

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.04/2025/EZ



In The Matter of:

Budhan Majhi

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

COMMITTEE REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 08, THE DISTRICT MAGISTRATE & COLLECTOR,
BANKURA

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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BANKURA

I, Sri Siyad N, Son of Sri Nazimudeen S, aged about 33 years, by faith –
Muslim, by occupation – Government Service, presently posted as the
District Magistrate & Collector, Bankura having office at Office of the

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District Magistrate, Bankura 722101 do hereby solemnly declare and say as follows:-

1. That I am presently posted as the District Magistrate & Collector, Bankura and I have made myself well acquainted with the facts and circumstances of the instant case and have gone through the documents and reports pertaining to the subject matter of the instant Original Application and I am competent to affirm and swear this affidavit before the Hon'ble Tribunal.
2. That this Committee Report in the form of affidavit is being filed in compliance to the Solemn Order dated 10.01.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench.
3. That in the said Solemn Order the Hon'ble Tribunal has been pleased to constitute a Fact Finding Committee and interlia directed the Committee so constituted to file its report. Accordingly in compliance to the Solemn Order dated 10.01.2025 a Committee was constituted and the said Committee visited the site on 06.02.2025 and had made the following observations:

In compliance with the order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, a committee has been formed vide memo no. 63/MM dated 28.01.2025 with the following members:-

- (i) Additional District Magistrate & District Land & Land Reforms Officer, Bankura
- (ii) Scientist-D, Central Pollution Control Board
- (iii) Assistant Environmental Engineer, Durgapur Regional Office, West Bengal Pollution Control Board



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• The said committee members visited the site in question on 06.02.2025 for enquiry on the allegations made in the original application. In this regard, the allegations as mentioned in the original application as is mentioned below in brief:

(i) No mining activities and infrastructural development prior to initiation of direct purchase of alternative lands for the resettlement of the residents of Chunpora & Bhikrasol village.

(ii) Not to extend opencast working prior to acquisition of land by Durgapur Projects Ltd.

(iii) No blasting within 100 mts. of structure and/ or building not belonging to DPL or any public road, in this case SH-9

(iv) Owners of dwelling house/ land not belonging to DPL should be indemnified against damage of property and/ or injury to persons if arises due to mining operations

(v) Each displaced families are required to be provided 550 sqft built up houses on 2 Kathas of developed lands

(vi) Opportunity of employment needs to be provided to the land losers

(vii) Compensation is required to be paid to the affected agricultural labourers

(viii) Necessary steps need to be taken by the District Administration to mitigate the environmental issue arisen due to mining activities

• On perusal of the above noted allegations, the observations/ findings of the committee are mentioned hereunder:





Observations/ Findings of the Committee :

1. A letter was sent to DPL from ADM(LR), Bankura vide memo no. 109/MM/LR/2025 dated 12.02.2025 for providing the information on status of acquisition and/ or purchase of land. In this matter, a report has been sent from the Agent, Trans Damodar Coal Mine, DPL vide memo no. DPL/GM/TDCM/2024/14 dated 17.02.2025 mentioning the details of procurement of land. It may be noted that, in the report, the DPL has mentioned that,

(i) Out of the total mining lease area of 694.60 acres, 282.46 acres in mouza Paharpur, Raghunathpur and Rongalejora mouza was acquired in favour of WBMDTCL (previous MDO) in the period from 2008-2011. Later, the said land was transferred to DPL by Ministry of Coal and currently under the possession of DPL.

(ii) Further, 275.39 acres of land was purchased by the previous MDO, i.e. WBMDTCL in mouzas Paharpur, Kishoripur, Joysinghapur, Bhagabanpur, Sitarampur, Shalgara and Krishnanagar in 2013-14 and later the said land was transferred to DPL.

(iii) Again, 5.01 acres of land has been purchased from the balance land owners in mouzas Paharpur, Joysinghapur, Bhagabanpur, Sitarampur, Shalgara and Krishnanagar.

(iv) An area of 8.41 acres of vested land is under process of LTS.

(v) In this regard, an area of 562.86 acres out of 694.60 has already been procured either through acquisition or through direct purchase. Now, the balance area of land which are yet to be purchased is 107.78 acres in Paharpur, Kishoripur, Joysinghapur, Bhagabanpur, Sitarampur, Shalgara and Krishnanagar mouzas and in Chunpora village under Shalgara mouza 12.05 acres of land and in Bhikrasole village under Kishoripur mouza 3.58 acres of land are yet to be purchased by DPL as the R&R package has not yet been finalized.



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The detail report as received from DPL is enclosed herewith this report of the Fact Finding Committee.

2. Now, the question as raised in the allegation regarding blasting for removal of overburden or for extraction of coal within 100 mtrs of Chunpora village or public road by DPL, the committee has visited the site and it is found that, the distance between current mining site and the Chunpora village is approximately 150 mtrs and the distance between the current mining site and SH-9 is approximately 180 mtrs. The google image map showing the area within the radius of 100 mtrs from the mining site (shown as red boundary line) is given in the committee report.
3. The alleged Coal Mine is captive mine of M/s Durgapur Projects Ltd (DPL), Durgapur. This is open cast coal mines.
4. M/s DPL has engaged M/s Transdamodar Mining Pvt Ltd as the Mine Developer and Operator (MDO) for mine development, coal excavation, and delivery of coal to the designated Delivery Point en route to the DPL Plant.
5. M/s Transdamodar Mining Pvt Ltd has engaged Local vendors for transportation of coal from pit head to Railway yard and directly to M/s DPL via road route subject to the compliance of following terms & conditions:
 - a. Only authorized and well-maintained vehicles should be used for coal transportation.
 - b. All transporting trucks must possess a valid Pollution Under Control (PUC) certificate to ensure compliance with environmental regulations and minimize emissions.
 - c. Tyre washing facility for Dumpers/ trucks is available in mines before entering the public roads.
 - d. Water sprinkling to moisten the coal, effectively controlling dust generation during transportation, loading, and unloading activities.



