that specific fuel requirement of the Captive Thermal Power Plant of the Meghalaya Cement Limited is same as the specific fuel requirement of the similar plant of the Star Cement Limited (viz. 0.850 kg/kwh of the power produced).

2.10.7 The year-wise gaps in quantity of coal required to produce the reported quantity of clinker (@ 15 % as given in para 2.10.5) and electricity power (@ 0.850 kg/kwh as given in para 2.10.6) and the coal procured by the Meghalaya Cements Limited from legal sources during the Audit Period are as below:

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Clinker/ Cement Plant	Clinker produced (MT)	7,98,378	8,43,815	6,96,071	8,39,931	8,38,237	40,16,432
	Coal required (MT)	1,19,757	1,26,572	1,04,411	1,25,990	1,25,736	6,02,465
	Coal procured (MT)	77,457	29,899	30,881	35,220	34,317	2,07,774
	Gap (MT)	42,300	96,673	73,530	90,770	91,419	3,94,691
Captive Thermal Power Plant (TPP)	Power Produced (Million kwh)	27,738	54,472	58,191	68,59	69,887	278,878
	Coal required (MT)	23,577	46,301	49,462	58,302	59,404	2,37,046
	Coal procured (MT)	19,076	14,787	15,087	18,792	19,670	87,412
	Gap (MT)	4,501	31,514	34,375	39,510	39,734	1,49,634
Total for the Clinker/ Cement and TPP	Coal required (MT)	1,43,334	1,72,873	1,53,873	1,84,291	1,85,140	8,39,511
	Coal procured (MT)	96,533	44,686	45,968	54,012	53,987	2,95,186
	Gap (MT)	46,801	1,28,187	1,07,905	1,30,279	1,31,153	5,44,325

2.11 Virgo Cements Limited

2.11.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 1,060 TPD clinker and 1,452 TPD of Cement has been established by Virgo Cements Limited at Dams village in North Garo Hill district of Meghalaya.

2.11.2 The Virgo Cements Limited informed the Committee that no coal is used in their said plant as it has a Vertical Shaft Kiln (VSK) where low ash metallurgical (LAM) coke or coke breeze is used as a fuel.

2.11.3 The Committee after examination of the Techno-Economic Feasibility Report for expansion of the said plant to 1060 TPD capacity prepared by Ercom Engineers Pvt. Limited, a copy of which was provided to the Committee by the Virgo Cements Limited, observed that the said plant was envisaged to use coke breeze to be sourced from nearby area of the Guwahati as a fuel. Specific fuel requirement for the said plant, as per the said report, is 0.289 tonnes of coke breeze per tonne of clinker or 28.90 %.

2.11.4 The Committee after examination of the matter is prima-facie of the view that Virgo Cement Limited did not use illegally mined local coal during the Audit Period. The Committee however advised the North Eastern Regional Directorate of the CPCB to undertake an audit to ascertain that coke breeze or LAM coke originating from legal source has only been used by the said Plant.

2.12 RNB Cement Limited

2.12.1 An Integrated Clinker cum Cement Manufacturing Plant having an installed capacity of 600 TPD cement along with a 10 MW capacity Captive Thermal Power Plant was established by RNB Cement Limited at Barapani Industrial area in Ri-Bhoi District of Meghalaya in the year 2008.

2.12.2 The North East Regional Directorate of the CPCB informed the Committee that the RNB Cement Limited will not be able to provide any information or document as the plant has been taken over by the National Company Law Tribunal (NCLT) and is present managed by an Interim Resolution Professional (IRP) *w.e.f.*

13.06.2019. Information about the quantities of clinker and thermal power produced and the quantity of coal purchased by the RNB Cement Limited during the Audit Period could not be obtained by the Committee. In the absence of these information it is not feasible for the Committee to undertake Resource (coal) Audit of the RNB Cements Limited.

2.13 Captive Thermal Power Plant of Shyam Century Ferrous Limited

2.13.1 A Captive Thermal Power Plant of the Shyam Century Ferrous Limited having installed capacity of 13.80 MW is located in Export Promotion Industrial Park (EPIP) Byrnihat in Ri-Bhoi district of Meghalaya.

2.13.2 As per the information/documents provided to the Committee by the Shyam Century Ferrous Limited, year-wise quantities of power produced and the coal procured by the Shyam Century Ferrous Limited to produce such power during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Power Produced (Million kwh)	64.117	55.246	104.403	68.898	34.702	327.366
Coal procured (MT)	43576	32461	72086	13704	4960	1,66,787

2.13.3 The Shyam Century Ferrous Limited has informed the Committee that during the Audit Period they have also procured and utilised in the said Captive Thermal Power Plant alternate fuel. Year-wise quantities of alternate fuel claimed to be purchased by Shyam Century Ferrous Limited during the audit period are as below:

(metric tonne)

Year					Total
2014-15	2015-16	2016-17	2017-18	2018-19	

1	2	3	4	5	6
446	-	-	-	29	475

2.13.4 Keeping in view that quantity of alternate fuel claimed to be purchased by Shyam Century Ferrous Alloy Limited is very low, the Committee decided to ignore the same in this resource (coal) audit.

2.13.5 The Committee after examination of the Detailed Project Report (DPR) for the said 13.80 MW Captive Power Plant prepared by AKB Power Consultants Private Limited, a copy of which was provided to the Committee by Shyam Century Limited, observed that the said plant was designed to use both biomass fuel (with estimated calorific value of 3,500 Kcal/kg) and locally sourced Meghalaya coal (with estimated calorific value of 5,500 Kcal/kg). The annual requirement of fuel by the said plant at 100% capacity is 77,616 MT of biomass fuel and 14,256 MT of Meghalaya coal. The specific fuel requirement of the said plant, as per the said report, is thus 0.527 kg/kwh of coal or 0.827 kg/ kwh of biomass.

2.13.6 It has also been stated in the documents handed over to the Committee by the Shyam Century Ferrous Limited that specific fuel requirement of their said Captive Thermal Power Plant is 0.50- 0.70 kg of coal per kwh and 1.00 -1.40 kg of alternate fuel such as coke fine, Tamilnadu Charcoal fines etc. per kwh.

2.13.7 Keeping in view the detailed analysis given in para 2.2.33 and also keeping in view that though the said Thermal Power Plant has been designed to use alternate fuels other than coal, the Shyam Century Ferrous Alloy Limited has himself reported that during the entire Audit Period 475 MT alternative fuel has only been used by them, the Committee is of the view that specific coal requirement of the said Captive Thermal Power Plant of the Shyam Century Limited is atleast equal to specific coal requirement of the a Thermal Power Plant of much larger capacity of the Star Cement Limited located in Meghalaya (viz. 0.850 kg/kwh of the power produced).

2.13.8 The year-wise gaps in quantity of coal required to produce the reported quantity of the electrical power (@ 0.850 kg/kwh as given in para 2.13.7) and the

coal procured by Shyam Century Ferrous Limited from legal sources during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Power Produced (Million kwh)	64.117	55.246	104.403	68.898	34.702	327.366
Coal required (MT)	54,499	46,959	88,743	58,563	29,497	2,78,261
Coal procured (MT)	43,576	32,461	72,086	13,704	4,960	1,66,787
Gap (MT)	10,923	14,498	16,657	44,859	24,537	1,11,474

2.14 Captive Thermal Power Plant of Maithan Alloys Limited

2.14.1 A Captive Thermal Power Plant of the Maithan Alloy Limited having installed capacity of 15 MW is located in Export Promotion Industrial Park (EPIP) Byrnihat in Ri-Bhoi district of Meghalaya.

2.14.2 As per the information/documents provided to the Committee by the Maithan Alloys Limited, year-wise quantities of power produced and the coal procured by the Maithan Alloys Limited to produce such power during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Power Produced (Million kwh)	62.588	49.241	97.440	89.061	33.493	331.823
Coal procured - Within Meghalaya (MT)	77,573	51,318	61,950	64,595	6,384	2,61,820
Coal procured - Outside Meghalaya (MT)	-	-	929	36,692	14,345	51,966

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Total Coal Procured (MT)	77,573	51,318	62,879	1,01,287	20,729	3,13,786

2.14.3 The Maithan Alloys Limited has informed the Committee that during the Audit Period they have also procured alternate fuel. Year-wise quantities of different types of alternate fuel claimed to be purchased by Maithan Alloys Limited during the Audit Period are as below:

(metric tonne)

Type of alternate fuel	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Rice Husk	-	-	-	5,039	1,973	7,012
Saw Dust	-	-	-	275	505	780
Coke Breeze	-	-	-	0	2,354	2,354
Wood Chips	-	-	-	0	60	60
Total	-	-	-	5,314	4,892	10,206

2.14.4 The Committee after examination of the Detailed Project Report (DPR) of the said 15 MW capacity Captive Thermal Power Plant of the Maithan Alloys Limited prepared by AKB Power Consultants Pvt. Ltd., a copy of which was provided to the Committee by the Maithan Alloys Limited, observed that the said plant has been designed to use both bamboo chips/dust (with estimated calorific value of 2914 K cal/kg) and locally sourced Meghalaya coal (with estimated calorific value of 7,142 K cal/kg). As per the said DPR, the annual requirement of fuel by the said plant at 100% capacity is 32,400 MT of bamboo chips and 37,800 MT of Meghalaya coal. The specific fuel requirement of the said plant as per the said report is therefore 0.527 kg/kwh of coal or 0.827 kg/ kwh of biomass. It has however been stated in

documents provided to the Committee by Maithan Alloys Limited that specific fuel requirement of the said TPP is 0.72 kg/kwh.

2.14.5 As per the information provided by Maithan Alloys Limited, during the Audit Period the Maithan Alloy Limited purchased 3,13,785 MT coal to produce 331.823 Million units of power by the said 15 MW capacity Captive Thermal Power Plant. The actual specific fuel purchased for the said Captive Thermal Power Plant of Maithan Alloys Limited during the Audit Period is 0.945 kg/kwh. The same is comparable to or even higher than the estimated specific fuel consumption for other Thermal Power Plants located in the State of Meghalaya. Apart from the above, the Maithan Alloy Limited has claimed to purchase alternate fuel such as rice husk, saw dust, coke breeze and wood chips also. The Committee therefore is of the view that during the Audit Period Maithan Alloys Limited did not use any illegally mined local coal from the Meghalaya.

2.15 Captive Thermal Power Plant of Shree Sakambari Ferro Alloys Pvt. Ltd.

2.15.1 A Captive Thermal Power Plant of Shree Sakambari Ferro Alloys Pvt. Ltd having installed capacity of 10 MW is located in Riwiang Village in West Khasi Hills District, Meghalaya. The said Thermal Power Plant was commissioned in the month of June 2014.

2.15.2 As per the Environmental Statement Submitted by Shree Shakambari Ferro Alloys Pvt. Ltd. to the MSPCB the actual specific coal consumption of the said Captive Thermal Power Plant of Shree Sakambari Ferro Alloys Pvt. Ltd. during the Audit Period is as below:

(kg/kwh)

2014-15	2015-16	2016-17	2017-18	2018-19
1	2	3	4	5
0.83	0.85	0.85	0.81	0.85

2.15.3 On perusal of information and documents received from Shree Shakambari Ferro Alloy Limited the Committee observed that unit of power produced by the

said Thermal Power Plant stated in the Statement provided to the Committee does not appear to be correct. The Committee also observed that the quantity of coal reported to be consumed by Shree Sakambari Ferro Alloys Pvt. Ltd., as per the Statement submitted to the Committee is substantially different than the quantity of coal reportedly consumed by the said Plant as per details given in a report on coal consumption by the Thermal Power Plants and Cement Industries submitted to the Committee by North Eastern Regional Directorate of CPCB. The Committee therefore advised the North Eastern Regional Directorate of CPCB to re-examine the records relating to purchase and use of coal by said Thermal Power Plant of Shree Sakambari Ferro Alloys Pvt. Ltd. and submit a report to the Committee. The said report is still awaited by the Committee.

2.16 Captive Thermal Power Plant of CMJ Breweries Private Limited

2.16.1 A Captive Thermal Power Plant of the CMJ Breweries Private Limited having installed capacity of 3.50 MW is located in Export Promotion Industrial Park (EPIP) Byrnihat in Ri-Bhoj district of Meghalaya.

2.16.2 As per the information/documents provided to the Committee by the CMJ Breweries Private Limited, year-wise quantities of power produced and the coal procured by the CMJ Breweries Private Limited to produce such power during the Audit Period are as below:

Items	Year					Total
	2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7
Power Produced (Million kwh)	5.746	7.925	4.329	8.597	6.260	32.86
Coal procured (MT)	15,232	16,606	10,874	15,738	2,985	61,435

2.16.3 The CMJ Breweries Private Limited has informed the Committee that during the Audit Period they have also procured husk as an alternate fuel. Year-wise

quantities of rice husk claimed to be procured by CMJ Breweries Private Limited during the audit period are as below:

(metric tonne)

Year					Total
2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6
-	-	-	5,011	23,235	28,246

2.16.4 The Committee after examination of the Detailed Project Report (DPR) of the CMJ Breweries Private Limited prepared by M/s. Suvidha Consultancy Limited, Guwahati noted that the said DPR does not contain anything about the nature and per unit requirement of the fuel. It has however been stated in documents provided to the Committee by the CMJ Breweries Private Limited that their Captive Thermal Power Plant has a back pressure turbine and the steam is mainly used for the process heating and the power is additionally generated using the same steam. So the fuel consumption in the back pressure turbine is not comparable to the conventional plant condensing type turbines. It has also been stated in these documents that average estimated quantity of fuel required to produce power in their said Captive Thermal Power Plant is 2.35 kg of coal per kwh or 3.50 kg of husk per kwh.

2.16.5 The Committee noted that quantities of the coal and rice husk purchased by the CMJ Breweries Private Limited was sufficient to produce the power reportedly produced by the CMJ Breweries Private Limited during the audit period as per the reported specific fuel consumption of 2.35 kg of coal per kwh or 3.50 kg of husk per kwh. Subject to confirmation by the North Eastern Regional Directorate of the CPCB of the claim of the CMJ Breweries Private Limited regarding the use of rice husk as a fuel, the Committee is of the view that no illegally mined legal has been utilised by the CMJ Breweries Private Limited during the Audit Period.

V

CHAPTER 3: FINDINGS AND RECOMMENDATIONS

3.1 FINDINGS

3.1.1 Except for the clinker manufacturing plant of the Mawmluh Cherra Cement Limited (A State PSU) and Captive Power Plants of the Maithan Alloy Limited and the CMJ Breweries Private Limited, there is a huge gap in quantity of coal required to produce reported quantity of clinker and/or power and the coal reported to be purchased from legal sources during the Audit Period by all other Cement Manufacturing Plants and Thermal Power plants in the State of Meghalaya for which resource (coal) audit could be completed by the Committee. Year-wise quantities of the coal required to produce reported quantities of clinker and/or power, the coal actually purchased from legal sources and the gap between the two for each of these Plants are as below:

(metric tonnes)

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Star Cement Limited and its two subsidiaries	Coal required*	4,24,636	4,73,806	4,93,365	4,70,145	4,50,096	23,12,048
	Coal procured**	97,047	2,64,674	61,830	1,29,020	1,13,201	6,65,772
	Gap	3,27,589	2,09,132	4,31,535	3,41,125	3,36,895	16,46,276
Amrit Cement Limited and its Captive TPP	Coal required*	84,323	1,06,548	1,05,745	1,00,155	1,46,919	5,43,690
	Coal procured**	3,861	88,165	38,785	74,978	31,833	2,37,622
	Gap	80,462	18,383	66,960	25,177	1,15,086	3,06,068
Dalmia Cement (Bharat) Limited and	Coal required*	2,00,028	2,01,797	1,94,234	2,22,215	2,56,324	10,74,598
	Coal procured**	17,433	98,296	56,208	1,07,092	54,478	3,33,507

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
its Captive TPP	Gap	1,82,595	1,03,501	1,38,026	1,15,123	2,01,846	7,41,091
Goldstone Cement	Coal required*	0	0	39,652	1,15,104	1,47,919	3,02,675
Limited and its Captive TPP	Coal procured**	0	0	5,918	21,295	4,946	32,159
	Gap	0	0	33,734	93,809	1,42,973	2,70,516
Green Valley Industries Limited	Coal required*	58,205	55,262	57,505	64,673	65,398	3,01,043
	Coal procured**	44,844	50,555	46,762	51,068	30,278	2,23,507
	Gap	13,361	4,707	10,743	13,605	35,120	77,536
Hill Cement Company Limited	Coal required*	18,397	32,158	38,548	30,600	35,085	1,54,788
	Coal procured**	0	11,989	9,797	2,248	13,347	37,381
	Gap	18,397	20,169	28,751	28,352	21,738	1,17,407
JUD Cements Limited	Coal required*	29,761	38,604	23,994	28,249	20,576	1,41,184
	Coal procured**	0	16,348	2,099	377	370	19,194
	Gap	29,761	22,256	21,895	27,872	20,206	1,21,990
Meghalaya Cements Limited and its Captive TPP	Coal required*	1,43,334	1,72,873	1,53,873	1,84,291	1,85,140	8,39,511
	Coal procured**	96,533	44,686	45,968	54,012	53,987	2,95,186
	Gap	46,801	1,28,187	1,07,905	1,30,279	1,31,153	5,44,325
Captive TPP of Shyam Century	Coal required*	54,499	46,959	88,743	58,563	29,497	2,78,261
	Coal	43,576	32,461	72,086	13,704	4,960	1,66,787

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	8
Ferrous Ltd.	procured**						
	Gap	10,923	14,498	16,657	44,859	24,537	1,11,474
TOTAL	Coal required*	10,13,183	11,28,007	11,95,659	12,73,995	13,36,954	59,47,798
	Coal procured**	3,03,294	6,07,174	3,39,453	4,53,794	3,07,400	20,11,115
	Gap	7,09,889	5,20,833	8,56,206	8,20,201	10,29,554	39,36,683

*: Coal required to produce reported quantities of clinker and/or power

** : Coal reported to be procured from legal sources

3.1.2 The Committee is of the view that the entire gap of 39.37 lakh MT between the quantity of the coal required to produce reported quantity of the clinker and the electrical power and the coal purchased from legal sources by these Plants during the Audit Period constituting about two-third of the coal requirement of these plants during the Audit Period has been met from the illegally mined local coal. Demand for a huge quantity of illegally mined coal from these plants has sustained and supported a wide scale illegal rat-hole coal mining in the State of Meghalaya in flagrant violation of a ban imposed by the Hon'ble NGT.

3.1.3 Continuance of illegal rat-hole coal mining in the State of Meghalaya to meet the huge requirement of coal for these Cement Manufacturing Plants and the Thermal Power Plants have caused huge damage to flora, fauna, rivers, streams, water bodies and the environment in general in the State of Meghalaya. It has also made the ban imposed by the Hon'ble NGT on illegal rat-hole coal mining virtually inoperative.

3.1.4 No royalty, taxes and any other statutory levies has been paid to the State of Meghalaya on the illegally mined coal utilised by these Cement Manufacturing Plants and Thermal Power Plants during the Audit Period resulting in a huge loss to the State exchequer. In fact ban on the illegal rat-hole coal mining in the State of

Meghalaya came as a boon to these Cement Manufacturing Plants and Thermal Power Plants in the State of Meghalaya as it virtually exempted them from the requirement of payment of royalty, taxes and other statutory levies payable on more than two-third of the coal consumed by them. The amounts of royalty (@ Rs. 675 per MT), contribution to Meghalaya Environment Protection and Restoration Fund (MEPR Fund) at the rate of Rs. 485 per MT and GST/VAT @ 5 % of the sale value of approx. Rs. 8,000 per MT amounting to Rs 400 per MT) payable on the illegally mined coal utilised by each of these Cement Manufacturing Plants and Thermal Power Plants during the Audit Period are as below:

(Amt.: Rupees in crore)

Sl. No.	Plant	Qt. of illegal coal used (MT)	Royalty	MEPRF	GST/ VAT	Total
1	2	3	4	5	6	7
1.	Star Cement Limited and its two subsidiaries	16,46,276	111.124	79.844	65.851	256.819
2.	Amrit Cement	3,06,068	20.660	14.844	12.243	47.747
3.	Dalmia Bharat Cement Ltd	7,41,092	50.024	35.943	29.644	115.610
4.	Goldstone Cement Ltd.	2,70,516	18.260	13.120	10.821	42.200
5.	Green Valley Industries Ltd.	77,536	5.234	3.760	3.101	12.096
6.	Hill Cement Ltd.	1,17,407	7.925	5.694	4.696	18.315
7.	JUD Cement Ltd.	1,21,990	8.234	5.917	4.880	19.030
8.	Meghalaya Cement Ltd.	5,44,325	36.742	26.400	21.773	84.915
9.	Shyam Century Ferrous Ltd.	1,11,474	7.524	5.406	4.459	17.390
Total		39,36,684	265.726	190.929	157.467	614.123

3.1.5 The royalty and VAT/GST amounting to Rs. 423.194 crore payable on illegally mined coal utilised by the Cement Manufacturing Plants and Thermal Power Plants, if realised and properly utilised, can significantly enhance living

standard of the tribal residents, especially those residing in the areas affected by such illegal coal mining, of the State. Similarly, an amount of Rs. 190,929 crore payable to MEPR Fund for the said illegally mined coal utilised by these Plants, if properly utilised, may greatly help in restoration of flora, fauna, rivers, streams, water bodies and the environment in general damaged by illegal rat-hole coal mining in the State of Meghalaya.

3.1.6 Claim of these Cement Manufacturing Plants and Thermal Power Plants that about two-third of their coal requirement have been met by a non-fuel mineral (i.e. slate) without making any change in the design of these plants is not tenable. The Committee, based on a detailed analysis given in para 2.2.26 to 2.2.52, is of the view that it is neither technically feasible nor legally permissible for these plants to replace more than two-third of their coal requirement by a non-fuel mineral such as slate.

3.1.7 These Plants have purchased illegally mined local coal in the name of slate to circumvent the ban imposed by the Hon'ble NGT on illegal rat-hole coal mining in the State of Meghalaya and also to evade payment of royalty, GST/VAT and other statutory levies and contribution to MEPR Fund on the coal utilised by them.

3.1.8 Even for the sake of an argument it is assumed that the claim of these plants that more than two-third of their coal requirement during the Audit Period has been met by a non-fuel mineral (*viz.* slate) without making any change/modification in the design of these plants is true, it would have caused equal, if not more, damage to the flora, fauna, rivers, streams, water bodies and the environment in general in the State of Meghalaya as all such slate has admittedly been mined in an unscientific and haphazard manner without any mitigative measures and without obtaining mandatory mining lease, consent to establish, consent to operate, environmental clearance and authorisation/no-objection certificate from the State Pollution Control Board in a flagrant violation of the existing mining, environmental, pollution control and labour safety laws.

3.1.9 Transportation and use of a huge quantity of illegally mined coal by these plants could not have escaped notice of regulatory authorities, both in the State of Meghalaya and the Union of India. It could not have escaped notice of the district

and police administration. Instead of taking actions to prevent use of illegally mined coal by these plants and to initiate appropriate proceedings under relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957; the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 against these Plants for use of illegally mined local coal, the regulatory authorities have tried to regularise/justify the use of illegally mined coal by accepting royalty on slate claimed to be used by these plants and by supporting the claim of these Plants that it is technically and legally feasible to replace two-third of the coal requirement of these plants by a non-fuel mineral such as slate and the slate can be used by these plants as a waste without obtaining any clearance under the Mines and Minerals (Development and Regulation) Act, 1957; the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986 and the rules, regulations & guidelines framed thereunder.

3.1.10 As per information provided to the Committee by the Mining and Geology Department in the State of Meghalaya, none of these plants participated in a public auction conducted by the State of Meghalaya to sell more than 38,000 MT of seized coal available at locations in close vicinity of majority of these plants. The Committee therefore is of the view that a major part of the coal requirement of these plants is still being met from illegally mined local coal.

3.2 RECOMMENDATIONS

3.2.1 To put a stop to the illegal rat-hole mining of the coal being undertaken in the State of Meghalaya in flagrant violation of the mining, environmental and labour safety laws as well as the orders issued by the Hon'ble Supreme Court and the Hon'ble NGT to meet the requirement of the coal for the Cement Manufacturing Plants and Thermal Power Plants in the State of Meghalaya and also to restore damage caused the flora, fauna, rivers, streams, water bodies and environment in general by illegal rat-hole coal mining, the Committee recommends that the Hon'ble NGT may consider to issue the following directions:

✓

1. The Chief Secretary of the State of Meghalaya shall undertake monthly review the quantity of clinker and/or power produced by each Cement Manufacturing Plants and Thermal Power Plant in the State of Meghalaya and the quantity of coal purchased by each such plant from legal sources to produce such reported quantities of clinker and/or power. Such review for a month shall be undertaken on or before tenth day of the next month. A quarterly report stating therein the month-wise quantities of clinker and/or power produced, quantity of coal consumed to produce such quantities of clinker and/or power by each such plant and action(s), if any, taken against any such plant in case of any anomaly observed during the review shall be submitted to this Tribunal by the Chief Secretary, Meghalaya. Such report for a quarter shall be submitted to this Tribunal on or before fifteenth day of the next quarter.
2. The State of Meghalaya; the Ministry of Environment, Forest and Climate Change, Government of India and the Meghalaya State Pollution Control Board shall initiate proceedings in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957; the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 the Environment (Protection) Act, 1986 and the rules, regulations & guidelines framed thereunder against each of the Cement Manufacturing Plants and the Thermal Power Plants who has used illegally mined local coal after a ban on the rat-hole coal mining in the State of Meghalaya was imposed by this Tribunal in the month of April, 2014.
3. The State of Meghalaya shall realise royalty, GST/VAT, contribution to the MEPR Fund and any other statutory tax and/levy payable on the illegally mined coal utilised by these Cement Manufacturing Plants and the Thermal Power Plants in the State of Meghalaya after the ban on illegal rat-hole mining in the State of Meghalaya was imposed by this Tribunal in April 2014.
4. To restore the damage caused to the flora, fauna, rivers, streams, water bodies and the environment in general by illegal rat-hole mining of coal and also to mitigate the suffering caused to the local tribal residents by the illegal rat-hole coal mining, the State of Meghalaya shall realise from each of the aforementioned Cement Manufacturing Plants and Thermal Power Plants who have

used illegally mined local coal after a ban on illegal rat-hole coal mining was imposed by this Tribunal in the month of April 2014, an amount of Rs. 400 per tonne of coal to be utilised by each such plants on or after the date of this order and deposit the same in the MEPR Fund. Such amount for coal utilised during a month shall be realised on or before fifteenth day of the next month. Not less than fifty percent of these amounts shall be utilised for restoration of damage caused to the flora, fauna, rivers, streams, water bodies and the environment in general by illegal rat-hole mining of the coal in the State of Meghalaya. The balance amounts shall be utilised for socio-economic development of the tribal residents in areas affected by the coal mining in the State of Meghalaya. It is clarified that the afore-mentioned amount of Rs. 400 per MT of coal shall be in addition the contribution to MEPRF at the rate of Rs. 485 per MT of coal already being realised by the State in compliance of earlier orders of this Tribunal. The Chief Secretary, Meghalaya shall formulate draft guidelines for utilisation of these amounts and place the same before the Committee constituted by this Tribunal under Chairmanship of Mr. Justice B.P. Katakey, former Judge, Guwahati High Court. The Committee shall within one month from the date of receipt, examine the draft guidelines and place the same along with the comments/observation before this Tribunal for approval.

5. The North Eastern Regional Directorate of the CPCB shall complete audit of coke claimed to be utilised by the Jaintia Cement Limited and the Virgo Cement Limited and submit a report to the Committee constituted by this Tribunal under Chairmanship of the Mr. Justice B.P. Katakey, former Judge, Guwahati High Court. The North Eastern Regional Directorate of the CPCB shall also submit the report sought by the said Committee in respect of the Captive Thermal Power Plant of Shree Shakambari Ferro Alloys Pvt. Ltd.

(Justice Brojendra P. Katakey)
Chairman

(T.C.)

ANNEXURE R-18/17/21

*Received
29/04/2021*

Minutes of the Meeting of the Committee under chairmanship of the Chief Secretary to the Government of Meghalaya held on the 9th of April 2021 to review the quantity of clinker and/or power produced by the Cement Manufacturing Plants and Thermal Power Plants and to verify the legal source of coal.

Members present: As enclosed.

The meeting was chaired by Shri. M. S Rao, IAS, the Chief Secretary to the Govt. of Meghalaya. The Chairman requested the Secretary to the Govt. of Meghalaya, Mining and Geology to proceed as per the agenda.

Agenda 1: Action taken on minutes of the meeting held on 11th February, 2021.

- 1.1 The Secretary to the Govt. of Meghalaya, Mining and Geology gave a brief report on the action taken by the concerned Officers.
- 1.2 As per the directions given in para 1.8 of the preceding minutes of the meeting, the Mining Officer cum Chairman, DLC East Khasi Hills, had visited the M/s Maithan Alloys Ltd. and M/s Shyam Century Ferrous Ltd. on the 24th of March 2021. The captive power plants of both the companies were found to be not operational and it is also reported that the plants are sourcing the power required to run the plant from MeECL.
- 1.3 Regarding the directions given in para 1.9 of the preceding minutes of the meeting, a report has been submitted by DMO, Jowai cum Chairman, DLC East Jaintia Hills. The report states that the Mineral Transport Challan (MTC) submitted by M/s Amrit Cement were issued from the Head Quarter, Shillong for South Garo Hills District for transportation of coal to either Assam/Bangladesh. As per records the said MTC have passed through Dainadubi DMR Checkgate. Hence, the MTC submitted against the coal transported to the Company in Meghalaya is not accepted by the Committee. The Committee decided that the DMR shall issue Show Cause Notice as to why action should not be taken under provisions of the MMDR Act, 1957 for failure to produce valid MTC for 23,009 MT coal used during the period February 2020 to July, 2020.
- 1.4 The Committee during the last meeting directed Meghalaya Power Ltd., Meghalaya Cement Ltd. and its thermal power plant, Gold Stone Cement Ltd and its thermal power plant, Dalmia Cements Ltd. and its thermal power plant, to furnish MTC for the corresponding quantity utilized as mentioned in the minutes of the meeting. However, none of the cement plants have submitted MTC for verification. The Committee decided that DMR shall issue Show Cause Notice explaining why actions under provisions of the MMDR Act should not be initiated.
- 1.5 As per the directions given in para 2.4 of the preceding minutes of the meeting, the Director of Mineral Resources has issued Notices to Amrit Cements Ltd., Green Valley Industries Ltd., Hills Cements Ltd. and JUD Cements Ltd. seeking explanation for failing to furnish monthly statements for verification. In compliance to the Notices, all defaulting cement plants have furnished monthly statements.
- 1.6 As per the directions given in para 2.5 of the preceding minutes of the meeting, the Director of Mineral Resources has issued letters to all the companies seeking explanation for difference in coal requirement and coal used by them during the period given in the minutes. Reply awaited.
- 1.7 Against Show Cause Notice served on 8th Feb 2021 to 9 (nine) cement plants and their captive thermal power plants, for explanation for gap in coal purchased and used by

the companies during Feb 2020 to July 2020, all cement plants have furnished replies except Hills Cements and Amrit Cements. Summary of the replies furnished by the cement plants is given below:-

- a) *The Show Cause Notices are based on the erroneous findings of the Independent Committee through the Fifth Interim Report of the Hon'ble NGT Committee which was accepted by the Hon'ble NGT vide Order dated 17.01.2020.*
- b) *Calculations for coal requirement are based on assumptions and not based on verifiable facts.*
- c) *Independent Committee failed to consider the use of alternate fuel such as slate in place of coal.*
- d) *There cannot be any standard measurement or fixed percentage of quantum of fuel requirement as it is dependent on individual plant design, operational efficiency, coal quality, etc.*
- e) *The companies sought suspension on the matter as the said NGT Order dated 17.01.2020 has been challenged before the Hon'ble Supreme Court of India by M/s Star Cement Ltd and its two subsidiaries as well as by M/s Shyam Century Ferrous Ltd. and the matter is sub judice.*

1.8 The Committee did not accept the explanation for gap in coal required and coal utilized furnished by the respective companies. The Committee noted that only 4 (four) companies have appealed to Hon'ble Supreme Court against Hon'ble NGT Order dated 17.01.2020. The Committee has decided that the actions in this matter in respect of M/s Star Cement Ltd. and its two subsidiaries as well as for M/s Shyam Century Ferrous Ltd. shall be kept on hold till the case is disposed off.

1.9 The Committee directed that the remaining cement plants/companies may appeal against the Hon'ble NGT Order dated 17.01.2020 within 15 days, failing of which, it will be deemed that the cement plants have accepted the findings of Hon'ble NGT Committee as per the Order of Hon'ble NGT and actions under the provisions of the MMDR Act will be initiated and penalty (Royalty, MEPRF, Cess, GST, etc.) for quantity shown as gap will be imposed.

1.10 The Committee directed DMR to recover penalties as per Hon'ble NGT Order dated 17.01.2020 from M/s Hills Cement (for quantity of 22,071 MT) and M/s Amrit Cement Ltd (for quantity of 20,126 MT) who failed to furnish reply to Show Cause Notices. The Committee also directed Mining and Geology Department to initiate action against M/s Hills Cement and M/s Amrit Cement Ltd for violation of Section 4(1A) of the MMDR Act, 1957.

1.11 The DMR had issued the Show Cause Notice on 8th Feb 2021 to 9 (nine) cement plants and their captive power plants, for not furnishing Transport Challans or documents of CIL as proof of coal procured during Feb 2020 to July 2020. M/s Star Cement Ltd., M/s Goldstone Cement Ltd. and M/s Dalmia Bharat Cement Ltd. have given written replies to the Show Cause Notice, as under:-

- a) *M/s Star Cement Ltd. submitted that coal has been procured from Coal India Limited or procured directly from importers outside the State of Meghalaya where no transport challans are issued. They further submitted that coal was imported from outside the state through rail or road for which tax invoices/railway receipts and e-way bills are being submitted regularly along with monthly statements. However, no Transport Challan have been enclosed for the 56,448 MT of coal utilized by M/s Star Cement Ltd and its two subsidiaries for this period. The Committee directed DMR to seek explanation and direct the Cement Plants to furnish MTC for 56,448 MT for Star Cement and its two subsidiaries.*
- b) *M/s Goldstone Cement Ltd. submitted that coal has been procured from Eastern Coalfields Ltd., North Eastern Coalfield and Mahalaxmi Continental Ltd. They have submitted Invoices and E-way Bills. The DMR informed that verification of the Invoices and E-way Bills is in progress.*
- c) *M/s Dalmia Bharat Cement Ltd. submitted Tax Invoice from North Eastern Coalfield Ltd. Verification of Invoices and E-way Bills by the Directorate of Mineral Resources is in progress.*

1.12 Against the Show Cause Notice served to M/s Meghalaya Power Ltd. on 8th Feb 2021 to furnish Custom Clearance for import of 7614 MT of Coal, the company has replied and submitted that Coal was imported by M/s Swiss Singapore India Pvt. Ltd and that the Tax Invoices issued by the importer, railway receipt and e-way bill have been submitted earlier. They further cited that since coal was not imported by M/s Meghalaya Power Ltd directly, the custom document is not in their name. The Committee directed that any purchase or imported coal from other countries shall have custom clearance as proof of import from outside the country.

1.13 The DMR had issued Show Cause Notice to M/s Shree Shakambari Ferro Alloys Pvt. regarding transport challans for 1467 MT indicating Assam as destination. The company replied that at that point of time, the Checkgate at Mawpung was not functional and therefore drivers/owners/suppliers of the said coal had to personally go and get the challans passed from the checkgates at Dainadubi and Porlakait and thereafter delivered coal to their plant. The Committee did not accept the MTC for 1467 MT since the destination mentioned in the MTC is Assam. The Committee directed the DMR to issue Show Cause Notice as to why action should not be taken under provisions of MMDR Act, 1957 for failure to produce valid MTC for 1467 MT of coal.

Agenda 2: To review the quantity of clinker/power produced by Cement plants and Thermal power plants and legal sources of coal.

2.1 The Secretary to the Govt. of Meghalaya, Mining and Geology Dept. placed before the Committee the reports submitted by the Chairman, DLC East Jaintia Hills district, Chairman, DLC Ri Bhoi district and Chairman, DLC West Khasi Hills district, as under:-

a) M/S STAR CEMENT LTD

Month	Clinker produced in MT	Estimated Coal requirement* (MT) (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
JAN 21	61390	9208.5	9023.05	185.45	Eastern Coalfield Ltd, West Bengal	9023.05	Tax invoice & E-way Bills
FEB 21	47968	7195.2	7344.789	-149.589	Eastern Coalfield Ltd, West Bengal	7344.789	

*15% of clinker produced.

b) M/S STAR CEMENT MEGHALAYA LTD.

Month	Clinker produced (MT)	Estimated Coal requirement* (MT) (A)	Coal used by cement plant MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
JAN 21	160375	24056.25	22549.329	1506.921	Eastern Coal Fields Ltd, West Bengal	14912.02	Tax invoice & E-way Bills
					Avani Resources Pvt Ltd, Singapore (Imported)	5757.79	Tax invoice & E-way Bills with no Custom Clearance
					Narayani Resources Pvt Ltd, Kolkata (Imported)	1879.52	
FEB 21	134313	20146.95	18865.685	1281.265	Eastern Coalfield Ltd, West Bengal	15199.39	Tax invoice & E-way Bills
					Adani Enterprises Pvt Ltd, Andhra Pradesh (Imported)	1752.5	Tax invoice & E-way Bills with no Custom Clearance
					Avani Resources Pvt Ltd, Singapore (Imported)	1913.8	

*15% of clinker produced.

c) M/S MEGHALAYA POWER LTD.

