

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 97 (EZ) OF 2024

IN THE MATTER OF:

Vimla Vipu Soren

APPLICANT

VERSUS

State of Jharkhand & Ors.

RESPONDENT(S)

INDEX

S. No.	PARTICULARS	PAGE NO.
1.	Compliance Affidavit on behalf of Respondent No. 1, Ministry of Environment Forest and Climate Change	1-5
2.	Annexure No. R1/1: Copy of the report of the Joint Committee.	6-10

Place: Ranchi

Dated: 17th October, 2024

17 OCT 2024



S. Kumar
17-10-24

NOTARY PUBLIC
RANCHI



BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 97 (EZ) OF 2024

IN THE MATTER OF:

Vimla Vipu Soren

.....APPLICANT

VERSUS

State of Jharkhand & Ors.

.....RESPONDENT(S)

**COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,
UNION OF INDIA [MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE]**

MOST RESPECTFULLY SHOWETH:

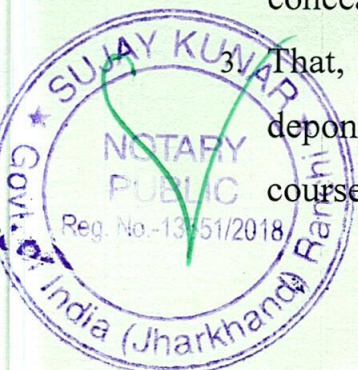
I, Pasupala Ravi, Son of Shri Pasupala Sunkanna, aged 47 years, presently employed as Scientist 'D' in the Ministry of Environment, Forest, and Climate Change (hereinafter referred as MoEF&CC), Regional Office, Ranchi, having office located at 2nd floor, Headquarter- Jharkhand State Housing Board, Harmu Chowk, Ranchi, Jharkhand -834 002, do hereby in my official capacity, 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, 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 the Hon'ble Court.

Authorized under Notaries Act-1956
and Notaries Rules 1956 by
Govt of India (Jharkhand)

17 OCT 2024

Ref. No. Date



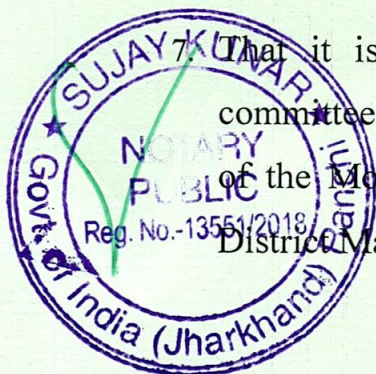
×

Facts of the Case

4. That it is most respectfully submitted that, this Original Application was initiated based on a letter dated September 4, 2023, submitted by the applicant to the Hon'ble Chairperson of the NGT, Principal Bench, New Delhi. The Principal Bench acknowledged this on April 23, 2024, and registered the case as O.A. No. 144/2024, titled Vimla Vipu Soren versus the State of Jharkhand and others.
5. That it is most respectfully submitted that the applicant's letter, written in Hindi, raises the following concerns: *"Subject: Environmental pollution caused by the coal company. The letter states that the W.B.P.D.C.L. Coal Company excavates coal daily from Panchuvera in the Pakur district and transports it by truck to the Dumka railway station. The daily operation of thousands of coal trucks along the Dumka-Sahebganj main highway is severely affecting the environment and public health due to coal dust. This dust poses particular risks to school children, and residents living along the highway may face serious health issues. The coal dust is also damaging local vegetation, and the company has not complied with regulations regarding dust suppression by applying water on this route. Additionally, numerous accidents involving coal trucks have occurred, resulting in significant loss of life. Therefore, I respectfully request that you take note of my concerns and take appropriate action against the W.B.P.D.C.L. Coal Company."*
6. That it is most respectfully submitted that, upon acknowledging the applicant's letter, the Hon'ble NGT noted that the claims raised substantial environmental questions related to the enforcement of laws specified in Schedule I of the National Green Tribunal Act, 2010. A Joint Committee was constituted to verify the facts and recommend necessary remedial measures.

Constitution of the Joint Committee

That it is most respectfully submitted that, the NGT (PB) formed a committee consisting of representatives from the Integrated Regional Office of the MoEF&CC, the Jharkhand State Pollution Control Board, and the District Magistrate of Pakur, Jharkhand vide its Order dated April 23, 2024.