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e. To control dust pollution in the surrounding areas, roads used for coal transportation are regularly sprinkled with water using a dedicated sprinkling system.

f. The raw coal is covered with tarpaulin during transportation to reduce fugitive emission.

g. Transporters must take necessary precautions to prevent coal spillage along the transportation route.

During site visit, the Dumpers/ Trucks transporting coal were found complying with the said conditions.

6. The mine water is sent for treatment purpose at Primary settling tank. Further the treated water is used for gardening and road sprinkling. Approximately 10% treated wastewater is discharged into local stream finally meeting to river Damodar.

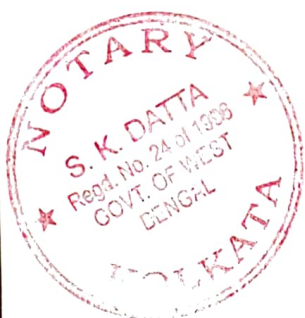
7. The copy of the permission of Deep Hole Blasting issued by Director General of Mines & Safety, GoI, Sitarampur Region No. I dated 22.06.2022 having a validity of 5 years in favour of the MDO, i.e. Trans Damodar Coal Mine, M/s Durgapur Projects Ltd. in which some major conditions are pointed below w.r.t. the contention of the allegations made in the O.A.:

(a) No working shall be extended within 45 mtrs of Bankura Durgapur D.B. Road or other roads not belonging to the owner of Trans Damodar Coal Mine (SI. No. 2).

(b) Blasting shall be done only during day light hours. The Manager shall fix the time of blasting and the same shall be circulated to all concerned including to the authorities of structures and dwellings, not belonging to M/s Durgapur Projects Ltd. (SI. No. 10)

(c) No working of the shall be extended within 100 mtrs of the toe of the Overburden (Sl. No. 34)

During the visit of the Committee, it has been found that, the statutory distances from the mining site as mentioned in the terms



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and conditions are duly maintained and the blasting activity is carried out between 10 am - 12 noon as per the requirements.

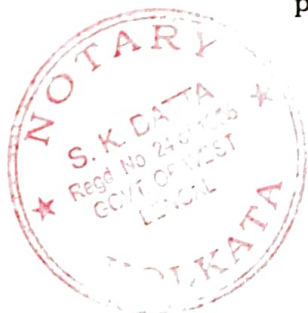
8. That with respect to the Rehabilitation and Resettlement packages of the villagers/ land donors of Chunpora village, the committee has asked the DPL authority and they have told that, the R&R package is being prepared and will be completed shortly.

9. In this context, the Committee would like mention that, two PILs with same contention vide no. WPA(P) 482 & 483 of 2024 have been filed by Budhan Maji & Ors vs The Union of India & Ors in Hon'ble High Court, Calcutta where the Hon'ble Court has passed a direction to the officials of DPL dated 16.01.2025 to forward a demographic study report relating to rehabilitation and resettlement work of Chunpora village to the District Magistrate, Bankura within a period of three weeks and upon receipt of the said report District Magistrate, Bankura shall take steps that have been recommended pursuant to the inspection which was made and ensure that the rehabilitation and resettlement work of the dwellers of Chunpora village is expedited preferably within a period of six months. The copy of the order is attached herewith.

• **Recommendations of the Committee:**

After conducting the enquiry and perusal of the documents, the Fact Finding Committee has recommended the following measures to be taken from the end of DPL:

1. Transporters must take necessary precautions to prevent coal spillage along the transportation route.
2. Any accidental spillage must be promptly cleared to avoid environmental hazards
3. Mining activity within the vicinity of the Chunpora village should be started following due mining safety guidelines only after purchase of balance raiyati land of the Chunpora village.



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4. No inconvenience should be caused to the villagers due to the ongoing mining activities.

Photocopy of the Permission of deep hole blasting issued by DGMS in favour of Agent Trans-Damodar Coal Mine, M/s Durgapur Projects Ltd. are annexed herewith and marked with the letter 'R-1'

Photocopy of the Committee Report along with letters sent by the DPL and Solemn Orders in connection with WPA(P) 482 & 483 of 2024 are collectively annexed herewith and marked with the letter 'R-2'.

4. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

Sibojyoti Chakrabarti
Advocate
State of West Bengal
01/03/2025

[Signature]
Deponent

District Magistrate
Bankura

S.L. NO. 01/02/03/2025



SANTOSHI KUMAR DATTA
NOTARY
90/1A, Hari Ghosh Street
Kolkata - 700 006
Regn. No -24 of 1996

Solemnly Affirmed
&
Declared before me
on identification of Advocate

[Signature]
S K DATTA
NOTARY
02.03.2025

02 MAR 2025

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VERIFICATION:

I, the deponent herein do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as per records available in the office and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 01st Day of March, 2025.] *HW*

Identified by me



Sibojyoti Chakrabarti
Advocate 01/03/2025
State of West Bengal

[Signature]
Deponent
District Magistrate
Bankura



Annexure 'R-1'

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	भारत सरकार Govt. of India श्रम एवं रोजगार मंत्रालय Ministry of Labour & Employment स्वाम् सुरक्षा महाविदेशालय Directorate-General of Mines Safety	
NO: 010963 EZ Sitarampur Region No.II Perm 2022 237807		Date: 22/06/2022

To,
 Agent,
 Trans Damador Coal Mine,
 M/s Durgapur Projects Limited,
 Near tarasingh Bridge, P.O.-Krishnanagar,
 P.S. Barjora, Dist-Bankura, Pin-722202.

Subject: Permission/relaxation under Regulation 196(3) of the Coal Mines Regulations, 2017 to conduct controlled deep hole blasting within 500 m and but beyond 50 m of respective boundary wall of Quality Chemical Factories of M/s Sonic Thermal/Quality Chemical and M/s Extrusions at the south-western side of Trans Damodar Coal Mine (TDCM), Barjora.

Please refer to your online application Id: 237807, dated 22.03.2022 and offline application reference No. DPL/TDCM/2022/43, dated 24.03.2022 (Z.O. Dy. No. 1419 dated 29.03.2022) and the Surface Plan No. TDCM/WP/2022/04 dated 01.03.2022, enclosed therewith on the above subject.