Month	Power produced in MW	Estimated Coal requirement* in MT(A)	Coal used by power plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
JAN 21	13604.7	11563.995	7285.86	4278.135	Avani Resources Pvt Ltd, Singapore (Imported)	4031.56	Tax invoice & E-way Bills with no Custom Clearance
					Adani Enterprises Pvt Ltd, Andhra Pradesh (Imported)	3254.3	
FEB 21	14298.18	12153.453	8339.48	3813.973	Adani Enterprises Pvt Ltd, Andhra Pradesh (Imported)	2953.2	
					Swiss Singapore India Pvt Ltd, Andhra Pradesh (Imported)	5386.28	

*0.850 kg / kwh of power produced.

d) M/S MEGHALAYA CEMENT LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
NOV 20	64225	9633.75	5414.51	4219.24	Eastern Coalfield Ltd, West Bengal	5414.51	Tax invoice & E-way Bills
DEC 20	68362	10254.3	5751.93	4502.37		5751.93	
JAN 21	78622	11793.3	6685.81	5107.49		6685.81	
FEB 21	67009	10051.35	5629.09	4422.26	Eastern Coalfield Ltd, West Bengal	1263.13	Tax invoice & E-way Bills
					Madanlal Garg & Sons Beltola (Imported)	4365.96	Tax invoice & E-way Bills with no Custom Clearance

*15% of clinker produced.

e) M/S MEGHALAYA CEMENT LTD. THERMAL POWER PLANT

Month	Power produced in MW	Estimated Coal requirement* in MT(A)	Coal used by power plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
NOV 20	4209.81	3578.339	2317.62	1260.72		2317.62	
DEC 20	4397.82	3738.147	2595.853	1142.29	Eastern Coalfield Ltd, West Bengal	2595.853	Tax invoice & E-way Bills
JAN 21	5234.99	4449.74	2844.405	1605.34		2844.405	
FEB 21	2820.322	2397.27	1550.58	846.69	Eastern Coalfield Ltd, West Bengal	1085.406	Tax invoice & E-way Bills
					Madanlal Garg & Sons Beltola (Imported Coal)	467.174	Tax invoice & E-way Bills with no Custom Clearance

*0.850 kg / kwh of power produced.

f) M/S GOLDSTONE CEMENT LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
JAN 21	51804	9324.72	6695	2629.72	Shantidham Marketing Pvt Ltd Silchar (Domestic)	6695	Tax invoice & E-way Bills with no Mineral Transport Challan
FEB 21	34342	6181.56	4439	1742.56	Easten Coalfield Ltd, West Bengal	2005	Tax invoice & E-way Bills
					Shantidham Marketing Pvt Ltd Silchar (Domestic)	2434	Tax invoice & E-way Bills with no Mineral Transport Challan

*18% of clinker produced.

g) M/S GOLDSTONE CEMENT LTD. THERMAL POWER PLANT

Month	Power produced in MW	Estimated Coal requirement* in MT(A)	Coal used by power plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
JAN 21	8525	7246.25	4562	2684.25	Shantidham Marketing Pvt Ltd Silchar (Domestic)	4562	Tax invoice & E-way Bills with no Mineral Transport Challan
FEB 21	6875	5843.75	3679	2164.75	Easten Coalfield Ltd, West Bengal	1502.5	Tax invoice & E-way Bills
					Shantidham Marketing Pvt Ltd Silchar (Domestic)	2176.5	Tax invoice & E-way Bills with no Mineral Transport Challan

*0.850 kg / kwh of power produced.

h) M/S DALMIA CEMENT (BHARAT) LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
DEC 20	20607	3091.05	2065	1026.05	Anand Carbo Pvt Ltd, Vishakapatnam (Imported Coal)	1039.7	Tax invoice & E-way Bills with no Custom Clearance
					Maruti Traders, Assam (Domestic)	1025.3	Tax invoice & E-way Bills with no Mineral Transport Challan
JAN 21	89444	13416.6	8089	5327.6	Maruti Traders, Assam (Domestic)	8089	Tax invoice & E-way Bills with no Mineral Transport Challan
FEB 21	91263	13689.45	8319	5370.45		8319	Tax invoice & E-way Bills with no Mineral Transport Challan

*15% of clinker produced.

i) M/S DALMIA CEMENT (BHARAT) LTD. THERMAL POWER PLANT

Month	Power produced in MW	Estimated Coal requirement* in MT(A)	Coal used by power plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
DEC 20	3489	2965.65	1640	1325.65	Anand Carbo Pvt Ltd, Vishakapatnam (Imported Coal)	1640	Tax invoice & E-way Bills with no Custom Clearance
JAN 21	9043	7686.55	3721	3965.55	Maruti Traders, Assam (Domestic)	3721	Tax invoice & E-way Bills with no Mineral Transport Challan
JAN 21	8858	7529.3	3817	3712.3		3817	

*0.850 kg / kwh of power produced

j) M/S AMRIT CEMENT LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	REMARKS	DOCUMENT SUBMITTED
AUG 20	50578.76	7586.814	4086.26	3500.554	Met from coal purchased on 01.08.2020 (Qty:1,13,699.07 MT). The unit declared that the utilized coal is from the old stock.	No documents submitted to support the purchase of coal from any party.
SEPT 20	47409.52	7111.428	3829.74	3281.688		
OCT 20	36854.14	5528.12	2975.97	2552.15		
NOV 20	38750.78	5812.62	3128.74	2683.87		
DEC 20	49451.54	7417.73	3994.20	34023.53		
JAN 21	54200.25	8130.03	4377.21	3752.82		
FEB 21	41949.89	6292.48	1715.73	4576.75		

*15% of clinker produced.

k) M/S AMRIT CEMENT LTD. THERMAL POWER PLANT

Month	Power produced in MW	Estimated Coal requirement* in MT(A)	Coal used by power plant in MT (B)	Gap (A-B) in MT	REMARKS	DOCUMENT SUBMITTED
AUG 20	5484.63	4661.9355	2045.35	2616.5855	Utilized from coal purchased on 01.08.2020 (Qty:1,13,699.07 MT). The unit declared that the utilized coal is from the old stock.	No documents submitted to support the purchase of coal from any party.
SEPT 20	4902.45	4167.0825	1828.25	2338.8325		
OCT 20	4956.49	4213.02	1848.40	2364.62		
NOV 20	4501.60	3826.36	1678.76	2147.6		
DEC 20	5638.66	4792.86	2102.80	2690.06		
JAN 21	5936.97	5046.42	2214.04	2832.38		
FEB 21	3258.83	2770.00	1008.61	1761.39		

*0.850 kg / kwh of power produced.

l) M/S JUD CEMENT LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Quantity (MT)	Documents
AUG 20 TO FEB 21	NIL	-	-	-	-	-	-

*16.5% of clinker produced.

m) M/S GREEN VALLEY INDUSTRIES LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	Documents
AUG 20	36039.9	5405.9	3530.18	1875.72		No documents/papers submitted of purchasing coal.
SEPT 20	37358.87	5603.83	4209.09	1394.74		
OCT 20	42203.36	6330.5	4897.91	1432.59		
NOV 20	13718.05	2057.7	1622.8	434.91		
DEC 20	43957.38	6593.61	5263.83	1329.78		
JAN 21	38549.83	5782.47	4603.97	1178.5		
FEB 21	46247.38	6937.11	5570.24	1366.87	Madanlal Garg & Sons, Guwahati	Tax invoice and E-Way Bills with no Mineral Transport Challan

*15% of clinker produced.

n) M/S HILLS CEMENT COMPANY LTD.

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	QTY (MT)	Documents
AUG 20	37900	5685	1137	4548	Taj Corporation Shivam Complex Guwahati (Dom)	1137	Tax invoice & E-way Bills with no Mineral Transport Challan
SEPT 20	34680	5202	1040.4	4161.6	Taj Corporation Shivam Complex Guwahati (Dom)	714.8	Tax invoice & E-way Bills with no Mineral Transport Challan
					BL Minerals Pvt Ltd, Guwahati (Imported Coal)	325.6	Tax invoice & E-way Bills with no Custom Clearance
OCT 20	30630	4294.5	918.9	3675.6	M. D. Hasija Pvt Ltd, Guwahati (Imported Coal)	918.9	Tax invoice & E-way Bills with no Custom Clearance
NOV 20	34600	5190	1038	4152	BL Minerals Pvt Ltd, Guwahati (Imported Coal)	526	Tax invoice & E-way Bills with no Custom Clearance
					M. D. Hasija Pvt Ltd, Guwahati (Imported Coal)	512	Tax invoice & E-way Bills with no Custom Clearance
DEC 20	28455	4268.25	853.65	3414.6	BL Minerals Pvt Ltd, Guwahati (Imported Coal)	568.35	
					M. D. Hasija Pvt Ltd, Guwahati (Imported Coal)	285.3	
JAN 21	43215	6482.25	4321.5	2160.75	BL Minerals Pvt Ltd, Guwahati (Imported Coal)	3281	Tax invoice & E-way Bills with no Custom Clearance
					M. D. Hasija Pvt Ltd, Guwahati (Imported Coal)	1040.5	
FEB 21	17525	2628.75	1752.5	876.25	BL Minerals Pvt Ltd, Guwahati (Imported Coal)	825.4	
					M. D. Hasija Pvt Ltd, Guwahati (Imported Coal)	927.1	

*15% of clinker produced.

o) RNB Cements

Month	Clinker produced in MT	Estimated Coal requirement* in MT (A)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	QTY (MT)	Documents
DEC-2020	0	0	0	-	-	0	-
JAN-2021	0	0	0	-	-	0	-
FEB-2021	4445	850	850	-	Yogesh Traders B.G. Enterprises Goyal Coal Depot	300.84 200.49 1499.14	Invoice and E-Way Bills for 2000.47 MT, with no Mineral Transport Challan

*19% of clinker produced.

p) Shree Shakambari Ferrous Alloy Pvt. Ltd.

Month	Power produced in MWH	Estimated Coal requirement* (A) (in MT)	Coal used by cement plant in MT (B)	Gap (A-B) in MT	Purchased from: Company	QTY (MT)	Documents
OCT 20	4308.174	3661.9479	2901.9	751.05	M/s Ganesh Enterprises	900	E-way Bills and Invoice with no Mineral Transport Challan
NOV 20	1884.480	1601.808	3018.14	(-)1416.33	-	-	-
DEC 20	3474.342	2953.1907	2206.2	746.9907	Meghalaya coal M/s Ganesh Enterprise	2220 660	DMR Mineral Transport Challan submitted E-way Bills and Invoice with no Mineral Transport Challan
JAN 21	3181.676	2704.4246	2022.5	681.9246	Meghalaya coal M/s Ganesh Enterprise	3426 864	DMR Mineral Transport Challan submitted E-way Bills and Invoice with no Mineral Transport Challan
FEB 21	3638.998	3093.1483	2315.7	777.4483	Meghalaya coal	216	DMR Mineral Transport Challan submitted

*0.850 kg / kwh of power produced.

- q) **CMJ Breweries Pvt. Ltd.** is under shut down and not generating any power.
- r) **M/s Maithan Alloys Ltd.** and **M/s Shyam Century Ferrous Ltd.** are not operational and electricity bills for the months of January 2021 and February 2021 have been furnished.
- s) **M/s Virgo Cements Limited** is reported to have no Clinker or Cement production during January 2021, February 2021 and March 2021. Electricity Bill for Jan 2021 has not been received by the company and Power supply has been discontinued by MePDCL w.e.f Feb 2021 till date.

- 2.2 The Committee directed DMR to issue direction to the companies who have not submitted Mineral Transport Challans, for domestic coal purchased from Private dealers, to furnish the Mineral Transport Challans for the corresponding period given in these minutes.
- 2.3 The Committee directed DMR to issue Show Cause Notice to the companies who have not submitted Custom Clearances for imported coal purchased from Private dealers and to furnish the Custom Clearances for the corresponding period given in these minutes.
- 2.4 The DMR has been further directed to seek explanation from the companies for gap between coal required and coal utilized by them for production of clinker and/or power production for the corresponding period given in these minutes.
- 2.5 The Committee has directed the Director of Mineral Resources to take necessary steps to ensure receipt of Show Cause Notices by the defaulting Companies.
- 2.6 Regarding M/s Shree Shakambari Ferrous Alloy Pvt. Ltd, the Committee has directed that the MTCs having Assam/Bangladesh as destination shall be rejected and the Director of Mineral Resources shall issue Show Cause Notice as to why action should not be taken under provisions of MMDR Act, 1957 for failure to produce valid MTC.
- 2.7 Regarding M/s Amrit Cement Ltd., the Committee has directed the Director of Mineral Resources to issue Show Cause Notice for non-submission of Mineral Transport Challans of the old stock of coal purchased on 01.08.2020 for 1,13,699.07 MT of coal.
- 2.8 Regarding M/s Green Valley Industries Ltd., the Committee has directed the Director of Mineral Resources to issue Show Cause Notice for non-submission of MTC/CIL Invoice and E-way bills for proof of legal coal purchased for the months of August 2020 to January 2021.

Agenda 3: Action taken on recovery of penalties imposed by the Hon'ble NGT, vide NGT Order dated 17-01-2020, on Cement Manufacturing Plants and Thermal Power Plants in Meghalaya which is payable on the illegally mined coal utilised by them:

- 3.1 The Secretary to the Govt. of Meghalaya, Mining and Geology Dept. placed before the Committee the penalties imposed by the Hon'ble NGT, vide NGT Order dated 17-01-2020, viz.,

Sl. No.	Name of Plant	Qt. of illegal coal used (in MT)	Amount (Rs. In Crores.)			
			Royalty	MEPRF	GST/VAT	Total
1	M/s Star Cement Limited and its two subsidiaries	16,46,276	111.124	79.844	65.851	256.819
2	M/s Amrit Cement Ltd.	3,06,068	20.660	14.844	12.243	47.747
3	M/s Dalmia Bharat Cement Ltd.	7,41,092	50.024	35.943	29.644	115.610
4	M/s Goldstone Cement Ltd.	2,70,516	18.260	13.120	10.821	42.200

Sl. No.	Name of Plant	Qt. of illegal coal used (in MT)	Amount (Rs. In Crores.)			
			Royalty	MEPRF	GST/VAT	Total
5	M/s Green Valliey Industries Ltd.	77,536	5.234	3.760	3.101	12.096
6	M/s Hills Cement Ltd.	1,17,407	7.925	5.694	4.696	18.315
7	M/s JUD Cement Ltd.	1,21,990	8.234	5.917	4.880	19.030
8	M/s Meghalaya Cement Ltd.	5,44,325	36.742	26.400	21.773	84.915
9	M/s Shyam Century Ferrous Ltd.	1,11,474	7.524	5.406	4.459	17.390
TOTAL		39,36,684	265.726	190.929	157.467	614.123

- 3.2 In addition to the above penalties, an additional contribution to MEPRF @400 per MT by the defaulting Cement Plants and Thermal Power plants has also been directed to be collected by the Hon'ble NGT *vide* NGT Order dated 17-01-2020.
- 3.3 The Secretary to the Govt. of Meghalaya, Mining and Geology Dept. reported that several Show Cause Notices and Demand Notices have been issued from the Directorate of Mineral Resources for recovery of the above penalties from the Cement Plants and Thermal Power Plants.
- 3.4 Summary of replies received from the companies is given below:
- The contents of the Notices are factually and legally untenable and no evidence were given regarding illegal mining/transportation/storage of coal.
 - They have not used any illegally sourced coal.
 - They have not undertaken illegal mining activity or violated the provisions of the MMDR Act to attract penalties under Section 21 (1) of the MMDR Act.
 - They are not liable to pay royalty and other dues over and above what has already been paid.
 - The findings of the Fifth Interim Report are erroneous, based on assumptions and no opportunity was given to raise objections.
 - M/s Shyam Century Ferrous Ltd submitted that they have filed Appeal before the Supreme Court against the NGT Order dated 17.01.2020.
- 3.5 Regarding the appeal of M/s Start Cement Ltd. (and its two subsidiaries) and M/s Shyam Century Ferrous Ltd. to the Hon'ble Supreme Court against NGT Order dated 17th January 2020, and the references made by other companies to these appeals in their replies to the Show Cause Notices, the Chairman has reiterated that, actions in this matter in respect of M/s Star Cement Ltd. and its two subsidiaries as well as for M/s Shyam Century Ferrous Ltd. shall be kept on hold till the case is disposed off. Furthermore, the remaining cement plants may appeal against the Hon'ble NGT Order dated 17.01.2020 within 15 days, failing of which, it will be deemed that the cement plants/companies have accepted the findings of Hon'ble NGT Committee as per the Order of Hon'ble NGT and actions under the provisions of the MMDR Act will be initiated and penalty (Royalty, MEPRF, Cess, GST, etc.) for quantity shown as gap will be imposed.

The meeting ended with vote of thanks from the chair.

Sd/-
(M.S. Rao, IAS)
Chief Secretary
Government of Meghalaya

Memo No. MG.48/2020/380-A

dated 16th April 2021

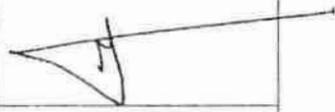
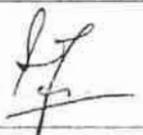
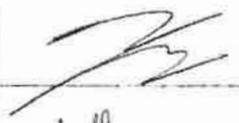
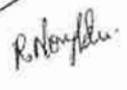
1. P.S. to the Chief Secretary to the Government of Meghalaya for kind information of the Chief secretary
2. P.S to the Commissioner and Secretary to the Government of Meghalaya, Law Department for kind information of the Commissioner and Secretary.
3. P.S to the Commissioner and Secretary to the Government of Meghalaya, Commerce & Industries Department for kind information of the Commissioner and Secretary.
4. P.S to the Commissioner & Secretary to the Govt. of Meghalaya, Mining & Geology Department for kind information of the Commissioner & Secretary.
5. The Director of Mineral Resources, Meghalaya, Shillong for kind information and necessary action.
6. The Mining Engineer, Directorate of Mineral resources Meghalaya Shillong for information and necessary action.
7. The Divisional Mining Officer, Jowai/Williamnagar for information and necessary action.
8. The Mining Officer, Directorate of Mineral Resources Meghalaya Shillong for information and necessary action.
9. All the Cement Plants/Captive Power Plants in the State for information and necessary compliances.
10. Project Assistants, Directorate of Mineral Resources, Meghalaya, Shillong

By Order Etc.,

M/s Meghalaya Cement Limited
Thangskai village, P.O. Lumshnong
East Jaintia Hills District - 793210

(Dr. Manjunatha C, IFS)
Secretary to the Govt. of Meghalaya
Mining and Geology Department

Members present during the meeting chaired by the Chief Secretary of Meghalaya to review on the quantity of clinker and / or power produced by each Cement Manufacturing Plants and Thermal Power Plants and quantity of coal purchased by each plant from legal sources, held on the 9th April, 2021 in Committee Room IV, Main Secretariat Building, Shillong at 4.00 PM.

Sl.No.	Name & Designation	Signature
(1)	(2)	(3)
1.	Shri, M.S. Rao, IAS Chief Secretary. Government of Meghalaya	
2.	Dr. Meenakshya C Careerlong mining & geology Dept	
3.	W. Khyllip. CPS Law Dept.	
4.	D. D. Sangma Director of Mineral Resources	
5.	B. Maulong, MCS, Jt. Secy, Commerce & Industries	
6.	MR. F. SUTNGA, i/c DIRECTOR OF COMMERCE & INDUSTRIES	
7.		
8.	Shri. P. Ch. Marak. Mining Engg. DMR.	
9.	Shri Y. Lyndhak Mining Engg., DMR	
10.	Shri. Rishametrie Nongkhu Project Assistant, (DMR)	
11.	Miss Gba Rynjah Project Assistant, DMR	

(T.C.)

MEGHALAYA CEMENTS LIMITED

SYSTEM COMPATIBILITY STUDY FOR USING SLATE AS AN ALTERNATIVE FUEL



FEBRUARY 2021



Holtec Consulting Private Limited



ACKNOWLEDGEMENT

WE EXPRESS OUR SINCERE GRATITUDE TO THE MANAGEMENT AND STAFF OF MEGHALAYA CEMENTS LIMITED, FOR THE ASSISTANCE AND CO-OPERATION EXTENDED DURING OUR VISIT, BUT FOR WHICH THIS REPORT COULD NOT HAVE BEEN SUCCESSFULLY PREPARED.

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LIST OF DRAWINGS

CHAPTER NO.	DRAWING NO.	DESCRIPTION
2	A1-20152-E2-02-01	Plant Layout
	A3-20152-I4-04-02	Flow sheet for Coal Stacker & Reclaimer
	A3-20152-I4-04-03	Flow sheet for Coal Mill 1
	A3-20152-I4-04-04	Flow sheet for Coal Mill 2
	A3-20152-I4-04-05	Flow sheet for Coal Dosing System
	A3-20152-I4-04-06	Flow sheet for AFR Storage & Shredding
	A3-20152-I4-04-07	Flow sheet for AFR Feeding
	A3-20152-I4-04-08	Flow sheet for Preheater & Kiln
	A3-20152-I4-04-09	Flow sheet for Cooler

LIST OF ABBREVIATIONS

ABBREVIATION	DESCRIPTION
dia, Φ	Diameter
m ²	Square Meter
μ , mic	Micron
deg. C	Degree Celsius
a	Annum
%	Percent
t	Tonnes
AM	Alumina Modulus
AP	Action Plan
Atm	Atmosphere
Avg.	Average
BC	Belt Conveyor
C	Carbon
C ₂ S	Di Calcium Silicate
C ₃ S	Tri Calcium Silicate
CCR	Central Control Room
CF	Conversion Factor
Cl	Chlorine
C & I	Control & Instrumentation
CO	Carbon Mono Oxide
cm	Centi Meter
Contd.	Continued

ABBREVIATION	DESCRIPTION
GCV	Gross Calorific Value
DC	Direct Current
DCS	Distributed Control System
dpa	Days per Annum
DPC	Deep Pan Conveyor
Elec	Electrical
ESP, EP	Electro Static Precipitator
G, gm	Gram
Gcal	Giga Calories
H	Hydrogen
h, hr	Hour
hpd	Hour Per Day
HOLTEC	Holtec Consulting Private Limited, Gurgaon - India
HT	High Tension
HV	High Voltage
hpa	Hours per annum
hpd	Hours per day
ID	Induced Draught
HG	High Grade
IR	Insoluble Residue
kcal	Kilo Calorie
KF	Kiln Feed
Kg	Kilo Gram
km	Kilo Meter

ABBREVIATION	DESCRIPTION
kV	Kilo Volt
kVA	Kilo Volt Ampere
kW	Kilo Watt
kWh	Kilo Watt Hour
LOI	Loss On Ignition
LP	Low Pressure
LS	Limestone
LT	Low Tension
LV	Low Voltage
m	Meter
Max.	Maximum
Mkcal	Mega Kilo Calorie
Mech	Mechanical
mg	Milli Gram
M.G.H	Mass, Gas and Heat
min	Minute
Mio., mio.	Million
mm	Milli Meter
mmWG	Millimeter Water Gauge
mps	Meter Per Second
MCL	Meghalaya Cements Limited
MV	Medium Voltage
MW	Mega Watt
Nm ³	Normal cubic meter



ABBREVIATION	DESCRIPTION
NA	Not Applicable
NCV	Net Calorific Value
Nm ³	Normal Meter Cube
No., no.	Number
O ₂	Oxygen
PA	Primary Air
p a	Per Annum
PC	Precalciner
pf	Power Factor
PH	Preheater
PSD	Particle Size Distribution
Q	Quality
RM	Raw Mill
Rpm/ RPM	Revolution Per Minute
S, sec	Second
S	Sulphur
Sn	Serial Number
SA	Secondary Air
SD	Standard Deviation
SLM	Straight Line Method
SM	Silica modulus
SO ₃	Sulphur Tri Oxide
Sp.	Specific
Std.	Standard



ABBREVIATION	DESCRIPTION
t	Tonnes
TAD	Tertiary Air Duct
Tech.	Technical
TA	Tertiary air
Temp.	Temperature
tpa	Tonnes Per Annum
tpd	Tonnes Per Day
tph	Tonnes Per Hour
V	Volt
VFD	Variable Frequency Drive
VVFD	Variable Voltage variable Frequency Drive
W	Watt
°C	Degree Centigrade
SiO ₂	Silicon Di-Oxide
Al ₂ O ₃	Aluminium Oxide
Fe ₂ O ₃	Iron Oxide / Ferric Oxide
CaO	Calcium Oxide
MgO	Magnesium Oxide
SO ₃	Sulphur Trioxide
K ₂ O	Potassium Oxide
Na ₂ O	Sodium Oxide

CHAPTER 1: PREAMBLE

1.1 INTRODUCTION

Meghalaya Cements Limited (MCL), a large cement manufacturer in the north-east India, is having an Integrated Cement Plant located in Village Thangskai, East Jaintia Hills, Meghalaya.

MCL has been using Slate (an over burden of the coal mines operated in the State of Meghalaya, also locally known as Muslate), as a major alternative fuel (AF) along with minor quantities of other Alternate fuels like Plastic waste, Wood waste and Tyre chips.

The objective of the study is to have an independent assessment of compatibility of the existing facilities at **MCL** plant, to partially substitute coal with Slate along with other alternative fuels.

The compatibility includes assessment of existing raw materials at **MCL** cement plants for their suitability to use Slate and other Alternate fuels in their existing fuel mix and verification of technological suitability of existing facilities, by evaluating the need of any modification/ replacement in existing systems to the usage of these Alternative Fuels for cement plant.

1.2 HOLTEC'S BACKGROUND

This Report has been prepared by:

HOLTEC Consulting Private Limited
HOLTEC Centre,
A Block, Sushant Lok - I
Gurgaon – 122 001, Haryana, INDIA

Incorporated in 1967, **Holtec Consulting Private Limited (HOLTEC)** is an ISO-certified advisory, primarily positioned to service the entire gamut of multi-functional, consulting needs of the global cement industry.

HOLTEC's ensemble of 900+ clients, in over 90+ countries, includes cement producers, equipment & service providers, EPC & construction firms, investing & funding bodies and all other relevant stakeholders. Since its inception, **HOLTEC** has delivered significant value to its clientele through 4,500+ consulting assignments.

1.3 REPORT

HOLTEC's specialist team undertook a field mission to the plant site in Lumshnong, Meghalaya between 23rd December and 26th December 2020.

The activities carried out during the visit included:

- Interaction with the **MCL** plant team.
- Visit to the fuel unloading, storage & handling sections.
- Visual inspection of fuel grinding, firing & pyro-processing section of the plants.



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*System Compatibility Study for using Slate
as an Alternative Fuel*

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- Monitoring current plant operation using Slate & other Alternate fuels from CCR
- Data and sample collection

This report has been formulated based upon the data/ information collected by **HOLTEC**, interaction with plant operation & maintenance team during the site visit, first hand data verification & assessment and secondary research. This study draws extensively from **HOLTEC**'s database on Raw Mix designs, plant designs, operating parameters etc.



CHAPTER 2: PLANT COMPATIBILITY ASSESSMENT FOR USING SLATE AS AN ALTERNATIVE FUEL

2.1 INTRODUCTION

This chapter covers the compatibility assessment of **Meghalaya Cements Limited**, namely **MCL**, located at Thangskai, for usage of Alternate fuels. Major portion of Alternate fuels is Slate, whereas other Alternate fuels are Plastic waste, Wood waste and Tyre chips. Slate is an overburden of coal mines, locally available to the cement plants in Meghalaya, for use as an alternative fuel. It has low Net Calorific Value of ~ 2,045 kcal/ kg (GCV: 2,161 kcal/ kg fuel) and high Ash percentage (up to ~60%), as compared to traditional fuel (coal). However, it is having almost similar physiochemical properties as that of coal. Whereas other Alternative fuels' availability is not consistent so their usage is as per their availability.

The compatibility is assessed based on the following:

- Establishing the suitability of existing raw materials and coal to manufacture the desired quality of clinker/ cement with usage of alternative fuels. **HOLTEC's** proprietary Raw Mix Design Software, is used to cross-verify the current operating raw mix and establishing the most optimum raw mix.

The raw mix suitability analysis is carried at **HOLTEC** facility, based on the quality test results of input materials, collected by **HOLTEC** from **MCL** Laboratory at site.

- Establishing the compatibility of existing systems with Alternate fuels usage and identify the requirement of any modification/ addition in the system to make it suitable.

MCL is currently consuming 40-44% Slate (wt %) along with coal and other minor Alternative Fuels.

A field mission was carried out by a two member specialist team from **HOLTEC** to go through the plant operation and for walk through visual inspection of available facility at site.

The following sections cover methodology adopted for the study and area wise assessment of plant operations.

2.2 METHODOLOGY

Following methodology was adopted for formulation of the report.

- Interaction with the team to apprehend plant operation using alternative fuels
- Review of operating raw mix with alternative fuels
- Review of plant operations with respect to technological need

2.3 RAW MATERIAL SUITABILITY

To assess the raw material suitability the operating raw mix is cross-verified with **HOLTEC's** proprietary Raw Mix Design Software. Analyses were carried out for both the fuel mix i.e. with 89% coal along with 11% minor Alternative Fuels and fuel mix of 32% coal with 60% slate along with 8% minor Alternative Fuels.

2.3.1 Raw Materials & Fuel

Raw Materials

MCL is using 3 components as raw material to make the raw mix for clinker production. The chemical compositions of used materials viz. Limestone, Clay & Laterite were collected during the site visit and the same is tabulated below:

Component Name	LOI	SiO ₂	Al ₂ O ₃	Fe ₂ O ₃	CaO	MgO	K ₂ O	Na ₂ O	SO ₃	Ti ₂ O	Mn ₂ O ₃	P ₂ O ₅	Cr ₂ O ₃	Cl
Limestone	38.4	7.3	1.7	1.8	47.9	1.6	0.2	0.22	0.14	0.11	0.028	0.014	0.003	0.007
Clay	14.2	52.5	7.0	5.5	17.0	1.18	0.98	0.27	0.17	0.15	0.03	0.017	0.004	0.012
Laterite	9.4	44.0	8.2	30.0	6.0	1.0	0.88	0.22	0.15	0.28	0.04	0.016	0.005	0.014

Fuel

MCL is using coal as main fuel, whereas the Slate holds the major portion among Alternative Fuels along with Plastic, Tyre and Wood. Their analysis is as indicated below:

Ultimate Analysis

Fuel	Hydrogen (%)	Carbon (%)	Nitrogen (%)	Sulphur (%)	Oxygen (%)	Ash Content (%)
Coal	3.4	60.1	1.2	3.1	10.9	20.2
Slate	2.1	25.1	1.5	3.8	2.8	59.4
Plastic	4.4	67.2	2.3	0.1	10.7	4.2
Tyre	4.4	80.3	0.3	1.2	9.0	5.1
Wood	8.7	32.1	1.2	0.01	48.3	3.2

Chemical Analysis of Fuel Ash

Component Name	LOI	SiO ₂	Al ₂ O ₃	Fe ₂ O ₃	CaO	MgO	K ₂ O	Na ₂ O	SO ₃	Ti ₂ O	Mn ₂ O ₃	P ₂ O ₅	Cr ₂ O ₃	Cl
Coal	1.69	61.6	19.9	8.0	3.7	1.8	0.27	1.4	0.8	0.22	0.03	0.02	0.01	0.01
Slate	2.2	48.2	20.0	14.6	8.5	1.5	0.36	1.7	2.1	0.24	0.04	0.02	0.01	0.01
Plastic	0.8	9.2	1.4	5.8	28.0	0.4	2.8	0.13	7.7	0.22	-	1.1	0.01	0.25
Tyre	0.4	14.0	2.8	1.1	42.0	1.0	0.001	0.001	1.2	1.2	0.001	0.001	0.09	0.001
Wood	1.8	38.5	13.2	7.95	13.21	0.95	1.1	0.18	0.4	0.14	0.001	0.001	0.001	0.006

Proximate Analysis

Fuel	Surface Moisture %	Inherent Moisture %	Total Moisture %	Volatile Matter %	GCV (kcal/ kg)
Coal	1.24	1.06	2.3	34.0	6171
Slate	1.1	1.0	2.1	30.0	2161
Plastic	0.6	0.0	0.6	83.0	6000
Tyre	0.12	0.0	0.12	0.8	5800
Wood	4.2	1.4	5.6	77.0	2800

Raw Mix

MCL has modified the Raw Mix proportions while using Slate and Other Alternative Fuels to compensate the additional silica input from high % ash of Slate. Higher proportion of Limestone is being used by reducing the Clay percentage.

The raw mix proportion being operated by the plant is given below:

Raw Mix Proportions				
Sn	Components	89 % Coal 11 % Other Alternate fuels	50 % Coal, 42 % Slate 8 % Other Alternate fuels	32 % Coal, 60 % Slate 8 % Other Alternate fuels
1.	Limestone	85.5	87.85	89.7
2.	Clay	14.0	12.15	10.3
3.	Laterite	0.5	-	-

The clinker quality assessment has been performed based on the above mix.

Clinker conversion factor

Based on the operating raw mix design, the average raw material to clinker conversion as well as kiln feed to clinker factors are furnished below:

Detail	MCL
Raw Meal to Clinker factor*	1.45
Kiln Feed to Clinker factor *	1.52

*As reported by **MCL**

Clinker Analysis

Based on the above quality analysis the resultant clinker quality is cross-verified using **HOLTEC's** Raw Mix Design software. Chemical composition along with clinker moduli values are analyzed, compared and has been summarized below:

Clinker composition with Fuel Mix – Without Slate											
89 % Coal : 0% Slate: 11 % Other Alternate fuels											
Composition %	Free CaO	SiO ₂	Al ₂ O ₃	Fe ₂ O ₃	CaO	MgO	K ₂ O	Na ₂ O	SO ₃	Ti ₂ O	Liquid
MCL analysis	1.4	21.54	4.45	4.14	64.53	2.68	0.42	0.38	1.18	0.18	27.07
HOLTEC assessment	1.4	21.55	4.45	4.14	64.52	2.68	0.42	0.38	1.18	0.18	27.06

Clinker Phases & Moduli are as follow:

Source	Clinker Phases				Moduli		
	C ₃ S	C ₂ S	C ₃ A	C ₄ AF	AM	SM	LSF
MCL analysis	56.45	19.17	4.79	12.60	1.07	2.51	0.94
HOLTEC assessment	56.39	19.24	4.78	12.59	1.07	2.51	0.94

Clinker composition with Fuel Mix – With 42% Slate (Current Operating)											
50 % Coal : 42% Slate: 8 % Other Alternate fuels											
Composition %	Free CaO	SiO ₂	Al ₂ O ₃	Fe ₂ O ₃	CaO	MgO	K ₂ O	Na ₂ O	SO ₃	Ti ₂ O	Liquid
MCL analysis	1.68	21.15	4.40	4.0	64.13	2.58	0.42	0.32	2.14	0.18	27.43
HOLTEC assessment	1.68	21.16	4.40	4.0	64.12	2.58	0.42	0.32	2.14	0.18	27.43

Clinker Phases & Moduli are as follow:

Source	Clinker Phases				Moduli		
	C ₃ S	C ₂ S	C ₃ A	C ₄ AF	AM	SM	LSF
MCL analysis	54.20	19.75	4.90	12.17	1.1	2.52	0.96
HOLTEC assessment	54.21	19.76	4.89	12.18	1.1	2.52	0.96

Further, the maximum possible usage of Slate has been assessed, maintaining the existing clinker quality, using **HOLTEC's** Raw Mix Design software and the resultant Chemical composition along with clinker moduli values are summarized below:

Clinker composition with Fuel mix – With 60% Slate (Maximum Possible)											
(32% Coal : 60% Slate : 8% Other Alternative Fuels)											
Composition %	Free CaO	SiO ₂	Al ₂ O ₃	Fe ₂ O ₃	CaO	MgO	K ₂ O	Na ₂ O	SO ₃	Ti ₂ O	Liquid
HOLTEC assessment	1.5	20.61	4.65	4.2	63.8	2.58	0.4	0.35	2.8	0.18	29.28

Clinker Phases & Moduli are as follow:

Source	Clinker Phases				Moduli		
	C ₃ S	C ₂ S	C ₃ A	C ₄ AF	AM	SM	LSF
HOLTEC assessment	54.0	18.34	5.21	12.79	1.11	2.33	0.97

HOLTEC's Observation

- ✓ The analysis of produced clinker, is observed to be aligned with the results obtained from **HOLTEC's Raw Mix Design Software** for the following Fuel mixes:

1. Fuel mix of 89% coal and 11% other Alternative Fuels
2. Fuel mix of 50% coal, 42% Slate and 8% other Alternative Fuels

- ✓ The minor variations observed in clinker phases pertain to the actual burning and quenching conditions during the clinkering process and are very common as per HOLTEC's experience.

- ✓ The analysis of expected clinker production with a fuel mix of 32% coal, **60% Slate** and 8% other Alternative Fuels has also been assessed using the **HOLTEC's Raw Mix Design Software** with alterations in the required Raw mix for the same.

However, in this case the raw mix works out to be easy burning with lower Silica Modulus and higher Liquid content. The kiln operation needs to be closely monitored with the proposed Raw and Fuel Mix.

- ✓ **The clinker produced using the above raw mix & fuel mix with Slate (up to ~60% by Wt) is suitable for cement production as per the applicable standards.**

2.4 PROCESS TECHNOLOGY

This section provides details of major equipment and machinery installed at **Meghalaya Cements Limited** at Village Thangskai, East Jaintia Hills, Meghalaya, to meet the technological requirement with respect to usage of alternative fuels.

The list of major equipment installed in the plant, is shared below:

2.4.1 Meghalaya Cements Limited (MCL)

Sn	Equipment (MCL)	Qty	Capacity
1	Coal Crusher	1	75 tph
2	Coal Stacker (Linear Non-Slewing Luffing)	1	100 tph

Sn	Equipment (MCL)	Qty	Capacity
3	Coal Reclaimer (Bridge Type Scrapper Reclaimer)	1	100 tph
4	Coal Mill 2.8 m dia x 7.3 m length (ASM)	2	12 tph at 12% R 90 micron
5	Kiln, 3.6 m inner dia x 54 m length Max speed 5.3 rpm , Inclination 3.5 ⁰	1	2,600 tpd
6	Kiln Burner (Pyrojet)	1	8.7 tph
7	Coal Dosing - Kiln - Calciner	1 1	10 tph 15 tph
8	Preheater - ILC (4 Stage, double string)	1	2,600 tpd
9	Grate Cooler (Type: Reciprocating) Active Grate 1- Area 29.6 m ² Active Grate 2- Area 36.0 m ²	1	2,600 tpd

Table: Plant Equipment Specification (MCL)

HOLTEC's Observation

- ✓ The type of technology used by MCL to meet fuel handling, storage, grinding & firing requirement are suitable for coal & slate.

2.5 SYSTEM COMPATIBILITY FOR HANDLING AND USAGE OF ALTERNATE FUEL

As observed in section 2.4 above, suitable technology is available for using Slate as Alternate fuel at **MCL**. The facilities and equipment used for coal are also used suitably for Slate.

This section covers the assessment of system compatibility of the existing facilities and equipment used by **MCL** as observed & demonstrated during site visit.