8. That it is most respectfully submitted that, the terms of references for the Joint Committee includes *“to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due process of law”*.

Transfer of the Case

9. That it is most respectfully submitted that, the latter part of the Order dated April 23, 2024, states that although this Bench has taken cognizance of the case based on the letter petition received by post with the approval of the Hon'ble Chairperson, considering the circumstances, particularly the location of the cause of action within the jurisdiction of the Eastern Zone Bench in Kolkata, it would be more appropriate for the case to be heard by Eastern Zone Bench. The Registry is directed to list the matter before the Eastern Zone Bench on July 15, 2024, after obtaining the approval of the Hon'ble Chairperson for the transfer.
10. That it is most respectfully submitted that, the matter was transferred to the NGT (EZ Bench) in Kolkata, registered as OA No. 97 of 2024, and was subsequently heard by this bench on July 15, 2024.

Koushik

Allegations and Respondent Status

11. That it is most respectfully submitted that, the applicant's letter does not alleges anything against the answering respondent. However, the answering respondent was impleaded as respondent no. 1 vide Order dated 15.07.2024 of this Hon'ble Tribunal.
12. That it is most respectfully submitted that, in compliance with the NGT Order dated April 23, 2024, the Joint Committee conducted a site inspection on June 3, 2024, with the following officers present: a) Shri Mrityunjay Kumar Baranwal, Deputy Commissioner and Magistrate of Pakur, Jharkhand; b) Shri Rajiva Kumar Sinha, Regional Officer, JSPCB Regional Office and Laboratory, Dumka; c) Shri M. Rajeshwar Prasad, Scientist C, MOEF&CC Regional Office, Ranchi.

17 OCT 2024



X

Observations and Recommendations of the Joint Committee

13. That it is most respectfully submitted that, the committee made several observations and recommended that to fully assess the issues, including the effectiveness of measures taken by the project proponent and the district administration, the inclusion of the District Magistrate of Dumka as a member of the Joint Committee is essential. This is because a significant portion—approximately 55 kilometers—of the coal transportation route falls within the jurisdiction of Dumka District. The committee therefore recommended that the Hon'ble Tribunal may kindly constitute a separate committee including representatives from the Dumka District Administration to investigate the situation in Dumka district. A copy of the Joint Committee's report is attached as **Annexure No. R1/1**.
14. That it is most respectfully submitted that to evaluate the situation in Dumka District effectively, the Joint Committee has recommended to constitute a separate committee with representatives from the Dumka District Administration.
15. That it is most respectfully submitted that, the responding party reserves the right to submit an additional affidavit during the hearings in this petition or whenever necessary.
16. That, in view of the above mentioned facts, this Hon'ble Court is graciously requested to pass any orders as may deem fit in the interest of justice. The Answering Respondent prays accordingly.

[Handwritten Signature]

DEPONENT

डा. पशुपाल रावि / Dr. Pasupala Ravi
 वैज्ञानिक 'डी' / Scientist 'D'
 भारत सरकार / Govt. of India
 पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
 Environment, Forest & Climate Change
 क्षेत्रीय कार्यालय, रांची
 Regional Office, Ranchi

[Handwritten Signature]
 17/10/2024

ENo. 3993/05

Signature attested on
 Identification of Lawyer

17 OCT 2024

S Kumar
 17-10-24



NOTARY PUBLIC
 RANCHI

VERIFICATION:

Verified at Ranchi on this day October, 2024 that the contents of this affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

K. Pasupala Ravi

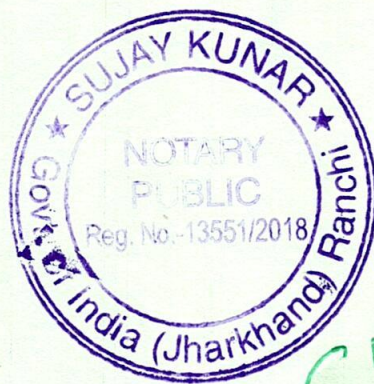
DEPONENT

डा० पशुपाल राव / Dr. Pasupala Ravi
श्रेणी 'डी' / Scientist 'D'
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Min. Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