Dear Sir,

The matter has since been examined in the light of the information submitted by you along with the application.

By virtue of powers conferred on Chief Inspector of Mines under the provisions of Regulation 196(3) of the Coal Mines Regulations, 2017, and by virtue of the authorization granted to me by the Chief Inspector of Mines under Section 6(1) of the Mines Act, 1952, I, hereby permit you to conduct controlled deep hole blasting in overburden and coal at the opencast workings of Trans Damodar Coal Mine of M/s The Durgapur Projects Limited within 500 m but beyond 50 m of respective boundary wall of closed Quality Chemical Factories of M/s Sonic Thermal/Quality Chemical and M/s Extrusions at the south-western side of Trans Damodar Coal Mine (TDCM), Barjora as shown on the enclosed Surface Plan No. TDCM/WP/2022/04 dated 01.03.2022 in the area bounded as A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S and A lying within the mine subject to the strict compliance of the following conditions:-

1. No blasting shall be done within 50 m of Quality Chemical Factories of M/s Sonic Thermal/Quality Chemical and M/s Extrusions and other surface structures not belonging to the owner at Trans Damodar Coal Mine of M/s The Durgapur Projects Limited.
2. No working shall be extended within 45 m of Bankura- Durgapur D.B Road or other roads not belonging to the owner at Trans Damodar Coal Mine of M/s The Durgapur Projects Limited.
3. Restricted zone of 50 m from the Quality Chemical Factories of M/s Sonic Thermal/Quality Chemical and M/s Extrusions and other surface features shall be clearly demarcated on the ground by actual survey.
4. Workings shall not be extended within 50 m of Maa- Bhalkapuri temple and within 60 m of the water reservoir exist in the south-eastern side of the proposed deep hole controlled blasting area.
5. Barricades/ drop gates on either end of public road within 500 m radius from the blasting site shall be maintained and two persons shall be posted on either direction at the two extreme points so that the vehicle(s) or passer(s) by are warned and stopped while passing within 500 m (Danger Zone) during blasting period in the quarry.
6. Burden, spacing, depth of hole and diameter of hole shall be maintained as recommended by CSIR-CIMFR, Dhanbad and shall be strictly followed. The Manager shall satisfy himself, that all the recommendations made by CSIR-CIMFR, Dhanbad vide Project Report No. CNP/3835/2013-14 August, 2014 are being strictly complied with.
7. The following blast parameters (Location of Blast holes, burden, spacing, length of stemming column, depth and diameter of the each shot hole, maximum number of blast holes per round, number of rows in each round, maximum charge per hole, maximum charge per delay and maximum charge per round) as recommended by CSIR-CIMFR,

Dhanbad from the trials under the prevailing geo mining conditions for overburden and coal shall be strictly complied with while conducting controlled deep hole blasting using Site Mixed Emulsion explosives with Nonel initiation system in overburden and coal benches located within 500 m and beyond 50 m from the respective boundary wall of Quality Chemical Factories of M/s Sonic Thermal/Quality Chemical and M/s Extrusions:

Distance of structures (in m)	Dia. of hole(mm)	Maximum explosive per delay (in kg)	Maximum Explosive per round(kg)
50-100m	100-115mm	20kg	300kg
100-200m	160mm	30kg	600kg
200-300m	160mm	40 kg	1200kg
Beyond 300m	160mm	50kg	2500kg

Note: Maximum Charge per delay is the explosive weight fired within 8 milli second delay detonators.

8. The Peak Particle Velocity (PPV) of blast induced ground vibrations measured at a distance of 50 m from the place of shot holes (firing area) shall not exceed 10 mm/sec to limit the PPV to the threshold limit and to obviate damage to structures due to blast induced ground vibrations.
9. Monitoring of the Peak Particle Velocity (PPV) of blast induced ground vibrations and the dominant frequency shall be done for each round of deep hole shots fired.
10. Blasting shall be done only during day light hours. The Manager shall fix the time of blasting and the same shall be circulated to all concerned, including to the authorities of structures and dwellings, not belonging to M/s The Durgapur Projects Limited. The timings shall also be conspicuously fixed on the Notice Board of the mine.
11. A Code of Practice for blasting shall be framed by the Manager for the purpose, which shall strictly be followed.
12. Pattern of holes as recommended by CSIR-CIMFR, Dhanbad shall be followed. The size depth, spacing, burden of shot holes and sequence of delays etc. shall also be strictly adhered to recommended design by CSIR-CIMFR, Dhanbad for every round of blasting operation, both in coal and in overburden.
13. Drilling, charging, stemming and blasting operations connected with this permission shall be placed under the direct personal supervision of an Assistant Manager holding First Class Mine Manager's Certificate of Competency, who shall comply with all the conditions of the Mines Act, 1952 and rules, regulations and orders made thereunder related to drilling, charging, stemming and firing of shot holes and the conditions stipulated in the this permission.
14. Only the Overmen who are fully trained in controlled blasting techniques shall be appointed for shot firing operations. Only the persons fully trained in Controlled Blasting Operations shall be engaged in handling, stemming, charging and blasting of explosives in the mine.
15. Two-way communication by wireless or walkie-talkie sets shall be provided to the Assistant Manager, In-charge of Blasting, Shot-Firers and to the assistant of the shot-firer. Walkie- Talkie sets and mobile phones in possession of blasting personnel, if any, shall remain switched off during handling, charging, stemming and blasting of explosives.
16. Before shots are charged, stemmed and fired, sufficient warning by siren or other suitable means shall be given to warn persons within a radius of 500 m, including to the habitants of structures and dwellings, not belonging to M/s The West Bengal Power Development Corporation Limited.
17. Before a shot is charged, stemmed or fired, it shall be ensured that all persons within a radius of 500 m from the place of firing have taken proper shelter, apart from giving sufficient warning from efficient signals or other means approved by the Manager over the entire Danger Zone. Guards shall be posted to ensure that no person inadvertently enters the Danger Zone and to ensure that all persons within the Danger Zone, have taken proper shelter.
18. A proper record of blast parameters like burden, spacing, length of stemming column, depth, diameter of the each shot hole, number of shot holes fired in a round, number of rows fired in each round, maximum charge per shot hole, maximum charge per delay, maximum charge per round, initiation pattern (with proper sketch), manner of muffling, results of ground vibration observed (PPV), dominant frequency and air over pressure, distance of shot holes from the dwellings/hutments/private houses, distance between the location of PPV monitoring instrument to the place of shot holes and distance up to which the flying fragments resulting out of blasting projected shall be kept maintained regularly in a bound paged book with each round of deep hole shots fired, the records shall be signed by the Shot Firer and Blasting Officer and countersigned by the Manager of the Mine.
19. To control flying fragments resulting out of blasting from projecting beyond a distance of 10 m from the place of firing/blast area, the following precautions shall be taken:

- (a) No shot hole shall be fired in crushed, broken or fractured ground strata.
- (b) Blasting shall be done against a free face only. Blasted material shall be cleared off before commencement of drilling operations for succeeding round.
- (c) Top stemming column shall not be less than the burden.
- (d) Only such stemming material that is free from pebbles and stone chips shall be used. Moist sand shall be used for stemming of deep holes.
- (e) Variation in inclination of holes shall be within 5 degree to avoid variation in crest and toe burden.
- (f) All the blasting operations shall be conducted with muffling arrangement strictly. Muffling of shot holes should be done with wire netting pieces 1.8 m x 1.2 m in size overlain by 3 to 4 sand bags each around 40 kg by weight at the collar of each shot hole so that no flying fragment is projected beyond 10 m in any blast.
- (g) Moist sand shall be used for stemming of deep holes. This shall be done to ensure that the flying fragments do not project beyond a distance of 10 m from the place of blasting.
- (h) In case water is encountered in any shot-hole, either the shot hole shall be dewatered by blowing compressed air into the hole or the explosive column shall be gently pushed down by wooden rod and sufficient time given for the explosive column to sink to the desired depth before the round is fired.
- (i) During storm and lightning, no charging and blasting shall be done.
- (j) Initiation of charge shall be done in a manner that detonation waves progress away from private houses, dwellings/hutments of Bisunpur village and other surface features not belonging to the owner.
- (k) Only non-electrical type shock tube of detonators shall be used in the holes and surface trunk lines.
- (l) Provisions of clause (b) and (c) of Regulation 196(2) of the Coal Mines Regulations, 2017, shall be complied with within 500 m of the place of blasting.
20. (a) Explosives shall be used in opencast mines in the order of their date of manufacture.
- (b) Explosives manufactured earlier than six months shall not be used. In case the shelf life of the explosive is less than 6 months, it shall not be used after expiry of the shelf life.
- (c) Explosives, when transported in vehicles, shall be carried in an Explosive Van approved by the Chief Controller of Explosives.
- (d) Explosive Vans used for the transport of explosives shall be in safe operating condition and should be driven by competent licensed drivers.
- (e) The vans shall be kept in isolated locations while loaded.
- (f) The vans shall be well locked except during times of placement and removal of stocks of slurry explosives.
- (g) No smoking and no open flames shall be permitted in or near the vans containing slurry explosives.
21. All detonators and primed cartridges shall be kept in secure receptacles at a safe distance from the detonating fuse and the explosive, until actually required for use.
22. The loading of slurry explosives in holes shall not be commenced unless the holes are ready for charging in every respect.
23. The holes shall be charged and fired as soon as possible after the explosive is transported to the site of blasting. All normal precautions for charging and firing, as laid down in the Coal Mines Regulations 2017, shall be strictly observed.
24. Charging of explosives shall be such as to ensure continuity of the explosive column. Where deck charging is done, continuity shall be ensured for each deck of explosive charge.
25. Primer explosive cartridge shall not be slit or deformed.
26. Adequate amount of cap sensitive explosive shall be used with non-cap-sensitive explosive charge to ensure complete detonation of the explosive charge.
27. Before entering the place after blasting, the Shot Firer and other personnel shall ensure that it is clear of dust and fumes and is safe in every respect.
28. In case of misfires, precautions as laid down in the Regulation 204 of the Coal Mines Regulations, 2017 shall be taken.
29. When cartridges of slurry explosive are required to be slit or cut, following precautions shall be observed:

(a) Explosive cartridge shall be cut or slit at the hole loading site, just before charging.

(b) Knife made of copper or brass shall be used for cutting or slitting. The knife shall be kept clean and free from grit or dust.

(c) Care shall be taken to avoid spillage or flow of explosives while cutting or slitting.

(d) Persons engaged in cutting/slitting operations shall be provided with rubber gloves and they shall use the same.

30. The entire operations of transport of the explosive to the site of its use, cutting and slitting of cartridges and charging and blasting shall be placed under the overall charge of a competent person holding Manager/Overman's certificate and appointed in writing by the Manager for the purpose.

31. The explosive charges shall not be allowed to sleep over in bore-holes unless express permission in writing to that effect has been obtained from this Directorate.

32. In case, in any of the deep hole rounds fired, the Peak Particle Velocity (PPV) of ground vibrations resulting out of blasting is observed to be more than 5 mm/sec at a distance of 100 m from the site of blast or the flying fragments project to a distance beyond 10 m from the place of firing/blast area, operations shall be discontinued and this Directorate shall be informed immediately and blasting operations connected with this permission shall not be resumed unless express permission in writing is granted by this Directorate.

33. Owners of surface features, not belonging to M/s The Durgapur Projects Limited shall be indemnified against damage to property/injury to persons, if any, arising out of mining operations.

34. No working of the shall be extended within 100m of the toe of the Overburden.

35. Please note that this permission is subject to the following other conditions:

(a) In the event of any change in the circumstances, likely to affect the safety of persons or damage to structures not belonging to the M/s The West Bengal Power Development Corporation Limited, this permission shall be deemed to have been withdrawn.