2.5.1 Fuel unloading & handling

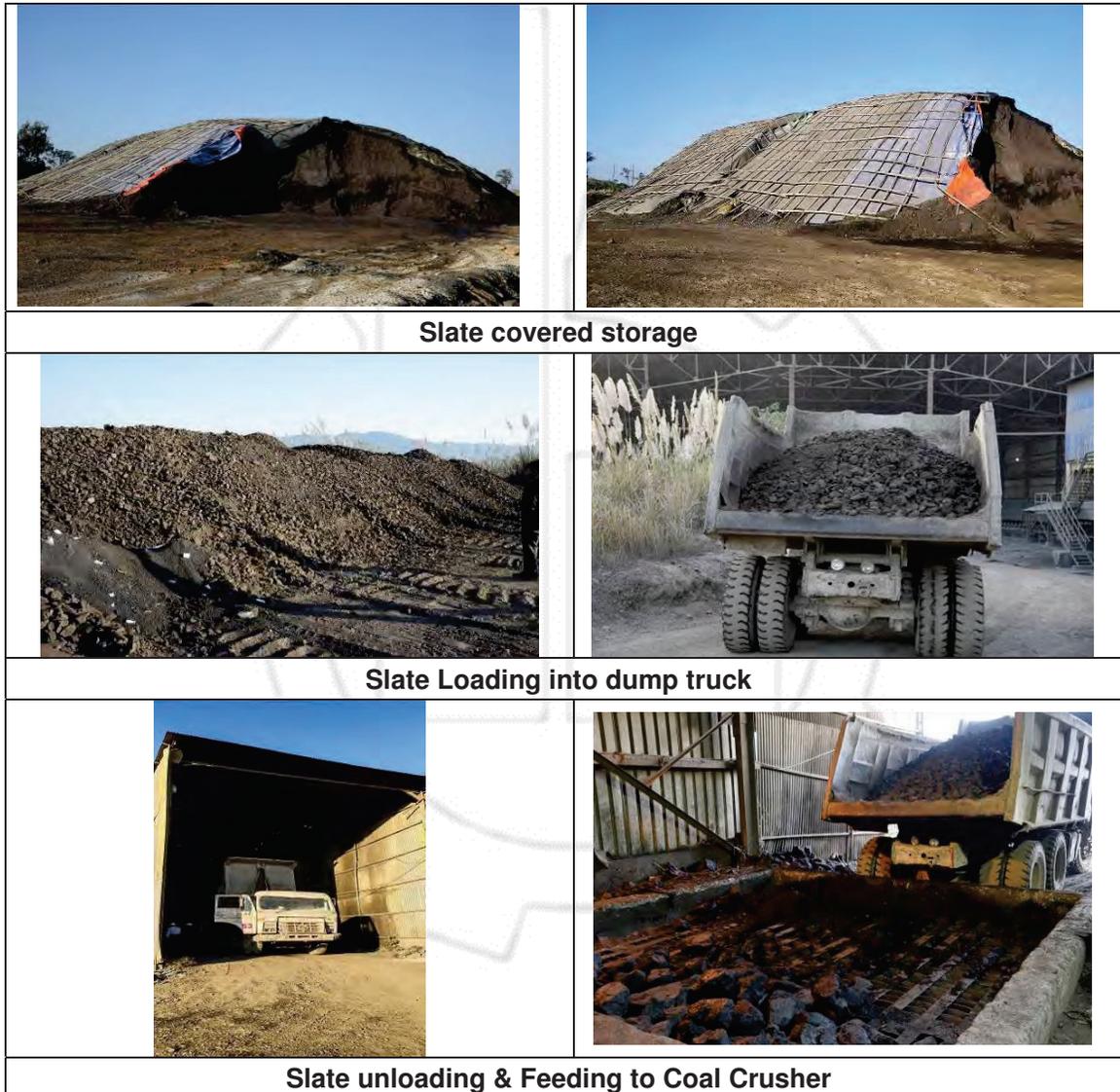
Both coal and slate are brought to site by trucks and are unloaded either in dedicated storage sheds, in open yard or fed directly to stockpile using the truck tippler as per the weather condition (Rainy or Dry Season).

Slate, holding the major portion among the Alternate fuels & coal are mixed in desired proportion during unloading from trucks. The unloaded materials are fed to the tippler discharge hopper with automated truck tippler arrangement. The mixed materials from the tippler arrangement are extracted to the stockpile. The plant is equipped with mechanized

stacking arrangement with stacker, for the formation of a stockpile of uniform grade.

Whereas the other Alternate fuels like Plastic waste, Wood waste and Tyre are kept separately in different sheds and shredded using the shredder before finally fed for firing in system. Plastic wastes are cleaned first, then sun-dried and then fed to the shredder.

Photo plates showing the arrangement and activities in progress, taken during the site visit, are as follow:





Coal Crusher



Plastic Waste storage



Tyre Chips





Shredder for Other Alternate Fuels



Received Plastic Waste cleaning & drying yard



Wood Waste storage



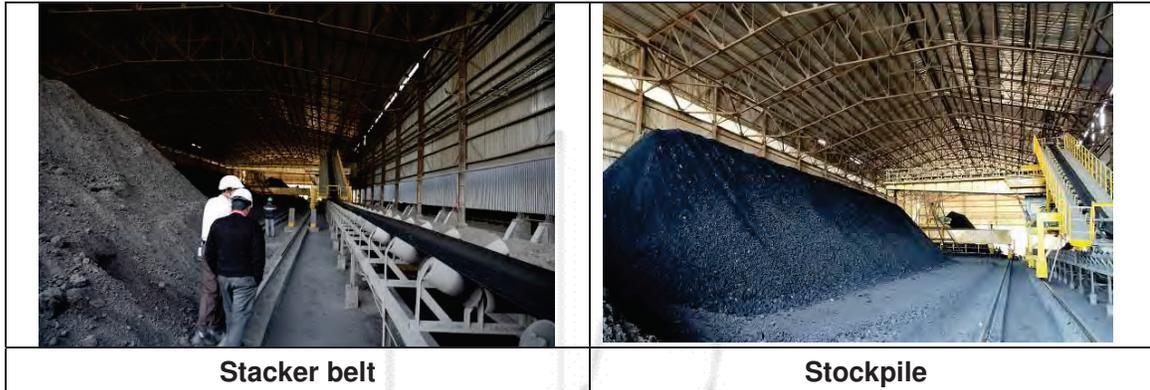
Shredded Alternate fuel transport to Pyro section

HOLTEC's Observation

- ✓ During site visit it was witnessed that Coal and Slate trucks were being transferred from shed to raw material yard and unloaded using tippler, alternatively to keep the desired proportion as per fuel mix. Other AF waste (plastic, wood, and tyre) received in trucks were being unloaded under covered shed and processed through shredder before firing in the calciner.
- ✓ Slate was observed to have more of stones (or less of carbonaceous material) as compared to coal, which is quite evident for it being an overburden of coal mines.

2.5.2 Fuel Stacking & Reclaiming

The unloaded material (coal & slate) is conveyed through the belts and stacked in the form of homogenized stockpiles using automated stacker.



HOLTEC's Observation

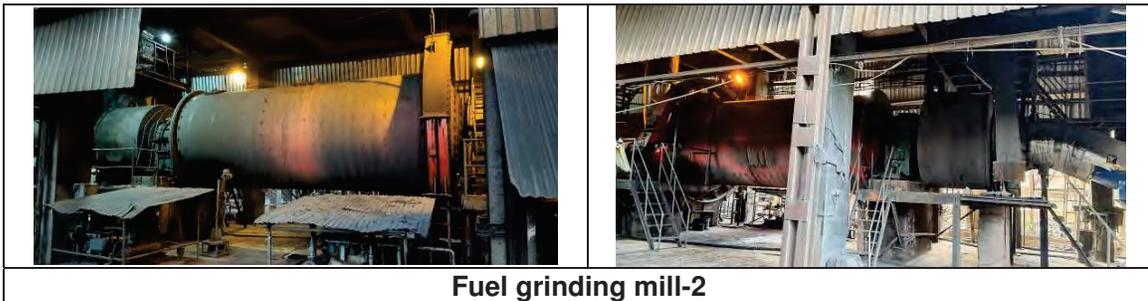
- ✓ Coal and Slate mixed stockpile was observed to be reclaimed and fed to the mill hoppers for fuel grinding.

2.5.3 Grinding

Reclaimed fuel mix is fed to raw fuel hoppers. From the hoppers the fuel is extracted while the grinding mills (2 nos.) are in operation using the weigh feeders and fed to grinding mills. Grinding mills are Ball mills in **MCL**.

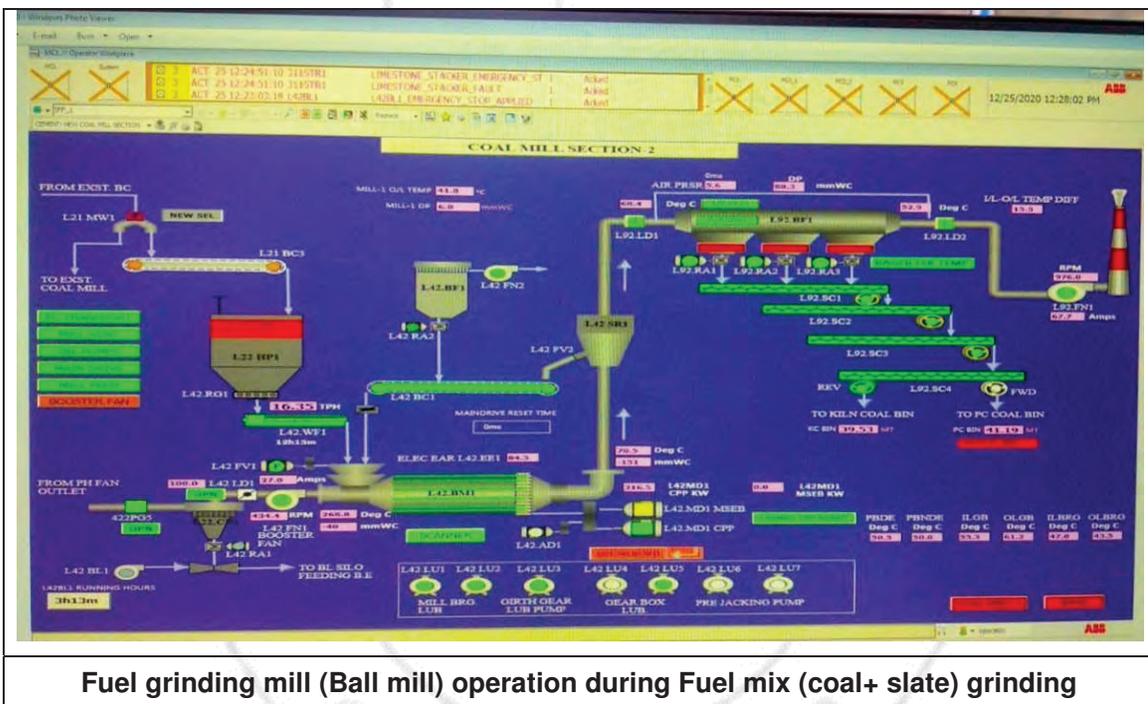
The fine fuel mix is stored in respective bins at **MCL** plant before finally fed to their kiln and calciner firing.





Fuel grinding mill-2

The CCR mimic is given below for the Fuel mix grinding mill system during the fuel mix (Coal+ Slate) grinding in operation.



Fuel grinding mill (Ball mill) operation during Fuel mix (coal+ slate) grinding

HOLTEC's Observation

- ✓ Fuel grinding mill was in operation with Fuel mix (coal + slate) using Ball Mill.
- ✓ Grinding operation was not observed to have any hindrance due to high % of Slate (~42%) in the fuel mix.

2.5.4 Fine fuel & Other AF conveying

The stored fine fuel mix, are extracted for kiln and calciner firing as per requirement in continuous operation of kiln. The extraction and fine fuel conveying systems are with separate solid flow meter & FK pumps for both kiln and calciner along with the provision of a common stand by for both the requirement.

The other alternate fuels like shredded plastic, wood and tyre are being transported to the PH tower and fed to a bucket elevator, which lifts the material to the level of calciner pre-combustion chamber. The material then conveyed and fed to the pre-combustion chamber (TA duct connected to calciner) through a double stage pneumatic gate (for safety purpose).



Fuel conveying system

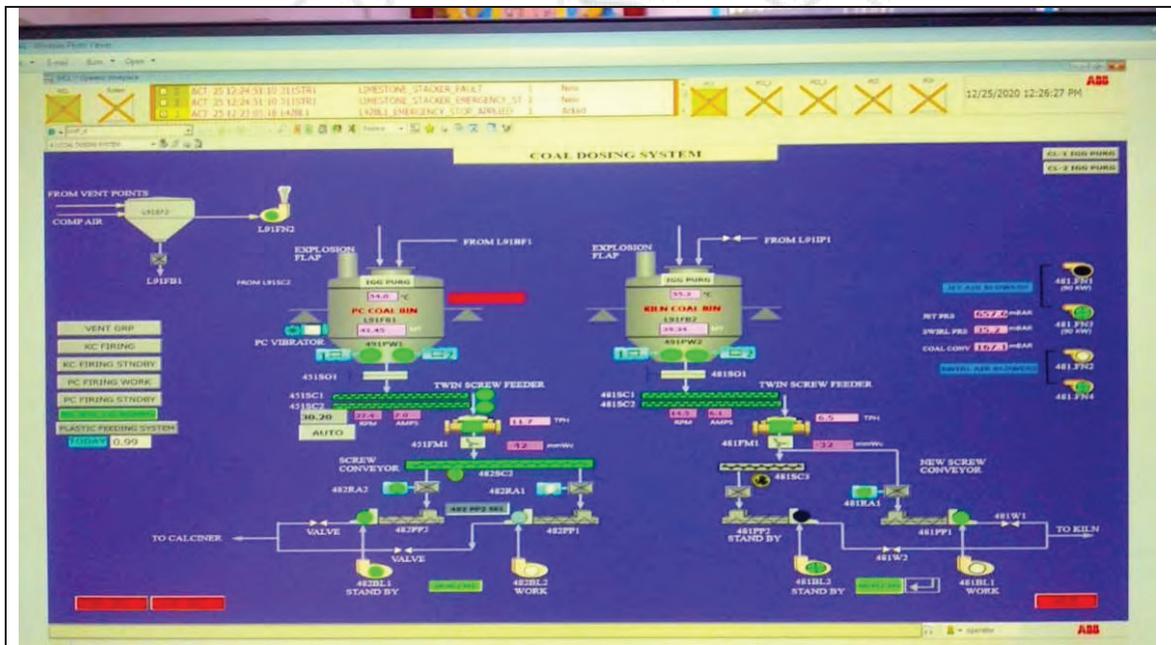


Alternate fuel transport system

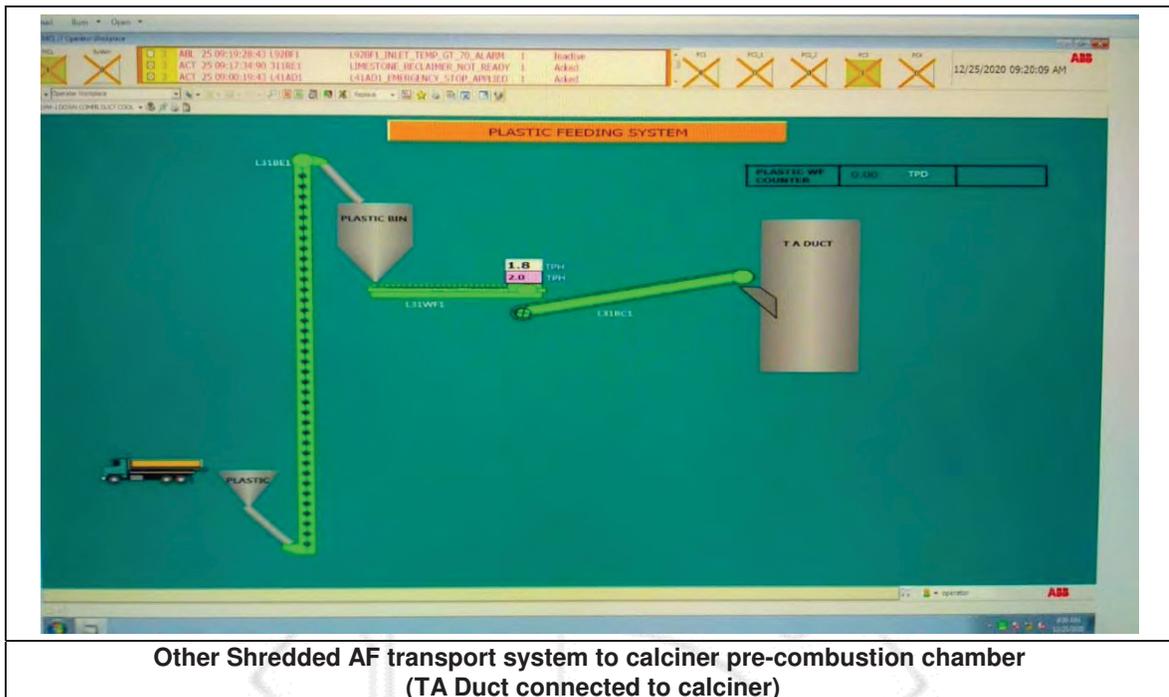


Alternate fuel feeding system

The CCR mimics for the fine fuel transport system using the fuel mix (coal+ Slate) and shredded plastic waste in operation is as below:



Fine fuel weighing & transport system to main kiln burner and calciner



HOLTEC's Observation

- ✓ Fine fuel conveying systems were operating with Fuel mix of coal & slate in use.
- ✓ Conveying systems for other Alternate Fuels was in operation and dosing at the calciner pre-combustion chamber.

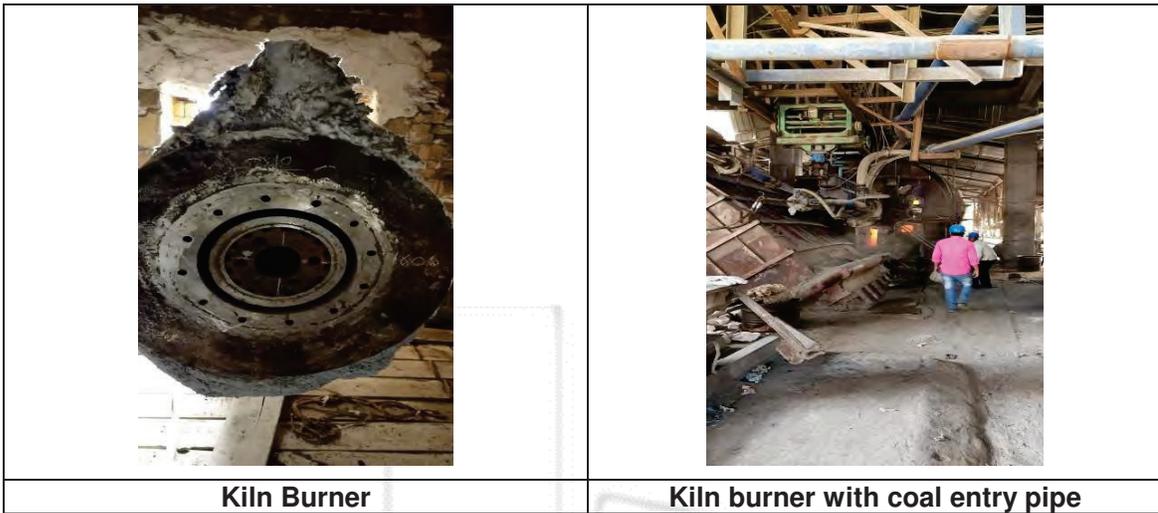
2.5.5 Fuel firing in Kiln

Fine fuel mix is fired using the latest technology burner. It has been provided with separate Jet air and Swirl air blowers for the formation of required flame length and width with proper mixing of fuel & primary air.

System Compatibility Study for using Slate as an Alternative Fuel



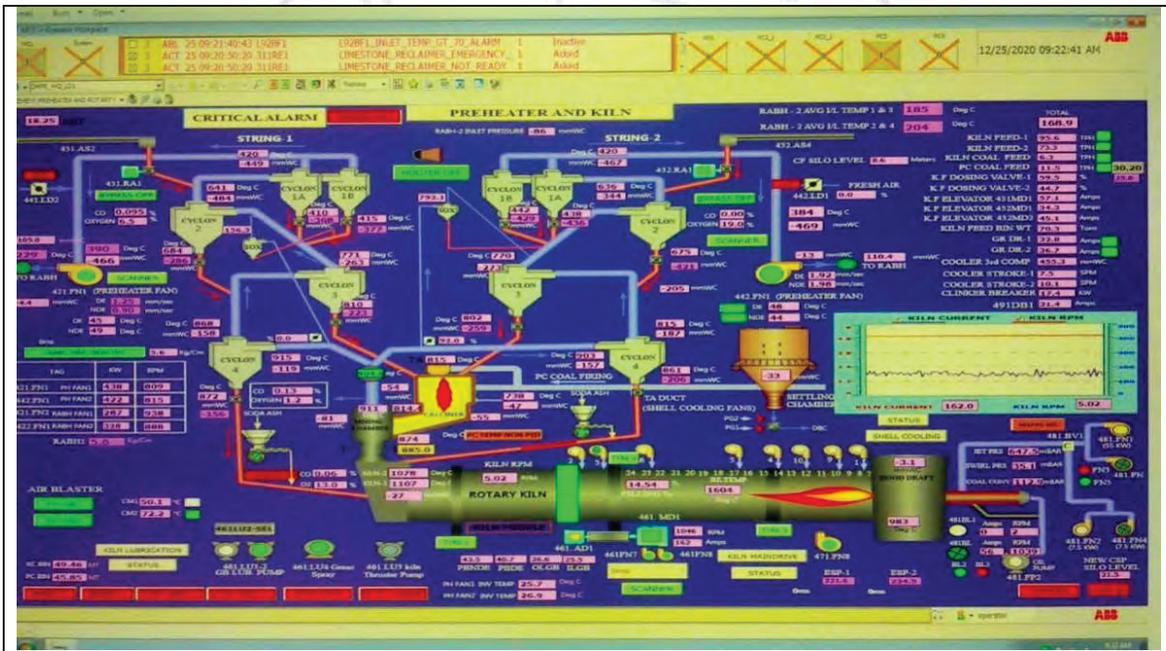
MEGHALAYA CEMENTS LIMITED



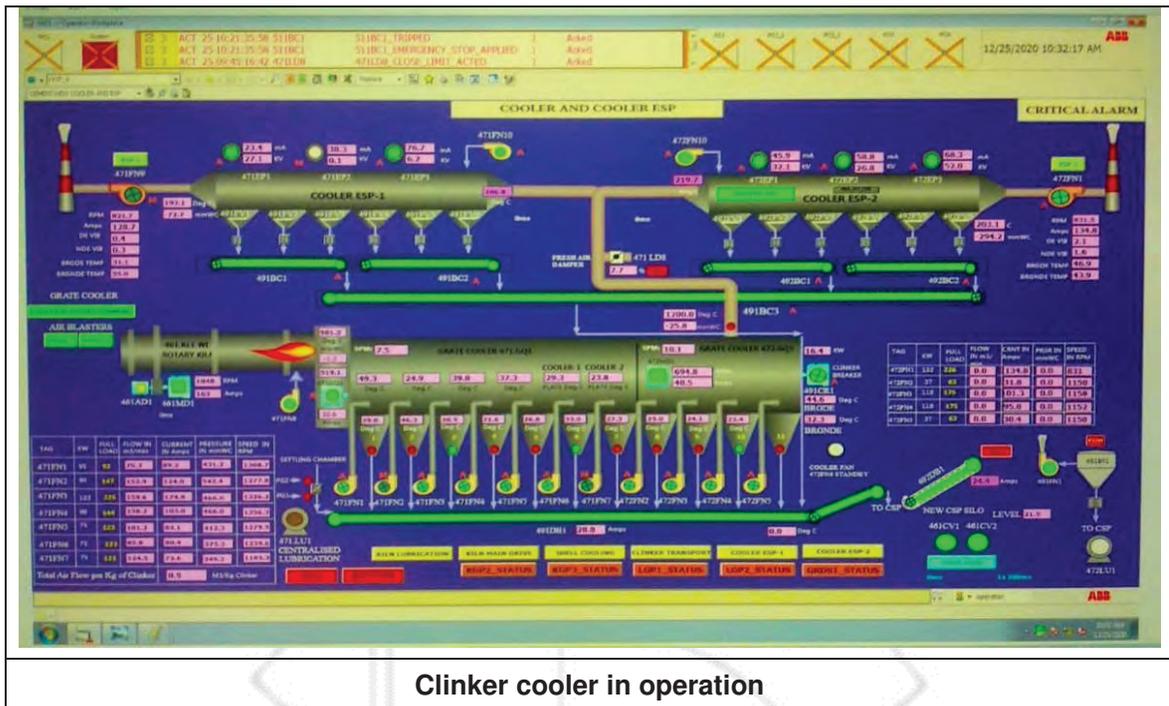
Kiln Burner

Kiln burner with coal entry pipe

The CCR mimic for the fine fuel firing in kiln and calciner, using the fuel mix (coal+ slate) in operation is as below:



Kiln in operation with Fuel mix (Coal+ Slate) in operation



HOLTEC's Observation

- ✓ Fine fuel firing systems were operating normally with Fuel mix of coal & slate in use.

2.6 FLOW SHEET & LAYOUT

The plant layout & Fuel handling, grinding and conveying flow sheets for **MCL**, is attached as following drawing no. for reference.

- Plant Layout : A1-20152-E2-02-01
- Flowsheet for Coal Stacker & Reclaimer : A3-20152-I4-04-02
- Flowsheet for Coal Mill 1 : A3-20152-I4-04-03
- Flowsheet for Coal Mill 2 : A3-20152-I4-04-04
- Flowsheet for Coal Dosing System : A3-20152-I4-04-05
- Flowsheet for AFR Storage & Shredding : A3-20152-I4-04-06
- Flowsheet for AFR Feeding : A3-20152-I4-04-07
- Flowsheet for Preheater & Kiln : A3-20152-I4-04-08
- Flowsheet for Cooler : A3-20152-I4-04-09

2.7 CONCLUSION

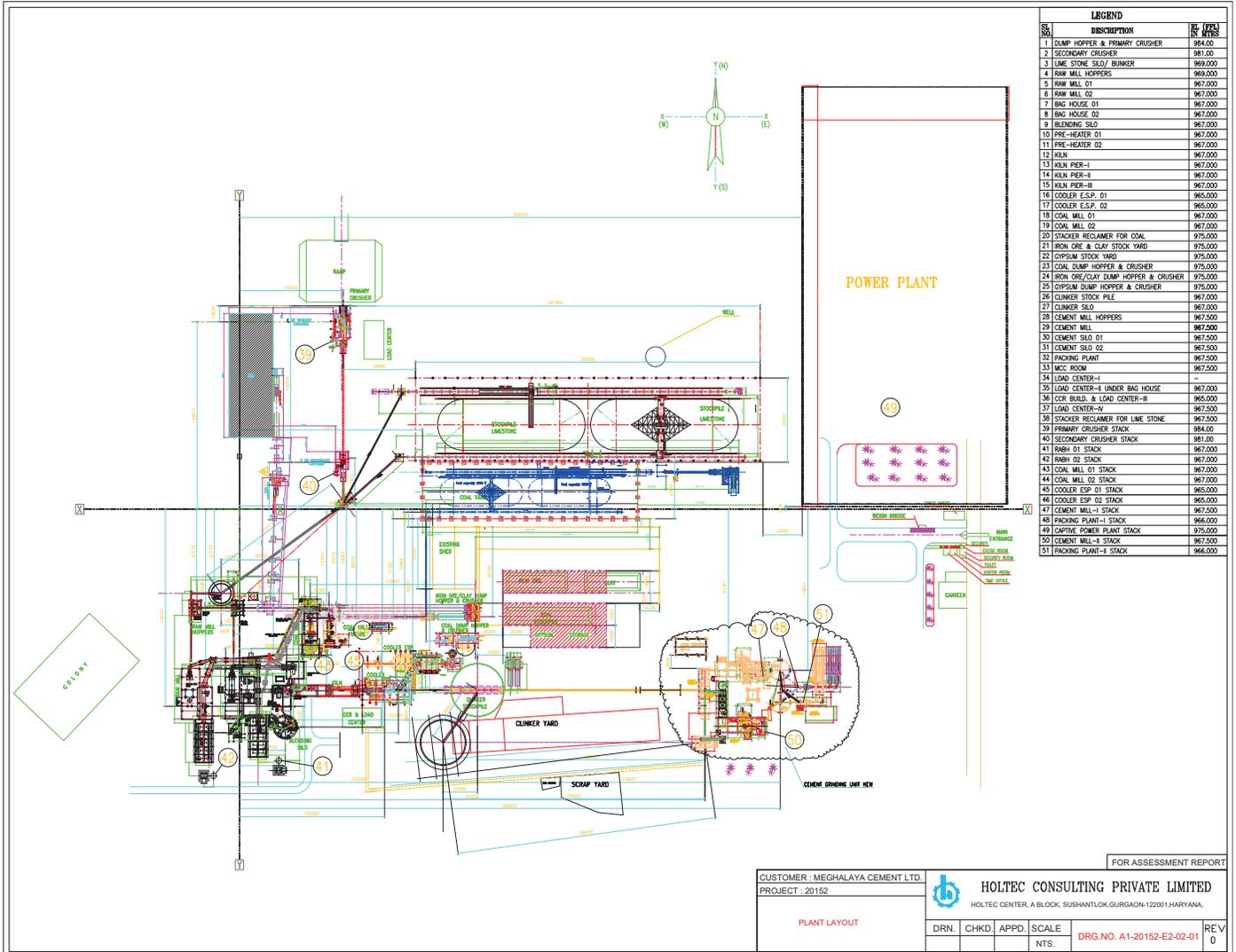
From the above followings can be concluded:

- ✓ Introduction of Slate as a low grade alternative fuel has generated the additional volume handling requirement, due to reduced calorific value.

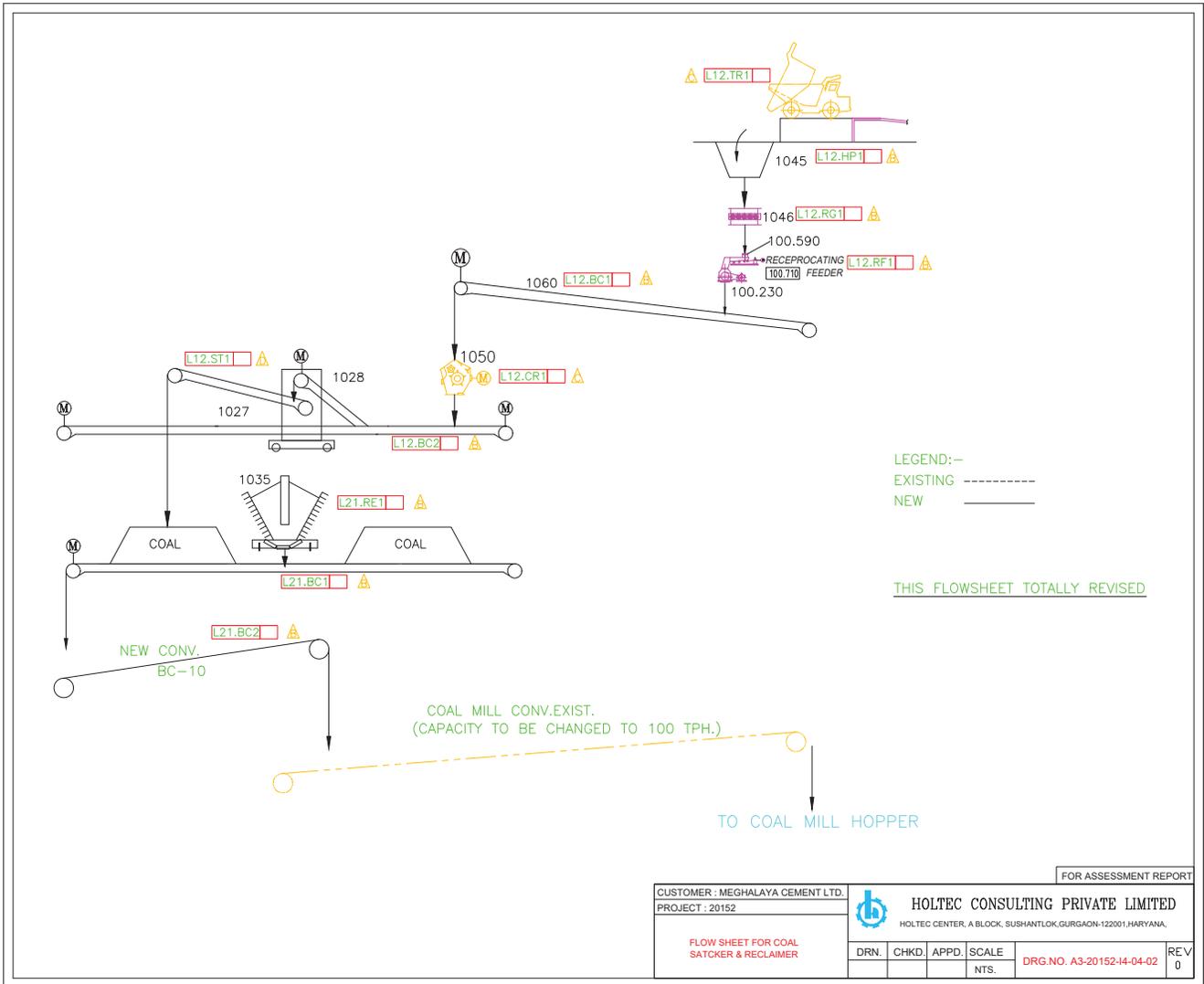
- ✓ It is observed that **MCL** has adequate facilities for handling, storage and processing of Slate and other alternative fuels (Plastic waste, Wood and Tyre chips) at their cement manufacturing plant.
- ✓ Low heat value and high ash percentage of Slate, would require/ stipulate the enhanced consumption of limestone in Raw mix vis-à-vis with that of coal. This calls for modification in raw mix design. However, based on the assessment carried out by **HOLTEC**, it can be concluded that, the usage of Slate replacing coal up to ~60 % (wt.%) in fuel mix is possible by necessary changes in Raw mix design to ensure that the quality of clinker produced are as per applicable standards. The proposed raw mix has been verified to be suitable to meet the product requirement
- ✓ The Kiln operation with fuel mix (50% Coal+ 42% Slate+ 8% Other AF) has been witnessed, which found to be generally operating normally.

The assessment concludes that Slate is having almost similar physiochemical properties as that of coal. Hence, using Slate in a state of the art coal based clinkerisation facility does not demand any major changes in plant process and modification/ addition of new equipment, if adequate design margins are available in the fuel unloading, storage, grinding, dozing and firing systems.

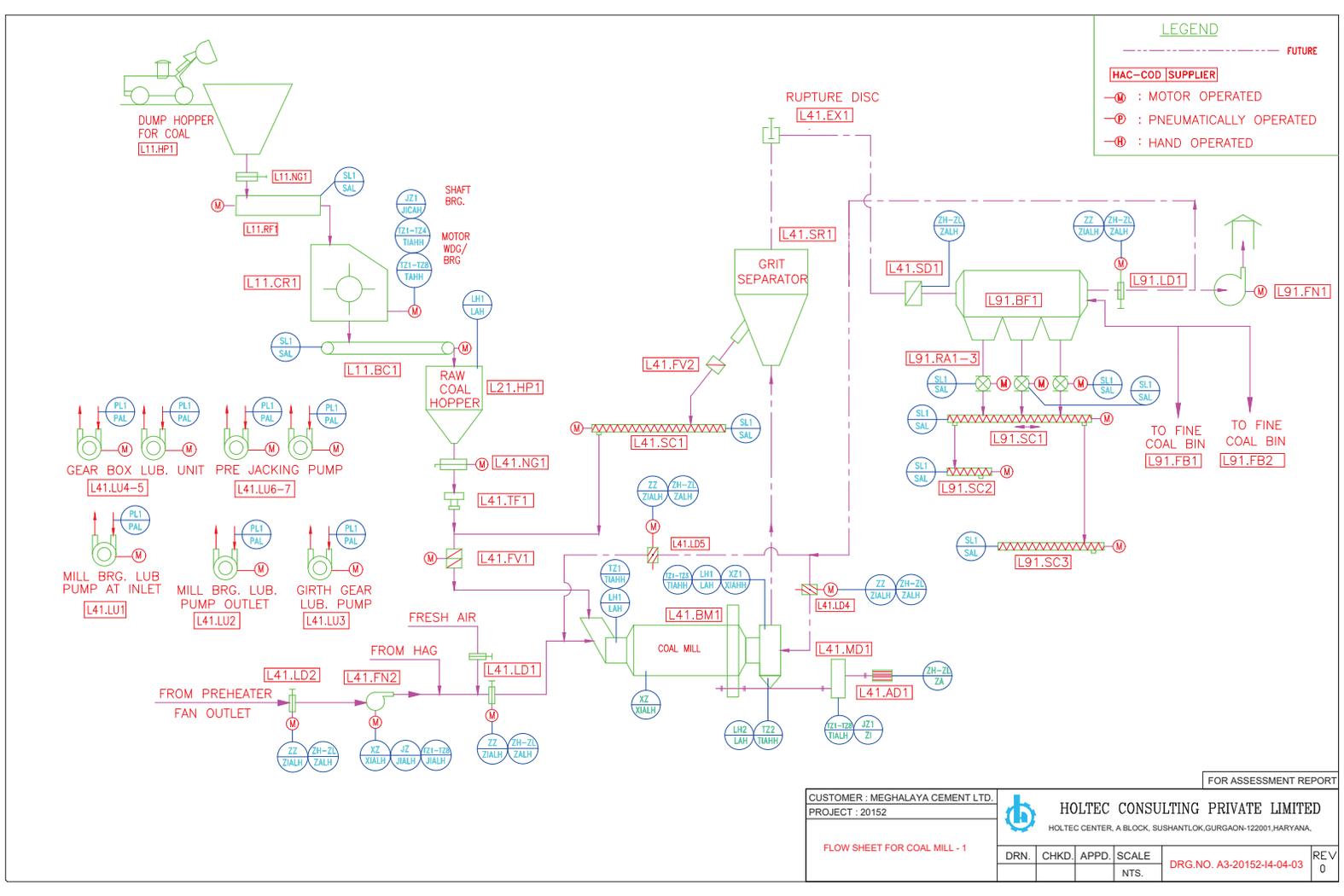
Cement manufacturing facilities at MCL are suitably equipped to operate with up to 60%, Slate in their fuel mix, with suitable change in raw mix design, within the existing system, without any need of alteration/ addition of their existing equipment & facilities.



