

**BEFORE THE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****Original Application No. 63/2023/EZ**

Anup Kumar

..... Appellant

- Versus -

State of Jharkhand &amp; Ors.

..... Respondents

## INDEX

Sl. No.	Particulars	Page No.
1	Affidavit filed by District Mining Officer, Hazaribag, Jharkhand	1 - 4
2	Verification	5

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

**Original Application No. 63/2023/EZ**

*Binod Ranjan Prasad*  
NOTARY  
HAZARIBAG (JHARKHAND)

Anup Kumar

..... Appellant

- Versus -

State of Jharkhand & Ors.

..... Respondents

AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 5 i.e. DIRECTOR  
OF MINES, GOVERNMENT OF JHARKHAND

I, Ajit Kumar, Son of Late R.C. Prasad, aged about 57 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of District Mining Office, Hazaribag, having its office at Near Circuit House, P.O. Hazaribag Jharkhand, do hereby solemnly affirm and state as follows:

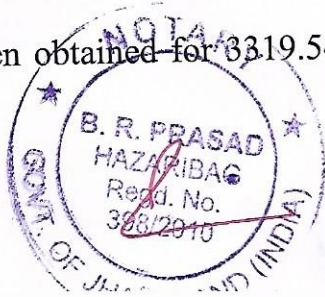
1. That I am the District Mining Officer, Hazaribag, duly authorised by respondent no. 5, Director of Mines, Jharkhand, Ranchi to swer the affidavit before NGT. I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant affidavit.



24963 Dated 24/10/2024  
 Authorised u/s 8(1) (a) of the notaries  
 Act of 1952 & rule 11 (3) (4) of the  
 Notary rules 1958



2. That I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That in pursuance and in compliance to the order dated 11.07.2023 of this Hon'ble Tribunal in the instant Original Application this Affidavit is being filed by District Mining Officer, Hazaribag, Jharkhand, i.e. respondent no. 5 (Director of Mines) to the Original Application.
4. That this affidavit is being filed for bringing necessary facts and statements on record for just and proper adjudication of this case.
5. That the answering respondent has gone through the e-mail complaint dated 18.10.2022 of Anup Kumar filed before of National Green Tribunal, Principal Bench, New Delhi, order dated 24.05.2023 passed by National Green Tribunal, Principal Bench, New Delhi in O.A. No. 158/2023/PB.
6. That neither the Director of Mines, Jharkhand nor any officer of Department of Mines and Geology, Government of Jharkhand is member of the joint committee mentioned at Para 4 of order dated 11.07.2023 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 63/2023/EZ.
7. That the background fact in brief is that M/s National Thermal Power Corporation Ltd., NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi has been allotted Pakri Barwadih Coal Mining Block having area 4626 ha. out of which Environmental Clearance has been obtained for 3319.54 ha. Land is acquired through various gazette




- notification of Ministry of Coal, Government of India under Coal Bearing Area (Acquisition & Development) Act, 1957.
8. That, subsequently the National Thermal Power Corporation Ltd. acquired all statutory clearances namely (i) Approved Mining Plan, (ii) Environment Clearance, (iii) Forest Clearance and Simultaneously acquired the surface right for the aforesaid coal mining project in the Hazaribag district of the State of Jharkhand.
9. That the answering respondent most respectfully submits that the foundational basis of all environment clearance/forest clearance lies in the approved mining plan which gives the objective of project proponent and methodology of working of coal.
10. That any analysis by any committee has to keep in mind the prime objective for which the environment clearance and forest clearance has been granted by the competent authority, and that lies in the last approved/revised mining plan. The resolution of dispute regarding observance/deviation of terms and conditions of statutory clearances, if any, has also to keep the last approved/revised mining plan and its objective in centre because the statutory clearances are for that desired objective only. Needless to say that the approved mining plan/environment clearance/forest clearance all are to be complied with and any inherent contradiction in between the statutory clearance has to be resolved keeping in mind the desired objective for which the statutory clearances have been granted.



11. That the responsibility of observance of terms and conditions of all statutory clearances lies with the lessee and project proponent National Thermal Power Corporation Ltd. and act of any contractor appointed by the lessee namely Triveni Sainik Mining Company or others shall squarely fall on the principal employer National Thermal Power Corporation Ltd. only.
12. That the answering respondent seeks leave to file any further affidavits, if required, as per direction of the Hon'ble Tribunal.
13. That, this affidavit is filed bonafide and in the interest of justice. It is therefore prayed that your Lordships, may kindly be pleased to accept the instant affidavit.
14. I state that the statements contained in paragraphs nos. 1 to 4 are true to my knowledge, the statements contained in paragraph Nos. 5 to 10 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submission before this Hon'ble Tribunal.



  
24.10.2024  
District Mining Officer,  
Hazaribag

VERIFICATION

I, Ajit Kumar, Son of Late R.C. Prasad, aged about 57 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of District Mining Office, Hazaribag, Jharkhand, having its office at Near Circuit House, P.O. Hazaribag Jharkhand and that I am dealing with the connected records of the case in possession of the office of District Mining Office, Hazaribag, Jharkhand.

Date : ..... 24.10.2024 .....

Place : ..... Hazaribag .....

Ajit Kumar

Deponent

Identified by me :

Identified the deponent who has signed/put L.T.I in my presence  
Advocate

[Signature]  
24-10-24  
ADVOCATE

Solemnly affirmed/declared on oath before me by Sri. Ajit Kumar  
Who has been identified by Shri. Bipin Kumar Advocate who is personally know to me.

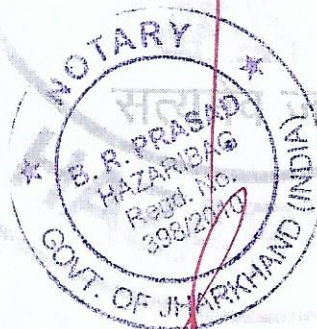
[Signature]  
NOTARY  
24/10/24



# Affidavit



Binod Ranjan Prasad  
NOTARY  
HAZARIBAG (JHARKHAND)



24/10/21

*Handwritten mark*

*Handwritten signature*  
Bar Association