[Signature]
10/10/2024
AAR

ENo. 3993/25

**Signature attested on
Identification of Lawyer**



**NOTARY PUBLIC
RANCHI**

S. Kumar
17-10-24

17 OCT 2024

Annexure R1/1

FACTUAL REPORT ON THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT), PRINCIPAL BENCH, NEW DELHI IN ITS ORDER DATED 23/04/2024 IN O. A. No. 144/2024 IN THE MATTER OF VIMLA VIPU SOREN VERSUS STATE OF JHARKHAND & ORS

The Hon'ble NGT, Principal Bench, New Delhi has taken cognizance of the petition submitted by Miss Vimla Nipu Soren in the form of a letter dated 04/09/2023 sent to the Hon'ble Tribunal by post which had been registered as O.A. No. 144/2024 in the matter of Vimla Nipu Soren Versus State of Jharkhand and others.

The case had come up for hearing and vide its order dated 23/04/2023, addressing the grievances of the applicant, the Hon'ble Tribunal has directed for the constitution of a Joint Committee to verify the factual position and take appropriate remedial action. Accordingly, the Joint Committee was constituted comprising of the representatives of the following: -

1. Integrated Regional Office, MoEF & CC, Ranchi.
2. Jharkhand State Pollution Control Board.
3. District Magistrate, Pakur, Jharkhand.

The Hon'ble NGT had directed the Committee to undertake the following duties:

- i. To meet within two weeks
- ii. Undertake visits to the site
- iii. Look into the grievances of the applicant
- iv. Associate the applicant and representatives of the concerned project proponent
- v. Verify the factual position and take appropriate remedial action by following due process of Law.

In compliance to the directions of the Hon'ble Tribunal, the following Officers carried out the Site Inspection of the area, on 03/06/2024: -

- a) Shri Mrityunjay Kumar Baranwal, Deputy Commissioner – Cum – District Magistrate, Pakur, Jharkhand.
- b) Shri Rajiva Kumar Sinha, Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka.
- c) Shri M. Rajeshwar Prasad, Scientist – C, MoEF & CC Regional Office, Ranchi.

The members of the Joint Committee had met at Pakur, under the Chairmanship of District Magistrate in the morning of 03/06/2024 and discussed briefly about the directions of the Hon'ble NGT. Accordingly, the team carried out Inspection of the sites, beginning with the areas just outside the North Pachhwara Coal Mine of M/s West Bengal Power Development Corporation Limited (WBPDC), from where all the coal transportation vehicles continue its plying to the different Railway sidings including Dumka Railway siding.

The sites visited by the Joint Team are:

- I. Wheel Washing facility located at Barmasia village in the Pakur District just before entering into state highway (ADB Road).
- II. The coal transportation road, from the mine up to Bansloi River Bridge, Boundary of Pakur District, which is dedicated for coal transportation and located in the Pakur District (approx. length is 15 kms).

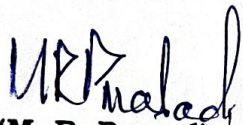
The members of the Joint Committee, including the representatives of the project proponent M/s WBPDCCL, had a meeting with the complainant, Miss Vimla Nipu Soren with regard to her grievances on the pollution caused due to transportation of the coal laden vehicles on the Highway.

OBSERVATIONS:

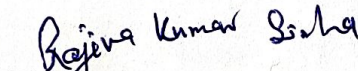
- a) It was observed by the Joint Committee that the coal transportation road, from the North Pachhwarra Coal Mine is upto two different railway sidings
 - 1) Pakur Railway Siding
 - 2) Dumka Railway Siding.
- b) It was also noted by the committee that the coal transportation road, stated in the petition, has a total stretch of 70 kms, out of which
 - 1) a distance of approx..15 kms comes under the Pakur District and
 - 2) approx....55 kms length of road is covered in the Dumka District.
- c) The Joint Committee, along with the representatives of project proponent M/s WBPDCCL carried out inspection of the 15 kms stretch of the road located in the Pakur District and the District Magistrate, Pakur suggested to take photographs of the leaves and plants located along the road for ascertaining the impact of fugitive dust on the vegetation on the avenue plantation. Negligible amount of dust was observed on the vegetation.
- d) The Joint Committee did not observe any villages / habitations along the 15 kms stretch of the road for interaction with the people to take feedback on the coal transportation on them.
- e) The Joint Committee was of the view that for a complete overview of the problems being faced, efficacy of measures adopted by the project proponent /district administration and impact(s) of coal transportation on the habitations, dwellings along the road in the districts of Pakur and Dumka could be concluded only after the inclusion of District Magistrate, Dumka as a member of the joint committee constituted by the Hon'ble NGT, as almost a stretch of 55 kms of coal transportation route lies in his jurisdiction.
- f) As informed by the Regional Officer, JSPCB Dumka a matter w.r.t. the pollution caused by the Coal Transportation from the Dumka Railway Siding was also heard and disposed of with directions by the Hon'ble NGT, EZB, Kolkata as M.A. No. 13/2024/EZ in O.A. No. 19/2021/EZ.

Recommendation / Prayer: -

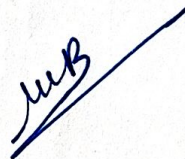
1. The Joint Committee observed that M/S WBPDCCL provided a wheel washing facility at Barmasia village and provided a mobile water tanker for wetting of the coal transportations road to mitigate the pollution in Pakur district. Also, during inspection transportations vehicles are found covered with tarpaulin and no habitation was found in Coal transportation route (By Road) within territorial boundary of Pakur district.
2. Pollution control measures are being implemented by M/S WBPDCCL to mitigate the effects of coal transportations by road in the territorial boundary of Pakur district.
3. It is humbly prayed to the Hon'ble Tribunal to Constitute a separate committee including the Dumka district Administration to verify the factual position in Dumka district.