CUSTOMER : MEGHALAYA CEMENT LTD.		FOR ASSESSMENT REPORT	
PROJECT : 20152		HOLTBC CONSULTING PRIVATE LIMITED	
HOLTBC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.		DRG. NO. A1-20152-E2-02-01	
PLANT LAYOUT	DRN.	CHKD.	APPD.
	SCALE	NTS.	REV 0



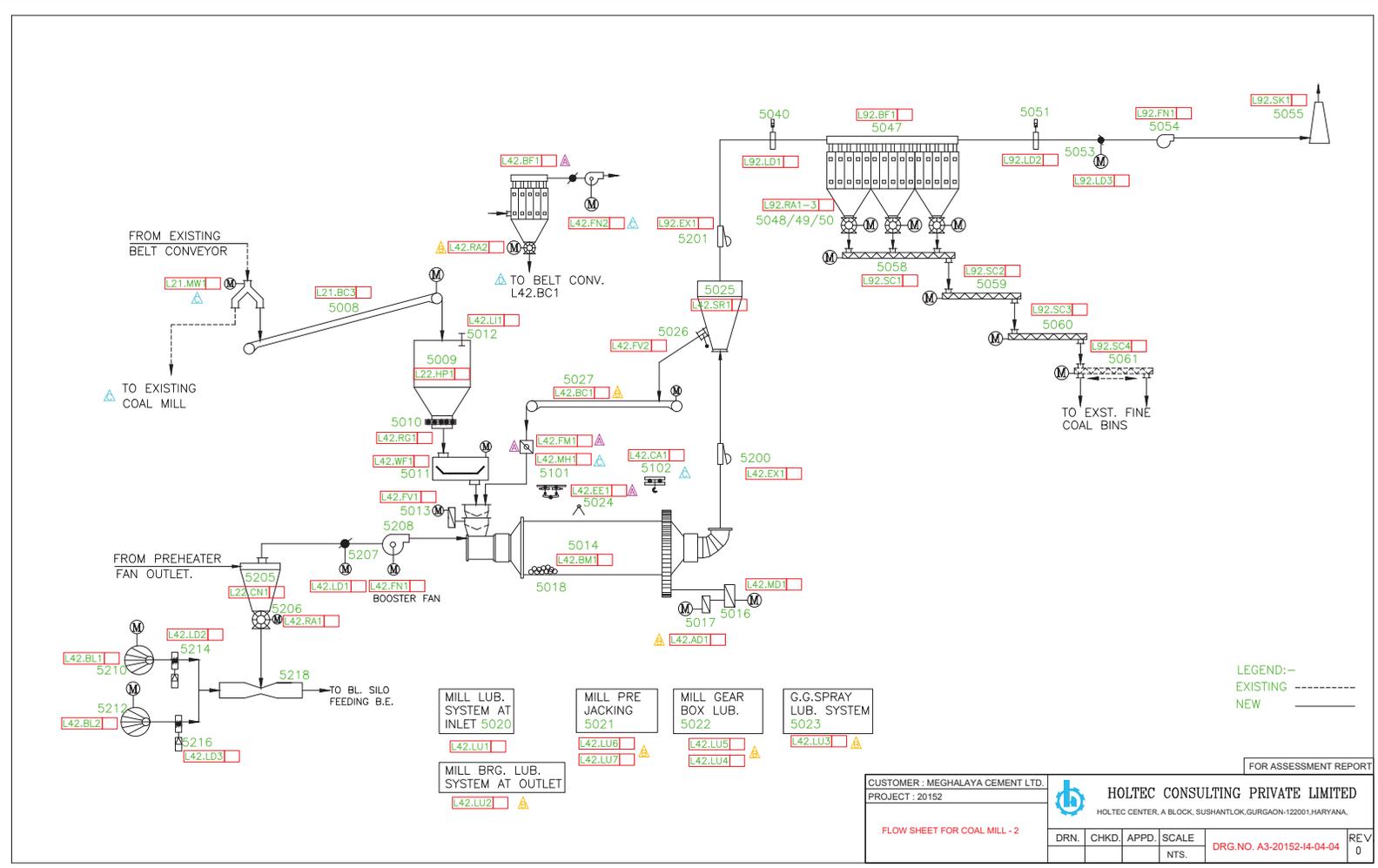
CUSTOMER : MEGHALAYA CEMENT LTD.		FOR ASSESSMENT REPORT			
PROJECT : 20152		 HOLTEC CONSULTING PRIVATE LIMITED <small>HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.</small>			
FLOW SHEET FOR COAL SATCKER & RECLAIMER	DRN.	CHKD.	APPD.	SCALE	DRG.NO. A3-20152-14-04-02
				NTS.	
					REV 0



FOR ASSESSMENT REPORT

CUSTOMER : MEGHALAYA CEMENT LTD.
 PROJECT : 20152
 FLOW SHEET FOR COAL MILL - 1

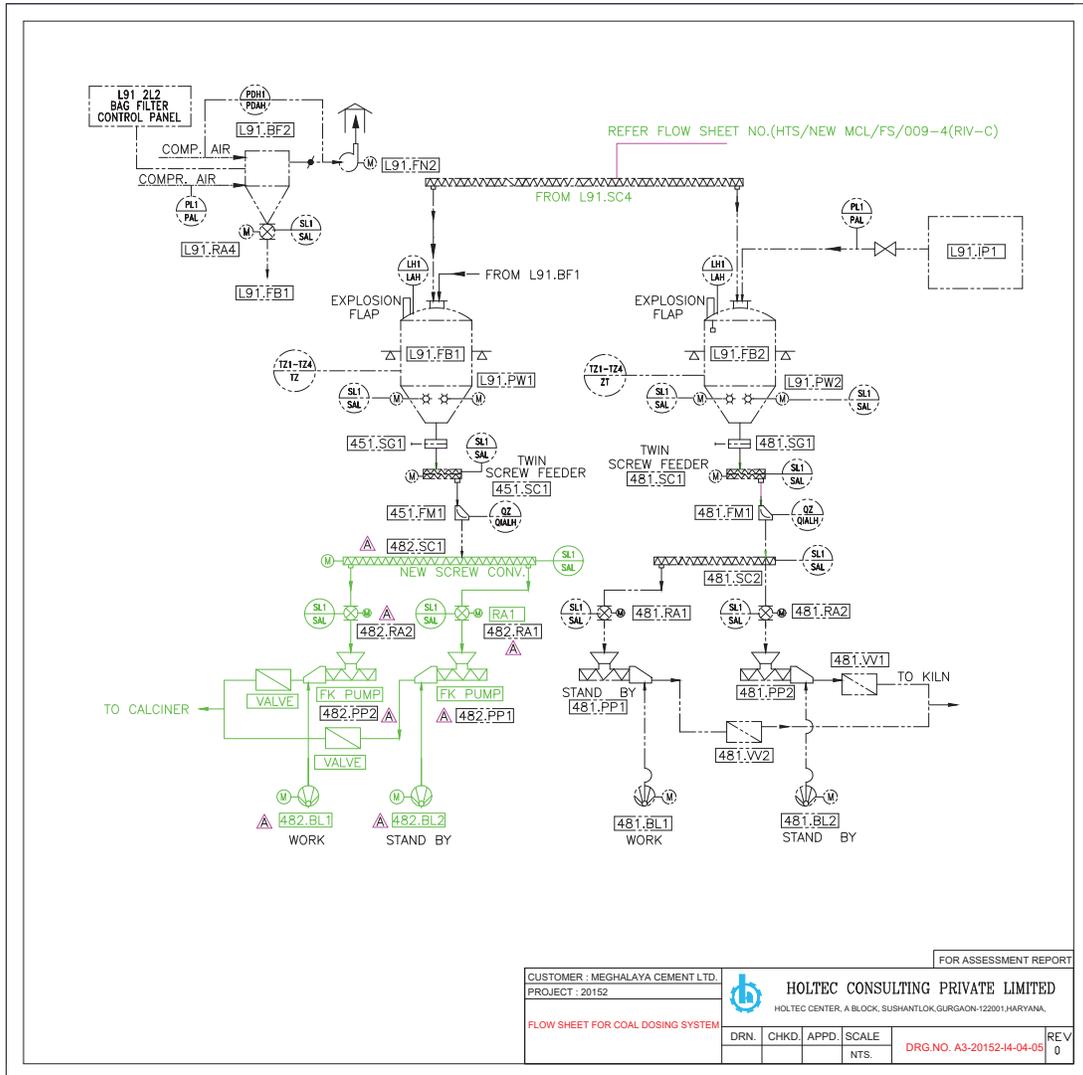
 HOLTEC CONSULTING PRIVATE LIMITED HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.		DRN.	CHKD.	APPD.	SCALE	DRG. NO. A3-20152-14-04-03 NTS.	REV
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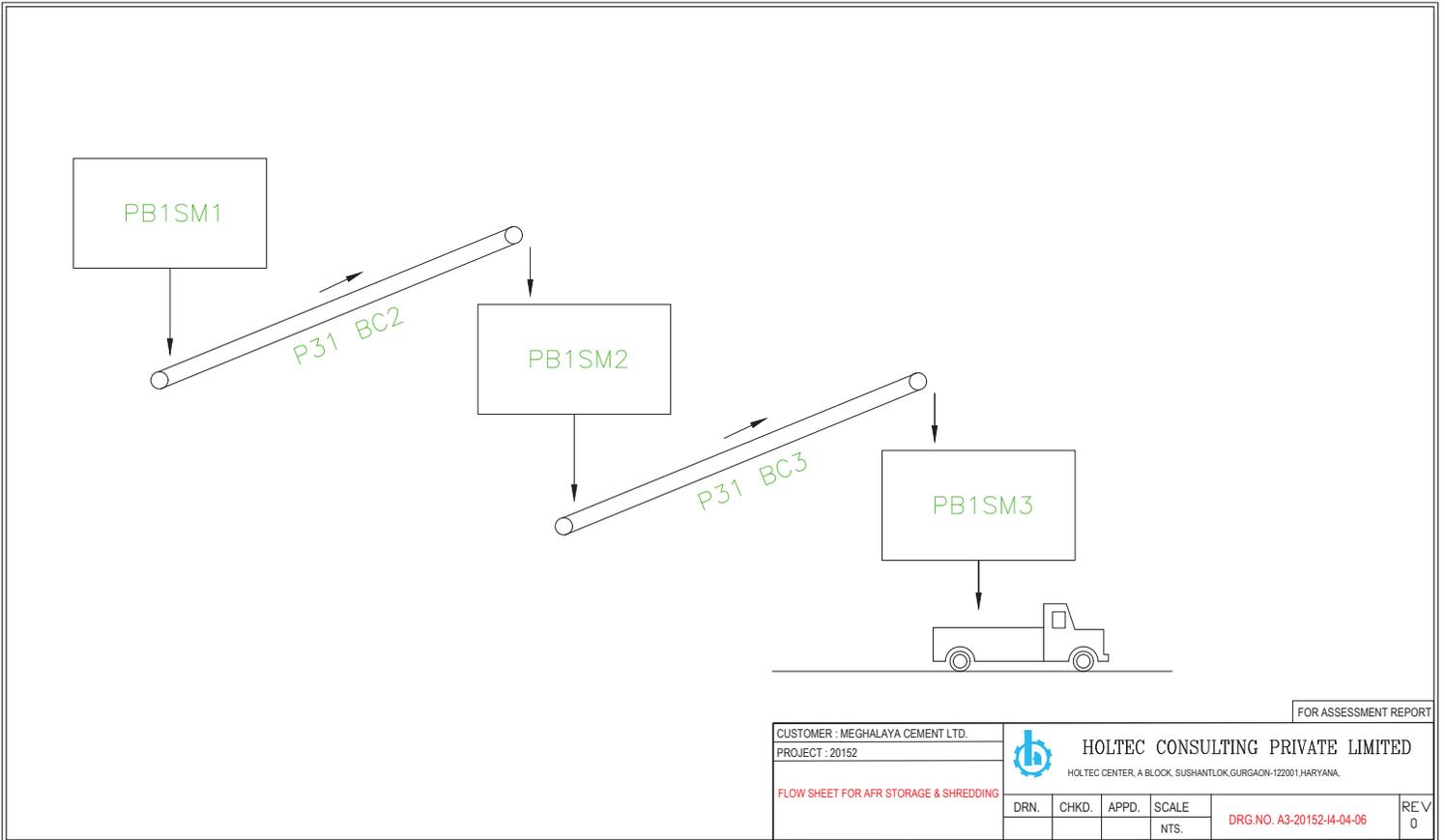
LEGEND:-
 EXISTING -----
 NEW - - - - -

FOR ASSESSMENT REPORT

CUSTOMER : MEGHALAYA CEMENT LTD.		HOLTEC CONSULTING PRIVATE LIMITED	
PROJECT : 20152		HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.	
FLOW SHEET FOR COAL MILL - 2		DRN.	CHKD.
		APPD.	SCALE
		NTS.	DRG.NO. A3-20152-I4-04-04
			REV
			0



CUSTOMER : MEGHALAYA CEMENT LTD.		FOR ASSESSMENT REPORT	
PROJECT : 20152		 HOLTEC CONSULTING PRIVATE LIMITED HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.	
FLOW SHEET FOR COAL DOSING SYSTEM		DRN.	CHKD.
		APPD.	SCALE
		NTS.	DRG. NO. A3-20152-14-04-05
			REV 0



FOR ASSESSMENT REPORT

CUSTOMER : MEGHALAYA CEMENT LTD.

PROJECT : 20152

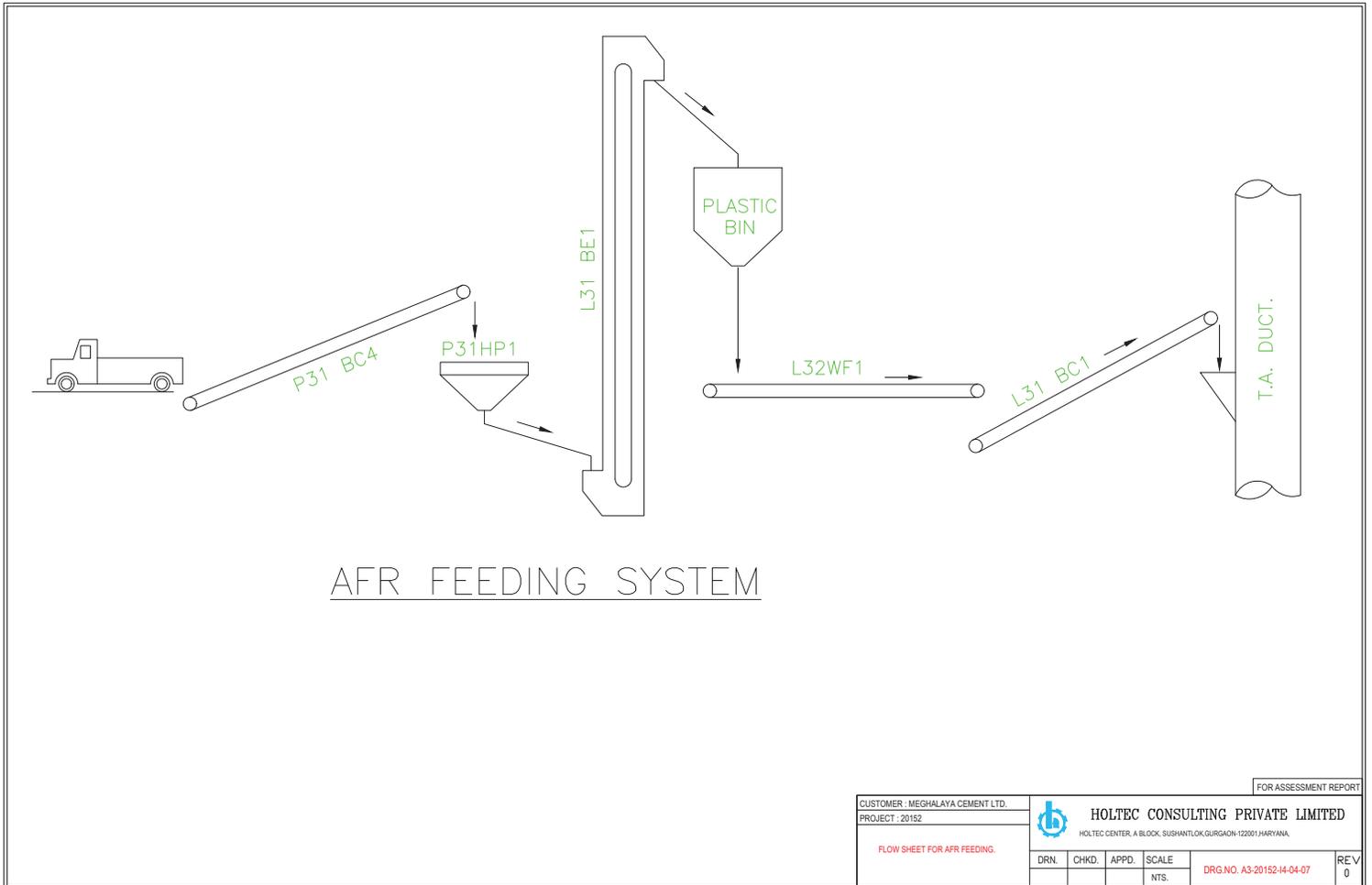
FLOW SHEET FOR AFR STORAGE & SHREDDING



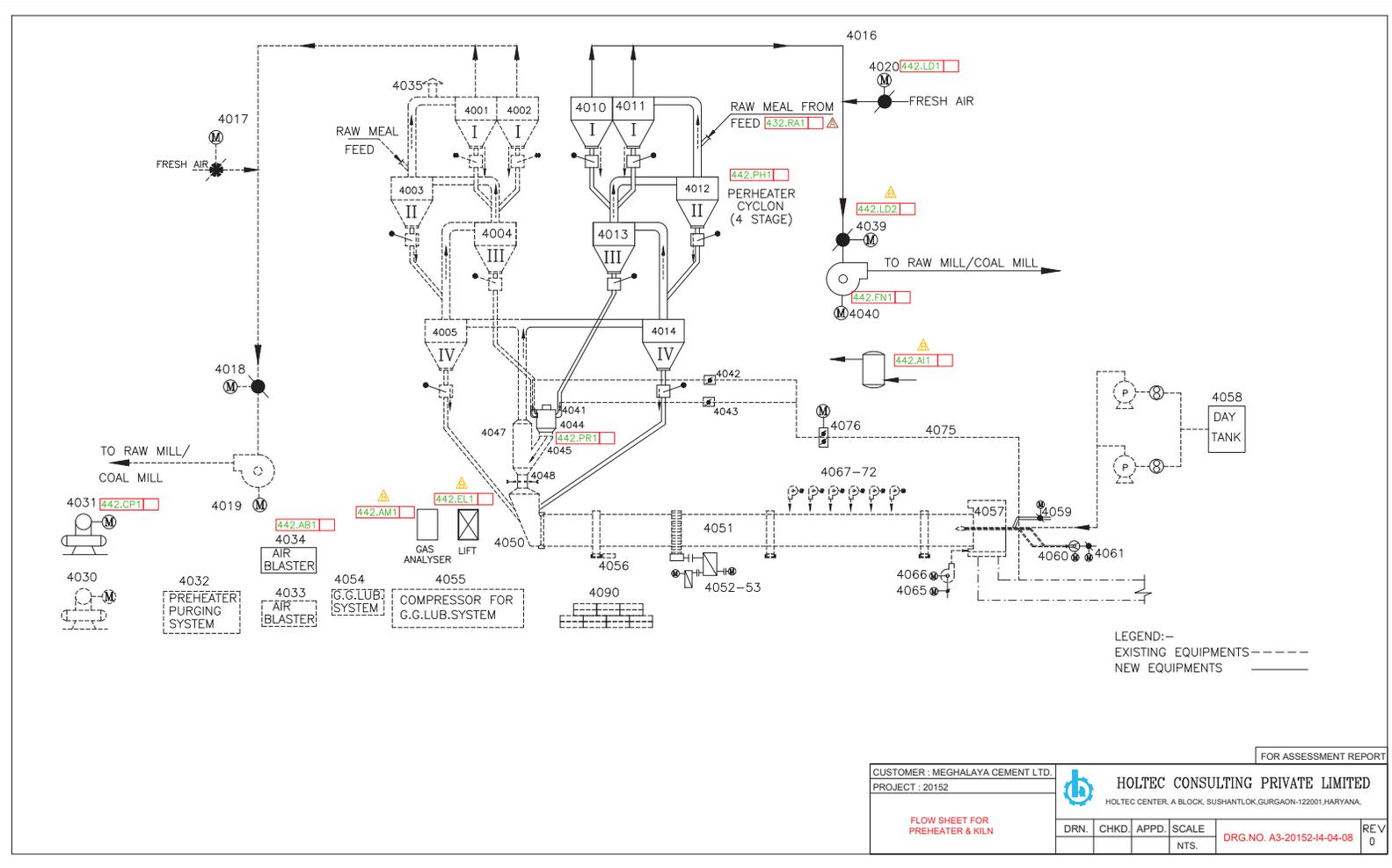
HOLTEC CONSULTING PRIVATE LIMITED

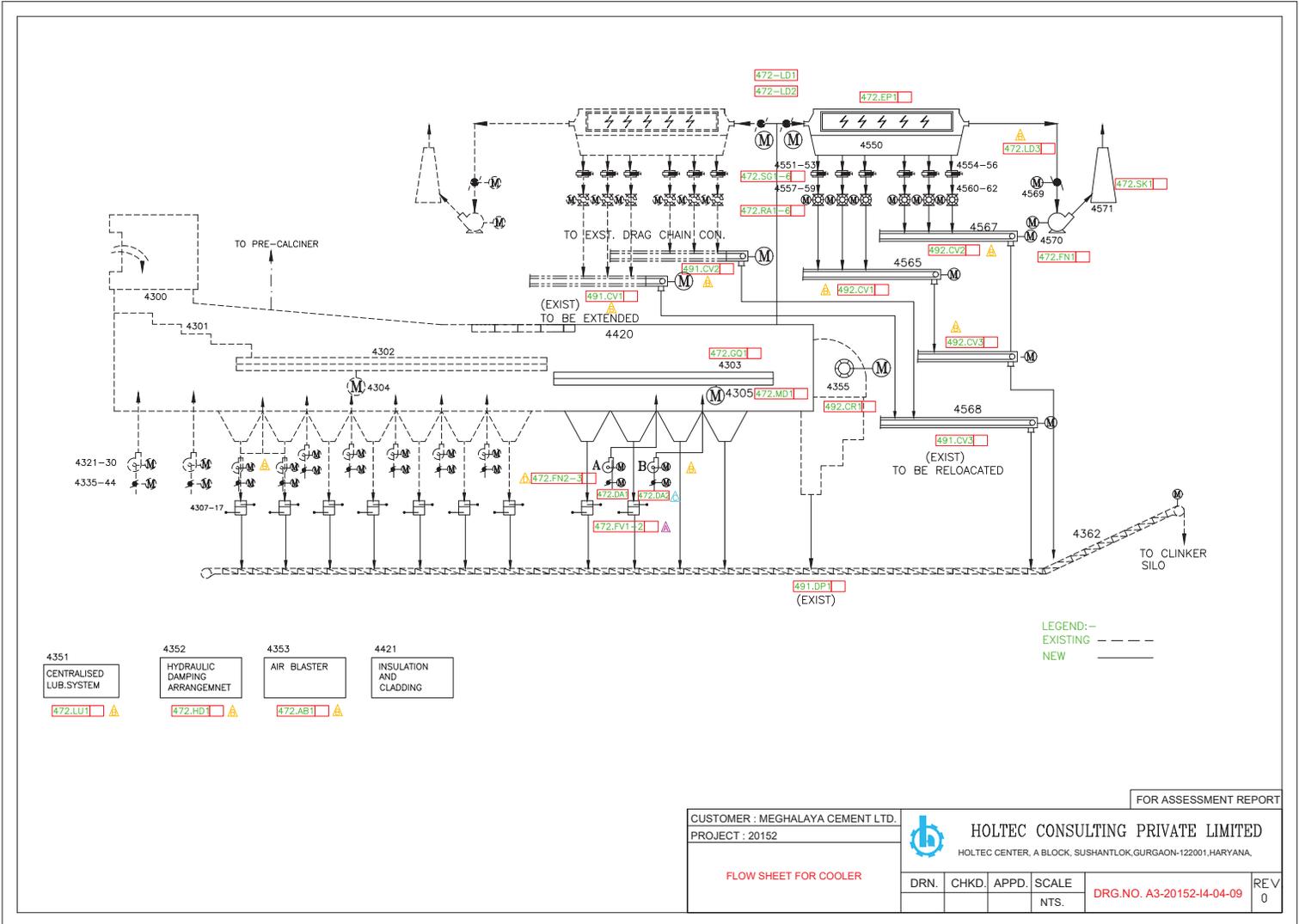
HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.

DRN.	CHKD.	APPD.	SCALE	DRG.NO. A3-20152-14-04-06	REV
			NTS.		0



CUSTOMER : MEGHALAYA CEMENT LTD.		FOR ASSESSMENT REPORT			
PROJECT : 20152		HOLTEC CONSULTING PRIVATE LIMITED			
FLOW SHEET FOR AFR FEEDING.		<small>HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.</small>			
		DRN.	CHKD.	APPD.	SCALE
			NTS.		





- 4351 CENTRALISED LUB.SYSTEM
- 4352 HYDRAULIC DAMPING ARRANGEMNET
- 4353 AIR BLASTER
- 4421 INSULATION AND CLADDING

LEGEND:-
 - - - - - EXISTING
 - - - - - NEW

FOR ASSESSMENT REPORT

CUSTOMER : MEGHALAYA CEMENT LTD.
 PROJECT : 20152



HOLTEC CONSULTING PRIVATE LIMITED
 HOLTEC CENTER, A BLOCK, SUSHANTLOK, GURGAON-122001, HARYANA.

FLOW SHEET FOR COOLER

DRN.	CHKD.	APPD.	SCALE	DRG.NO.	REV
			NTS.	A3-20152-14-04-09	0



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Phone : +91-11-25771002 Fax : +91-11-25771001

ANNEXURE-18/19

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 110(THC)/2012

Threat to life arising out of coal
mining in south garo hills district

Applicant

Versus

State of Meghalaya & Ors.

Respondent

Date of hearing: 01.03.2021

Date of uploading of order on website: 15.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER****INDEX**

S. No.	CONTENT	PARA No.
I	Background: unscientific Rat Hole mining in the State of Meghalaya – directions for preventive and remedial action	1-2
II	Constitution of Monitoring Committee for restoration of environment and rehabilitation of victims and other connected and incidental issues.	3
III	Orders of this Tribunal dated 04.01.2019, 11.04.2019 22.08.2019 on consideration of first three reports from the Committee.	4-7
IV	Judgement of the Hon'ble Supreme Court dated 03.07.2019 (2019) 8 SCC 177 in Appeals arising out of orders of this Tribunal	8
V	Order dated 17.01.2020 on fourth to sixth reports of the Committee	9-11
VI	Order dated 27.07.2020 on seventh report of the Committee	12
VII	Eighth report of the Committee dated 14.01.2021	13
VII	Affidavit of the State of Meghalaya in response to order dated 27.7.2020 filed on 24.9.2020 and rejoinder of the Applicant thereto	14-16
VIII	Consideration of the eighth report dated 14.1.2021 and final order	17 - 24

ORDER**Background of the matter leading to prohibiting rat hole mining**

1. The matter pertains to remedial action against unscientific 'Rat Hole' Mining of coal in the State of Meghalaya. Proceedings commenced on the basis of a news item to the effect that **on 06.07.2012, thirty coal labourers were trapped in a coal mine and fifteen of them died.** After due consideration of the matter, on 17.04.2014, this Tribunal directed the State of Meghalaya to ensure **that rat hole mining is stopped forthwith throughout the State and any illegal transport of coal shall not take place until further orders.**

2. On 09.06.2014, to give effect to order dated 17.04.2014, a Committee was formed **to quantify the extracted coal and its location, assess its value and also to prescribe mode of its transportation.** In the light of the report this Tribunal, **on 07.10.2017, noted that 6.3 million tonnes of illegally mined coal valued at Rs. 307 Crores was lying in the State on which royalty of Rs. 400 Crores was assessed.** Direction was issued for videography in the operation of the weigh bridges. The issue of quantum of coal to be permitted to be transported was to be gone into with the assistance of the Committee. Further, direction was issued to **credit the amount of royalty in a separate account with 10% of the value of coal to be credited to Environment Protection Fund.** On 31.03.2016, the Tribunal directed that except the coal already transported, **the remaining will vest in the State.**

Constitution of Monitoring Committee

3. Finally, **on 31.08.2018, after reviewing the earlier proceedings, this Tribunal directed that rat hole mining will remain prohibited and**

so also the transportation of the mined material. The State will be the custodian of the available coal for which necessary inventory will be prepared. The Tribunal also directed constitution of a Committee to be headed by a former High Court Judge of the Guwahati High Court **for restoration of the environment and rehabilitation of the victims.** The Committee was at liberty to take up incidental issues. **The Committee was also to supervise issues arising out of receivership/custodianship of already extracted coal, including environmental issues arising out storage and remedial steps.** Other Members of the Committee were to be representatives of CPCB and Indian School of Mines, Dhanbad. The State of Meghalaya was to provide records, logistics and facilities to the Committee. The Committee was free to requisition services of technical experts from the State and to carry out field visits. The Committee was also free to set up its website for receiving and giving information and to involve educational institutions for awareness and feedback. The Committee was to meet twice in a month to review the progress and to fix further targets and send reports to this Tribunal every two months.

Reports of the Committee and further orders

4. The Committee gave its report on 02.01.2019 which was considered vide order dated 04.01.2019 with regard to the following questions framed by the Committee:-

- “(A) Whether coal mining activities, including extraction of coal and the transportation of the same, are going on despite the order passed by the Hon’ble NGT imposing ban on coal mining and transportation?”*
- (B) Quantity of extracted coal as on the date on which the ban was imposed by the Hon’ble NGT and left to be transported?*
- (C) Quantity of un-inventoried coal which has been extracted before imposition of ban by the Hon’ble NGT?*
- (D) Whether coal mining activities as well as dumping of coal results in adverse environmental effect, if so, the nature and extent thereof?*

- (E) *What are the steps required to be taken by the Committee for restoration of the environment and rehabilitation of victims of coal mining?*
- (F) *The extent of execution of the Action Plan prepared by the Committee?”*

Incident of 13.12.2018 – 15 workers trapped

5. The Tribunal noted that a **further tragic incident took place on 13.12.2018 where 15 workers were trapped**. The report was that the illegal mining was still continuing. **The assessed quantity of such coal was 23,25,663.54 MT**. The mining was resulting in adverse impact on the environment for which a study was required to be undertaken. Action plan was proposed for restoration of the environment. In view of the consistent failure of the State in enforcing the law, this Tribunal held the State to be liable to deposit a sum of Rs. 100 Crores with the Central Pollution Control Board (CPCB) to be spent for restoration of the environment. The Tribunal also observed that the Committee may consider seizure of equipments used for illegal mining or transportation, to be released only after payment of 50% of the showroom price of such equipments. The Tribunal suggested that the Committee may consider the following:

“36. The Committee may also consider the following:-

- 1. Any cranes and trucks found to be involved in illegal mining or transportation which have not yet been seized may also be seized. The seized vehicles or equipments be released by the concerned District Magistrates only after recovering damages to the extent of 50% of the showroom price of the vehicles or equipments. The said amount may also be credited to the restoration fund.*
- 2. Efforts be expedited to identify victims who have suffered at least since 01.07.2012 and to assess loss to the environment and the manner of restoration.*
- 3. Disaster Management Plan for the whole of the area ‘on site’ as well as ‘off site’ needs to be prepared and put into operation.*
- 4. Appropriate technology to replace rat hole mining.*

State of Meghalaya has to ensure compliance of not only MMDR Act, 1957 but Mines Act, 1952 as well as Environment (Protection) Act, 1986.

10) ***In Hill District of State of Meghalaya for carrying coal mining operations in privately owned/community owned land it is not the State Government which shall grant the mining lease under Chapter V of Rules, 1960, but it is the private owner/community owner of the land, who is also the owner of the mineral, who shall grant lease for mining of coal as per provisions of Chapter V of Rules, 1960 after obtaining previous approval of the Central Government through the State Government.***

xx

xx

xx

13) ***In event the mining is carried out by a mining lease holder as per the provisions of Act, 1957 and Rules, 1960 with an approved mining plan there can be no objections in carrying of such mining operations under the regulation and control of the State of Meghalaya. We clarify that in event mining operations are undertaken in privately owned/community owned land in Hills Districts of Meghalaya in accordance with mining lease with approved mining plan as per Act, 1957 and Mineral Concessions Rule, 1960, the ban order dated 17.04.2014 of the tribunal of the NGT shall not come in way of carrying mining operations.***

xx

xx

xx

20) ***The coal extracted and lying in open after 15.05.2016 does not automatically vest in the State of Meghalaya and the owner of the coal or the person who has mined the coal shall have the proprietary right in the mineral which shall not be lost.***

21) ***The suggestion of learned Amicus Curiae that entire extracted coal lying at various places in hills districts of Meghalaya be directed to be taken over by Coal India Ltd. is accepted. The Coal India Ltd. may dispose of the same as per its normal method of disposal and proceeds be dealt with as per directions issued.***

22) ***The State having carried out the assessment of the coal lying in the aforesaid four districts including the details of the quantities and the details of owners being available with it, it may ensure that entire coal is handed over to the Coal India Ltd., as per the mode and manner to be formulated by Katakey Committee in consultation with officers of the Coal India Ltd. and the State of Meghalaya.***

23) ***It is for Coal India Ltd. to decide as to venue, where they shall receive the coal, i.e., either at any of its depot or any other place in the State of Meghalaya and it is for the Coal India Ltd. to finalise the process of disposal and auction of the coal. It shall be the duty of the State of Meghalaya and its officers especially Deputy Commissioner of the area concerned to enter details of quantity of the coal, name of the owner and place from where it is collected. All concerned shall take steps***

to ensure weightment of the coal when it is received by Coal India Ltd.

24) *The expenses of transportation shall be borne by the State of Meghalaya, Coal India Ltd. or by both, which expenses shall be deductible from the price received of the coal. The State of Meghalaya shall be entitled to royalty and payment towards MERP Fund as well as taxes out of the price of the coal. After deducting its expenses for transportation with 10% of price of the coal, the Coal India Ltd. shall remit the balance amount to the State and it is for the State after deducting the royalty and payment to the MERP Fund and taxes to pay back balance the amount to the owner.*

25) *The coal which has been seized by the State in illegal transportation and illegal mining for which different cases have been registered by the State, is not to be dealt with as directed above. The seized coal shall be dealt by the State in accordance with Section 21 of the Act, 1957 and on being satisfied, the State can take a decision to recover the entire quantity of coal so illegally raised without lawful authority.*

192 *In view of the foregoing discussions and conclusions, all these appeals are decided in the following manner: -*

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4) *All I.As. seeking direction for transportation of coal are disposed of directing: -*

i) *All extracted coal as assessed by State of Meghalaya lying in different districts of State of Meghalaya which as per order of NGT is in custody of State of Meghalaya shall be handed over to Coal India Ltd. for proper disposal.*

ii) *The Katakey Committee after discussion with Coal India Ltd. and State of Meghalaya shall formulate a mechanism for transport, weightment of all assessed coal.*

iii) *The Coal India Ltd. shall auction the coal so received by it as per its best judgment and remit the proceed to State to the extent as directed above.*

iv) *All coal seized by the State for which cases have already been registered shall be dealt by the State in accordance with Section 21 of 1957 Act."*

8. *We may now deal with the report of the Committee which is, inter alia, as follows:*

"It is, therefore, evident that though the learned counsel appearing for the State of Meghalaya submitted before the Hon'ble Tribunal that the compliance report in that regard shall be submitted to this committee within two weeks, the direction to install Digital Display Boards has not been fully implemented till date. As stated above, such Boards have been installed in the State Capital,

i.e., in Shillong only. The same have not been installed in the coal mining affected districts and Sub-Divisions so far.

*The Committee directs the **mentioned 4(four) Cement Plants, namely, Green Valley Industries Ltd, Gold Stone Cement Ltd, Hills Cement Ltd and Virgo Cement Ltd and one Thermal Power Plant, namely, CMJ Breweries Ltd to depute their representatives to attend the next sitting of the Committee scheduled to be held on 14.08.2019 along with all required information and documents without fail.***

*The Secretary to the Govt. of Meghalaya, Mining and Geology Department, during the Proceeding No. 16-B held on 23.07.2019 has produced before the Committee a letter dated 22.07.2019 seeking a month's time to **formulate a comprehensive plan and proper policy of transportation and handing over of coal to the Coal India Limited for disposal/auction as per rules of the Coal India Limited. The Committee has also been informed that after finalisation, the same shall be placed before the Committee for deliberation.***

Based on the said communication, one month time has been granted to the Mining and Geology Department, Govt. of Meghalaya. The second special sitting scheduled to be held in Guwahati on 26.07.2019 with the representatives of the Coal India Limited and the concerned departments of the Govt. of Meghalaya to discuss about the formulation of a policy for transportation and handing over of the coal to the Coal India Limited, has, therefore, been postponed and the next date was decided to be fixed in its Proceeding to be held on 14.08.2019.

The Committee in the said Proceeding has recorded that the majority of the directions issued by it in the Proceeding No.12 dated 25.04.2019 have not been implemented so far and hence the Commissioner & Secretary to the Govt. of Meghalaya, Mining and Geology Department has been directed to submit a report on the status of implementation of each of these directions in the sitting scheduled to be held on 14.08.2019.

From the aforesaid position, it is, therefore, evident that the directions issued by the Committee in its Proceeding No.12 dated 25.04.2019 have not been fully complied with till date.

(C) CONSIDERATION OF THE RECOMMENDATIONS OF THE COMMITTEE MADE IN ITS PROCEEDING Nos. 13, 14 AND 15 DATED 03.05.2019, 03.06.2019 AND 28.06.2019, COPIES OF WHICH HAVE BEEN SENT BY MAIL IN ngp.filingAgmail.com ON 08.07.2019.

