

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

ORIGINAL APPLICATION NO. 57 (EZ) OF 2023

IN THE MATTER OF:

AJAY RAJAK

...APPLICANT

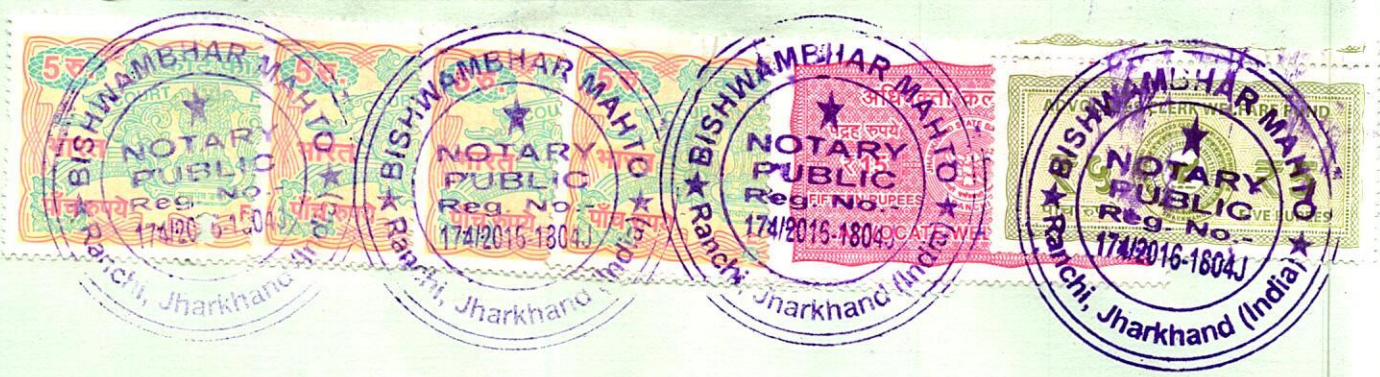
VERSUS

MINISTRY OF COAL & ORS.

...RESPONDENT(S)

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...RESPONDENT(S)

Additional Affidavit on behalf of Respondent No. 11, Ministry of Environment Forest and Climate Change in Compliance of Order dated 03.07.2024.

MOST RESPECTFULLY SHOWETH:

I, Pasupala Ravi, son of Shri Pasupala Sunkanna, aged 47 years, presently employed as Scientist 'D' at the Ministry of Environment, Forest, and Climate Change (hereinafter referred as MoEF&CC), Regional Office, Ranchi, having office located at 2nd floor, Headquarter-Jharkhand State Housing Board, Harmu Chowk, Ranchi, Jharkhand -834002, solemnly affirm and declare the following:

1. That, I, the above named Deponent, am authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present Affidavit.
2. That, I have read and understood the contents of the present Affidavit. The contents thereof are true and no part of it is false and no material has been concealed therefrom.
3. That, without prejudice to the above and as an alternative submission, the deponent craves liberty to raise further required contentions during the course of the proceedings if sought by this Hon'ble Tribunal.
4. That, it is most respectfully submitted that the present application has been filed against the illegal mining of coal operating in Surunga Pahharigora, Parbad Laxmi Colliery etc.,



situated in Alakdiha OP, District Dhanbad in the State of Jharkhand which belongs to the Bharat Coking Coal Limited (BCCL), Lodna area under Coal India Limited.

5. That, it is most respectfully submitted that the applicant further contended that:

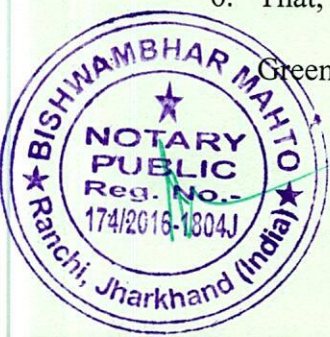
- a. In November 2022, about 20-25 people have lost their lives due to illegal mining in the Central Surunga Paharigora.
- b. These illegal mines falls in the forest area and due to the mining operations, a part of Shiva Temple has also sunk into the ground.
- c. About 1500-2000 people including women and children are engaged in illegal coal mining in tunnel like unsafe coal mines which can any day result in a major tragedy.