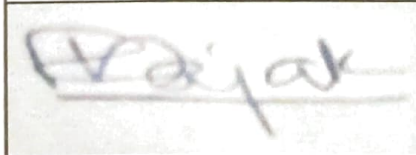
(b) The permission shall be deemed to have been revoked with immediate effect if at any time, any one of the conditions, subject to which this permission has been granted, is violated or not complied with.

(c) The permission may be amended, modified or withdrawn at any time, should it be considered necessary in the interest of safety.

(d) The permission is being granted without prejudice to any of the statutory requirements, which may be or may become applicable at any time.

(e) This permission shall remain valid for a period of five (05) years from the date of issue of this letter.

Your Faithfully



VINOD RAJAK (DIRECTOR (SUB ADMIN ACTING) - SITARAMPUR REGION NO.II)

THIS IS A SYSTEM GENERATED DOCUMENT, DOES NOT REQUIRE ANY SIGNATURE.

Annexure 'R-2'

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Report of Fact Finding Committee in compliance with the order of Hon'ble NGT in connection with O.A. No. 04/25/EZ, Budhan Maji vs The State of West Bengal and others

- The Hon'ble NGT, Eastern Zone bench passed an order date 10.01.2025 in the matter of Budhan Maji vs The State of West Bengal and others against O.A. No. 04/25/EZ where the Hon'ble Tribunal has constituted a three-member Fact Finding Committee for a detail enquiry on the allegations made in the O.A. and proposal of remedial measures in case the allegations are found substantiated.
- In compliance with the order of Hon'ble NGT, a committee has been formed vide memo no. 63/MM dated 28.01.2025 with the following members
 - (i) Additional District Magistrate & District Land & Land Reforms Officer, Bankura
 - (ii) Scientist-D, Central Pollution Control Board
 - (iii) Assistant Environmental Engineer, Durgapur Regional Office, West Bengal Pollution Control Board
- The said committee members visited the site in question on 06.02.2025 for enquiry on the allegations made in the O.A. In this regard, the allegations as mentioned in the O.A. is mentioned below in brief :
 - (i) No mining activities and infrastructural development prior to initiation of direct purchase of alternative lands for the resettlement of the residents of Chunpora & Bhikrasol village.
 - (ii) Not to extend opencast working prior to acquisition of land by Durgapur Projects Ltd.
 - (iii) No blasting within 100 mtrs. of structure and/ or building not belonging to DPL or any public road, in this case SH-9
 - (iv) Owners of dwelling house/ land not belonging to DPL should be indemnified against damage of property and/ or injury to persons if arises due to mining operations
 - (v) Each displaced families are required to be provided 550 sqft built up houses on 2 Kathas of developed lands
 - (vi) Opportunity of employment needs to be provided to the land losers
 - (vii) Compensation are required to be paid to the affected agricultural labourers
 - (viii) Necessary steps need to be taken by the District Administration to mitigate the environmental issue arisen due to mining activities
- On perusal of the above noted allegations, the observations/ findings of the committee are mentioned hereunder :

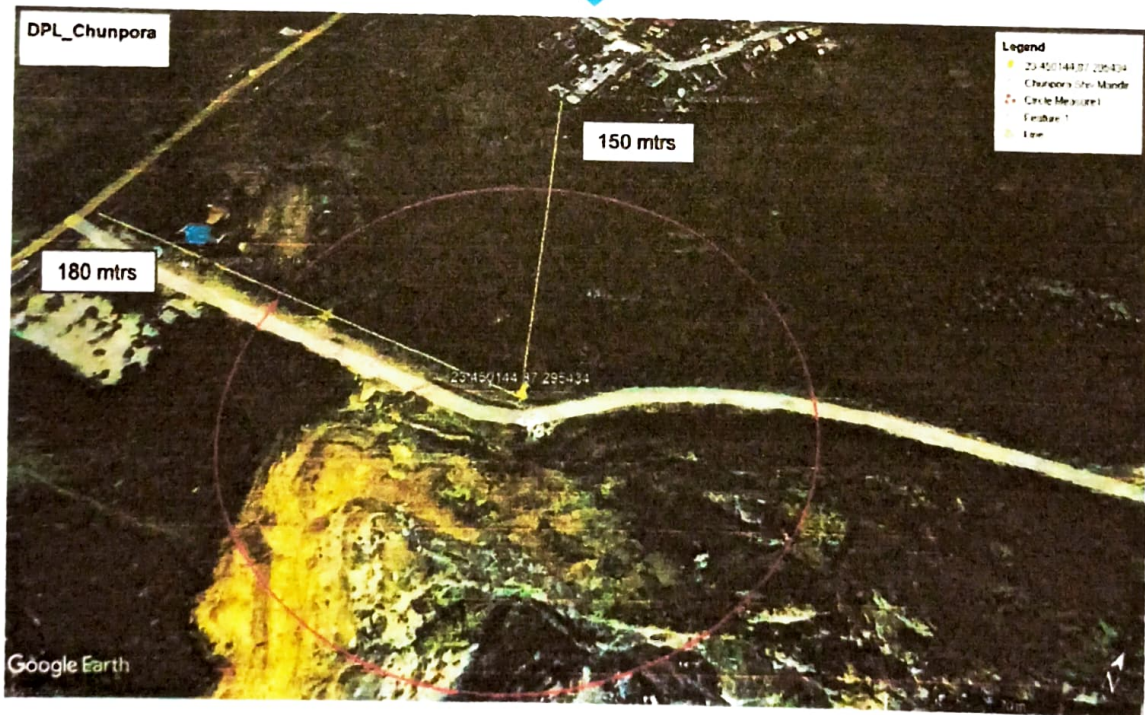
Observations/ Findings of the Committee :

1. A letter was sent to DPL from ADM(LR), Bankura vide memo no. 109/MM/LR/2025 dated 12.02.2025 for providing the information on status of acquisition and/ or purchase of land. In this matter, a report has been sent from the Agent, Trans Damodar Coal Mine, DPL vide memo no. DPL/GM/TDCM/2024/14 dated 17.02.2025 mentioning the details of procurement of land. It may be noted that, in the report, the DPL has mentioned that,
 - (i) Out of the total mining lease area of 694.60 acres, 282.46 acres in mouza Paharpur, Raghunathpur and Rongalejora mouza was acquired in favour of WBMDTCL (previous MDO) in the period from 2008-2011. Later, the said land was transferred to DPL by Ministry of Coal and currently under the possession of DPL.
 - (ii) Further, 275.39 acres of land was purchased by the previous MDO, i.e. WBMDTCL in mouzas Paharpur, Kishoripur, Joysinghapur, Bhagabanpur, Sitarampur, Shalgara and Krishnanagar in 2013-14 and later the said land was transferred to DPL.
 - (iii) Again, 5.01 acres of land has been purchased from the balance land owners in mouzas Paharpur, Joysinghapur, Bhagabanpur, Sitarampur, Shalgara and Krishnanagar.
 - (iv) An area of 8.41 acres of vested land is under process of LTS.