- (1) *The Committee in the Proceeding No.13 dated 03.05.2019 recommended for consideration for release of an amount of*

*Rs.40,36,500/- from the MEPR Fund to implement **the pilot project for afforestation and reclamation of coal mining affected land and organisation of festival-cum-mass awareness programme submitted by the Principal Chief Conservator of Forest (Climate Change Research and Training), Govt. of Meghalaya and North Eastern Regional Office of the Central Pollution Control Board.***

- (2) *The Committee also in the Proceeding No. 14 dated 03.06.2019 has recommended for consideration by the Hon'ble Tribunal for passing necessary order for deployment of CAPFs to assist the State Police in checking the transportation and mining of coal in the State for the purpose of enforcement of the direction issued from time to time to ban illegal mining and transportation of coal.*
- (3) *The Committee in the said Proceeding had also recommended for consideration by the Hon'ble Tribunal to release a number of rupees one Crore from MEPR fund to facilitate the Forest & Environment Department for afforestation of the coal mine affected areas and to ensure availability of adequate number of good quality plants.*
- (4) *The Committee in the Proceeding No.15 dated 25.06.2019 has also recommended for consideration by the Hon'ble Tribunal for release of Rs.19,19,500/- from the MEPR Fund towards the cost to be incurred in **the Pilot Project of Micro Algae Treatment of the acidic water in the identified stream in the coal mining affected areas to be implemented by M/S Trinity Impex International.***

The Hon'ble Tribunal may consider the aforesaid recommendations of the Committee.

The Committee, on 31.08.2019 shall submit the further report relating to the status of implementation of the Action Plan prepared by it, directions issued by it from time to time and also the directions issued by the Hon'ble Supreme Court in Civil Appeal No. 10720 of 2018 (State of Meghalaya v. All Dimasa Students Union, Dima Hasao District Committee and Ors.) and other analogous matters passed In Judgment & Order dated 03.07.2019."

9. *Learned Counsel for State of Meghalaya submitted that with regard to display boards, further steps have been taken and a report dated 03.08.2019 has been filed before this Tribunal and a report will also be filed before the Committee. The Committee may look into the same.*
10. *As regards effective action against illegal transportation, the Committee has suggested deployment of Central Armed Forces and the State Police. The Committee has also suggested release of certain funds. Learned counsel for the State submitted that the recommendations of the Committee be accepted.*

11. **We accept the recommendations of the Committee for release of the amount as presented in para (3) & (4) of recommendations as noted above.** As regards deployment of Central Armed Police Forces (CAPF), our attention has been drawn to earlier proceedings before this Tribunal in order dated 25.03.2015 as follows:
- “1. The Additional Secretary, North East in the Ministry of Home, Central Government shall, within a period of two weeks from today, hold a meeting with the Chief Secretary of the State of Meghalaya and other concerned Authorities and consider the proposal of the State of Meghalaya for deployment of appropriate force to ensure compliance of orders of the Tribunal and protection of the Environment and Ecology, particularly water bodies as recorded in various orders of the Tribunal. We are hopeful, that the decision will be taken objectively and in the interest of public at large.”*
12. We are informed that in pursuance thereof, the Central Government did provide the requisite Forces at that time. In the light thereof, the State of Meghalaya to follow the same course of approaching the Central Government. The Central Government may give due consideration to such proposal expeditiously.
13. Only other issue which survives for consideration is the enforcement of directions of the Hon'ble Supreme Court **for handing over coal already mined and lying at various places in Meghalaya to the Coal India Ltd. As per directions of the Hon'ble Supreme Court, in the judgement dated 03.07.2019 the same may be looked into by the Committee in consultation with the officers of Coal India and the State of Meghalaya. We suggest that the Committee may fix specific timeline for the purpose.**
14. Our attention in this regard has been drawn to a Challan dated 13.08.2019 issued by the Divisional Mining Officer, Jowai with regard to transportation of the 'auctioned' mineral. Learned Counsel for the State may ascertain whether the transportation is in terms of the scheme prepared by the Committee in accordance with the directions of the Hon'ble Supreme Court and if not, remedial action may be taken. The Committee may look into this aspect and applicability of online electronic manifest system for regulating movements of vehicles and issuance of challans as per the Tribunal's order dated 11.04.2019.
15. The companies in question are directed to furnish the requisite information to the Committee, failing which this Tribunal may have to take coercive measures against the Chief Executive Officers of the companies. This aspect will be considered in the light of further report of the Committee. The Committee may also make its recommendations about the conduct of officers

not cooperating in compliance of orders of the Hon'ble Supreme Court and this Tribunal so that the State may take appropriate action and inform this Tribunal.

16. *The Committee has proposed to send its further report by 31.08.2019. Thereafter, a further report be sent after three months by 30.11.2019.*
17. *List again on 10.12.2019 or as and when the occasion arises."*

Supreme Court judgement in appeal from NGT orders

8. We have perused the judgement of the Hon'ble Supreme Court in (2019) 8 SCC 177 in Appeals arising out of orders of this Tribunal. The Hon'ble Supreme has upheld the jurisdiction of this Tribunal in dealing with the matter and constituting the Monitoring Committee. Though the private owners of the land had right in the minerals after deducting handling charges, royalty and Environment Protection Fund, no unregulated and unscientific mining could be carried out. The Mining Policy of the State was required to be consistent with the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) and mining, even by owner, is required to be regulated under the statutory scheme. The Environmental Clearance (EC) is required in terms of the relevant Notification. Compliance of MMDR Act, Mines Act, 1952 as well as Environment (Protection) Act, 1986 (EP Act) is necessary. The Mineral Concession Rules 1960 are also required to be followed. **Schedule VI to the Constitution does not affect the said laws.** Order of the Tribunal dated 17.04.2014 was upheld banning Rat Hole mining, as the manner of such mining is not consistent with the statutory scheme. However, the said ban will not bar legal and scientific mining as per statutory scheme. Order of the Tribunal constituting MEPR fund was also upheld. Order dated 04.01.2019 requiring deposit of Rs. 100 Crores with CPCB for restoration of environment was also upheld but the same could be paid

out of the Meghalaya Environment Protection and Restoration Fund' (MEPR Fund). The extracted coal laying at various places was directed to taken over by Coal India Limited. The coal is to be handed over to Coal India Limited by the State in the manner formulated by the Committee. The State of Meghalaya and Coal India Limited are to deliberate with the Committee to finalize plan for transportation and handling over of the coal for disposal as per Rules which may be beneficial for the owners of the mine as well as the State. The Coal India Limited is also to take steps for payment of the coal and the State of Meghalaya is entitled to royalty and taxes. After deducting cost of transportation/royalty and payment to MEPR fund and taxes plus 10% of the value of the coal, the balance is to be disbursed to the owner. The disbursement is to be made by the State. The coal seized in illegal transportation of illegal mining is to be dealt by the State under Section 21 of the MMDR Act separately.

17.1.2020 order of NGT on 4th to 6th report and change of Chairperson of the Committee

9. The matter was thereafter dealt with on 17.01.2020 in the light of 04th, 05th and 06th Reports of the Committee dated 31.08.2019, 02.12.2019 and 03.12.2019. Before referring the same, we may first refer to the extracts from the first 3 reports dated 02.01.2019, 31.03.2019 and 02.08.2019 which also consider the earlier orders of the Tribunal dated 04.01.2019, 11.04.2019 and 22.08.2019 as follows:-

“Reports

“3.1 First Interim Report

3.1.1 The Committee submitted its First Interim Report dated 31.12.2018 to the Hon'ble NGT on 02.01.2019. The said First Interim report contains findings of the Committee on the following questions framed by the Committee:-

- A. *Whether coal mining activities, including extraction of coal and the transportation of the same, are going on despite the order passed by the Hon'ble NGT imposing ban on coal mining and transportation?*
- B. *Quantity of extracted coal as on the date on which the ban was imposed by the Hon'ble NGT and left to be transported?*
- C. *Quantity of un-inventoried coal which has been extracted before imposition of ban by the Hon'ble NGT?*
- D. *Whether coal mining activities as well as dumping of coal results in adverse environmental effect, if so, the nature and extent thereof?*
- E. *What are the steps required to be taken by the Committee for restoration of the environment and rehabilitation of victims of coal mining?*
- F. *The extent of execution of the Action Plan prepared by the Committee?*

3.2 **Second Interim Report**

3.2.1 *The Committee submitted its Second Interim Report dated 30.03.2019 to the Hon'ble NGT. In the said Report, the Committee placed before the Hon'ble NGT the current status of the following issues:*

- (i) *Availability and investment of amounts available in the MEPR Fund.*
- (ii) *Monitoring of quality of water in the rivers and streams of the areas affected by coal mining.*
- (iii) *Steps taken for neutralisation of Acid Mine Drainage (AMD) contaminated water in the rivers & streams of the areas affected by coal mining activities.*
- (iv) *Status of the ongoing water supply schemes in coal mining affected areas in East Jaintia Hills District, under the Public Health Engineering Department.*
- (v) *Seizure of cranes, trucks etc. involved in illegal mining or transportation and release of such vehicles and equipment.*
- (vi) *Skill Development Schemes*
- (vii) *Survey of health of the habitants of the areas affected by coal mining.*
- (viii) *Framing of Disaster Management Plan, both "on site" and "off site".*
- (ix) *Verification of un-inventorised coal.*
- (x) *Procurement of coal by the Cement Companies from the local market in the State of Meghalaya.*
- (xi) *Pilot Projects to be undertaken by CIMFR-CISR, Dhanbad*
- (xii) *Awareness Camps/ Programme.*

- (xiii) Applications for compensation to the next of kin of the persons who died during illegal mining and to the persons who suffered injuries during due to illegal coal mining.
- (xiv) Preparation of Geospatial Database inputs of Planning and Restoration of areas affected by coal mining in the State of Meghalaya.
- (xv) Coal mining activities including transpiration of coal.

3.2.2 The Committee in the said Report also recommended that the Hon'ble NGT may permit release of an amount of Rs.96.59 lakh for procurement of 6(six) numbers of vehicles mounted with Water Tankers to be used for supplying potable waters to the villagers of the villages in the district of East Jaintia Hills affected by coal mining activities and where the potable water has not so far been supplied.

3.3 **Third Interim Report**

3.3.1 The Committee submitted its Third Interim Report dated 02.08.2019 to the Hon'ble NGT on 02.08.2019. In the said Report, the Committee placed before the Hon'ble NGT the current status of the following directions issued by the Hon'ble NGT in the Order dated 11.04.2019:

- (i) Release and utilisation of an amount of Rs.96.59 lakh from the MEPR Fund in favour of the Deputy Commissioner, East Jaintia Hills District for purchase of the six vehicles mounted with water tankers.
- (ii) Installation of Digital Display Boards at the Headquarters of coal mining affected Districts and Sub-Divisions and display thereon quality of water in ten worst polluted rivers/streams in the District/Sub-Division.
- (iii) Audit of the source of coal acquired by the power generation and cement plants in the State of Meghalaya.
- (iv) Mechanism to be adopted for effective action against illegal transportation of coal such as electronic manifest system for regulating movement of vehicles and issuance of challans.”

Order dated 04.01.2019:

“4.1.2 In view of the consistent failure of the State in enforcing the law, the Hon'ble NGT held the State to be liable to deposit a sum of Rs. 100 Crores with the Central Pollution Control Board (CPCB) to be spent for restoration of the environment. The Hon'ble NGT also observed that the Committee may consider seizure of equipment used for illegal mining or transportation, to be released only after payment of 50% of the showroom price of such equipment.

4.1.3. The Hon'ble NGT in the said order dated 04.01.2019 also suggested that the Committee may consider the following:

- (i) Any cranes and trucks found to be involved in illegal mining or transportation which have not yet been seized may also be seized. The seized vehicles or equipment be released by the 4

concerned District Magistrates only after recovering damages to the extent of 50% of the showroom price of the vehicles or equipment. The said amount may also be credited to the restoration fund.

(ii) Efforts be expedited to identify victims who have suffered at least since 01.07.2012 and to assess loss to the environment and the manner of restoration.

(iii) Disaster Management Plan for the whole of the area 'on site' as well as 'off site' needs to be prepared and put into operation.

(iv) Appropriate technology to replace rat hole mining.

(v) Resource (coal) audit of Meghalaya Power Limited and Star Cement Limited to ascertain the legitimate procurement of coal and its source.

Order dated 11.04.2019:

4.2.2 The Hon'ble NGT in the said order dated 11.04.2019 also noted the finding of the Committee that despite the order passed by the Hon'ble Supreme Court prohibiting transportation of coal, the same has not been stopped by the authorities for the reasons best known to them as well as another finding relating to non-installation of Digital Display Boards in the Sub-Division, Districts and the State Headquarters/Capital, displaying the quality of water in the respective areas for information of general public. The Hon'ble NGT, having regard to the submission of the learned counsel appearing for the State of Meghalaya directed that the aforesaid issues will be duly dealt with and a compliance report shall be filed before the committee within two weeks, directed the Committee to consider the same on its next sitting, i.e., on 25.04.2019. The committee was also given liberty to consider the matter and pass further orders/recommendations.

4.2.3 The Hon'ble NGT vide the said Order also directed that the Committee may consider requirement of foolproof mechanism to be adopted for effective action against transportation of illegally mined coal such as electronic manifest system for regulating movement of vehicles and issuance of challans and also may consider audit of resource of coal acquired by the Power Generation and Cement Plants in the State of Meghalaya.

Order dated 22.08.2019:

4.3.2 The Hon'ble NGT in the said Order dated 22.08.2019 also directed as below:

(i) For making available Central Armed Police Force (CAPF) the State of Meghalaya shall follow the same course of approaching the Central Government as has been done by them in the past in compliance of directions issued by the Hon'ble NGT vide order dated 25.03.2015. The Central Government may give due consideration to such proposal expeditiously.

(ii) As per directions of the Hon'ble Supreme Court, in the judgement dated 03.07.2019 the enforcement of directions of the Hon'ble Supreme Court for handing over coal already mined and lying at various places in Meghalaya to the Coal India Ltd may be looked into by the Committee in consultation with the officers of Coal India and the State of Meghalaya. The Committee may fix specific timeline for the purpose.

(iii) Learned Counsel for the State may ascertain whether the transportation under a Challan dated 13.08.2019 issued by the Divisional Mining Officer, Jowai with regard to transportation of the 'auctioned' mineral is in terms of the scheme prepared by the Committee in accordance with the directions of the Hon'ble Supreme Court and if not, remedial action may be taken. The Committee may look into this aspect and applicability of online electronic manifest system for regulating movements of vehicles and issuance of challans as per the Tribunal's order dated 11.04.2019.

(iv) The cement companies in question are directed to furnish the requisite information to the Committee, failing which this Tribunal may have to take coercive measures against the Chief Executive Officers of the companies. This aspect will be considered in the light of further report of the Committee.

(v) The Committee may also make its recommendations about the conduct of officers not cooperating in compliance of orders of the Hon'ble Supreme Court and this Tribunal so that the State may take appropriate action and inform this Tribunal."

10. Thereafter 04th, 05th and 06th reports were dealt with which are extracted below:-

"4th Interim Report dated 31.08.2019

In the 4th Interim Report the Committee considered the mechanism to deal with the complaints under Section 21 of the MMDR Act of illegal raising and transportation of coal, procedure for exercise of powers under Section 21 (5) of the MMDR Act, action to be taken in new cases of illegal mining/storage and transportation, action for preventing illegal mining and storage, recovery of fresh stock of coal extracted prior to ban, action for violation of Water (Prevention and Control of Pollution) Act, 1974 and EP Act apart from action under MMDR Act, steps for mitigating environment pollution caused by acidic water and emitting from the coal depots/dumps, mechanism in term of EIA Notification of 2006, video recording of consignments for illegal transportation of coal, scheme to reward informers giving information about illegal mining/transportation, establishing coal mine surveillance system and SOP to deduct illegal mining or dumping of coal, disposal of coal confiscated under Section 21(5) of MMDR Act, preparation of geological and feasibility report for scientific coal mining, execution of pilot project for treatment of acidic water and for afforestation and reclamation of coal mining affected land, preparation of draft

guidelines for utilization of amounts of MEPR fund including amount of Rs. 100 Crore transfer to CPCB, continuation of Prof. (retired) A.K. Singh, from Indian School of Mines, Dhanbad as Member of the Committee, recording of coal depots where coal is to be handed over to Coal India Limited by joint Committee. After due consideration the Committee has suggested the following directions:-

“The Hon'ble NGT may consider to pass the following directions:

1. The State of Meghalaya shall constitute a Monitoring Committee under Chairmanship of the Chief Secretary to undertake monthly review of actions taken by various 'Authorized Officers' to file complaints before concerned Courts of Law under Section 21 of the MMDR Act against the persons involved in illegal raising and transportation of coal. (para 5.1.2.12 (i))

2. The State of Meghalaya shall formulate guidelines stipulating therein a detailed procedure for exercise of the powers conferred on the State under sub-section (5) of section 21 of the MMDR Act to recover mineral raised unlawfully from such person or where such mineral has already been disposed to recover price thereof (para 5.1.2.12 (ii))

3. The State of Meghalaya shall mandatorily invoke provisions of sub-section (5) of section 21 of the MMDR Act in all new cases where illegal raising or storage or transportation of coal is detected in the State of Meghalaya. (para 5.1.2.12 (iii))

4. The State of Meghalaya shall in exercise of powers conferred by Section 23 (C) of the MMDR Act formulate rules for preventing illegal mining, transportation and storage of minerals and shall notify the same in the official Gazette within one month. (para 5.1.2.12 (iv))

5. In the cases where any person declares any fresh stock of coal purported to be extracted prior to imposition of the ban by the Hon'ble NGT, apart from other punitive actions, actions under sub-section (5) to section 21 of the MMDR Act to recover such coal shall mandatorily be initiated by the State of Meghalaya (para 5.1.2.12 (v)).

6. Subject to provisions of the Law of Limitation, the MSPCB and CPCB shall initiate necessary action to file complaints under relevant sections of the Water Act against persons involved in raising, storage and transportation of the coal reportedly extracted prior to imposition of ban on rat hole coal mining in the State of Meghalaya by the Hon'ble NGT in April 2014, transportation of which has been allowed by the Hon'ble NGT and the Hon'ble Supreme Court. (para 5.1.3.6 (i))

7. In case any fresh illegal mining, storage or transportation of coal in the State of Meghalaya is detected by the Police or District Administration or the Mining and Geology

Department, apart from initiation of proceedings under relevant provisions of the MMDR Act against the persons involved in such mining, storage and transportation of the coal, the same shall also be intimated to the MSPCB and CPCB for initiation of necessary actions to file complaint against relevant section(s) of the Water Act against such person. Details of all such cases detected after imposition of ban on illegal rat hole coal mining in April, 2017 shall also be communicated to the MSPCB and CPCB for similar actions. (para 5.1.3.6 (ii)).

8. In case any fresh raising of coal in the State of Meghalaya is detected by the Police or District Administration or the Mining and Geology Department, apart from initiation of proceedings under relevant provisions of the MMDR Act against the persons involved in such illegal raising of the coal, the same shall be intimated to the North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change, Government of India for initiation of necessary actions to file complaint against relevant section of the EP Act against such persons. Details of all such cases detected on or after 15.01.2016 shall also be communicated to the North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change, Government of India for similar actions. (para 5.1.4.3(i))

9. The CPCB and the MSPCB shall critically examine the regulatory regime presently in force to govern establishment and operation of coal depots/dumps in the State of Meghalaya and take necessary actions to fill gaps, if any, in such regime to prevent, minimize and mitigate environment pollution caused by acidic water emanating from such depots (para 5.2.3).

10. The State of Meghalaya shall within one month put in place a mechanism stipulated in Appendix XII of the EIA Notification 2006 to regulate transportation of coal in the State. No transportation of coal in the State of Meghalaya shall, after a period of one month, be allowed till such system containing all the features stipulated in the said Notifications is fully operationalized. (para 5.3.7 (i))

11. The State of Meghalaya shall operationalize a system to video record consignment of each truck passing through all probable routes likely to be used for illegal transportation of coal. The State of Meghalaya shall identify suitable locations which may cause least disturbance to non truck traffic and install a system of Close Circuit Cameras to ensure video recording of registration number and consignment of each truck passing through each such routes. To minimize inconvenience to non-truck traffic, feasibility of installation of such system at existing toll gates, checkpoints, parking lanes/ bays etc. may be explored. In case no such toll gates, check points, parking lanes/ bays etc. exist at the required locations, the State of Meghalaya in consultation with and/or assistance of the National Highways and Infrastructure Development Corporation

(NHIDCL) and/or National Highways Authority of India (NHAI) shall construct additional lanes to facilitate checking of trucks without causing inconvenience to other traffic. Temper proof continuous video recordings made at the check points shall be retained at least for a period of one year and shall periodically be reviewed / checked by the authorities in the Police, Civil Administration and Mining & Geology Department from time to time. (para 5.3.7 (ii))

12. State of Meghalaya shall within a month frame a scheme to suitable reward the informers in case the information on illegal mining and/or transportation of coal provided by such informers is found to be true. Confidentiality of the persons furnishing the information, shall at all cost be maintained so that such informer is not threatened by anyone who are interested in continuing coal mining activities. (para 5.3.7 (iii)).

13. The State of Meghalaya with the assistance of North Eastern Space Applications Centre (NESAC), Department of Space, Government of India, shall within a period of three months put in place a Coal Mine Surveillance System (CMSS) in the State of Meghalaya and also develop a Standard Operating Procedure (SoP) providing for effective follow up action, in case any illegal mining or dumping of coal is detected by the MSS. The CMSS to be developed may be similar to one which has already been developed by the Ministry of Mines and Indian Bureau of Mines (IBM) with assistance from the Bhaskaracharya Institute for Space Application and Geo-Informatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). (para 5.3.7 (iv)).

14. The coal which has either been recovered by the State in exercise of powers conferred under sub-section (5) of Section 21 of the MMDR Act or has been confiscated in favour of the State of Meghalaya by an order of a Court of Law and the coal which has been seized by the Officers Authorised by the State Government in this behalf disposal of which has been permitted by the concerned Competent Court of Law, shall be disposed of only through e-auction conducted by the Coal India Limited (para 5.3.7 (v)).

15. The State of Meghalaya shall expedite drilling of requisite number of bore-holes in 1 sq. km. area in Khliehriat-Sutnga area in East Jaintia Hills District and complete preparation of Geological Report and Feasibility Report for scientific coal mining in the said area within two months. (para 5.4.2.2 (i)).

16. The State of Meghalaya is allowed to use an amount of Rs. 4,15,000 (rupees four lakh fifteen thousand) only plus GST at the applicable rates for execution of a Pilot Project on treatment of acidic water at a Water Supply Scheme (WSS) under the Public Health Engineering (PHE) Department at Lelad village in East Jaintia Hills District by using micro-algae consortia as an alternative to lime solution by M/s.

Trinity Impex International & Phycospectrum Environmental Research Centre. {para 5.5.6.6 (i)}.

17. The State of Meghalaya and the CPCB are allowed to utilize an amount of Rs.40,36,500/- from the MEPR Fund to implement a pilot project for afforestation and reclamation of coal mining affected land and organization of a festival-cum-mass awareness programme submitted by the Principal Chief Conservator of Forest (Climate Change Research and Training), Govt. of Meghalaya and North Eastern Regional Directorate of the CPCB. (para 5.5.8.2 (i)).

18. The State of Meghalaya shall within one month formulate draft guidelines, strictly in conformity with the broad parameters suggested by the Justice Katakey Committee in its fourteenth Sitting held on 03.06.2019, for utilization of amounts available in the MEPR Fund in an expeditious and transparent manner and submit the same to the Committee. The Committee shall examine the draft guidelines and place the same along with its comments thereon before this Tribunal within one month of receipt of the guidelines. (para 5.5.9.8 (i)).

19. The amount available in the MFPR Fund including an amount of Rs. 100 Crores transferred to the CPCB in compliance of direction issued by the Hon'ble Supreme Court in paragraph 179 of Judgment dated 03.07.2019 in the Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya versus All Dimasa Student Union, Dima-Hasao District Committee and Ors. and other connected matters and the interest accrued thereon shall be used exclusively for implementation of Action Plan prepared by the Committee for restoration of environment in areas affected by coal mining in the State of Meghalaya. The Committee based on inputs received from various stakeholders or on its own motion may periodically review, revise and update the Action Plan. (para 5.5.9.8 (ii)).

20. Even after expiry of the term of his engagement as a Chair Professor at Indian School of Mines (IIT-ISM), Dhanbad, Professor (Retd.) A.K. Singh shall continue to be a member of the Committee as a representative of the Director, IIT-ISM, Dhanbad. (para 5.7.1.3 (i)).

21. Video recording of all the coal depots where the coal to be handed over to the Coal India Limited is presently lying, to be recorded by joint teams consisting of a representative from the Mining and Geology Department, Meghalaya State Pollution Control Board and the Coal India Limited, in the manner as directed by the Committee in its First Special Sitting held at Shillong on 12.07.2019 and use of high resolution satellite imageries for different time-intervals since the imposition of ban on coal mining by the Hon'ble NGT to ascertain continuous existence of all such coal dumps since imposition of ban on coal mining by this Hon'ble Tribunal in April 2014, shall be essential components of the Policy being formulated by the State

of Meghalaya for handing over of the coal to the Coal India Limited for disposal through e-auction. (para 5.7.4.7 (i)).

The Committee in this report dated 31.08.2019 has highlighted the various orders passed by the Hon'ble NGT, gist of various earlier reports submitted by it, the directions issued by the Hon'ble NGT on the said reports, relevant order passed by the Hon'ble Supreme Court and the issues examined by the Committee after submission of the second interim report, together with summary of recommendations for consideration of the Hon'ble NGT, as the Committee has completed one year from the date of its constitution by the Hon'ble NGT vide its order dated 31.08.2018."

5th Interim Report dated 02.12.2019

The 5th Interim Report mere the back ground of earlier proceedings, sums up the minutes of the meetings and analysis the information given by the industries and regulatory authorities at length and thereafter records findings and recommendations. The report has been uploaded on the website of the National Green Tribunal. The questions considered in the said report in para 2.2.6 are:-

1. Whether the specific coal requirement of aforementioned Cement Manufacturing Plants and a Thermal Power Plant of the Star Cement Limited and its subsidiaries is substantially lower than specific coal requirement stated in the respective TEFRs?
2. What is the actual specific coal requirement for the aforementioned Cement Manufacturing Plants and a Thermal Power Plant of the Star Cement Limited?
3. Whether it is technically feasible to use huge quantity of slate in lieu of coal without making any modification in design of these Plants?
4. Whether the afore-mentioned Plants of Star Cement Limited and its subsidiaries have actually used huge quantity of alternate fuel (*i.e.* Slate) in lieu of coal?
5. Whether slate, if used, has been used after obtaining all requisite regulatory approvals?

After analyzing the entire data the findings recorded are:-

"CHAPTER 3: FINDINGS AND RECOMMENDATIONS

1.1.1 FINDINGS

- 1.1.2 3.1.1 *Except for the clinker manufacturing plant of the Mawmluh Cherra Cement Limited (A State PSU) and Captive Power Plants of the Maithan Alloy Limited and the CMJ Breweries Private Limited, there is a huge gap in quantity of coal required to produce reported quantity of clinker and/or power and the coal reported to be purchased from legal sources during the Audit Period by all other*

Cement Manufacturing Plants and Thermal Power plants in the State of Meghalaya for which resource (coal) audit could be completed by the Committee. Year-wise quantities of the coal required to produce reported quantities of clinker and/or power, the coal actually purchased from legal sources and the gap between the two for each of these Plants are as below:

(metric tonnes)

Plant	Items	Year					Total
		2014-15	2015-16	2016-17	2017-18	2018-19	
1	2	3	4	5	6	7	
Star Cement Limited and its two subsidiaries	Coal required *	4,24,636	4,73,806	4,93,365	4,70,145	4,50,096	23,12,048
	Coal procured **	97,047	2,64,674	61,830	1,29,020	1,13,201	6,65,772
	Gap	3,27,589	2,09,132	4,31,535	3,41,125	3,36,895	16,46,276
Amrit Cement Limited and its captive TPP	Coal required *	84,323	1,06,548	1,05,745	1,00,155	1,46,919	5,43,690
	Coal procured **	3,861	88,165	38,785	74,978	31,833	2,37,622
	Gap	80,462	18,383	66,960	25,177	1,15,086	3,06,068
Dalmia Cement (Bharat) Limited and its Captive TPP	Coal required*	2,00,028	2,01,797	1,94,234	2,22,215	2,56,324	10,74,598
	Coal procured **	17,433	98,296	56,208	1,07,092	54,478	3,33,507
	Gap	1,82,595	1,03,501	1,38,026	1,15,123	2,01,846	7,41,091
Goldstone Cement Limited and its Captive TPP	Coal required*	0	0	39,652	1,15,104	1,47,919	3,02,675
	Coal procured **	0	0	5,918	21,295	4,946	32,159
	Gap	0	0	33,734	93,809	1,42,973	2,70,516
Green Valley Industries Limited	Coal required *	58,205	55,262	57,505	64,673	65,398	3,01,043
	Coal procured **	44,844	50,555	46,762	51,068	30,278	2,23,507
	Gap	13,361	4,707	10,743	13,605	35,120	77,536
Hill Cement Company Limited	Coal required *	18,397	32,158	38,548	30,600	35,085	1,54,788
	Coal procured **	0	11,989	9,797	2,248	13,347	37,381
	Gap	18,397	20,169	28,751	28,352	21,738	1,17,407

JUD Cements Limited	Coal required *	29,761	38,604	23,994	28,249	20,576	1,41,184
	Coal procured **	0	16,348	2,099	377	370	19,194
	Gap	29,761	22,256	21,895	27,872	20,206	1,21,990
Meghalaya Cements Limited and its Captive TPP	Coal required *	1,43,334	1,72,873	1,53,873	1,84,291	1,85,140	8,39,511
	Coal procured **	96,533	44,686	45,968	54,012	53,987	2,95,186
	Gap	46,801	1,28,187	1,07,905	1,30,279	1,31,153	5,44,325
Captive TPP of Shyam Century	Coal required *	54,499	46,959	88,743	58,563	29,497	2,78,261
	Coal procured **	43,576	32,461	72,086	13,704	4,960	1,66,787
	Gap	10,923	14,498	16,657	44,859	24,537	1,11,474
Ferrous Limited	Coal required *	10,13,18 3	11,28,007	11,95,65 9	12,73,99 5	13,36,95 4	59,47,798
	Coal procured **	3,03,294	6,07,174	3,39,453	4,53,794	3,07,400	20,11,115
	Gap	7,09,889	5,20,833	8,56,206	8,20,201	10,29,55 4	39,36,683

*: Coal required to produce reported quantities of clinker and/or power

**: Coal reported to be procured from legal sources.

3.1.2 The Committee is of the view that the entire gap of 39.37 lakh MT between the quantity of the coal required to produce reported quantity of the clinker and the electrical power and the coal purchased from legal sources by these Plants during the Audit Period constituting about two-third of the coal requirement of these plants during the Audit Period has been met from the illegally mined local coal. Demand for a huge quantity of illegally mined coal from these plants has sustained and supported a wide scale illegal rat-hole coal mining in the State of Meghalaya in flagrant violation of a ban imposed by the Hon'ble NGT.

3.1.3 Continuance of illegal rat-hole coal mining in the State of Meghalaya to meet the huge requirement of coal for these Cement Manufacturing Plants and the Thermal Power Plants have caused huge damage to flora, fauna, rivers, streams, water bodies and the environment in general in the State of Meghalaya. It has also made

the ban imposed by the Hon'ble NGT on illegal rat-hole coal mining virtually inoperative.

3.1.4 No royalty, taxes and any other statutory levies has been paid to the State of Meghalaya on the illegally mined coal utilised by these Cement Manufacturing Plants and Thermal Power Plants during the Audit Period resulting in a huge loss to the State exchequer. In fact ban on the illegal rat-hole coal mining in the State of Meghalaya came as a boon to these Cement Manufacturing Plants and Thermal Power Plants in the State of Meghalaya as it virtually exempted them from the requirement of payment of royalty, taxes and other statutory levies payable on more than two-third of the coal consumed by them. The amounts of royalty (@ Rs. 675 per MT), contribution to Meghalaya Environment Protection and Restoration Fund (MEPR Fund) at the rate of Rs. 485 per MT and GST/VAT @ 5 % of the sale value of approx. Rs. 8,000 per MT amounting to Rs 400 per MT) payable on the illegally mined coal utilised by each of these Cement Manufacturing Plants and Thermal Power Plants during the Audit Period are as below:

S. No.	Plant	Qt. of illegal coal used (MT)	Royalty	MEPRF	GST/VAT	Total
1.	2.	3.	4.	5.	6.	7.
1.	Star Cement Limited and its two subsidiaries	16,46,276	111.124	79.844	65.851	256.819
2.	Amrit Cement	3,06,068	20.660	14.844	12.243	47.747
3.	Dalmia Bharat Cement Ltd	7,41,092	50.024	35.943	29.644	115.610
4.	Goldstone Cement Ltd.	2,70,516	18.260	13.120	10.821	42.200
5.	Green Valley Industries Ltd.	77,536	5.234	3.760	3.101	12.096
6.	Hill Cement Ltd.	1,17,407	7.925	5.694	4.696	18.315

7.	JUD Cement Ltd.	1,21,990	8.234	5.917	4.880	19.030
8.	Meghalaya Cement Ltd.	5,44,325	36.742	26.400	21.773	84.915
9.	Shyam Century Ferrous Ltd.	1,11,474	7.524	5.406	4.459	17.390
	Total	39,36,684	265.726	190.929	157.467	614.123

3.1.5 The royalty and VAT/GST amounting to Rs. 423.194 Crore payable on illegally mined coal utilised by the Cement Manufacturing Plants and Thermal Power Plants, if realised and properly utilised, can significantly enhance living standard of the tribal residents, especially those residing in the areas affected by such illegal coal mining, of the State. Similarly, an amount of Rs. 190.929 Crore payable to MEPR Fund for the said illegally mined coal utilised by these Plants, if properly utilised, may greatly help in restoration of flora, fauna, rivers, streams, water bodies and the environment in general damaged by illegal rat-hole coal mining in the State of Meghalaya.

3.1.6 Claim of these Cement Manufacturing Plants and Thermal Power Plants that about two-third of their coal requirement have been met by a non-fuel mineral (i.e. slate) without making any change in the design of these plants is not tenable. The Committee, based on a detailed analysis given in para 2.2.26 to 2.2.52, is of the view that it is neither technically feasible nor legally permissible for these plants to replace more than two-third of their coal requirement by a non-fuel mineral such as slate.

3.1.7 These Plants have purchased illegally mined local coal in the name of slate to circumvent the ban imposed by the Hon'ble NGT on illegal rat-hole coal mining in the State of Meghalaya and also to evade payment of royalty, GST/VAT and other statutory levies and contribution to MEPR Fund on the coal utilised by them.

3.1.8 Even for the sake of an argument it is assumed that the claim of these plants that more than two-third of their coal requirement during the Audit Period has been met by a non-fuel mineral (viz. slate) without making any change/modification in the design of these plants is true, it would have caused equal, if not more, damage to the flora, fauna, rivers, streams, water bodies and the environment in general in the State of Meghalaya as all such slate has admittedly been mined in an unscientific and haphazard

manner without any mitigative measures and without obtaining mandatory mining lease, consent to establish, consent to operate, environmental clearance and authorisation/no-objection certificate from the State Pollution Control Board in a flagrant violation of the existing mining, environmental, pollution control and labour safety laws.

3.1.9 Transportation and use of a huge quantity of illegally mined coal by these plants could not have escaped notice of regulatory authorities, both in the State of Meghalaya and the Union of India. It could not have escaped notice to the District and police administration. Instead of taking actions to prevent use of illegally mined coal by these plants and to initiate appropriate proceedings under relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957; the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 against these Plants for use of illegally mined local coal, the regulatory authorities have tried to regularise/justify the use of illegally mined coal by accepting royalty on slate claimed to be used by these plants and by supporting the claim of these Plants that it is technically and legally feasible to replace two-third of the coal requirement of these plants by a non-fuel mineral such as slate and the slate can be used by these plants as a waste without obtaining any clearance under the Mines and Minerals (Development and Regulation) Act, 1957; the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986 and the rules, regulations & guidelines framed thereunder.

3.1.10 As per information provided to the Committee by the Mining and Geology Department in the State of Meghalaya, none of these plants participated in a public auction conducted by the State of Meghalaya to sell more than 38,000 MT of seized coal available at locations in close vicinity of majority of these plants. The Committee therefore is of the view that a major part of the coal requirement of these plants is still being met from illegally mined local coal.

3.2 RECOMMENDATIONS

3.2.1 To put a stop to the illegal rat-hole mining of the coal being undertaken in the State of Meghalaya in flagrant violation of the mining, environmental and labour safety laws as well as the orders issued by the Hon'ble Supreme Court and the Hon'ble NGT to meet the requirement of the coal for the Cement Manufacturing Plants and Thermal Power Plants in the State of Meghalaya and also to restore damage caused the flora, fauna, rivers, streams, water bodies and environment in general by illegal rat-hole coal mining, the Committee recommends that the Hon'ble NGT may consider to issue the following directions:-

1. *The Chief Secretary of the State of Meghalaya shall undertake monthly review the quantity of clinker and/or power produced by each Cement Manufacturing Plants and Thermal Power Plant in the State of Meghalaya and the quantity of coal purchased by each such plant from legal sources to produce such reported quantities of clinker and/or power. Such review for a month shall be undertaken on or before tenth day of the next month. A quarterly report stating therein the month-wise quantities of clinker and/or power produced, quantity of coal consumed to produce such quantities of clinker and/or power by each such plant and action(s), if any, taken against any such plant in case of any anomaly observed during the review shall be submitted to this Tribunal by the Chief Secretary, Meghalaya. Such report for a quarter shall be submitted to this Tribunal on or before fifteenth day of the next quarter.*

2. *The State of Meghalaya; the Ministry of Environment, Forest and Climate Change, Government of India and the Meghalaya State Pollution Control Board shall initiate proceedings in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957; the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 the Environment (Protection) Act, 1986 and the rules, regulations & guidelines framed thereunder against each of the Cement Manufacturing Plants and the Thermal Power Plants who have used illegally mined local coal after a ban on the rat-hole coal mining in the State of Meghalaya was imposed by this Tribunal in the month of April, 2014.*

3. *The State of Meghalaya shall realise royalty, GST/VAT, contribution to the MEPR Fund and any other statutory tax and/levy payable on the illegally mined coal utilised by these Cement Manufacturing Plants and the Thermal Power Plants in the State of Meghalaya after the ban on illegal rat-hole mining in the State of Meghalaya was imposed by this Tribunal in April 2014.*

4. *To restore the damage caused to the flora, fauna, rivers, streams, water bodies and the environment in general by illegal rat-hole mining of coal and also to mitigate the suffering caused to the local tribal residents by the illegal rat-hole coal mining, the State of Meghalaya shall realise from each of the aforementioned Cement Manufacturing Plants and Thermal Power Plants who have used illegally mined local coal after a ban on illegal rat-hole coal mining was imposed by this Tribunal in the month of April 2014, an amount of Rs. 400 per tonne of coal to be utilised by each such plants on or after the date of this order and deposit the same in the MEPR Fund. Such amount for coal utilised during a month shall be realised on or before fifteenth day of the next month. Not less than fifty percent of these amounts shall be utilised for restoration of damage caused to the flora, fauna, rivers,*

streams, water bodies and the environment in general by illegal rat-hole mining of the coal in the State of Meghalaya. The balance amounts shall be utilised for socio-economic development of the tribal residents in areas affected by the coal mining in the State of Meghalaya. It is clarified that the afore-mentioned amount of Rs. 400 per MT of coal shall be in addition the contribution to MEPRF at the rate of Rs. 485 per MT of coal already being realised by the State in compliance of earlier orders of this Tribunal. The Chief Secretary, Meghalaya shall formulate draft guidelines for utilisation of these amounts and place the same before the Committee constituted by this Tribunal under Chairmanship of Mr. Justice B.P. Katakey, former Judge, Guwahati High Court. The Committee shall within one month from the date of receipt, examine the draft guidelines and place the same along with the comments/observation before this Tribunal for approval.