(M. R. Prasad)
Scientist - C,
MoEF&CC Regional
Office, Ranchi

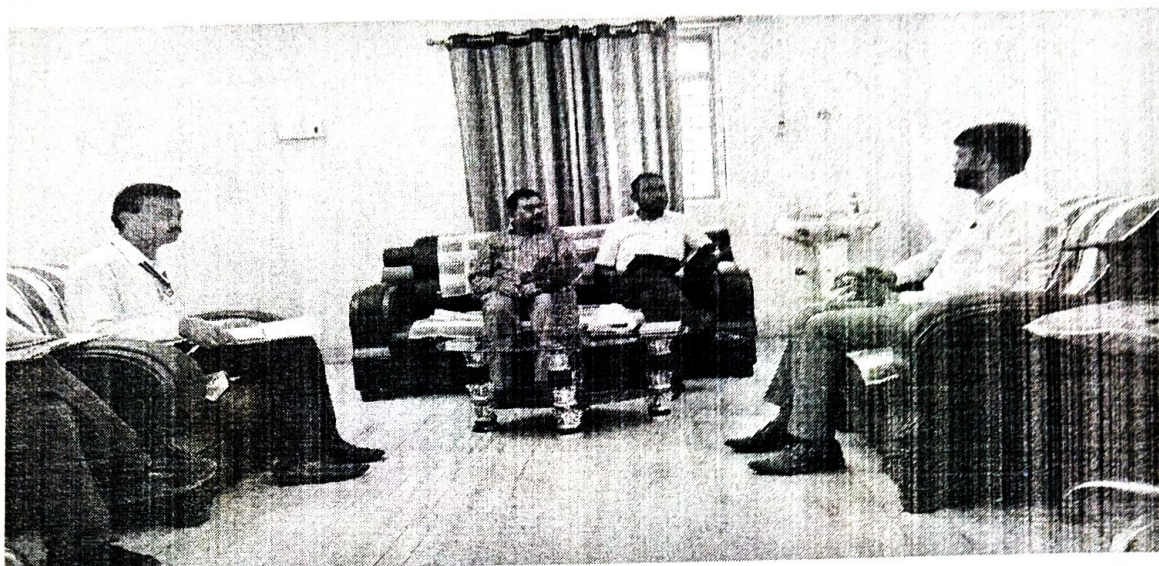


(Rajiva Kumar Sinha)
Regional Officer,
JSPCB, Dumka



(M.K. Baranwal)
Deputy Commissioner
Pakur, Jharkhand

ANNEXURE'S PHOTOGRAPHS



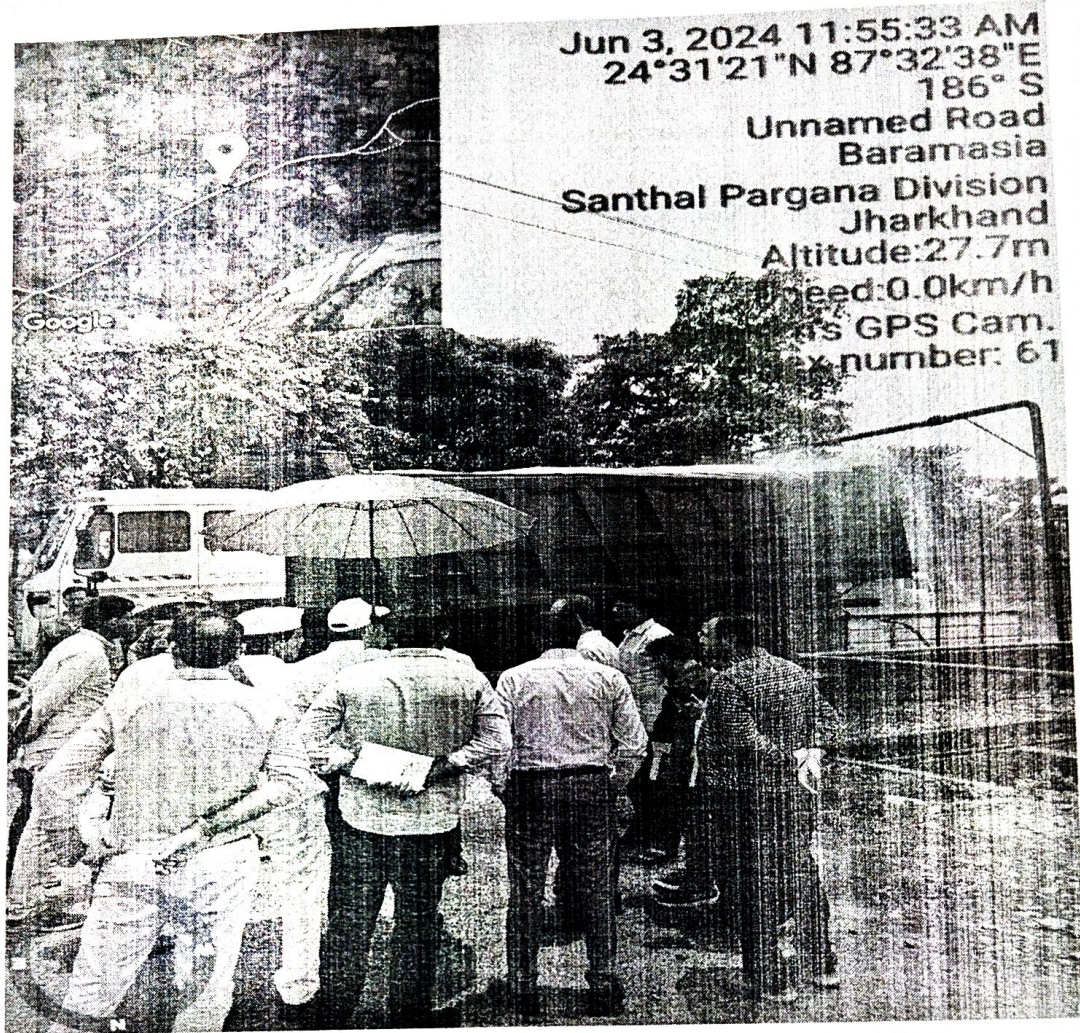
➤ **Joint Meeting at Prakruthi Vihar Park.**



Jun 3, 2024 11:56:20 AM
24°31'21"N 87°32'38"E
337° NW
Unnamed Road
Baramasia
Santhal Pargana Division
Jharkhand
Altitude:33.7m
Speed:0.0km/h
Satyam's GPS Cam.
Index number: 62



➤ **Inspection at Baramasia Wheel Washing Facility**



➤ At wheel washing facility.