(v) In this regard, an area of 562.86 acres out of 694.60 has already been procured either through acquisition or through direct purchase. Now, the balance area of land which are yet to be purchased is 107.78 acres in Paharpur, Kishoripur, Joysinghapur, Bhagabanpur, Sitarampur, Shalgara and Krishnanagar mouzas and in Chunpura village under Shalgara mouza 12.05 acres of land and in Bhikrasole village under Kishoripur mouza 3.58 acres of land are yet to be purchased by DPL as the R&R package has not yet been finalized.

The detail report as received from DPL is enclosed herewith this report of the Fact Finding Committee.

2. Now, the question as raised in the allegation regarding blasting for removal of overburden or for extraction of coal within 100 mtrs of Chunpura village or public road by DPL, the committee has visited the site and it is found that, the distance between current mining site and the Chunpura village is approximately 150 mtrs and the distance between the current mining site and SH-9 is approximately 180 mtrs. The google image map showing the area within the radius of 100 mtrs from the mining site (shown as red boundary line) is given below :



3. The alleged Coal Mine is captive mine of M/s Durgapur Projects Ltd (DPL), Durgapur. This is open cast coal mines.
4. M/s DPL has engaged M/s Transdamodar Mining Pvt Ltd as the Mine Developer and Operator (MDO) for mine development, coal excavation, and delivery of coal to the designated Delivery Point en route to the DPL Plant.
5. M/s Transdamodar Mining Pvt Ltd has engaged Local vendors for transportation of coal from pit head to Railway yard and directly to M/s DPL via road route subject to the compliance of following terms & conditions:
 - a. Only authorized and well-maintained vehicles should be used for coal transportation.
 - b. All transporting trucks must possess a valid Pollution Under Control (PUC) certificate to ensure compliance with environmental regulations and minimize emissions.
 - c. Tyre washing facility for Dumpers/ trucks is available in mines before entering the public roads.
 - d. Water sprinkling to moisten the coal, effectively controlling dust generation during transportation, loading, and unloading activities.
 - e. To control dust pollution in the surrounding areas, roads used for coal transportation are regularly sprinkled with water using a dedicated sprinkling system.
 - f. The raw coal is covered with tarpaulin during transportation to reduce fugitive emission.
 - g. Transporters must take necessary precautions to prevent coal spillage along the transportation route.

During site visit, the Dumpers/ Trucks transporting coal, were found complying with the said conditions.

6. The mine water is sent for treatment purpose at Primary settling tank. Further the treated water is used for gardening and road sprinkling. Approximately 10% treated wastewater is discharged into local stream finally meeting to river Damodar.
7. The copy of the permission of Deep Hole Blasting issued by Director General of Mines & Safety, Gol, Sitampur Region No. II dated 22.06.2022 having a validity of 5 years in favour of the MDO, i.e. Trans Damodar Coal Mine, M/s Durgapur Projects Ltd. in which some major conditions are pointed below w.r.t. the contention of the allegations made in the O.A. :
 - (a) No working shall be extended within 45 mtrs of Bankura Durgapur D.B. Road or other roads not belonging to the owner of Trans Damodar Coal Mine (Sl. No. 2).
 - (b) Blasting shall be done only during day light hours. The Manager shall fix the time of blasting and the same shall be circulated to all concerned including to the authorities of structures and dwellings, not belonging to M/s Durgapur Projects Ltd. (Sl. No. 10)
 - (c) No working of the shall be extended within 100 mtrs of the toe of the Overburden (Sl. No. 34)

During the visit of the Committee, it has been found that, the statutory distances from the mining site as mentioned in the terms and conditions are duly maintained and the blasting activity is carried out between 10 am - 12 noon as per the requirements.

8. Now regarding the Rehabilitation and Resettlement packages of the villagers/ land donors of Chunpora village, the committee has asked the DPL authority and they have told that, the R&R package is being prepared and will be completed shortly.
9. In this context, the Committee would like mention that, two PILs with same contention vide no. WPA(P) 482 & 483 of 2024 have been filed by Budhan Maji & Ors vs The Union of India & Ors in Hon'ble High Court, Calcutta where the Hon'ble Court has passed a direction to the officials of DPL dated 16.01.2025 to forward a demographic study report relating to rehabilitation and resettlement work of Chunpora village to the District Magistrate, Bankura within a period of three weeks and upon receipt of the said report District Magistrate, Bankura shall take steps that have been recommended pursuant to the inspection which was made and ensure that the rehabilitation and resettlement work of the dwellers of Chunpora village is expedited preferably within a period of six months. The copy of the order is attached herewith.

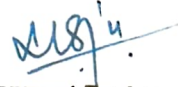
● **Recommendations of the Committee :**

After conducting the enquiry and perusal of the documents, the Fact Finding Committee has recommended the following measures to be taken from the end of DPL :

1. Transporters must take necessary precautions to prevent coal spillage along the transportation route.
2. Any accidental spillage must be promptly cleared to avoid environmental hazards
3. Mining activity within the vicinity of the Chunpora village should be started following due mining safety guidelines only after purchase of balance raiyati land of the Chunpora village.
4. No inconvenience should be caused to the villagers due to the ongoing mining activities.