5. The North Eastern Regional Directorate of the CPCB shall complete audit of coke claimed to be utilised by the Jaintia Cement Limited and the Virgo Cement Limited and submit a report to the Committee constituted by this Tribunal under Chairmanship of the Mr. Justice B.P. Katakey, former Judge, Guwahati High Court. The North Eastern Regional Directorate of the CPCB shall also submit the report sought by the said Committee in respect of the Captive Thermal Power Plant of Shree Shakambari Ferro Alloys Pvt. Ltd.”

6th Interim Report dated 3.12.2019

The 6th Interim Report deal with the objections raised by the State of Meghalaya before the Committee on the ground that the same is in violation of directions of the Hon'ble Supreme Court. After elaborate discussion of each and every objections raised by the State. The Committee summarized its recommendations as follows:-

“CHAPTER- 6: SUMMARY OF RECOMMENDATIONS

6.1 The Committee recommends that the Hon'ble NGT may consider to pass the following directions:

1. The State of Meghalaya shall, immediately, provide to the North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam, the location (latitude and longitude) and other details of each dump where coal to be auctioned is located. The NEASC, shall within one week from the date of receipt of these details prepare a geo-referenced map depicting the

location of each of these dumps and provide a copy of the same to the Secretary to the Government of Meghalaya, Mining and Geology Department and the Coal India limited for placing a copy thereof along with a list containing name and address of the owner and quantity of coal available at each such dump on their respective websites. (Para 2.20 WI

2. The Secretary to the Government of Meghalaya, Mining and Geology Department shall, immediately, place on website of the Department a copy of the additional affidavit containing details of 32,56,715 MT coal stated to be available at various depots filed before the Hon'ble Supreme Court on 10.04.2019 by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department . (Para 2.20 (ii))
3. The North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam shall undertake land-use land-cover analysis of areas where coal to be handed over to the Coal India Limited is located by using high resolution satellite imageries for the following period:
 - (a) Immediately before the illegal rat-hole mining of coal was banned by this Tribunal by an order dated 17.04.2014; (Para 2.20 (iii) (a))
 - (b) Immediately before the additional affidavit dated 10.04.2019 containing details of 32,56,715 MT coal stated to be available at various depot was filed before the Hon'ble Supreme Court by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department; and (Para 2.20 (iii) (b)).
 - (c) Once in the year 2015, 2016, 2017 and 2018, preferable in the month of April. (Para 2.20 (iii) (c))
4. Based on the said land-use land-cover analysis, the NESAC shall divide the coal available at each of the depot where the 32,56,715 MT coal is stated to be available into three categories namely:
 - (a) The coal continuously existing at the depot since the ban on the illegal rat-hole mining was imposed by this Tribunal on 17.04.2014; (Para 2.20 (iv) (a))
 - (b) The coal dumped at the depot after the filing of additional affidavit before the Hon'ble Supreme Court on 10.04.2019; and (Para 2.20 (iv) (b))
 - (c) The coal dumped at the depot on any day between 17.04.2014 and 10.04.2019. (Para 2.20 (iv) (c)).
5. The finalisation of the mode and manner for handing over of the coal to the Coal India Limited and the disposal of the coal by the Coal India Limited through e-auction shall

not wait completion of the afore-mentioned study by the NESAC the amount realised from sale of such coal will however not be disbursed to the respective owner till the said study in respect of such coal is completed by the NESAC. (Para 2.20 (v))

6. *The amount realised from auction of the coal shall be disbursed in the following manner:*

(a) *The State of Meghalaya shall exercise the powers vested on it under subsection (5) of section 21 of the Mines and Mineral (Development and Regulation) Act, 1957 and recover the amounts realised from the auction of the coal which was dumped at the depot after 10.04.2019 and transfer all such amounts along with taxes/royalty/levies realised thereon to the Consolidated Fund of the State of Meghalaya. Contribution to the MEPR Fund realised for such coal shall be transferred to the MEPR Fund. (Para 2.20 (vi) (a))*

(b) *Amounts realised from the sale of the coal which is continuously available in at the Depot shall be transferred to the respective owner. Taxes/royalty/levies realised on such coal shall be transferred to the Consolidated Fund of the State of Meghalaya. Contribution to the MEPR Fund realised for such coal shall be transferred to the MEPR Fund. (Para 2.20 (vi) (b))*

(c) *Details of all such coal which was dumped at a depot between 17.04.2014 and 10.04.2019 shall be placed before the Hon'ble Supreme Court. Disbursal of amounts realised from the sale/auction of such coal shall be done in the manner the Hon'ble Supreme Court may stipulate. (Para 2.20 (vi) (c))*

7. *The State of Meghalaya and the Coal India Limited shall provide all the information and documents sought by the Katakey Committee for finalization of mode and manner of handing over of the coal available at various Depots to the Coal India Limited. The Committee shall finalize the mode and manner for handing over of the coal available at various depots to the Coal India Limited strictly in conformity with the directions issued by the Hon'ble Supreme Court. The State of Meghalaya and the Coal India Limited shall abide by the mode and manners finalised by the said Committee. (Para 2.20 (vii)).*

8. *To resolve disputes involving adulteration of coal quality in a lot between the day it is notified for auction and the day on which entire coal available in such lot is lifted*

by the successful bidder the collection and maintenance of reference samples by the Coal India Limited in the manner and for a period provided for collection and maintenance of such samples in the normal process of disposal of coal through e-auction by the Coal India Limited shall be an integral component of the mode and manners for handing over of the coal to the Coal India Limited. (Para 2.20 (viii)).

9. *The mode and manner for handing over of the coal to the Coal India Limited shall contain time-lines for each step involved in handing over of the assessed coal to the CIL and its subsequent auction by the CIL. (Para 2.20 (ix))*

10. *Nature of records to be maintained and the authorities responsible to maintain each such record shall be specified in the mode and manner for handing over of the coal to the Coal India Limited. (Para 2.20 (x)).*

11. *Number of officers of different ranks to be deployed by the Coal India Limited to plan, execute and monitor disposal of the coal through e-auction shall be specified in the mode and manner to be finalised by the Katakey Committee. (Para 2.20 (xi))*

12. *Reserve Price of the coal to be auctioned shall be fixed by the Coal India Limited as per its existing rules and policies for disposal of the coal through e-auction. (Para 2.20 (xii))*

13. *The Coal India Limited, the State of Meghalaya, the owner of the coal and their officers/employees shall be responsible for their respective acts of omission and commission in any dispute which may arise relating to quality and quantity of the coal stated to be available at various depots. (Para 2.20 (xiii)).*

14. *The mode of manner for handing over of the coal to the Coal India Limited shall provide for a legally tenable and practically feasible dispute resolution framework. (Para 2.20 (xiv)).*

15. *The State of Meghalaya shall install and make fully functional, within a month, a system involving establishment of a centralised server, uploading of transport permit/challans and tracking of coal loaded trucks through GPS and RFID tags as stipulated in the said Appendix-X[1 to the EIA Notification, 2016 to prevent and detect multiple use of transport permit/challans. Transportation of the coal in the State of Meghalaya shall not be permitted till the said system is made fully operational. (Para 2.20 (xv)).*

16. *The State of Meghalaya and the Meghalaya State Pollution Control Board shall initiate necessary actions to file compliant under relevant sections of the Mines and Mineral (Development and Regulation) Act, 1957, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 against the persons responsible for raising of transportation of all such coal which was dumped at any such depot on or after 10.04.2019. (Para 2.20 (xxvi)).*

17. An agency not under superintendence and control of the State of Meghalaya shall enquire into the matter of export of illegally mined coal to Bangladesh, in the guise of coal permitted to be transported by various orders passed by the Hon'ble NGT and the Hon'ble Supreme from time-to-time, identify the person(s) responsible for such export and file complaint before the concerned competent Courts of Law under relevant provisions of the Law against all such persons. (Para 3.20 (i))

18. The State of Meghalaya shall place before this Tribunal the periodical details (viz. name & full address) of the exporter for each consignment of coal originating from the Meghalaya which was allowed by the Mining and Geology Department in the Government of Meghalaya for export to the Bangladesh from each of the seven LCS in Meghalaya since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014. (Para 3.20 (ii))

19. The State of Meghalaya shall initiate necessary actions in accordance with provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 against the persons responsible for export of the illegally raised coal to the Bangladesh from each of the seven LCSs in the State of Meghalaya in the guise of the coal permitted to be transported by the Hon'ble NGT and the Hon'ble Supreme Court by order passed from time-to-time. The actions to be initiated against such persons shall include actions under sub-section (5) of Section 21 of the said Act to recover price of such illegally raised coal along with rent, royalty or tax, as the case may be, payable to the Government in respect of such coal. (Para 3.20 (iii))

20. In case the coal reported to be available at several location between the DMR Checkgate/weighbridge and the Custom exit point at Gasuapara and such other Custom exit points in the State of Meghalaya is not a part of the 32,56,715 MT assessed coal to be handed over to the Coal India Limited for disposal through e-auction the Mining and Geology Department in the State of Meghalaya initiate necessary actions in accordance with provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 against the persons responsible for raising and transportation of such coal and submit a report to this Tribunal. Such action shall include actions under sub-section (5) of section 21 of the said Act to recover all such illegally raised coal. (Para 3.20 (iv)).

21. The State of Meghalaya shall within three months, establish integrated check post and temper-proof weigh-in-motion weighbridge at each of the seven LCSs in the State of Meghalaya. Each such integrated check-post and weigh-in-motion weighbridge shall jointly be manned by the representative, one each from the Mining and Geology Department and the Forests & Environment Department in the State of Meghalaya and the Border Security Force (BSF) and the Customs Department in the Union of India. Each such integrated check-post and weigh-in-motion

weighbridge shall be provided with an adequate number of CCTV cameras to ensure video recording of the registration number and the consignment loaded in each truck passing through such integrated check-post and the weighbridge. The network of CCTV cameras to be installed at the weighbridge shall also ensure video recording of the display panel indicating weight of each truck passing through such weighbridge. The footage of each CCTV camera installed at each integrated check-post and the weighbridge shall be retained for a minimum period of one year. (Para 3.21 (i))

22. Vigilance wing in the Customs and the BSF in the Union of India and the Home (Police) Department in the State of Meghalaya shall undertake regular inspection of the integrated check-posts and weigh-in-motion weighbridge and submit a quarterly report on such inspections to the Chief Secretary, Meghalaya and their respective Departmental Heads. (Para 3.21 (ii)).

23. The Director General of Police, Meghalaya shall ensure that all the person and vehicles, equipment, tools and machineries involved in raising and transportation of about 80,000 MT seized by the Meghalaya Police are identified and necessary action as per the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and all other relevant Statutes and the rules framed thereunder are taken against all such persons and vehicles, equipment, tools and machineries. The similar actions shall also be taken for the coal, if any, to be seized in future. A monthly report on all the cases where the persons and vehicles, equipment, tools and machineries involved in raising and transportation of the seized coal could not be identified shall be submitted. (Para 4.19. (i))

24. The Director General of Police shall provide to the Meghalaya State Pollution Control Board details of persons involved in illegal mining and transportation of the coal. The Meghalaya State Pollution Control Board shall file complaint before the concerned competent Court of Law under relevant sections of the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the rules, guidelines and notifications issued thereunder against such persons. (Para 4.19 (ii)).

25. The State of Meghalaya shall formulate a comprehensive policy for auction of the seized coal and place a copy of the same before this Tribunal within a month. The policy shall provide, among others, establishment of a centralised depot in each coal mining affected district for safe and scientific storage of the seized coal and disposal of the seized coal in a fair and transparent manner after giving wide publicity. The Policy shall specifically provide that no coal shall be disposed of without giving a prior notice of at least thirty (30) days. The copy of each such notice shall be published in at least two prominent dailies having wide circulation. (Para 4.19 (iii)).

26. The State of Meghalaya shall, within a month, formulate a simple procedure for verification of the claims for receipt of ex-gratia from the labourers who received injuries while working in illegal rat-hole coal mines in the State of the Meghalaya and also from the next-of kin of laborers who were killed while working in such mines. Such procedure may contain adequate safeguards to detect, deter and reject false claims. (Para 5.4 (1)).

27. State of Meghalaya shall disburse an amount of rupees five lakh to next of kin of each of the labourers who were killed while working in any illegal rat-hole coal mining in the State of Meghalaya including the labourers which were killed in a tragic accident in an illegal rat-hole mine in Ksan village in East Jaintia Hill district in December 2018. {Para 5.4 (ii)}.

28. State of Meghalaya shall disburse an amount of rupees five lakh to next of kin of each of the labourers who were killed and rupees two lakh to each of the labourers who received serious injuries while working in any illegal rat-hole coal mining in the State of Meghalaya including the labourers which were killed or received serious injuries in a tragic accident in an illegal rat-hole mine in Ksan village in East Jaintia Hill district in December 2018 and in South Garo Hills District in the year 2012.

29. State of Meghalaya, Meghalaya State Pollution Control Board and Central Pollution Control Board, shall implement the Action Plan prepared by the Committee, with modification wherever required and submit periodical report.

Before parting with the report, the Committee expresses its sincere gratitude to the Hon'ble National Green Tribunal in giving the opportunity to work on the subject.”

11. The said three reports were considered as follows:-

“1to19...xxx.....xxx.....xxx

20. We have perused objections to the reports of the Committee dated 31.08.2019, 02.12.2019 and 03.12.2019 filed by the State of Meghalaya. During the hearing, we confronted learned senior counsel for the State of Meghalaya with the fact that since work of the Committee has been commended by the Hon'ble Supreme Court as well as by this Tribunal earlier, the nature of objections is not appreciable. Learned senior counsel fairly stated that he will not press the objections. In the response to the report, he merely handed over a note to submit that some of the recommendations were not feasible. We quote the relevant part of the note to consider the said objections:-

S. N.	Recommendation	Not feasible	Reasons for being non-feasible
“			

1	<p>i. The State of Meghalaya shall provide NESAC the Longitudes & Latitudes of each dump where coal is to be auctioned.</p> <p>ii. NESAC to prepare geo-reference mapping for location of each dump and give it to State and CIL.</p> <p>iii. State and CIL will put it on their website.</p>	√	<ul style="list-style-type: none"> • Duplication of exercise of identification of sale-points. • Geo-referencing details already there in affidavit filed by State which has been provided to CIL and the same will be put up on website. • In terms of para 48 and 187-192 of the judgment of Supreme Court this exercise is not required.
2	NESAC to conduct annual land-use land cover analysis to determine continuous existence of coal on the sale point.	√	<ul style="list-style-type: none"> • Unnecessary exercise. • Supreme Court observed in Para 189 that All this 32,56,715 coal is illegally mined. • Yet directed its disposal thorough CIL and disbursal of funds to owners in paras 192-192.
3.	NESAC shall then divide each sale-point into 3 categories, viz. (i) Coal continuously existing (ii) Dumped after 17.04.2014 (iii) Dumped after filing of affidavit		Same as in respect of 2 above
4.	Money realized from auction of coal shall not be disbursed till NESAC study is completed		Same as in respect of 2 above
5.	Amount realized shall be disbursed in following manner: (i) For Coal existing prior to 17.04.14-immediately. (ii) For coal dumped between 17.4.14 and filing of affidavit to be placed before SC for further direction. (iii) For coal dumped thereafter – All money to be transferred to State funds.	√	<ul style="list-style-type: none"> • Contrary to Supreme Court judgment. Even after observing in Para 189 that ALL this 32,56,715 Coal is illegally mined, SC directed its disposal thorough CIL and disbursal of funds to owners in Para 192. • In para 186 the Supreme Court has affirmed ownership of private miners on all this 32,56,715 MT Coal and held that their proprietary rights are not extinguished.
6.	Collection and maintenance of samples from each lot for purpose of future dispute resolution.	√	<ul style="list-style-type: none"> • There are more than 20,000 sale points. • Further, the auction is on '<u>As is where is</u>' basis and <u>prospective bidders are being given 14 days' time to physically verify the quantity and quality of coal lying at the dump.</u> • <u>Owners are also mandated to submit NABL accredited lab certificate as to grade and sulfur content of Coal before their dump is notified for auction</u> and the same shall be part of auction notice.
7.	Reserve Price of Coal to be auctioned shall be fixed by CIL as per their existing policy.	√	<ul style="list-style-type: none"> • CIL has refused to do so in meeting dated 14.10.2019 and again on 02.12.2019 on the ground that it is not practically possible or technically and financially feasible for CIL to physically verify the quality of each lot of Coal located at 20,000 sale points for fixation of reserve price which is also dependent upon the cost of transportation of the same. • CIL submitted that it has no experience of coal mining in

			<p>conditions like Meghalaya and has no experience of lifting and transportation of coal in such terrain where most of the stocks can be assed only through smaller four-wheel trucks and the hilly roads also cannot bear the load of huge quantity of coal being transported simultaneously.</p> <ul style="list-style-type: none"> • These factors substantially affect the reserve price fixation of Coal. • The State of Meghalaya is having more experience of the coal mining and coal trading practices in the State of Meghalaya and having such domain knowledge of marketability of such Coal, is better suited to fixe reserve price.
8.	CIL / State of Meghalaya/ owner/employee/ officer shall be liable for disputes relating to quality and quantity	√	<ul style="list-style-type: none"> • The question of providing a Dispute Resolution Process in the plan does not arise because Auction is on 'as is where is' basis and Prospective bidders are allowed to inspect the lot before bidding. Hence, no liability of CIL and State of Meghalaya thereafter. • However, in case of a dispute between the seller and the buyer the remedy under ordinary law of the land is always available to them.
9.	To provide legally tenable and practically feasible Dispute Resolution Mechanism	√	<ul style="list-style-type: none"> • Same as in respect of 8 above.
10.	Enquiry by an outside Agency into compliants of alleged export of illegally mined coal to Bangladesh and prosecution of persons involved in such alleged illegality	√	<ul style="list-style-type: none"> • It will be an encroachment on executive powers of the State. • As submitted before the Committee, enquiry has already been initiated by the State and appropriate action in accordance with law shall be taken.
11.	State of Meghalaya to disburse an amount of 5 lakh to each labourer deceased in Ksan mine incident of Dec. 2018	√	<ul style="list-style-type: none"> • PIL being W.P. (C) No. 3 of 2019 has been filed in Hon'ble Supreme Court on that incident. • The Hon'ble Supreme Court observed that compensation is required to be paid to kin of victims in order dated 25.02.2019. • State filed I.A. No. 77028/19 on 06.05.2019, inter-alia informing the Court that 3 lakh ex-gratia payments has already been made qua each victim. • The Hon'ble Supreme Court closed all the issues except formulation of Standard Operating Procedure to deal with such mining incidents vide order dated 12.07.2019.
12.	State of Meghalaya to pay 5 lakh for each death and 2 lakh for each injury in above incident as well as for the incident reported in South Garo Hills District in 2012.	√	<ul style="list-style-type: none"> • For 2012 incident, ex-gratia payment has already been made to those who came forward to make claims and whose claims were found to be genuine.

21. We have considered the above objections. We are unable to appreciate the reasons for the stand that the recommendations are not feasible. Even if the exercise is considered by the State to be unnecessary, no serious difficulty is shown in doing so. We are unable to hold that any of the direction is against the order of the Hon'ble Supreme Court or not feasible. The dispute resolution process recommended is certainly conducive to the handling of the long pending issues and is necessary for facilitating compliance of the directions for disposal of illegal mined material and the mandate of law. We, thus, reject the objections of the State of Meghalaya. It is a matter of regret that State of Meghalaya, has by uncalled for objections, created a situation to hamper a credible mechanism set up by this Tribunal and approved by the Hon'ble Supreme Court by practically compelling the Chairman of the Committee to seek recusal.

Directions

22. Under the circumstances, while accepting all the recommendations of the Committee in its 04th Interim Report dated 31.08.2019, 05th Interim Report dated 02.12.2019 and 06th Interim Report dated 03.12.2019, we also accept the request of Justice B.P. Katakey, former Judge, Guwahati High Court to be relieved.

23. Without in any manner meaning to dilute the exhaustive recommendations of the Committee, the substance of the recommendations of the Committee can be summed up to include monitoring of illegal raising and transportation of coal by the Chief Secretary of the State; steps for punitive measures for illegal mining – filling up gaps in the regulatory regime; action for preventing minimizing and mitigating environment pollution by acidic water from coal depots; electronic recording of movement of coal including by way of GPS and RFID Tags and having a central server for the purpose; inspection of wings of BSF and vigilance department; establishing and supervising check posts and weigh bridges; utilization of the compensation amount for legitimate purposes in terms of the recommendations in the report; continuing Prof. A.K. Singh, nominee, IIT-ISM, Dhanbad as member of the Committee; monitoring of sourcing of illegally mined coal by cement manufacturing/thermal power plants for enforcement of mining law, including punitive and remedial actions for sourcing of illegally mined material, as found by the Committee; conducting necessary audit; study of land use and land cover analysis; drilling of bore holes in Khlihirt-Sutnga area in East Jaintia Hill District; preparation of geological report and feasibility report for scientific coal mining; compiling information about location of dumps of coal; finalizing mode and manner of handling of coal and its disposal including e-auction; transfer of coal to Coal India Limited; monitoring of illegal export of coal to Bangladesh by an independent agency; adopting satellite surveillance systems; action by the State PCB for enforcement of environmental norms; verification of

claims of victims and disbursement of payments to them in the manner suggested by the Committee; implementing action plan prepared by the Committee by the State PCB etc. Compliance of all the recommendations may need to be closely monitored by the Committee.

24. On suggestion of State of Meghalaya, we substitute Justice B.D. Agarwal, former Judge, Guwahati High Court as Chairman of the Committee. We are informed that Justice B.D. Agarwal is Judicial Member of Lokayukt of Manipur State but is willing to undertake the present assignment subject to the State of Manipur relieving him or otherwise permitting him to do so. The State of Manipur may consider this aspect in consultation with Justice B.D. Agarwal. Subject to there being no objection, Justice B.D. Agarwal may take up the assignment at the earliest. The Committee may furnish its further action taken report after three months preferably by 30.04.2020 by e-mail at judicial-ngt@gov.in.”

Consideration of 7th report - NGT order dated 27.07.2020

12. The matter was last considered on 27.07.2020 in the light of 7th report of the Committee filed on 30.04.2020 as follows:-

“1to7..xxx.....xxx.....xxx

8. We have gone through the report with the assistance of the learned Counsel appearing today. The report substantially deals with finalization of comprehensive plan prepared by the Government of Meghalaya for handing over of extracted coal to CIL for auction and measures for restoration of the environment.

9. With regard to handing over of extracted coal to CIL for auction, the recommendations of the Committee are:

“1.The Committee approved the suggestion of the Mining and Geology Department officials for permitting transport and auction of 2 (two) lakhs MT of coal which is distributed over four coal bearing Districts in Meghalaya viz. East Jaintia Hills, West Khasi Hills, South Garo Hills and South West Khasi Hills. in the first phase. The transport and auction of the aforesaid quantity of coal has been approved by the Committee on an experimental or pilot basis. In Phase — I the Committee allows the Government of Meghalaya to hand over to Coal India Limited for auction the following quantities of coal in respect of each of the four coal bearing districts of Meghalaya:

- (i) East Jaintia Hills - 75.000 MT
- (ii) West Khasi Hills - 50.000 MT
- (iii) South Garo Hills - 50.000 MT
- (iv) South West Khasi Hills - 25 000 MT.

3. *The Comprehensive Plan along with the Annexures shall be uploaded by Mining and Geology Department in the websites of Mining and Geology Department and the Forests & Environment Department respectively. A copy of the said Comprehensive Plan should be circulated by the Mining and Geology Department to all concerned Departments, Offices and agencies including Coal India Limited.*
4. ***The Mining and Geology Department shall allow the coal owners to transport their coal to the designated depots in their respective Districts within a period of fifteen days from the date of issuance of Transit Pass to the coal owners of the designated coal depots.***
5. ***The Mining and Geology Department will select the coal owners on the basis of draw of lots. However, the maximum quantity a coal owner will be entitled to bid shall be restricted to 5000 MT in the first phase of auction.***
6. *The Mining and Geology Department will intimate the commencement of auction of coal in two prominent newspapers in Meghalaya.*
7. *The guidelines prepared by the Meghalaya State Pollution Control Board in respect of pollution control norms to be observed by coal depot owners was perused and approved by the Committee.*
8. *In respect of the buyers of auctioned coal who intend to transport or sell the same within Meghalaya. A list of such buyers shall be furnished by the Mining and Geology Department to the Meghalaya State Pollution Control Board.”*
10. *With regard to restoration of the environment, the commendations of the Committee are:*

“1. Clause A of the Action Plan which relates to prevention of human and animal deaths by accidental falling in coal mine shafts comprises various subcomponents. With respect to clause A.1 - identification and delineation of coal fields as well as each coal mine coal shaft coal dump etc. in continuation with the earlier similar exercise initiated by NESAC they are requested to furnish a detailed cost estimate for preparation of such maps for the remaining districts viz., West Khasi Hills, South Garo Hills and South West Khasi Hills and submit a report to this Committee before the date of next sitting of the Committee.

2. Education Department may furnish a status report on the progress of implementation of A2 of the Action Plan which relates to creation of awareness about ill effects of illegal coal mining and also furnish information on the status of submission of APOs to the Committee notified in the guidelines for utilization of MEPR fund for their further processing of the same.

3. A.3 of the Action Plan which relates to installation of sign boards in areas having presence of coal mines was reported to have been implemented by the Mining & Geology Department.

4. With respect to A4 of the action plan- Erection of physical barriers at periphery of shafts of mines where coal reserve has not been exhausted-the Deputy Commissioners of all Districts shall submit a report on progress on erection of physical barriers at periphery of shafts of mines where coal reserves have not been exhausted by the mine owners and steps taken by the District Administration to obtain such proposals from the mine owners who have not embarked on any such activity.

5. With respect to A5 of the action plan — Closure of shafts of mines where coal reserve has already been exhausted - Mining & Geology Department shall submit through an appropriate APO the further fund requirement for the purpose of installation of sign boards in areas having presence of coal mines to the concerned Committee notified in the guidelines for utilisation of MEPR fund. The Department shall also submit APOs incorporating other requirements to the Committee notified in the guidelines for utilisation of MEPRF. The Deputy Commissioners shall take steps to create awareness on erection of physical barriers around the coal shafts where the reserves are exhausted.

6. In respect of item A.5.1 of the Action Plan- Controlled blast to secure closure of shafts of mines where coal reserve has already been exhausted- the Member Secretary of Meghalaya State Pollution Control Board (MSPCB) is requested to intimate CIMFR —CSIR to give a power-point presentation on the matter to the Committee on the next date of its sitting. The Deputy Commissioners of the districts affected by coal mining shall furnish an appropriate report to the Committee on this matter before actually proceeding with controlled blasting. The Member Secretary, Meghalaya State Pollution Control Board is requested to submit a status report on development of safe and cost effective control blasting techniques in Meghalaya and the progress made by CIMGR-CSIR in this regard. The presentation of the CIMFR-CSIR during the next sitting of the Committee as referred above shall cover the techniques which could be applied in Meghalaya to secure controlled blasting. The Director DMR is requested to identify at least one abandoned coal mine where a pilot project can be undertaken by CIMFR-CSIR in respect of the safe and cost effective technique of control blasting and intimate the Committee on its next date of sitting.

7. Component B of the action plan relates to prevention of Acid Mine Drainage (AMD) through various devices. B.1 refers to coal dumps of cement factories and their captive power plants. The components B.1.1 to B.1.3 are as follows:

- i. Covering of dumps by permanent sheds/ water proof tarpaulin
- ii. Construction of garland drains along with acid mine drain storage tanks
- iii. Treatment of acid mine drain collected in storage tanks

The Deputy Commissioners of East Khliehriat and Ri Bhoi Districts where cement factories and captive power plants are set up shall direct the cement factories and captive power plant owners to develop such devices and obtain a road map from each of them in this regard and submit the same to the Committee within two months.

8. With respect to item B.1.4 relating to amendment of Environmental Clearance (EC) already granted to the above mentioned cement plants and captive power plants to stipulate additional conditions in such ECs to provide for above measures incase such measures have not been stipulated. a status report on the implementation in this regard shall be furnished by the Member Secretary SEIAA and the Regional Office for North East region of MoEF&CC, Shillong.

9. With respect to item B.1.5 — Revocation/withdrawal of EC and launch of prosecution in case of non-implementation of aforementioned measures-it was reported that action has already been concluded by the MPSCB. A report in this regard may be submitted by MSPCB to the Committee before the next date of sitting of the Committee.

10. With respect to item B 1.6 — Revocation/withdrawal of CTE and launch of prosecution in case of non-implementation of afore-mentioned measures - it was stated by the Member Secretary MSPCB that there was no instance of withdrawal of CTE since all units which were directed by the MSPCB for compliance have complied.

11. Item B.2 relates to dumps of assessed coal. The sub-items are as follows:

- i. Covering of dumps by water-proof tarpaulin/ permanent sheds*
- ii. Construction of garland drains along with acid mine drain storage tanks*
- iii. Treatment of acid mine drain collected in storage tanks*
- iv. Promulgation of order under section 144 or any other relevant Section(s) of Cr. P.C. to prohibit open/uncovered dumping of assessed coal*

Sub items (i) to (iii) are to be implemented by the plant owners. The Deputy Commissioners of all Districts where occurrence of coal mining is noticed are requested to furnish status report within one month on the implementation of item B.2 to the Director of Mineral resources who in turn shall in turn submit a report to the Committee in this regard within two months.

12. With respect to item B.3 —Dumps of seized coal- the Director of Mineral Resources is requested to submit APOs within two weeks to the Committee notified under MEPR detailing the fund requirement to secure implementation of the sub-items listed under this item. The sub-items of B.3 are as below:

- i. Construction of permanent depots for seized coal*
- ii. Covering of dumps by tarpaulin/ permanent sheds*

- iii. Construction of garland drains along with acid mine drain storage tanks
- iv. Treatment of acid mine drain collected in storage tanks

13. B.5 relates to insulating coal while in transit. The sub-items are:

- i. Covering of coal by waterproof tarpaulin while its transportation by road
- ii. Seizure of trucks carrying coal without covering it with waterproof tarpaulin
- iii. Promulgation of order under section 144 or any other relevant section(s) of Cr PC to prohibit open/uncovered dumping of assessed coal

The Deputy Commissioners of all coal mine affected districts are requested to furnish status report within one month on the implementation of item B.2 to the Director of Mineral resources who in turn shall in turn submit a consolidated report to the Committee in this regard.

14. With respect to item B.6- Rat hole coal mine openings- deliberation is postponed till CIMFR-CSIR make presentation in this regard to the Committee.

15. With respect to item B.7- Coal mine shafts located in river/ stream bed- deliberation is postponed till CIMFR-CSIR make presentation in this regard to the Committee.

16. With respect to item C which deals with restoration of water quality in rivers/streams affected by Acid Mine Drains (AMD) the Chief Engineer, PHE is requested to submit status report on implementation of item C.1- Identification and prioritisation of rivers/streams to be restored- and a road map for full implementation of the same to the Committee before its next date of sitting.

17. With respect to item C.2- Development refinement and transfer of AMD treatment technology- Professor O. P. Singh, NEHU is requested to make a presentation to the Committee on the day of its next sitting along with a report on the pilot project run by his team in this regard. The Mining & Geology Department suggested that an independent monitoring agency, in respect of which MSPCB is currently suitable, be requested to monitor the progress and success of the three pilot projects currently underway in respect of item C .2 and submit the same to the Committee within two months."

11. We proceed to deal with the above recommendations. We find that recommendation of permitting '**coal owners**' to transport the coal and for **such coal owners to be identified by the State by draw of lots** is contrary to the judgment of the Hon'ble Supreme Court. Under the said judgment, it was observed that coal owners had already been identified as per record and that process of handing over coal was to be undertaken by the State. The quantum of coal unscientifically mined was mentioned to be 23,25,663.54 MT (para 188). It was held that the said coal be handed over to CIL for disposal by the State in the manner laid down by the Committee. Out of the

*sale price, an amount could be paid to the owners, as already mentioned above (para 192 of the judgement). The suggestion of the Committee that **the coal owners may transport the coal and coal owners are yet to be identified by draw of lots** is against the judgment of the Hon'ble Supreme Court wherein it is mentioned that coal owners were already identified and that it was the State which was to hand over the coal to the CIL. Further, as per "Sixth Report" of the Committee quoted in para 19 of the last order dated 17.01.2020, the State was to provide the location of the places where coal was located to NESAC. NESAC was to prepare a geo-reference map and provide the same to CIL. NESAC was also to undertake analysis of the area where coal was to be handed over to CIL, using high resolution satellite imageries for the period in question.*

12. *As against the above, the Committee has now observed that the recommendations in the Sixth Report are unworkable for certain period. We are of the view that the said issue having already attained finality, there is no reason to reconsider the requirement of such exercise. However, if NESAC is not able to undertake the said exercise, the same may be entrusted to National Remote Sensing Centre (NRSC), Hyderabad. The CPCB may coordinate with the NRSC for the purpose.*

13. *The recommendation that the transportation may not be done by the State but by the 'coal owners' who are yet to be identified being against judgment of the Hon'ble Supreme Court cannot be approved. The State must transport the coal and give the locations in terms of the Sixth report. New exercise for identifying landowners beyond the judgement of the Hon'ble Supreme Court is not permissible. The Committee may revise its report accordingly.*

14. *As regards restoration plan, the remediation plan may be duly executed which may be supervised by the Committee. The steps suggested by the Committee may be taken. With regard to item no.10 relating to withdrawal of CTE, it is not clear whether any CTE had ever been granted. If no CTE had been granted, question of withdrawal did not arise.*

15. *The Committee may continue its functions including that of overseeing the remediation plan and furnish its report of status as on 31.12.2020 by 15.01.2021 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."*

8th report of the Committee, stand of the State and the Applicant

13. Accordingly, the Committee has filed its 8th report dated 14.01.2021 as follows:-

"PROGRESS ACHIEVED BY THE COMMITTEE AFTER FILING OF THE REPORT DATED 30.04.2020

The progress achieved by the Committee since filing of the last report on 30th April 2020 is substantially compliance of the

directions of the Hon'ble NGT issued vide their order dated 27th July 2020 in OA No.110(THC)/2012 and IA NO 244/2020 in OA NO. 110(THC)/2012:

- (i) The first direction of the Hon'ble NGT is contained in para 12 of their order which is extracted below again for the purpose of quick reference:

"12. As against the above the Committee has now observed that the recommendations in the Sixth Report are unworkable for certain period. We are of the view that the said issue having already attained finality there is no reason to reconsider the requirement of such exercise. However, if NESAC is not able to undertake the said exercise the same may be entrusted to National Remote Sensing Centre (NRSC). Hyderabad. The CPCB may coordinate with the NRSC for the purpose.

In compliance of the above direction the Committee deliberated over the matter in the 24th sitting of the Committee on 03.08.2020. A copy of the minutes of the sitting of the Committee on 03.08.2020 is annexed herewith as **Annexure 1**.

To recapitulate the background of the matter, attention of the Hon'ble Tribunal is invited again to the portion pertaining to recommendations of the Committee in its 6th Report submitted by the Committee to the Hon'ble Tribunal pertaining to GIS and remote sensing studies to be conducted by NESAC. The same has been dealt-with in a very detailed manner in the 7th Report of the Committee (Chapter 3 page 27-31). Reference of the Hon'ble Tribunal is invited to recommendations at SI No. 1, 3-5 of the 7th Report, which primarily pertain to application of GIS technique to map the coal dumps in Meghalaya. Estimation of quantity of coal in the dumps through GIS technique, and land use analysis of these coal dump sites through geospatial techniques etc. These recommendations are again extracted below for easy reference.

"1. The State of Meghalaya shall, immediately, provide to the North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam, the location (latitude and longitude) and other details of each dump where coal to be auctioned is located. The NESAC, shall within one week from the date of receipt of these details prepare a geo-referenced map depicting the location of each of these dumps and provide a copy of the same to the Secretary to the Government of Meghalaya, Mining and Geology Department and the Coal India limited for placing a copy thereof along with a list containing name and address of the owner and quantity of coal available at each such dump on their respective websites.

2. The Secretary to the Government of Meghalaya, Mining and Geology Department shall, immediately place

on website of the Department a copy of the additional affidavit containing details of 32.56.715 MT coal stated to be available at various depots filed before the Hon'ble Supreme Court on 10.04.2019 by the Commissioner and Secretary to the Government of Meghalaya. Mining and Geology Department.

3. The North Eastern Space Application Centre (NESAC), Department of Space, Government of India. Umiam shall undertake land-use land-cover analysis of areas where coal to be handed over to the Coal India Limited is located by using high resolution satellite imageries for the following period:

- (a) Immediately before the illegal rat-hole mining of coal was banned by the Tribunal by an order dated 17.04.2014:
- (b) Immediately before the additional affidavit dated 10.04.2019 containing details of 32,56,715 MT coal stated to be available at various depots was filed before the Hon'ble Supreme Court by the Commissioner and Secretary to the Government of Meghalaya; Mining and Geology Department:
- (c) Once in the year 2015, 2016, 2017 and 2018, preferably in the month of April

4. Based on the said land-use land-cover analysis the NESAC shall divide the coal available at each of the depot where the 32,56,715 MT coal is stated to be available into three categories namely:

- (a) The coal continuously existing at the depot since the ban on the illegal rat-hole mining was imposed by this Tribunal on 17.04.2014:
- (b) The coal dumped at the depot after the filing of additional affidavit before the Hon'ble Supreme Court on 10.04.2019:
- (c) The coal dumped at the depot on any day between 17.04.2014 and 10.04.2019.