5. That, it is most respectfully submitted that, in view of the above-stated contentions, Applicant prays for the following things which are reproduced below:

- I. *Kindly passed an order to stop the illegal mines happening unnaturally on the above mentioned forest land.*
- II. *Please also take appropriate legal action against the mining mafia and guilty officials involve in the said illegal mining.*
- III. *Please identify the dead person due to illegal mining and give them the grace to provide necessary compensation to their families.*
- IV. *In view of the difficulties being faced by the nearby villagers due to the said illegal mining, please provide proper compensation to them from the BCCL management.*
- V. *Please excavate the said mining sites and remove the skeleton of the dead miners and issue an order to get them cremated according to their religion.*
- VI. *Kindly issue an order to investigate the property of all the police officers and their close relatives posted under the sindri subdivision police are, especially the then and present SHO's posted in Alakdiha OP and Baliapur police station, from the Enforcement directorate in the last two years.*
- VII. *Kindly issue an order to deposit the illegal coal extracted from the said mining sites till date in the central treasury after getting the experts, asses the cost of coal and reimburse the amount from the mining operator and the guilty officials.*

6. That, it is most respectfully submitted that, in view of the above, the Hon'ble National Green Tribunal (NGT) vide order dated 04.07.2023 constituted a committee to visit the

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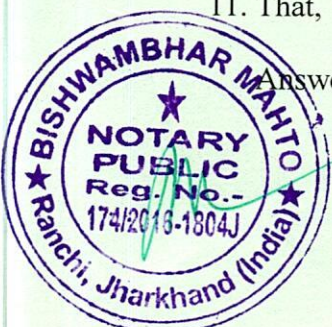


site and prepare an inspection report. The committee comprises of the following members: -

- i) Dy. Commissioner, Dhanbad,
- ii) Senior Scientist, Central Pollution Control Board,
- iii) Senior Scientist, Jharkhand State Pollution Control Board,
- iv) Senior Scientist, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Ranchi.

7. That, it is most respectfully submitted that the MoEF&CC is not a respondent in the array of parties. However, the NGT while hearing the instant OA No. 57 of 2023, vide order dated 04.07.2023 directed the applicant to implead MoEF&CC, Regional Office, Ranchi as respondent no. 11 in the array of respondents.
8. That, it is most respectfully submitted that, in compliance of the order dated 04.07.2023, MoEF&CC was impleaded as a respondent in the present application. Also, a committee was constituted with the following members:
- a. Shri Sandeep Singh, Dy. Commissioner, Dhanbad
 - b. Shri Sandeep Roy, Scientist-D, Central Pollution Control Board, Regional Directorate, Kolkata
 - c. Shri Sanjay Kumar Srivastava, Assistant Scientific Officer, Jharkhand Pollution Control Board, HQ Ranchi.
 - d. Shri Rajeev Ranjan, Scientist-E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.
9. That, it is most respectfully submitted that as per the direction of the Hon'ble Tribunal the committee visited and inspected the contended sites on 21.07.2023 and submitted the site inspection report along with the remedial steps/action plans with regard to checking and preventing illegal/unauthorised coal mining and theft of coal.
10. That, it is most respectfully submitted that **the counter affidavit on behalf of the answering respondent (MoEF&CC) has already been filed vide dated 04.10.2023 and the same has already been taken on record by the Hon'ble Tribunal.**

11. That, it is most respectfully submitted that this additional affidavit on behalf of Answering Respondent is submitted in Compliance of Order dated 03.07.2024 wherein



the Hon'ble Tribunal directed the answering respondent to file the para-wise reply to the affidavit filed by Respondent No. 3 and 7 (Bharat Coking Coal Limited).

Preliminary Objections/Preliminary Submissions:

12. That, it is most humbly submitted that **the answering respondent has clearly stated their role with respect to the main issue contended by the petitioner, in the counter affidavit in paragraphs 20-23, and the same is not repeated here for the sake of brevity.**
13. That, at the outset, it is most humbly submitted that **the issue raised by respondents No. 3 and 7 (BCCL) in the counter affidavit dated 04.09.2023, concerning the lease holding rights but no surface rights over the area where the alleged illegal mining is taking place, does not fall within the domain of the answering respondent.** The role of the answering respondent is to grant prior Environmental Clearance (EC) under the EIA Notification, 2006, and its subsequent amendments, as well as to monitor compliance with the conditions stipulated therein. However, the issue highlighted in the counter affidavit of respondent No. 3 and 7 primarily revolves around the grant of lease and associated rights, for which every project proponent must obtain a vesting order concerning the project land from the Ministry of Coal before the grant of EC.