Scientist-D
Central Pollution Control Board



Assistant Environment Engineer, Durgapur
West Bengal Pollution Control Board



Additional District Magistrate
&
District Land & Land Reforms Officer



Government of West Bengal
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR
Bankura
(Email: dm-bank@nic.in)

Memo No. 63 /MM

Dated: 28 /01/2025

ORDER

In compliance with the order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 10/01/2025 in the matter of Budhan Maji & Ors -vs- The Union of India & Ors vide Original Application No. 04/2025/EZ a Fact Finding Committee has been formed comprising of the following members at an urgent basis. The Committee shall visit the site in question and submit a Fact Finding Report to this end positively. The tentative date for the enquiry and subsequent preparation of report has been fixed on 05/02/2025.

- i) The Additional District Magistrate and District Land & Land Reforms Officer, Bankura as representative of the District Magistrate, Bankura,
- ii) Mr. Sandeep Roy, Scientist 'D' on behalf of Central Pollution Control Board; and
- iii) Mr Sudipto Banerjee, Assistant Environmental Engineer, Durgapur Regional Office on behalf of West Bengal State Pollution Control Board.


 District Magistrate
 Bankura

Memo No. 63(05) /MM

Dated: 28 /01/2025

Copy forwarded for information and taking necessary action to:

1. The Member Secretary, West Bengal Pollution Control Board
2. Mr. M. K. Biswas, Regional Director, Central Pollution Control Board
3. The Additional District Magistrate and District Land & Land Reforms Officer, Bankura
4. Mr. Sandeep Roy, Scientist 'D', Central Pollution Control Board
5. Mr Sudipto Banerjee, Assistant Environmental Engineer, Durgapur Regional Office, West Bengal State Pollution Control Board.


 District Magistrate
 Bankura

Snapshots of mining site

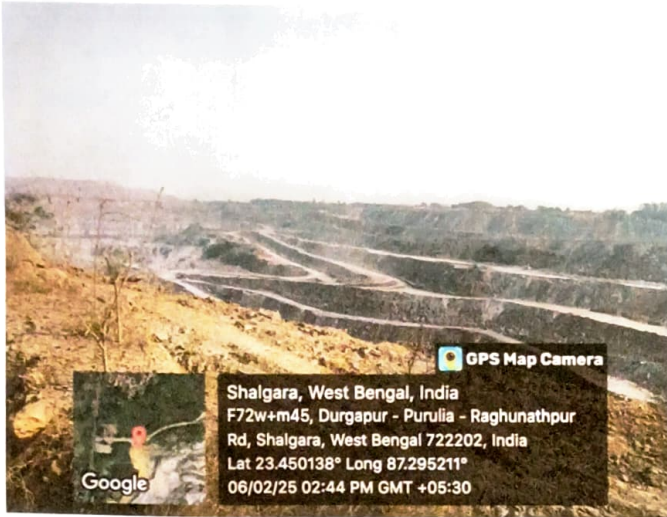


Fig. 1



Fig. 2



Fig. 3 Enquiry Team with officials of DPL and local administration

Sprinkling of water in coal transporting trucks



Fig. 4



Fig. 5

Covering of coal loaded trucks during transportation



Fig. 6



Fig. 7



THE DURGAPUR PROJECTS LIMITED

(A Government of West Bengal Enterprise)
Administrative Building, Durgapur- 713201, W.B.
Website : www.dpl.net.in
CIN : U40102WB1961SGC025250

Tel : Office : (0343) 255 5586 / 6995
Fax : (0343) 255-6786 / 255-5467

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No. DPL/GM/TDCM/2024/14

Date: 17.02.2025

To,
The Additional District Magistrate
&
District Land and Land Reforms Officer, Bankura

Subject: Submission Report on the current of land acquisition and / or land purchase
of the people of village Chunpora in Barjora

Ref: Memeo No. 109/MM/LR/2025 dated 12.02.2025

Sir,

With reference to the above, this is to inform you that The Durgapur Projects Limited (DPL) has got mining lease of 694.60 acre of land from Government of West Bengal for the purpose of mining at Trans Damodar Coal Mine. Out of 694.60 acre of Land DPL has already purchased 562.86 acre of land for the purpose of mining at Trans Damodar Coal Mine and achieved targeted coal production i.e. 10 Lakh Tonne of coal in the FY – 2023-2024. The status of possession of 694.60 acre is attached with the letter for kind information.

Thanking You

(A.K. Karmakar)

Agent, Trans Damodar Coal Mine
The Durgapur Projects Limited

AGENT
Trans Damodar Coal Mine
The Durgapur Projects Limited

- 21 -

Trans Damodar Coal Mine Project
(The Durgapur Projects Limited)
P.S. Barjora, Dist. Bankura

Introduction:

Trans Damodar Coal Mine was allotted to The Durgapur Projects Limited (A Govt. of West Bengal Enterprise) by Nominated Authority, Government of India, vide Order No. 104/7/2015/NA, dated 23rd March, 2015 for extraction of coal for specified end use, having production capacity of 1 MTPA.

Price of Land:

The District Committee had been conducted various meeting on various dates under the Chairmanship of District Magistrate, Bankura with the District & Local Administrative Authorities, DPL, Present MDO (TDMPL) and Local Villagers regarding finalization of land price. The Current Land Price of the project area as per the District Committee Minutes held on 28.12.2021 & 25.04.2022 is given below:

Land Type	Rate per acre
Agricultural Land	23.00 Lacs + 50% Incentive
Waterbody Land	17.00 Lacs + 50% Incentive
Homestead Land	32.00 Lacs

Land Procurement Status:

Total Leasehold Area (Coal Bearing) : 694.60 acres

In the year 2005 Trans Damodar Coal Mine project has been opened under the ownership of WBMDTCL. The Prior Owner (WBMDTCL) & Prior MDO (TDCMPL & Associate Company) had been Acquired / Direct Purchased approx. 562.86 acres land which is falling under Lease Hold (Coal Bearing Land) area, the said land presently under possession of DPL.