5. The finalization of the mode and manner for handing over of the coal to the Coal India Limited and the disposal of the coal by the Coal India Limited through e-auction shall not wait completion of the afore-mentioned study by the NESAC. The amount released from sale of such coal will however not be disbursed to the respective owner till the said study in respect of such coal is completed by the NESAC."

The recommendation at SI 1, which has substantial nexus with the objective of preparation of a proper plan for handing over coal to Coal India Limited, its auction and transport thereafter, has been complied with by the North Eastern Space Application Centre (NESAC), Shillong.

The recommendation at SI 2 too has been complied with by the Mining & Geology Department.

With reference to recommendation at SI 3 and 4, the Committee in its meeting on 14 02.2020 requested the NESAC to respond to the same with regard to cost estimate for carrying out this task, time required for the purpose, feasibility to undertake the study as would be evident from the minutes of the meeting on the said date annexed to the 7th report as Annexure 2 therein.

In response, the NESAC submitted a report (comprising slides of power point presentation) with regard to the cost estimate for carrying out land use analysis in some of the coal bearing districts of Meghalaya pertaining to different years as suggested in the aforementioned recommendation. The NESAC Officials led by the Director of NESAC submitted during the course of meeting on 02.03.2020 that the requisite high resolution satellite imageries corresponding to the past years viz., 2014, 15, 16 and 17 in relation to the coal bearing areas may not be available entirely since there are very few satellite passes (technically called as paths and rows) corresponding to the said geographic co-ordinates by satellites equipped with cameras (IKONOS, QUICKBIRD) which can record high resolution imageries. The Director also submitted that in view of the exorbitant cost factor involved unless a vendor orders for high resolution satellite imageries corresponding to a particular location in advance the corresponding foreign based companies rarely align their cameras to such sites resulting in their non-availability. In view of this constraint, he said he would explore availability of high resolution satellite imageries only for the years 2018-19 and respond. The presentation made by NESAC thereafter on 12 03.2020 (enclosed as Annexure 7 to the 7th Report) centered on satellite data availability for major coal bearing districts of Meghalaya viz., East Jaintia Hills, South Garo Hills, West Khasi Hills and South West Khasi Hills districts. Data availability was absent for some portions of East Jaintia Hills even considering satellite imageries of 1.5 m resolution (which would enable capture of coal dumps larger than 1.5 m diameter). Gap area for South Garo Hills for 2018 was 1384 sq km which is substantial. Similar picture was presented for other two districts as well (West Khasi hills presented gap of 1340 sq km for 2019 in respect of 1.5 m resolution satellite imageries).

However in spite of gaps in availability of satellite data in each of the districts NESAC has been asked to undertake land use and land cover study in the aforesaid four districts of Meghalaya where rat hole coal mining has been practiced since such a study would help in planning the environment restoration in these areas. For this study the final estimate of fund requirement for a total sum of Rs 90.80.445/-, which has been placed by NESAC with the Committee, has been considered and

approved by the Committee in the 28th sitting of the Committee on 8th December 2020. Further details of the study to be undertaken by NESAC, which the Committee has agreed in principle, are available in the minutes of the 23rd sitting of the Committee held on 1st July 2020 (para 1 under Agenda I of the minutes), and minutes of the 26th sitting of the Committee held on 18th November 2020 (para A.1 under Agenda II of the minutes) both of which would be again adverted to in the subsequent paras of this Chapter.

Insofar as recommendation at sl 4 is concerned the NESAC Director submitted orally on 02.03.2020 that it is not technically feasible to estimate quantity of coal remotely since they do not present a uniform surface. The report of the Director NESAC stating that it is not technically feasible to undertake such a study requiring quantitative estimation of coal is at last para of his report dated 21st April 2020 (which has already been enclosed as Annexure 8 to the 7th Report of the Committee)

It is in this background that the Committee in its 7th Report had suggested that it is not technically feasible to carry out recommendation No. 4 in view of express submission of NESAC in this regard and recommendation at SI No.5 being connected with recommendation No. 4 is unworkable too.

However, the Honble NGT in consideration of the 7th Report vide their order dated 27th July 2020, as already detailed in the preceding pages, directed that the said study may be entrusted to NRSC, Hyderabad, if NESAC expresses inability to undertake the same.

Pursuant to the aforesaid direction the matter was deliberated by the Committee in its 24th sitting. The issue pertaining to assessing the quantity of the coal at various coal dump sites provided by the Mining & Geology Department, Govt of Meghalaya to NESAC through remote sensing technique has been dealt under agenda III of the minutes of the 24th sitting of the Committee on 03.08.2020. A copy of the minutes of the sitting of the Committee on 03.08.2020 has already been annexed as Annexure 1.

*In view of the direction of the Honble NGT to entrust the said study to National Remote Sensing Centre, Hyderabad (NRSC) to be duly co-ordinated by CPCB the Committee decided to write to NRSC to take up the said study. Pursuant to the decision of the Committee the letter in this regard addressed by the Committee to the Director, NRSC is annexed herewith as **Annexure 2**.*

*On receipt of the aforesaid letter, the reply of the NRSC is annexed herewith as **Annexure 3**. The NRSC too have stated that it is not technically feasible to undertake this study and approved the stand of NESAC that it is not*

technically feasible to undertake study of this nature for the reasons stated in their letter dated 21st April 2020 (Annexure 8 of the 7th Report).

The Honble NGT is requested to kindly consider the reply of NRSC dated 31st August 2020 and approve the same or give any further advice/direction in the matter as deemed fit and appropriate by them.

From the foregoing it appears to the Committee that though estimation of the quantity of coal in the coal dumps is not technically feasible as elaborately explained in the preceding paras it is technically feasible and also useful to have the land use and land cover map prepared for the coal mining areas in Meghalaya to help plan restoration of environment in those coal bearing districts. The Committee has held several rounds of discussion with NESAC in this regard who have finally submitted an estimate for a total sum of Rs 90,80,445/-, which has been considered and approved by the Committee in its 28th sitting on 8th December 2020. At clause (v) of this report this remote sensing - GIS study to be undertaken by NESAC is being further elaborated in a detailed manner for consideration of the Hon'ble NGT.

- (ii) *The second direction of the Honble NGT is contained in para 13 of their order which is extracted below again for the purpose of ready reference:*

'13. The recommendation that the transportation may not be done by the State but by the 'coal owners' who are yet to be identified being against judgment of the Hon'ble Supreme Court cannot be approved. The State must transport the coal and give the locations in terms of the Sixth report. New exercise for identifying landowners beyond the judgment of the Honble Supreme Court is not permissible. The Committee may revise its report accordingly.'

*In compliance of the above direction the Committee deliberated over the matter in the 24th sitting of the Committee on 03.08.2020. A copy of the minutes of the sitting of the Committee on 03.08.2020 is already annexed as Annexure 1. The matter pertaining to revising the comprehensive plan for auction and transportation of coal is dealt under agenda II of the minutes. In compliance of the decisions of the Committee in accordance with the directions of the Hon'ble NGT, the revised comprehensive plan prepared by the Mining & Geology Department in consultation with Coal India Limited and duly approved by the Committee is annexed herewith as **Annexure 4**, which has been duly uploaded in the website of the Mining & Geology Department of the Government of Meghalaya.*

The Mining & Geology Department is likely to commence auction of coal through e-auction portal shortly after due fulfilment of all requirements in this regard.

- (iii) *The third direction of the Honble NGT is contained in para 14 of their order which is extracted below again for the purpose of ready reference:*

"14. As regards restoration plan the remediation plan may be duly executed which may be supervised by the Committee. The steps suggested by the Committee may be taken. With regard to item no.10 relating to withdrawal of CTE it is not clear whether any CTE had ever been granted. If no CTE had been granted, question of withdrawal did not arise."

*The matter pertaining to execution of the action plan prepared by the Committee for restoration of the environment damaged on account of rat hole coal mining in Meghalaya has been considered in 23rd, 25th and 26th and 27th sittings of the Committee held on 01st July, 01st September, 01st October and 18th November 2020 respectively. A copy of the minutes of the aforesaid sittings of the Committee on 01st September and 01st October 2020 respectively are annexed herewith as **Annexure 5, Annexure 6, and Annexure 8 respectively**. The matter pertaining to execution of the action plan prepared by the Committee for restoration of the environment damaged on account of rat hole coal mining is dealt under agenda I, agenda II and III of the minutes dated 01st July, 01st September 2020 respectively under agenda II of the minutes dated 01st October 2020 and Agenda I of the minutes dated 18th November 2020.*

Insofar as CTE is concerned it is clarified that the same pertains to cement and thermal power plants in Meghalaya which use coal and does not pertain to coal mines. These cement and thermal power plants have been granted environmental clearance and also CTE by the Meghalaya State Pollution Control.

- (iv) *Availability of fund is a vital requirement for execution of the Action Plan which is to be sourced from MEPR fund collected from transporters of coal as per earlier direction of the Hon'ble NGT. The Committee vide its 4th report dated 31st August 2019, at Sl. No. 18 of their recommendations, which is extracted below. had recommended preparation of guidelines for utilization of MEPR Fund:*

"18. The State of Meghalaya shall within one month formulate draft guidelines, strictly in conformity with the broad parameters suggested by the Justice Katakey

Committee in its fourteenth sitting held on 03.06.2019. for utilization of amounts available in the MEPR Fund in an expeditious and transparent manner and submit the same to the Committee. The Committee shall examine the draft guidelines and place the same along with its comments thereon before this Tribunal within one month of receipt of the guidelines. (para 5. 5. 9. 8 (i).

Accordingly, the Mining & Geology Department, Govt of Meghalaya, had submitted the draft guidelines for utilization of MEPR Fund which has been carefully considered by the Committee in their 22nd sitting on 19th June 2020.

*Several components of the guidelines have been duly edited by the Committee and the final approved version of the guidelines which have been notified by the Govt of Meghalaya is annexed herein as **Annexure 9**. The Hon'ble NGT is requested to kindly consider and approve the same to facilitate expeditious utilization of the MEPR Fund which would eventually pave the way for effective implementation of the Action Plan for restoration of the environment in Meghalaya.*

- (v) *Another vital component of the Action Plan is preparation of land use and land cover map of the rat hole coal mining affected areas in several districts of Meghalaya by NESAC (North Eastern Space Application Centre), Umiam, Meghalaya. The said issue has been considered in several sittings of the Committee as would be evident from the aforesaid minutes of various sittings of the Committee. The final estimate of fund requirement for a total sum of Rs 90,80,445/- which has been placed by NESAC with the Committee, has been considered and approved by the Committee in the 28th sitting of the Committee on 8th December 2020. A copy of the minutes of the said sitting is annexed herein as **Annexure 10**.*

The Hon'ble NGT is requested to kindly approve release of the aforesaid sum of Rs 90.80,4451- to Director, NEAC from MEPR fund to facilitate execution of the aforesaid study by NESAC, Umiam, Meghalaya.

- (vi) *The Hon'ble NGT had also considered IA No 244/2020 in OA No. 110(THC)/2012 filed by applicant Pawan Sharma. The direction passed by the Hon'ble NGT on the said IA vide their order dated 27th July 2020 is extracted below:*

"We also take notice of the application filed by one Shri Pawan Sharma. G. S. Road, Shillong, East Khasi Hills District, Meghalaya on 30.06.2020 to bring on record non-compliance of the directions of this Tribunal dated 17.01.2020. The application may be forwarded to the

Committee headed by Justice B.D. Agatwal, former judge of the Gauhati High Court, for being looked into and taking such further action as may be found necessary.

*In compliance of the above direction of the Hon'ble NGT the aforesaid IA was considered by the Committee in its 24th sitting on 03.08.2020. A copy of the minutes of the sitting of the Committee on 03.08.2020 is already annexed as Annexure 1. The Govt of Meghalaya was directed to file their counter to the averments contained in the IA of Shri Pawan Sharma. Accordingly, the counter affidavit in the matter was submitted to the Committee by the Mining & Geology Department, Govt of Meghalaya which was replied to by Pawan Sharma. A copy of the counter affidavit of Govt of Meghalaya and reply filed by the applicant are annexed herewith as **Annexure 11** and **Annexure 12** respectively. The pleadings of the parties having been completed the said matter was considered by the Committee in its 28th sitting on 8th December 2020.*

The complaint of Shri Pawan Sharma was finally disposed-of vide Order dated 08.12.2020. The relevant directions given to the Chief Secretary and DGP, Meghalaya are reproduced below for ready reference:

"8. Hence, the Committee directs the Government and, more particularly to the DGP, Meghalaya to take the following actions immediately to arrest the offence of transportation of illegally mined coal:-

(i) File Charge-sheets in all the cases, registered u/s 21 of the MMDR Act within a period of 2 (two) months from the date of registration of the case. This will deter the coal smugglers from violating the ban order of the Honble NGT.

(ii) The Chief Secretary and DGP, Meghalaya are also directed to issue necessary instructions to the investigating officers and other concerned officers to sell the seized coal within a period of 3 (three) months. This step will also discourage the owners of coal from transporting it illegally without payment of royalty and taxes. In case there is any delay in giving orders for auction of the seized coal and equipments by the courts/magistrates the Government should approach the Honble Meghalaya High Court for appropriate directions to the concerned magistrates. Till now the seized coal are lying in open causing environment hazardous. Hence, disposal of seized coal at the earliest is also imperative on this count.

(iii) The Chief Secretary and DGP, Meghalaya are also directed to issue necessary instructions to the investigating officers and other concerned officers to confiscate and sell the seized trucks, dumpers, conveyances and equipments in accordance with law

within a period of 3 (three) months. This step will also discourage the owners of coal and trucks from transporting it illegally without payment of royalty and taxes.

(iv) As per resolutions taken by this Committee in various meetings and recommendations to the Hon'ble NGT (subsequently approved by the Hon'ble NGT by its Order dated 17.01.2020) the Govt. of Meghalaya is directed to install centralized server, uploading of transport permits/challans and tracking of coal laden trucks through GPS and RFID tags. as stipulated in Appendix XII to the EIA Notification. 2016 and also introduce high security mineral challans to prevent and detect multiple use of transport challans within a period of four weeks. It is further ordered that no new challan for coal transportation shall be issued by the Director of Mineral Resources, Meghalaya till the aforesaid system is put in place.

(v) Take legal action against the officials who fail to detect and detain the trucks and other conveyances from their respective check points.

(vi) To increase the Police patrolling in the coal bearing areas to prevent illegal coal mining, if any. "

The order of the Committee in the matter disposing of the IA of the applicant is annexed herewith as **Annexure 13**. The Hon'ble NGT is requested to kindly peruse the same and pass further orders as they deem fit and appropriate in the matter.

(vii) The Hon'ble National Green Tribunal had considered the earlier reports filed by the Committee and vide judgment dated 17.01.2020 had issued further directions in OA 110 (THC)/2012 for compliance of all concerned as already stated earlier in Chapter I of this report. The direction pertaining to the Committee is at para 23 of the judgment (page 45) wherein the Committee has been entrusted with the responsibility to monitor the compliance of recommendation furnished by the Committee to the Hon'ble NGT in its 4th 5th and 6th Reports submitted to the Hon'ble NGT. Accordingly the Committee has taken stock of the progress in implementation of its recommendations furnished to the NGT as aforesaid in its 23rd sitting on 15th July 2020 a copy of which has been already annexed as Annexure 5. The action taken in the matter has been discussed under Agenda II of the minutes. The Mining & Geology Department was instructed to submit report of compliance of the directions pertaining to them who have submitted the same. Copies of the compliance reports dated 24th July 2020 and 30th September 2020 submitted by the Mining & Geology Department are annexed herein as

Annexure 14 and Annexure 15 respectively. Similarly, the Meghalaya Police too were directed to submit report of crime statistics pertaining to coal in Meghalaya. The latest report submitted by the Police in this regard furnishing details of cases registered cases charge-sheeted quantity of contraband coal seized etc is enclosed herewith as **Annexure 16**.

(viii) During the 28th sitting held on 8th December 2020 the Committee deliberated over scientific mining of coal in Meghalaya. A copy of the minutes of 28th sitting held on 8th December 2020 has already been annexed herein as **Annexure 10**. The Hon'ble Supreme Court vide order dated 03.07.2019 in Civil Appeal No. 10720/2018 State of Meghalaya Vrs All Dimasa Student Union Dima-Hasao District Committee, directed that mining of coal could be allowed in Meghalaya only in compliance with Mines and Minerals (Development and Regulation) Act 1958. Mines Act 1952, the Environment Protection Act 1985 which would necessitate mining in accordance with approved mining plan. The mining plan for mining coal in Meghalaya needs to be scientific, environment friendly and least hazardous and suggest the mining method best suitable to Meghalaya. The aforesaid mining plan would also require the approval of the Ministry of Coal. The Committee agreed to request the Indian School of Mines Dhanbad and the Central Mine Planning and Design Institute (CMPDI) to suggest mining methods best suitable for Meghalaya in the manner indicated above to help the State undertake coal mining in the State in a scientific and environment friendly manner. The Hon'ble NGT may kindly approve the decision of the Committee in this regard.

(ix) The Committee has also been in receipt of a report filed by the CPCB pursuant to the directions of the Committee in its 18th sitting on 15th September 2019 in relation to the coke oven plants operating in Meghalaya suggesting that they have been using illegally mined coal of Meghalaya. The Committee has considered the said report in its various sittings viz., 24th sitting held on 3rd August 2020, 26th sitting held on 1st October 2020, 27th sitting held on 18th November 2020 and 28th sitting held on 8th December 2020. A copy of the minutes of 28th sitting held on 8th December 2020 has already been annexed herein as **Annexure 10**. Copies of the minutes of the remaining sittings of the Committee have already been annexed in this report. The issue continues to be under active consideration of the Committee.

CHAPTER IV

RECOMMENDATIONS OF THE COMMITTEE

The recommendations of the Committee on various issues under consideration of the Committee for acceptance of the Hon'ble NGT are as below:

1. The Hon'ble NGT may kindly approve the guidelines for operating Meghalaya Environment Protection and Restoration Fund (MEPRF) notified by the State Government (**Annexure 9**), which has been duly approved by the Committee in its 22nd sitting held on 1st June 2020.
 2. The Hon'ble NGT may kindly approve for release of a sum of Rs 90.80.445/- from MEPR fund to NESAC, Umiam, Meghalaya, being the estimate of fund requirement of NESAC for preparation of land use and land cover map of the districts in Meghalaya affected adversely on account of illegal coal mining, which has been approved by the Committee in its 28th sitting held on 8th December 2020.
 3. The Hon'ble NGT may kindly approve the directions of this Committee to the Indian School of Mines, Dhanbad and Central Mine Planning and Design Institute (CMPDI), Dhanbad, to advise the Govt of Meghalaya on the method of coal mining, suitable for Meghalaya, for the purpose of preparation of mining plan to enable scientific coal mining in Meghalaya with minimum impact on the environment.
 4. The Hon'ble NGT may kindly ratify the approval granted by the Committee to the revised comprehensive plan prepared by the Mining & Geology Department, Govt of Meghalaya in consultation with Coal India Limited for the purpose of transport and auction of coal (**Annexure 4**).
 5. The Hon'ble NGT may kindly approve the directions given to the Chief Secretary and the DGP of Meghalaya while disposing of the complaint of Shri Pawan Sharma (**Annexure 13**).
- The Hon'ble NGT may kindly approve the final order passed by the Committee disposing of the application filed by the applicant in IA No 244/2020 transferred by the Hon'ble NGT to the Committee (Annexure 13).”

Stand of the State

14. Before filing the above report, the State of Meghalaya has filed its additional affidavit dated 24.09.2020 explaining its position with regard to the suggestion of draw of lots to select the owner for transportation of the coal, which aspect has already been mentioned in the report of the Committee already quoted above.

Stand of the Applicant

15. The applicant has filed a rejoinder to the reply affidavit filed on behalf of the State of Meghalaya on 24.09.2020 to the effect that illegal mining and transportation was still continuing. Reference has been made to the media report as follows:-

“

(i) The Shillong Times dated 12.03.2020

East Jaintia Hills Police seized 23 coal laden trucks illegally transporting coal which include 12 (twelve) trucks on 10.03.2020 at Kuliang; 9 (nine) trucks on 11.03.2020 at Sonapur Umkiang and accordingly several cases were registered by the Police at Lumshnong Police Station.

(ii) The Shillong Times dated 19.03.2020

Illegal coal transportation on March 16 around 4.30 p.m Police detected two containers transport vehicles, transporting coal in violation of N.G.T. order at Lumshnong Eat Khasi Hills. However, driver of the truck managed to escape.

On March 15, around 3 a.m. Police detected one truck transporting coal in violation of N.G.T. order at Mukhep, Lad Longkaluh East Khasi Hills

(iii) The Shillong Times dated 29.03.2020

Despite curfew and lockdown illegal transportation of coal continues. According to Police on March, 26 around 1.30 p.m. 10 ten coal laden trucks were detected and seized from Umbir Village in Ri-Bhoi District for violation of N.G.T. order.

On 24.03.2020 around 7.30 p.m. Police detected 2 (two) trucks while transporting coal in violation of the N.G.T. ORDER OF Umkiang check gate, East Jaintia Hills.

(iv) The Shillong Times dated 07.04.2020

Despite the curfew and lockdown in the State, illegal transportation of coal trucks in violation of the N.G.T. orders, continues in the State.

Only recently 5 (five) coal laden trucks at Nongsning and Mynkre Village from East Jaintia Hills District were seized. At Mynkre Village, however the members of the Village Defence Party VDP were ones to seize 4 (four) trucks for flouting the lockdown and N.G.T. order.

(v) The Shillong Times dated 10.04.2020

Illegal coal transportation on April, 3 around 7.30 p.m. Police seized 3 (three) coal laden trucks at Mawlien Mawkhoon village in Ri-Bhoi District.

(vi) The Shillong Times dated 13.04.2020

In violation of the N.G.T. Order as well as lockdown imposed in the State along with the rest of the Nation, Police on April, 7 around 2.05 A.M. detected one stationary coal laden dumper truck MH-12-TRDK-2796 without driver at Rymbai Road, East Jaintia Hills.

(vii) The Shillong Times dated 14.04.2020

Shri S. Marwein, E.A.C. Khliehriat lodged a complaint that on April, 11 around 11.30 A.M. while conducting mine raids along with the Police at Moopynien, Khliehriat East, 6 to 8 labourers were seen mining in 2 (two) coal mines, however they managed to escaped. 2 (two) mining equipments were seized from the spot.

(viii) The Shillong Times dated 09.05.2020

Coal truck seized - A.Nongdhar, Mines and Royalty Inspector, D.M.R. Umkiang, East Jaitia Hills lodged a complaint that on May, 6 around 4 A.M. 1 (one) truck was detected at Umkiang check gate while illegally transporting coal in violation of the N.G.T. order.

(ix) The Shillong Times dated 21.05.2020

Workers unload freshly mined coal at Moolang village in East Jaintia Hills on Wednesday. Earlier on May 13 the Police seized 22 trucks carrying coal illegally which were parked at Ratacherra and Malidor in East Jaintia Hills.

(x) The Shillong Times Dated 26.05.2020

Despite the ongoing lockdown and restrictions there seems to be no end to illegal coal mining in the State. The Ri-Bhoi District Police in the last one week have detected as many as 4 (four) trucks laden with unauthorized coals.

(xi) The Shillong Times Dated 16.07.2020

On July 11, around 5 p.m., the Police detected and seized 1 (one) truck while illegally transporting coal under Shillong Police Station in West Garo Hills.

(xii) The Shillong Times Dated 06.10.2020

On 1 October around 9.30 A.M. Police detected transporting coal in violation of N.G.T. order at Sohiong petrol pump East Khasi Hills.

(xiii) The Shillong Times Dated 07.10.2020

According to media report in Assam , 150 trucks entered Assam on the night of October 5 and only 2 were detained in Beltolla in Guwahati, while on the morning of October 6 as many as 650 trucks entered Assam. There is no way anyone can check the veracity of the numbers quoted but it is an incontrovertible fact that is being clandestinely sold in Assam Shri Lakhmen Rymbui was entrusted with the Home Portfolio in controversial circumstances when his predecessor James Sangma's name figured in smuggling of coal — a lucrative trade for the coal rich State. Informed sources claimed that the State Police are like a caged parrot unable to function freely i.e. **they sometimes intercept coal laden lorries as an eyewitness**

It may be mentioned that the issue pertaining to the illegal transportation of coal even forced a group of Cabinet Ministers to take it up with the Chief Minister, Conrad Sangma. Although the Home Portfolio got shifted from one minister to another, not much change seems to have occurred and the coal seems to be finding their way out of the State, inspite of the N.G.T. ban.

(xiv) The Shillong Times Dated 08.10.2020

While the M.D.A. Government continues to be on denial mode on the allegation of syndicated supply of coal to Assam led to James Sangma being stripped from his portfolio earlier this year

(xv) The Shillong Times Dated 10.10.2020

The clamour for action against coal racketeering in the State is apparently getting louder. For its part, the N.P.P. led M.D.A. Government seems to be getting concerned with unremitting allegations over illegal transportation of coal from several quarters.

Soon after B.J.P., an ally in the M.D.A., demanded arrest of Power Minister James Sangma over the matter, civil society groups in the State are now demanding a C.B.I. inquiry into the alleged coal syndicate.

(xvi) The Shillong Times Dated 12.10.2020

Meghalaya B.J.P. which has been demanding arrest of Power Minister James Sangma for his alleged involvement in illegal transportation of coal has asserted that they would approach the Prime Minister's Office, P.M.O., on the matter.

(xvii) The Shillong Times Dated 13.10.2020

Sangma further said that the Government was serious about dealing with the illegal transportation of coal and hence the Government has also prepared selling up of integrated check gates which will have live C. C. T. V. cameras along with other technological solutions to check all the trucks."

16. It is further stated that:

"4. That the Applicant has set up a case for the failure of the State to comply with the direction of this Hon'ble Tribunal. In para 3 of the

Application the Applicant has specifically mentioned about the 19 directions of this Hon'ble Tribunal which has not been complied been with.

For instance no steps have been taken:—

- a) For electronic recording of movement of coal including by way of G.P.S and R.F.LD. Tags and having Central Server for the purpose.*
- b) Monitoring of sourcing of illegally mined coal by Cement Manufacturing / Thermal Power Plant for enforcement of Mining Law including punitive and remedial action for*

sourcing of illegally mined materials as found by the Committee.

- c) Building of Board's home in Khliehriat and Sutnga area in East Jaintia Hills District, Meghalaya for preparation of Geological Report and Feasibility Report for scientific coal mining.*
- d) Compiling information about locations of dumps of coal.*
- e) Finalizing mode and manner of handling of coal and its disposal including e-auction;*
- f) Transfer of coal to Coal India Limited;*
- g) Adopting Satellite Surveillance systems;*

5. That had the aforementioned directions of this Hon'ble Tribunal been complied with the illegal extractions of coal by way of rat-hole mining and transportation would have stopped but as would transpire from the above media reporting that thousands of illegally mined coal laden trucks would not have been moving out of Meghalaya.

6. That it took almost 9(nine) months for the Chief Minister of the State to declare that it was serious about the dealing with the illegal transportation of coal and hence, the government is proposing to setup integrated check gates which will have live CCTV cameras along with other technical solutions to check all the trucks as published in The Shillong Times dated 13.10.2020 (Annexure XVII) and that to mere lip service to cover up the inaction in complying with the Hon'ble Tribunal's direction.*

7. That as stated in the above media report i.e. the Shillong Times dated 07.10.2020 (Annexure - XVII) the police as an eyewash has been detecting merely one or two trucks while leaving hundreds of trucks to pass through unchecked, which speaks volume of the conspiracy of the coal syndicate causing immense loss to the public exchequer."

Consideration of the Eighth Report and directions

17. We have given due consideration to the report and heard learned Senior Counsel Shri Panjwani for the applicant and other appearing Counsel. We have also considered the written submissions filed on 10.03.2021 by Shri Panjwani, Senior Advocate.

18. It is patent that the problem of rat hole mining in Meghalaya continues and progress of restoration of environment and disposal of illegally mined material is inadequate. The Tribunal has already recorded its findings which have been substantially affirmed by the Hon'ble

Supreme Court. Proceedings commenced on the basis of media reports on 6.7.2012 that 30 persons were trapped in illegal mining and 15 died. The Tribunal vide order dated 17.4.2014 directed stopping of rat hole mining and also sought information about the quantity of illegally mined material. On 31.3.2016, illegally mined material was directed to vest in the State. The mined material was as per order dated 7.10.2017 found to be of value of Rs. 307 crore and loss of royalty was found to be 400 crore. 10% amount was directed to be credited to Environment Protection Fund. Transportation of illegally mined material was required to be stopped vide order dated 31.8.2018. Further incident of illegal mining came to light on 13.12.2018 when 15 workers engaged in illegal mining were trapped resulting in casualties. There does not appear to be any explanation as to why if the quantity of mined coal was found to be 6.3 million tonne as per order of this Tribunal dated 07.10.2017 (referred to in Para 2 above), the said quantity was found to be 2.3 million tonne (was actually available) in the report of the Committee dated 02.01.2019 as noted in Para 4 above. There is a possibility of large amount of mined coal having been pilfered or illegally disposed of even though the same was to be custody of the State. This aspect may be looked into by the State of Meghalaya.

19. As per Supreme Court judgment dated 3.7.2019, it was held that mining can be done only after EC as per mining plan and owner's share will be the residue of sale proceeds after deducting charges payable to Coal India, Royalty amount for environmental protection and for illegally extracted coal, action under section 21 of the MMDR Act was to be taken by the State. The Committee has done substantial work in the form of eight reports details of which have already been mentioned. As already noted, the Committee formed on 31.08.2018. The Committee filed its first report on 02.01.2019 which was considered on 04.01.2019. The said report is

that illegal mining is going on and deals with the quantity of extracted coal, uninventorised coal, impact on environment and steps for restoration. The 2nd report inter-alia recommended installing digital display boards in respect of water quality, evolving mechanism for transportation of illegally mined coal, audit of sources of acquisition of coal by the power generation and cement companies. The same was considered on 11.04.2019, as already mentioned. The 3rd report dated 02.08.2019 inter-alia dealt with the remedial measures in the form of afforestation, reclamation of affected area, organizing awareness programs, protection of the mined coal, treatment of acidic water in identified streams. The same was considered on 22.08.2019. The 4th, 5th and 6th reports were considered on 17.01.2020. The 4th report dated 31.08.2019 is with regard to illegal raising and transportation of coal and action under Section 21(5) of the MMDR Act, Water and EP Act establishing coal mine surveillance system and considers mechanism for disposal of coal. The 5th report dated 02.12.2019 is inter-alia with regard to sources of coal used by the power and cement plants in the State. The 6th report dated 03.12.2019 is with regard to use of satellite to verify the details of the coal to be auctioned and to verify details of the location of the coal to be auctioned. The 7th report dated 30.04.2020 further considered the issue of transportation of the mined coal to designated place. Thus, the reports have deliberated in detail about the strategies for preventing illegal mining, taking action against violators, creating awareness, restoration of water quality, water supply to affected areas, compensation to the victims, scientific mining, handling over the mined material to Coal India for disposal and all related issues. However, disturbing fact is that even after 1 year and 8 months of the judgment of the Hon'ble Supreme Court, directing disposal of mined coal, the issue is still hanging fire. There is a possibility of such material being stolen or

pilfered and its value diminishing unless timebound action is taken for its disposal. Similarly, steps for restoration of environment need to be taken on war footing.

20. The newspaper reports filed on behalf of the applicant clearly show that illegal mining is still continuing. Restoration of environment, particularly water quality and rehabilitation of affected victims in terms of health, water supply, skill development, protection against illegal mining as well as steps to handle the illegally mined material remain a challenge which requires constant planning and action. Since sufficient deliberations have taken place and **to an extent road-map for further action has been laid out, it is now the implementation which needs to be expedited.** We propose to conclude the proceedings before this Tribunal and before the Committee so that the designated authorities now proceed further in the matter subject to the oversight of a joint Committee of Officers of the Central and the State Government, as follows.

21. We may however deal with the recommendations of the Committee in the 8th Report. We approve the release of sum of Rs. 90,80,445/- in favour of NESAC. The recommendations for handling the MEPRF is approved with the modification that the steering Committee will comprise of the Oversight Committee which we are hereby constituting. The recommendations with regard to method of coal mining and for preparation of mining plan for scientific coal mining consistent with the concern for the environment is accepted, subject to the modification that the final view in the matter may be taken by the Oversight Committee which we are hereby constituting. Same is our direction with regard to recommendation for revised comprehensive plan prepared by the Mining & Geology Department, Govt. of Meghalaya in consultation

with Coal India Limited for the purpose of transport and auction of coal. We also approve the directions given to the Chief Secretary and DGP, Meghalaya on complaint of Shri Pawan Sharma. We also approve the final order passed by the Committee disposing of the application i.e. IA No. 244/2020 filed by the applicant and transferred by the Hon'ble NGT to the Committee.

22. **While placing on record our appreciation for the onerous task undertaken by the Committee, we are of the view that since the Monitoring by the Tribunal or Tribunal appointed Committee cannot continue forever, consistent with the orders passed so far and taking into account the deliberations by the Committee, further task needs to be taken over by the Executive Authorities in the manner we are hereby directing. Needless to say, under the public trust doctrine, the State authorities are bound to work for protection of scarce natural resources, the environment and public health. There is need in change of attitude towards the subject after the Hon'ble Supreme Court has pronounced in the matter.**

23. Accordingly, we dispose of these proceedings with a direction that ownership of the task of compliance of the Judgment of the Hon'ble Supreme Court with regard to preventing unscientific and unregulated mining, restoring the environment, rehabilitating the victims and handling of illegally mined coal should be taken over by the State Authorities, to be overseen by an **Oversight Committee of 12 members, headed by Additional Secretary, MoEF&CC (dealing with the environment and abatement of pollution issues) and comprising Chairman of the EAC, MoEF&CC, dealing with EIA of coal mining, Chairman Coal India, Joint Secretary, Ministry of Mining, Government of India, Director**

General of Mines Safety, Senior Scientist, Indian School of Mines/ IIT, Dhanbad, Regional Officers MoEF&CC and CPCB, Chairman, State PCB, Additional Chief Secretary dealing with the subject of mining in the Government of Meghalaya, PCCF (HoFF) Meghalaya and Additional DGP, nominated by the DGP, Meghalaya. The Regional Officer, MoEF&CC, Shillong will be the Member Secretary of the Committee to coordinate the working of the Committee and to deal with day-to-day issues as per decisions of the Committee. The Committee may meet within one month, take stock of situation and plan future course of action. **Its task will be to take forward compliance of judgment of the Hon'ble Supreme Court and further orders of this Tribunal for preventing unscientific and unregulated mining, handling the already mined material and all other incidental issues.** At the cost of repetition, we direct that the Committee may inter alia ensure that no illegal/unauthorized mining takes place, keeping combat plan and mining mishap management plan ready to avoid eventualities. Further, the Committee may take necessary measures for rejuvenating contaminated streams and rivers. The Committee will be at liberty to take assistance of any other institution/individual. The Chief Secretary Meghalaya will provide necessary logistics for functioning of the Committee. All concerned will be bound by the directions of the Committee, subject to any objection being considered by this Tribunal.

24. We further direct that compliance reports dated 24.07.2020 and 30.09.2020 and latest report submitted by Meghalaya Police with regard to crime statistics (Annexures -14, 15 and 16) may now be looked into by the Oversight Committee. All other surviving issues which may emerge from the report or otherwise will be finally looked into by the Oversight Committee. The Oversight Committee will give its periodical reports to the

Secretaries, Mines, Coal and MoEF&CC, GoI and also place the same on the website of the State of Meghalaya and the MoEF&CC. The said Secretaries may issue such directions as may be necessary in relation to their respective subjects, subject to any unresolved issue being raised before this Tribunal. The Regional Officer, MoEF&CC may take over the records from the Committee for further proceedings as per decisions of the newly constituted Committee.

25. We place on record our appreciation for the valuable assistance rendered by learned Amicus Curiae in dealing with the matter.

A copy of this order be forwarded to the Secretaries, Ministries of MoEF&CC, Coal and Mines, GoI, the Director General of Mines Safety, GoI, Indian School of Mines/ IIT, Dhanbad, CPCB, State PCB, Additional Chief Secretary dealing with the subject in the Government of Meghalaya, PCCF (HoFF) Meghalaya and DGP, Meghalaya by e-mail for compliance.

A copy of this order be also forwarded to Justice B.D. Aggarwal, former judge of Gauhati High Court.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 15, 2021
Original Application No. 110(THC)/2012
A

(T.C.)

ANNEXURE R-18/20 Colly

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

Chalan No.

Treasury/Sub Treasury
Chalan of cash paid into the _____
State Bank of India

at U.B.S. Jowai



To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs	P		
<p>Meghalaya Cements Ltd Vill - Thangshai, P.O. Lumshingong Dist - East Jaintia Hills (Meghalaya) 793200</p>	<p>Divisional Forest Officer (T) Jaintia Hills Division Jowai</p>	<p>Royalty on 10863 MT of State for the month of Nov' 2014 @ 45/-</p> <p style="text-align: right;">Total</p>	<p>488835</p>	<p>00</p>	<p>8782 - Cash Remittance 103 - Forest Remittance</p>	<p>Date _____ Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid</p>
			<p>488835</p>	<p>00</p>		

(In words) Rupees Four Lakh Eighty Eight thousand Eight Hundred thirty five only To be used only in the case of remittances to Bank through an officer of the Government

Signature Meghalaya Cements Limited
Date _____
Authorized Signatory

Accountant

Divisional Forest Officer (T)
 Jaintia Hills Division
 Jowai

 Treasury Officer
 West Jaintia Hills District
 Jowai

447

RTY - Ch. No - 1829 4-11/5/15 24,88,835/-
VAT - Ch. No -
A. Sch. L. (Part I), Form No, 19

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DUPLICATE

FOREST DEPARTMENT, MEGHALAYA

West Jaintia Hills (T) Division

Book No. 1895

Receipt No.

Cash Book Dr. Item No. dated 20

Received from Meghalaya Cement Limited
the sum of Rs. 4,88,835/- (Four Lakh eighty
on account of eight thousand eight hundred
thirty five) only.