Para wise reply to the affidavit filed by Respondent No. 3 and 7 (Bharat Coking Coal Limited)

14. **Para 1 & 2:** These paragraphs state matters of fact and, therefore, require no response from the answering respondent.
15. **Para 3(a) to 3(h):** These paragraphs contain factual information and do not necessitate a reply from the answering respondent.
16. **Para 3(i):** The issues raised in this paragraph pertain to the State of Jharkhand and the Ministry of Coal, who are better positioned to provide a response.
17. **Para 3(j) & 3(k):** These paragraphs concern the Ministry of Coal, who is in better position to provide a response.
18. **Para 3(l):** The contents of this paragraph are outside the scope of the answering respondent's purview.
19. **Para 3(m):** The matters discussed pertain to the granting of a lease to BCCL, which is under the jurisdiction of the Ministry of Coal.

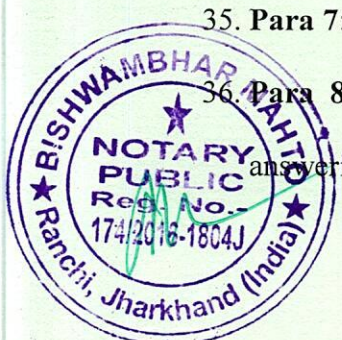


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20. **Para 3(n)**: This paragraph presents factual statements and does not require any response from the answering respondent.
21. **Para 3(o)**: This issue pertains to the Ministry of Coal, and they are in better position to provide a response.
22. **Para 3(p)**: The paragraph contains factual information, thus not necessitating a reply from the answering respondent.
23. **Para 3(q)**: This paragraph pertains to the Ministry of Coal, and they are in better position to provide a response.
24. **Para 3(r)**: The statements in this paragraph are factual and do not warrant a reply from the answering respondent.
25. **Para 3(s) & 3(t)**: Both paragraphs consist of factual information and do not require a response from the answering respondent.
26. **Para 3(u)**: This matter pertains to the Ministry of Coal, who should address it accordingly.
27. **Para 3(w) to 3(ee)**: These paragraphs consist of factual assertions, and no reply is required from the answering respondent.
28. **Para 3(ff) to 3(hh)**: The issues raised in these paragraphs are within the domain of the Ministry of Coal.
29. **Para 3(ii)**: This paragraph merely states facts, and no response is necessary from the answering respondent.
30. **Para 3(jj), 3(kk) & 3(ll)**: These paragraphs present matters of fact, which do not require a response from the answering respondent.
31. **Para 3(mm)**: This issue pertains to the Ministry of Coal.
32. **Para 4**: The paragraph is a mere statement and does not necessitate a response from the answering respondent.
33. **Para 5**: The matter discussed does not relate to the answering respondent.
34. **Para 6**: The issues raised pertain to the Ministry of Coal, and they are in better position to provide a response.
35. **Para 7**: This paragraph does not concern the answering respondent.
36. **Para 8**: This paragraph consists of a prayer and does not require a reply from the answering respondent.

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37. **Para 9:** This paragraph contains a factual statement and does not warrant a reply from the answering respondent.

38. That, from the above, it is evident that the issue highlighted in the counter affidavit of respondents No. 3 and 7, concerning lease holding rights but no surface rights over the area where the alleged illegal mining is taking place, does not fall within the domain of the answering respondent.

39. That, in view of the above mentioned facts, this Hon'ble Tribunal is graciously requested to pass any orders as may deem fit in the interest of justice. The Answering Respondent prays accordingly.

[Handwritten Signature]

DEPONENT

डा० पशुपाला रवि / Dr. Pasupala Ravi
वैज्ञानिक 'डी' / Scientist 'D'
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

[Handwritten Signature]
Adv.

E.No-4009/99

Signature Attested and
Identification of Lawyer

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[Handwritten Signature]
20/08/24
NOTARY PUBLIC. RANCHI

VERIFICATION

Verified at Ranchi on this 20th day of August, 2024, that the contents of this affidavit are true and correct to the best of my knowledge and based on official records maintained in the regular course of business. No part of this affidavit is false, and nothing material has been concealed.

[Signature]

DEPONENT

डा० पशुपाला रावि / Dr. Pasupala Ravi
वैज्ञानिक 'डी' / Scientist 'D'
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi



[Signature]
20/08/24
NOTARY PUBLIC, RANCHI

[Signature]
Adv.
E.No-4009199
Signature Attested and
Identification of Lawyer

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