Dated Royalty of State on 10863 MT for the month of
Nov/2014 Officer in-charge

The 13/5/15
Jowai

Range/Depot
Divisional Forest Officer (T)
Jaintia Hills Division
Jowai

RTY - Ch. No - 1829 4-11/5/15 = 4,88,835/-
VAT - Ch. No -
A. Sch. L. (Part I), Form 19

P 194/42

TRIPPLICATE

FOREST DEPARTMENT, MEGHALAYA

West Jaintia Hills (T) Division

Book No. 1895

Receipt No.

Cash Book Dr. item No. dated 20

Received from Meghalaya Cement Limited
the sum of Rs. 4,88,835/- (Four Lakh eighty eight
on account of thousand eight hundred thirty five) only.

Dated Royalty of State on 10863 MT for the month of
Nov/2014 Officer in-charge.

The 13/5/15 20
Jowai

Range/Depot
Divisional Forest Officer (T)
Jaintia Hills Division
Jowai

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

Chalan No.



Treasury/Sub-Treasury
Chalan of cash paid into the _____ at _____
State Bank of India

UBI Jowai (Mehalaya Hills)

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs.	P.		
Name Megalhaya Cements Ltd. Mill - Thongkai, P.O. Lumsheing Dist - East Jaintia Hills Meghalaya, 791200	Divisional Forest Officer (T) Jaintia Hills Division Jowai	Royalty on 15077 MT of State for the month of DEC 2014 @ 45%	678465	00	8782 - Cash Remittance 103 - Forest Remittance	Date _____ Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)
		Total	678465	00		

*(In words) Rupees *Six Lakh Seventy eight thousand
four hundred and sixty five only*

Signature _____
Date _____
Authorized Signatory
Senior Manager
United Bank of India
Jowai Branch

To be used only the case of remittances to Bank through an officer of the Government

Divisional Forest Officer (T)
Jaintia Hills Division
Office
Jowai

Received Payment Date _____
Treasurer _____
Accountant _____

Treasury Officer
West Jaintia Hills District
Jowai

RTY - Ch. No. 1823 dt - 11/5/15 = 678,465/-
VAT - Ch. No.

RTY ⁴⁴⁹ - Ch. No. - 1823 dt - 11/5/15 2 678,465/-
VAT - Ch. No.

A. Sch. L. (Part I), Form No, 19

A. Sch. L (Part I), Form 19

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DUPLICATE

TRIPPLICATE

FOREST DEPARTMENT, MEGHALAYA

FOREST DEPARTMENT, MEGHALAYA

West Jaintia

West Jaintia

Hills (T)

Hills (T)

Division

Division

Book No. 1895

Receipt No. 7

Book No. 1895

Receipt No. 7

Cash Book Dr. Item No. --- dated --- 20

Cash Book Dr. Item No. --- dated --- 20

Received from Meghalaya Cement Limited
the sum of Rs. 6,78,465/- (Six Lakh Seventy
on account of eight thousand four hundred
sixty five) only.

Received from Meghalaya Cement Limited
the sum of Rs. 6,78,465/- (Six Lakh Seventy eight
on account of thousand four hundred sixty five) only.

Dated Royalty of slate on 15077 MT for the month of
Dec/14

Royalty of slate on 15077 MT for the month of
dated Dec/2014.

The 13/5/15
Jowai
Range/Depot
Divisional Forest Officer (M)
Jaintia Hills Division
Jowai

The 13/5/15 20
Jowai
Range/Depot
Divisional Forest Officer (M)
Jaintia Hills Division
Jowai

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

Chalan No.



Treasury/Sub-Treasury
Chalan of cash paid into the _____
State Bank of India

at UBI Jowai, Meghalaya

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs.	P.		
Meghalaya Cements Ltd Vill - Thengskai, P.O. Lumsihang Dist - East Jaintia Hills (Meghalaya) 793200	Divisional Forest Officer (F) Jaintia Hills Division Jowai	Royalty on 29824 MT of State for the month of Jan'2015 @ 15/- Total	1342080	00	8782 - Cash Remittance 103 - Forest Remittancr	Date _____ Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

*(In words) Rupees Thirteen Lakh, two hundred and eighty two thousand only

Signature Meghalaya Cements Limited
Date 13 MAY 2015
Authorized Signatory Senior Manager
State Bank of India

To be used only the case of remittances to Bank through an officer of the Government

Divisional Forest Officer (F)
Jaintia Hills Division
Jowai

Received Payment Date _____

Treasurer

Accountant

Treasury Officer
West Jaintia Hills District
Jowai

451

RTY - Ch. No - 1822 H - 11/5/15 = 13,42,080/-
VAT - Ch. No -
A. Sch. L. (Part I), Form No. 19

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DUPLICATE

FOREST DEPARTMENT, MEGHALAYA

West Jaintia Hills (T) Division

Book No.

1895

Receipt No.

Cash Book Dr. item No. dated 20

Received from Meghalaya Cement Limited
the sum of Rs. 13,42,080/- (Thirteen Lakh
on account of forty two thousand & eighty only.

Dated 13/5/15 20 Royalty of slate on 29824 MT for the
month of Jan/2015 Officer in-charge

The 13/5/15 20 Range/Depot
Jowai Divisional Forest Officer (T)
Jaintia Hills Division
Jowai

RTY - Ch. No - 1822 H - 11/5/15 = 13,42,080/-
VAT - Ch. No -
A. Sch. L. (Part I), Form 19

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TRIPPLICATE

FOREST DEPARTMENT, MEGHALAYA

West Jaintia Hills (T) Division

Book No.

1895

Receipt No.

Cash Book Dr. item No. dated 20

Received from Meghalaya Cement Limited
the sum of Rs. 13,42,080/- (Thirteen Lakh Forty two
on account of Thousand & eighty only.

Dated 13/5/15 20 Royalty of slate on 29824 MT for the month
of Jan/2015 Officer in-charge.

The 13/5/15 20 Range/Depot
Jowai Divisional Forest Officer (T)
Jaintia Hills Division
Jowai

453

RTY - Ch. No - 1827 dt - 11/5/15 = 4,86,810/-

RTY - Ch. No - 1827 dt - 11/5/15 = 4,86,810/-

VAT - Ch. No -

VAT - Ch. No -

A, Sch. L. (Part D), Form No, 19

A. Sch. L (Part I), Form 19

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DUPLICATE

TRIPPLICATE

FOREST DEPARTMENT, MEGHALAYA

FOREST DEPARTMENT, MFOHALAYA

West Jaintia Hills (T) Division

West Jaintia Hills (T) Division

Book No. 1895

Receipt No. 5

Book No. 1895

Receipt No. 5

Cash Book Dr. item No. dated 20

Cash Book Dr. item No. dated 20

Received from Meghalaya Cement Limited the sum of Rs. 4,86,810/- (Four Lakh eighty six thousand eight hundred Ten) only.

Received from Meghalaya Cement Limited the sum of Rs. 4,86,810/- (Four Lakh eighty six thousand eight hundred ten) only.

Dated Royalty of slate on 10818 MT for the month of Feb/2015 Officer in-charge

Dated Royalty of slate on 10818 MT for the month of Feb/2015 Officer in-charge.

The 13/5/15 20 Jowai

Range/Depot Officer (T) Divisional Forest Officer (T) Jaintia Hills Division Jowai

The 13/5/15 20 Range/Depot Officer (T) Divisional Forest Officer (T) Jaintia Hills Division Jowai

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

Chalan No.

Treasury/Sub-Treasury
Chalan of cash paid into the State Bank of India

at UPST Jowai (Meghalaya)



To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom rendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs	P.		
Meghalaya Cements Ltd VIII - Thongskai, P.O. Lumsinong Dist - East Jaintia Hills (Meghalaya) 793200	Divisional Forest Officer (T) Jaintia Hills Division Jowai	Royalty on 3342 MT of State for the month of March 2015 @ 45/- Total	150390	00	8782 - Cash Remittance 103 - Forest Remittance	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

(In words) Rupees One Lakh Fifty thousand and Ninety only

To be used only in the case of remittances to Bank through an officer of the Government

Signature Meghalaya Cements Limited

Date 13 MAY 2015
Authorized Signatory



Divisional Forest Officer (T)
Jaintia Hills Division
Jowai

Received Payment Date

Treasurer

Accountant

Treasury Officer
West Jaintia Hills District

RTY - Ch. No - 1824 H - 11/5/15 2 1,50,390/-

VAT - Ch. No -

A. Sch. L. (Part I), Form No, 19

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DUPLICATE

FOREST DEPARTMENT, MEGHALAYA

Jaiitia

Division

Book No. 1895

Receipt No. 3

Cash Book Dr. Item No. dated 20

Received from Meghalaya Cement Limited the sum of Rs. 1,50,390/- (one Lakh fifty thousand on account of three hundred ninety only,

Royalty of slate for 3342 MT for the month dated 13/5/15 20

Officer in-charge

The 13/5/15 20 Range/Depot Divisional Forest Officer (T) Jaiitia Hills Division Jowai

455

RTY - Ch. No - 1824 H - 11/5/15 2 1,50,390/-

VAT - Ch. No -

A. Sch. L. (Part I), Form 19

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TRIPPLICATE

FOREST DEPARTMENT, MEGHALAYA

Jaiitia

Division

Book No. 1895

Receipt No. 3

Cash Book Dr. Item No. dated 20

Received from Meghalaya Cement Limited the sum of Rs. 1,50,390/- (one Lakh fifty thousand on account of three hundred ninety only,

Royalty of slate for 3342 MT for the month dated 13/5/15 20

Officer in-charge

The 13/5/15 20 Range/Depot Divisional Forest Officer (T) Jaiitia Hills Division Jowai

Assam Schedule III (Sec I) Form No. 65
[Revised 1939]

Chalan No.

Chalan of cash paid into the Treasury/Sub-Treasury
State Bank of India

at UBI Jowai (Meghalaya)



To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom rendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs	P		
Meghalaya Cements Ltd Vill - Thongpoo, P.O. Lumshing Dist - East Jaintia Hills (Meghalaya) 793200	Divisional Forest Officer (T) Jaintia Hills Division Jowai	Royalty on 4220 MT of Slate for the month of April 2015 @ 45p. Total	189900	00	8782- Cash Remittance 103- Forest Remittance	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

*(In words) Rupees One lakh eighty nine thousand nine hundred only 189900

Signature Meghalaya Cements Limited
Date 18 NOV 2015
Authorized Signatory

To be used only the case of remittances to Bank through an officer of the Government

Signature [Signature]
Divisional Officer (T)
Jaintia Hills Division
Office Jowai

Received Payment Date

Treasurer Accountant

Treasury Officer
Treasury Office,
Jaintia Hills District
Jowai

Received
A. Singh
26

Ch. No - 10437 dt 2.11.2015 = ₹ 1, 89, 900 = 00.
Ch. No -

RTY - Ch. No - 10437 dt 2.11.2015. = ₹ 1, 89, 900 = 00.
VAT - Ch. No -

Assam Schedule L (Part I) Form No. 19
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Assam Schedule L (Part I) Form No. 19
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DUPLICATE

TRIPLICATE

FOREST DEPARTMENT MEGHALAYA

FOREST DEPARTMENT MEGHALAYA

West Jaintia Hills (T) Division

West Jaintia Hills (T) Division

Book No. **2162** Receipt No. **26**

Book No. **2162** Receipt No. **26**

Cash Book Dr. item No. _____ dated _____ 20

Cash Book Dr. item No. _____ dated _____ 20

Received from *Magn. cement dtl*
sum of *₹ 1, 89, 900/- (Rupees one lakh eighty nine thousand nine hundred) only*
on account of *Royalty for 4220 mt of slate for dtl month of 4/2015.*

Received from *Magn cement dtl*
the sum of *₹ 1, 89, 900/- (Rupees one lakh eighty nine thousand nine hundred) only*
on account of *Royalty for 4220 mt of slate for the month of 4/2015.*

Dated *Sonm* _____
Officer-in-charge
Range/Depot

Dated *Sonm* _____
Officer-in-charge
Range/Depot

The 20.11. 20 *15.*

The 20.11. 20 *15.*

Assam Schedule III (Sec I) Form No 65
[Revised 1939]

Chalan No.

Chalan of cash paid into the Treasury/Sub-Treasury at UBI Jowai State Bank of India



To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs	P		
Meghalaya Cements Ltd Vill - Thangshai, P.O. Lumsihomg Dist - East Jaintia Hills (Meghalaya) 793200	Divisional Forest Officer (T) Jaintia Hills Division Jowai	Payably on 89036 MT of Slate for the month of May 2015 @ 45/- Total	4006620	00	8782- Cash Remittance 103-Forest Remittance	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering (the money to be paid)

*(In words) Rupees Forty lakh Six thousand Six hundred Twenty only 4006620

Signature Meghalaya Cements Limited
Date 18 NOV 2015
Authorized Signatory Senior Manager
United Bank of India
Jowai Branch

To be used only the case of remittances to Bank through an officer of the Government
Signature of Departmental Officer
Jaintia Hills Division
Office Jowai

Received Payment Date
Treasurer Accountant Treasury Officer Jowai

459

TY - Ch. No - 10489 dt 2.11.2012 = ₹ 40,06,620/-
AT - Ch. No -

RTY - Ch. No - 10489 dt 2.11.2012 = ₹ 40,06,620/-
VAT - Ch. No -

Assam Schedule L (Part I) Form No. 19

Assam Schedule L (Part I) Form No. 19

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DUPLICATE

TRIPPLICATE

FOREST DEPARTMENT MEGHALAYA

FOREST DEPARTMENT MEGHALAYA

Division

West Jaintia

Division

Book No. **2162** West Jaintia Hills (T) Receipt No. **27**

Book No. **2162** Hills (T) Receipt No. **27**

Cash Book Dr. item No. dated 20

Cash Book Dr. item No. dated 20

Received from Meghalaya cement Ltd

Received from Meghalaya cement Ltd

the sum of ₹ 40,06,620/- (Rupees forty Lacs six thousand six hundred twenty only) on account of Royalty on 890 mt of state for the month of May/12.

the sum of ₹ 40,06,620/- (Rupees forty Lacs six thousand six hundred twenty only) on account of Royalty on 890 mt of state for the month of May/12.

Dated 20/11/12. Officer in Charge

Dated 20/11/12. Officer in Charge

The 20.11. 2012. Range/Depot

The 20.11. 2012. Range/Depot

Assam Schedule III (Sec I) Form No 65
[Revised 1939]

Chalan No.



Treasury/Sub-Treasury
Chalan of cash paid into the _____
State Bank of India

at UBJ Jowai (Mishalaya)

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs	P.		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> Jaijittia Hills Division Jowai Dist - East Jaijittia Hills (Meghalaya) 793202 </p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> Divisional Forest Officer (T) Jaijittia Hills Division Jowai </p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> Royalty on 52812 M² of slate for the month of June 2015 @ 45/- </p>	2376540	00	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> 8782- Cash Remittance 103-Forest Remittance </p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> Date _____ Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid) </p>
			Total	2376540		

*(In words) Rupees Twenty three lakh seventy six thousand five hundred forty only To be used only in the case of remittances to Bank through an officer of the Government

Signature Mishalaya Cements Limited Date 18 NOV 2015
 Authorized Signatory Senior Manager United Bank of India
 Signature of Departmental Officer (T) Jaijittia Hills Division Jowai

Received Payment Date _____
 Treasurer _____ Accountant _____
 Treasury Officer
 Jaijittia Hills District
 Jowai

461

TY-Ch No - 10440 dt 2.11.2015 = ₹ 23,76,540 = 0/-
AT-Ch No -

RTY-Ch No - 10440 dt 2.11.2015 = ₹ 23,76,540 = 0/-
VAT-Ch No -

Assam Schedule L (Part I) Form No. 19

Assam Schedule L (Part I) Form No. 19

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DUPLICATE

TRIPPLICATE

FOREST DEPARTMENT, WEST JARWAH HILLS (T) MEGHALAYA

FOREST DEPARTMENT, WEST JARWAH HILLS (T) MEGHALAYA

Book No. **2162** Receipt No. **28**
Division

Book No. **2162** Receipt No. **28**
Division

Cash Book Dr. item No. _____ dated _____ 20

Cash Book Dr. item No. _____ dated _____ 20

Received from Meghalaya cement Ltd
the sum of ₹ 23,76,540/- (Rupees twenty three lacs
seventy six thousand five hundred forty only
on account of Royalty on 52812 mt of state for the
month of June 15.

Received from Meghalaya cement Ltd
the sum of ₹ 23,76,540/- (Rupees twenty three lacs seventy
six thousand five hundred forty only
on account of Royalty on 52812 mt of state for the
month of June 15.

Dated 20/11/2015
The 20. 11. 2015. Range/Depot

Dated 20/11/2015
The 20. 11. 2015. Range/Depot

[Handwritten signature]

[Handwritten signature]

Assam Schedule III (Sec 1) Form No 65
[Revised 1939]

Chalan No.

Treasury/Sub-Treasury
Chalan of cash paid into the
State Bank of India

at W.B. Jowai (Mesthalay)



To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs.	P		
Meghalaya Cements Ltd VIII - Thangkhai, P. O. Lussai Dist - East Jaintia Hills (Meghalaya) 793200	Divisional Forest Officer (T) Jaintia Hills Division Jowai	Royalty on 33702 MT of Slate for the month of July 2015 @ 45/- Total	1516590-00	00	8782-Cash Remittance 103-Forest Remittance	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid

(In words) Rupees Fifteen Lakh Sixteen thousand five hundred ninety only
Signature Meghalaya Cements Limited
Date 18/11/15
Authorized Signatory
Senior Manager
State Bank of India
Jowai Branch

To be used only in the case of remittances to Bank through an officer of the Government
Divisional Forest Officer (T)
Jaintia Hills Division
Jowai

Received Payment Date _____
Treasurer _____
Accountant _____
Treasury Officer
Jaintia Hills District
Jowai

RTY - Ch. No - 10441 dt 2.11.2015 = ₹ 15,16,590/-
VAT - Ch. No -

463
RTY - Ch. No - 10441 dt 2.11.2015 = ₹ 15,16,590/-
VAT - Ch. No -

Assam Schedule L (Part I) Form No. 19
P 194/42

Assam Schedule L (Part I) Form No. 19
P 194/42

DUPLICATE

TRIPPLICATE

FOREST DEPARTMENT MEGHALAYA

FOREST DEPARTMENT MEGHALAYA

West Jaintia Hills (T)

West Jaintia Hills (T)

Book No. **2162** Receipt No. **29**

Book No. **2162** Receipt No. **29**

Cash Book Dr. item No. _____ dated _____ 20

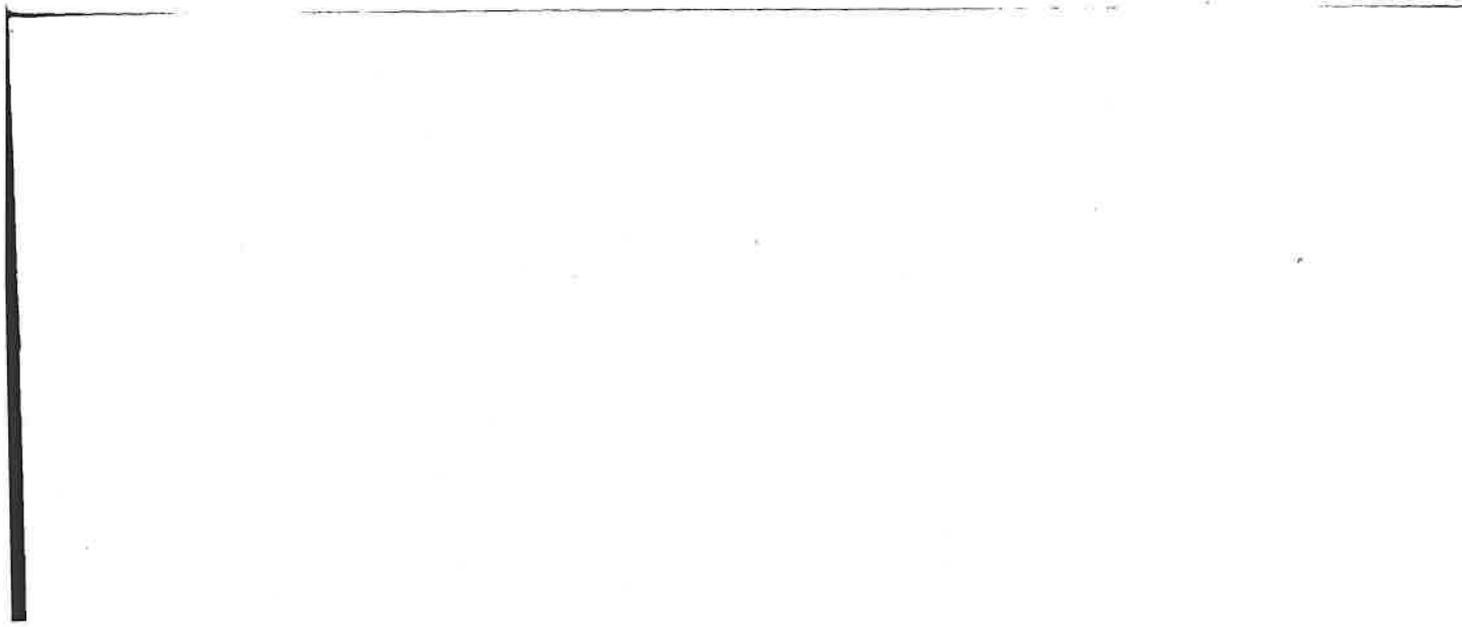
Cash Book Dr. item No. _____ dated _____ 20

Received from Meghalaya cement Ltd.
the sum of ₹ 15,16,590/- (Fifteen lakhs sixteen thousand five hundred and ninety only)
on account of Royalty on 22702 mt of slate for the month of July/2015.

Received from Meghalaya cement Ltd.
the sum of ₹ 15,16,590/- (Fifteen lakhs sixteen thousand five hundred and ninety only)
on account of Royalty on 22702 mt of slate for the month of July/2015.

Dated 20.11.2015 Jowai
Officer in Charge
Range/Depot
Jowai

Dated 20.11.2015 Jowai
Officer in Charge
Range/Depot
Jowai



Assam Schedule III (Sec. I) Form No 65
[Revised 1939]

DUPLICATE

Chalan No.

JOWAI DISTRICT TREASURY
116961
01/03/2017

Treasury/Sub-Treasury
Chalan of cash paid into the State Bank of India at UBI Jowai (Meghalaya)

Royalty on STATE

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury		
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Document Issued Head of Account Order to the Bank
			Rs.	P.	
	Meghalaya Cements Ltd Vill - Thangmal, P.O. Lumshing Dist - East Jaintia Hills (Ph-1099) 732300	Royalty on 19315 84MT of State for the month of Feb 2016 @ 45/-	869213	40	0853-Non-Ferrous Mining & Metallurgical Industries-102 Mineral Concession Fee & Royalties (1) Royalty on Minerals
		Total	869213	40	Date Correct: Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

(In words) Rupees Eight Lakh Sixty nine thousand two hundred thirteen only

To be used only in the case of remittances to Bank through an officer of the Government

Signature
Meghalaya Cements Limited
Authorized Signatory

Date

Received Payment Date

Treasurer

PAY CASH / TRANSFER
01 MAR 2017
Senior Manager
United Bank of India
Jowai Branch
Accountant

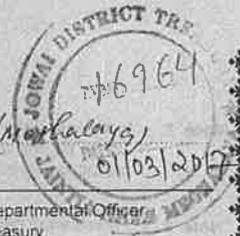
Signature of Departmental Officer
Divisional Mining Officer,
Directorate of Mineral Resources,
Meghalaya, Jowai.

Treasurer
Asst. Treasury Officer
Jaintia Hills District
Jowai

Assam Schedule III (Sec I) Form No. 65
[Revised 1939]

DUPLICATE

Chalan No.



Treasury/Sub-Treasury DMR
Chalan of cash paid into the State Bank of India

at Unit Jowai (Meghalaya)

Royalty on slate
to be filled in by the remitter

To be filled in by the Departmental Officer or the Treasury

By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount	Order to the Bank
			of Account	
	Meghalaya Cements Ltd Vill - Thorapokoi, P.O. Lumbibong Dist - East Jaintia Hills (Meghalaya) 792200	Royalty on 29,872-23 MT of slate for the month of March 2016 @ 45/-	1344250/-	0851-Non-Ferrous Mining & Metallurgical Industries-102 Mineral Concession Fees & SLATE Royalties (1) Royalty on <u>slate</u>
		Total	1344250/-	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

Document Issued

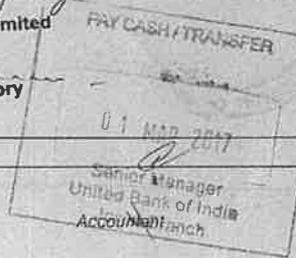
(In words) Rupees Thirteen lakh forty four thousand two hundred fifty only

Signature Meghalaya Cements Limited
Authorized Signatory

Date

Received Payment Date

Treasurer



To be used only in the case of remittances to Bank through an officer of the Government

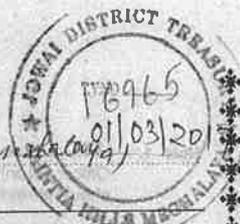
Signature of Departmental Officer
Divisional Mining Officer,
Directorate of Mineral Resources,
Meghalaya, Jowai.

Treasury Officer
Jowai

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

DUPLICATE

Chalan No.



Treasury/Sub-Treasury
State Bank of India

at UBI Jowai (Meghalaya)

Chalan of cash paid into the
Royalty on slate

To be filled in by the remitter			To be filled in by the Departmental Officer of the Treasury		
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount	Order to the Bank	Order to the Bank
			Rs.	Head of Account	Order to the Bank
Name	Meghalaya Cements Ltd VIII - Phomphol, P.O. Limsakhong Dist - East Jaintia Hills Pin - 781091 / 782200	Royalty on 99,133.18 MT of Slate for the month of April 2016 ₹ 451	446093.00	0551-Non-Ferrous Mining & Metallurgical Industries-102	Document Issued
		Total	446093.00	Mineral Concession Fees & SLATE Royalties (1) Royalty on Slate	Date
					Correct, Receive and grant receipt
					(Signature) Full designation of the Officer ordering the money to be paid

(In words) Rupees Forty four lakh Sixty thousand nine hundred ninety three only

To be used only in the case of remittances to Bank through an officer of the Government

Signature **Meghalaya Cements Limited**
[Signature]
Authorized Signatory

Date

Signature of Departmental Officer
Divisional Mining Officer,
Director of Mineral Resources,
Meghalaya, Jowai.

Received Payment Date



Treasurer

Accountant

Treasury Officer
Asst.
Treasury Officer
Jaintia Hills District
Jowai

DUPLICATE

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

Chalan No.



Treasury/Sub-Treasury
Chalan of cash paid into the State Bank of India

at U.P.L. JINAI (M... 01/03/2016)

To be filled in by the remitter		To be filled in by the Departmental Officer of the Treasury		
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount	Order to the Bank
			Rs	
	Meghalaya Cements Ltd Vill - Thongkhal, P.O. Lumbanang Dist - East Jorhat Hills 782200	Royalty on 40427MT of State for the month of MAY 2016 @ 45%	1822172-00	Document Issued
		Total	1822172-00	0832-Non-Ferrous Mining & Metallurgical Industries-102 Mineral Concession Fees & Royalties (I) Royalty on Minerals
				Date Correct. Receipt and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

(In words) Rupees *EIGHTEEN Lakh twenty two thousand one hundred seventy two only*

To be used only the case of remittances to Bank through an officer of the Government

Signature *[Signature]*
Date _____
Authorized Signatory



Signature of Departmental Officer
Divisional Mining Officer,
Directorate of Mineral Resources,
Meghalaya, Jorhat.

Received Payment Date _____
United Bank of India
Jorhat Branch

Treasurer _____ Accountant _____
Treasury Officer
Assam
Jorhat

DUPLICATE

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

MEGHALAYA

Chalan No. 9092



Treasury/Sub-Treasury at United Bank of India
Chalan of cash paid into the ROYALTY ON STATE State Bank of India

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury		
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount	Head of Account	Order to the Bank
Name Meghalaya Cements Ltd Vill - Thangpikal, P. O. Lumsdenong Dist - East Jaintia Hills (Meghalaya) 793200		Royalty on 2963 MT of Slate for the month of April 2017 @ 45/-	1333395.00	1951-Non-Ferrous Mining & Metallurgical Industries-102 Mineral Concession Fee & Royalties (I) Royalty on Slate	Document issued
		Total	1333395.00		Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

*(In words) Rupees Thirteen lakh thirty three thousand three hundred ninety five only

Signature Meghalaya Cements Limited
Date _____
Signature of Departmental Officer
Divisional Mining Officer,
Director of Mineral Resources
Meghalaya, Jowai.

Received Payment Date _____
Treasurer _____
Accountant _____
Treasury Officer
Treasury Officer
West Jaintia Hills District
Jowai.



DUPLICATE

Assam Schedule III (Sec. I) Form No. 65
[Revised 1939]

OMR
MEGHALAYA

Chalan No.



Chalan of cash paid into the
ROYALTY ON SLATE State Bank of India

Treasury/Sub-Treasury at UPAR JOWAI (Meghalaya)

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury		
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Order to the Bank
			Rs	Paise	
Meghalaya Cements Ltd Vill - Thangphei, P.O. Lumsibong Dist - East Jaintia Hills (Meghalaya) 793200		Royalty on 34705 MT of Slate for the month of May 2017 @ 45/-	1561725	00	0851-Non-Ferrous Mining & Metallurgical Industries-107 Mineral Concession Fees & Royalties (1) Royalty on SLATE
		Total	1561725	00	

*(In words) Rupees fifteen lakh, sixty one thousand seven hundred twenty five only

To be used only in the case of remittances to Bank through an officer of the Government

Signature Meghalaya Cements Limited

Signature of Departmental Officer
Divisional Mining Offices,
Directorate of Mineral Resources
Meghalaya, Jowai.

Date _____
Authorized Signatory

Received Payment Date _____
CASH TRANSFER

Treasurer
18/07/2017
Senior Manager
United Bank of India
Jowai

Accountant

Treasurer Officer
Assistant
Jaintia Hills District
Jowai

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DUPLICATE

Meghalaya Schedule III (Sec. I) Form No. 65
[Revised 1939]

**DMR
MEGHALAYA**

Chalan No.



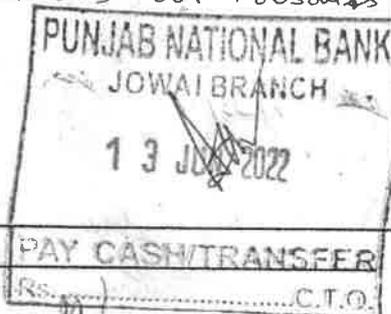
Treasury/Sub-Treasury
Chalan of cash paid into the ROYALTY ON SLATE at P.N.B. Jowai
State Bank of India

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs.	P.		
Name	Meghalaya Cements Ltd Vill - Thangskai, P. O. Lumshingoi Dist - East Jaintia Hills (Meghalaya) 787119	Payment of Royalty on 102040 MT. of slate for the period from April 2019 to Oct. 2020 @ 100/- Per MT. vide demand Notice No - DMR/R/3137/2018/306 Total dt:- 10.6.2022	10204000	00	0853-Non-Ferrous Mining and Metallurgical 00 - Null 800 - Other Receipts (04) - Royalties / Dead Rent of Mining	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

(In words) Rupees One Crore Two Lakhs Four Thousands only.

To be used only the case of remittances to Bank through an officer of the Government

Signature **Meghalaya Cements Limited**
Date 13/06/22
Authorized Signatory



Signature of Departmental Officer
Divisional Mining Officer,
Office
Directorate of Mineral Resources,
Meghalaya, Jowai

Received Payment Date

Treasurer

Accountant

13/06/22
Treasurer
West Jaintia Hills District
Jowai.

DUPLICATE

Meghalaya Schedule III (Sec. I) Form No. 65

[Revised 1939]

MEGHALAYA Chalan No.

Treasury/Sub-Treasury

Chalan of cash paid into the **ROYALTY ON SLATE** State Bank of India at P.N.B. Jowai



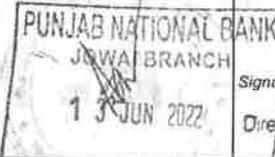
To be filled in by the remitter			To be filled in by the Departmental Officer of the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs.	P.		
Name	Meghalaya Cements Ltd VIII - Thangstai P. O. Lumshing Dist. - East Jaintia Hills (Meghalaya) 793210	Payment of Royalty on 100641 MT of Slate for the period from Nov. 2020 to Feb. 2022 @ 100/- Per MT. vide demand notice No-DMR/13137/2018/206 dt-10.6.2022	10064100	00	0853-Non-Ferrous Mining and Metallurgical 800 - Null 800 - Other Receipts (04) - Royalties / Dead Rent on Mineral	Date Correct. Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid
			10064100	00		

*(In words) Rupees One Crore Sixty four Thousands one Hundred only.

To be used only in the case of remittances to Bank through an officer of the Government

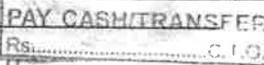
Signature Meghalaya Cements Limited

Date 13 JUN 2022
Authorized Signatory



Signature of Departmental Officer
Divisional Mining Officer,
Directorate of Mineral Resources,
Meghalaya, Jowai

Received Payment Date



Treasurer

Accountant

Treasury Officer
Ass. Jaintia Hills District
Jowai.

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DUPLICATE

Meghalaya Schedule III (Sec. I) Form No. 65
[Revised 1939]

DEPT
MEGHALAYA

Chalan No.



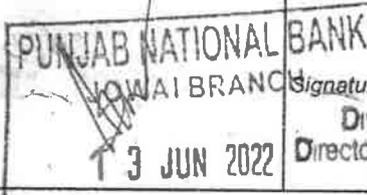
Treasury/Sub-Treasury
Chalan of cash paid into the at PNB Jowai
CESS ON SLATE State Bank of India

To be filled in by the remitter			To be filled in by the Departmental Officer or the Treasury			
By whom tendered	Name (or designation) and address of the person on whose behalf money is paid	Full particulars of the remittance and of authority (if any)	Amount		Head of Account	Order to the Bank
			Rs.	P.		
Name	Meghalaya Cements Ltd VIII - Thangskai, P. O. Lumshnong (Dist - East Jaintia Hills (Meghalaya) 785216	Payment of Cess on 100641 MT of Slate for the period 80001 NDV'2020 to Feb'2022 @25/- per MT Vide demand Notice NO: DMK/R/3137/2018/ 306 dt. 10.06.2022 Total.	2516025	00	0853 Non-Ferrous Mining & Metallurgical Industries- 104 Mines Department- (05) Cess On Minerals	Date Correct, Receive and grant receipt (Signature) Full designation of the Officer ordering the money to be paid)

*(In words) Rupees Twenty five Lakh Sixteen thousand Twenty five only

To be used only the case of remittances to Bank through an officer of the Government

Signature Meghalaya Cements Limited



Signature of Departmental Officer
Divisional Mining Officer,
Directorate of Mineral Resources,
Meghalaya, Jowai

Date 13/06/22
Authorized Signatory

Received Payment Date

Treasurer

PAY CASH/TRANSFER
Accountants..... C.T.O.

Treasury Officer
West Jaintia Assam District
Jowai.

[T.O.]

Meghalaya Cements Limite				
Royalty Payment details of Slate for the period of Nov'14 to Mar'15				
Sr. No.	Month	Qty of Slate MT	Royalty paid @45/ MT	T.C. No & Date
1	Nov'14	10863.000	4,88,835.00	1829 dt. 11.05.15
2	Dec'14	15077.000	6,78,465.00	1823 dt. 11.05.15
3	Jan'15	29824.000	13,42,080.00	1822 dt. 11.05.15
4	Feb'15	10818.000	4,86,810.00	1827 dt. 11.05.15
5	Mar'15	3342.000	1,50,390.00	1824 dt. 11.05.15
	Total	69924.000	31,46,580.00	
Royalty payment details of Slate for the period of April'15 to Mar'16				
1	Apr'15	4220.000	1,89,900.00	10437 dt. 02.11.15
2	May'15	89036.000	40,06,620.00	10439 dt. 02.11.15
3	Jun'15	52812.000	23,76,540.00	10440 dt. 02.11.15
4	July'15	33702.000	15,16,590.00	10441 dt. 02.11.15
5	Fab'16	19315.840	8,69,213.00	16961 dt. 01.03.17
6	Mar'16	29872.230	13,44,250.00	16964 dt. 01.03.17
	Total	228958.070	1,03,03,113.00	
Royalty Payment details of Slate for the period of April'16 to Mar'17				
1	Apr'16	99133.180	44,60,993.00	16965 dt. 01.03.17
2	May'16	40492.710	18,22,172.00	16963 dt. 01.03.17
	Total	139625.890	62,83,165.00	
Royalty Payment details of Slate for the period of April'17 to Mar'18				
1	Apr'17	29631.000	13,33,395.00	9092 dt. 13.07.17
2	May'17	34705.000	15,61,725.00	9093 dt. 13.07.17
	Total	64336.000	28,95,120.00	
	Grand Total	502843.960	2,26,27,978.00	

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Consolidated Consumption Statement

Month	Quantity of Slate used (MT) Dept.	Royalty Rate@100/- MT	T.C. No & Date	Cess Rate @25/- MT	T.C. No & Date
April'19	5492	549200	1810 dt. 13.06.2022		1808 dt.13.06.2022
May'19	5066	506600			
June'19	5529	552900			
July'19	4434	443400			
Aug'19	5759	575900			
Sept'19	5642	564200			
Oct'19	4705	470500			
Nov'19	5896	589600			
Dec'19	4357	435700			
Jan'20	5961	596100			
Feb'20	5712	571200			
Mar'20	4837	483700			
April'20	6072	607200			
May'20	8798	879800			
June'20	5547	554700			
July'20	5337	533700			
Aug'20	5173	517300			
Sept'20	2353	235300			
Oct'20	5370	537000			
Nov'20	5575	557500		139375	
Dec'20	5826	582600		145650	
Jan'21	6746	674600		168650	
Feb'21	5875	587500		146875	
Mar'21	6085	608500		152125	
April'21	5976	597600		149400	
May'21	5615	561500		140375	

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June'21	6641	664100	1809 dt. 13.06.2022	166025
July'21	7503	750300		187575
Aug'21	6818	681800		170450
Sept'21	642	64200		16050
Oct'21	4137	413700		103425
Nov'21	8055	805500		201375
Dec'21	8413	841300		210325
Jan'22	8718	871800		217950
Feb'22	8016	801600		200400
Total	202681	20268100		2516025

~
 (T.C.)