Particulars of Land	Mouza (JL)	Coal Bearing Area (Acre)	Remarks
Land Acquired	Paharpur (51) Raghunathpur (50) Rongalejora (47)	28.55 231.98 21.93	282.46 acres land has been acquired by the District LA Department in favour of WBMDTCL (Prior MDO) in the period 2008 to 2011. After allotment of the mines the said Land has been transferred to DPL by Ministry of Coal. Presently the land under possession of DPL.
Land Purchased by Prior Owner	Paharpur (51)	12.29	In the period 2013-2014 WBMDTCL (Prior Owner) has been direct purchased the Land from the recorded rayats. After that DPL takeover the land by virtue of Registered Deeds.

Particulars of Land	Mouza (JL)	Coal Bearing Area (Acre)	Remarks
Land Purchased by Prior MDO	Paharpur(51)	42.92	As per the internal agreement. WBMDTCL has been authorized to the Prior MDO to purchase the land which is falling under the Trans Damodar Coal Mine Project area for ongoing mining activities purpose.263.10 acres land has been purchased between 2013 – 2014 by the Prior MDO. After allotment of the mines DPL has been takeover the land from the prior MDO by virtue of sale agreement (Registration is under process).
	Kishoripur (19)	6.65	
	Joysinghapur (20)	15.15	
	Bhagabanpur (49)	25.91	
	Sitarampur (16)	21.99	
	Shalgara (17)	93.45	
	Krishnanagar (52)	57.03	
Govt. Vested Land	Paharpur(51)	1.14	8.41 acres vested land lease under process by DPL.
	Joysinghapur (20)	2.59	
	Bhagabanpur (49)	0.38	
	Sitarampur (16)	0.07	
	Shalgara (17)	2.26	
	Krishnanagar (52)	1.97	
Land Direct Purchase by DPL	Paharpur (51)	1.21	After finalization of land value 5.01 acres land has been purchased by DPL from the balance land owners.
	Joysinghapur (20)	0.44	
	Bhagabanpur (49)	1.13	
	Sitarampur (16)	0.47	
	Shalgara (17)	1.44	
	Krishnanagar (52)	0.32	
Balance Land falling under Chunpora Village	Shalgara (17)	12.05	After finalization of R&R Package the land purchase process will be started.
Balance Land falling under Bhirkarsole Village	Kishoripur (19)	3.58	After finalization of R&R Package the land purchase process will be started.
Balance Rayati Land	Paharpur (51)	10.98	107.78 acres balance land will be Purchased.
	Kishoripur (190)	5.41	
	Joysinghapur (20)	6.25	
	Bhagabanpur (49)	2.04	
	Sitarampur (160)	3.64	
	Shalgara (17)	39.14	
	Krishnanagar (52)	40.32	
Total		694.60	

---x---
A
17/2/25

Coal Mine
Projects Limited

16.01.2025
Item Nos.11-12
gd/ssd

WPA(P)/482/2024
RAHUL BHUI AND ORS.
VS
UNION OF INDIA AND ORS.
with
WPA(P)/483/2024
BUDHAN MAJI AND ORS.
VS
THE UNION OF INDIA AND ORS.

Mr. Sagarmay Ghosh
..for the Petitioners.

Mr. Sujit Sankar Koley
..for DPL.

Mr. Sanjay Saha.
MrRaju Mondal
..for the Respondent No.4.

1. In both the public interest writ petitions the petitioners seek for implementation of the resettlement and rehabilitation package for the inhabitants and secure adequate support to civic communities etc.

2. According to the petitioners, the residents are entitled to these measures on account of the fact that they are being affected by illegal mining activities within 100 ft. from the structures and buildings in the village in question.

3. More or less an identical prayer was made by way of another public interest writ petition in WPA(P) 81 of 2023 in the matter of Budhan Maji and Others v. Union of India & Others, who, in fact, is the petitioner in WPA(P) 483 of 2024. The writ petition was disposed

of by order dated 16.10.2023 by passing the following order:

“1. This public interest litigation concerns the people of Chunpora village, who alleged that on account of illegal and unscientific way of mining activity done by the respondents, the entire population of that village are affected, houses are cracked and the entire area is inundated by water etc. In this regard, representations was submitted on 28.12.20215 to the District Magistrate, Bankura and we are surprised to find that the District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the petitioner to address the authority of WBMDTCL and DPL for redressal of their grievance. We do not appreciate the manner in which the then District Magistrate, Bankura dealt with the report while issuing the reply dated 13.01.2016. In any event, by efflux of time several other changes would have taken place. Therefore, we direct the District Magistrate, Bankura to immediately send a team of his officers to the area in question and conduct a thorough inspection and such inspection shall be conducted in the presence of the authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection.

2. With the above observation and direction, this writ petition is disposed of.”

4. The learned advocate for the Durgapur Projects Limited has submitted that a copy of a report which has been drawn wherein certain suggestions have also been put forth, namely, rehabilitation and resettlement work of the dwellers of Chunpora village should be expedited; detailed progress of the demographic study related to rehabilitation and resettlement work of Chunpora village will be communicated to the District

Authority by the mine management, department of Durgapur Projects Limited.

5. Thus, it appears that certain action has been taken pursuant to the orders passed in the earlier writ petition which was filed by the petitioner in WPA(P) 483 of 2024.

6. Therefore, we dispose of these writ petitions by directing the officials of the Durgapur Projects Limited to forward the demographic study report relating to rehabilitation and resettlement work of Chunpora village to the District Magistrate, Bankura within a period of three weeks from the date of receipt of the server copy of this order and upon receipt of the said report, the District Magistrate shall take steps that have been recommended pursuant to the inspection which was made and ensure that the rehabilitation and resettlement work of the dwellers of Chunpora village is expedited preferably within a period of six months from the date on which the order is communicated to the District Magistrate.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH,
KOLKATA

ORIGINAL APPLICATION
NO.04/2025/EZ

In The Matter of:

Budhan Maji

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

COMMITTEE REPORT IN THE
FORM OF AFFIDAVIT ON
BEHALF OF THE RESPONDENT
NUMBER 08, THE DISTRICT
MAGISTRATE & COLLECTOR,
BANKURA



SIBOJYOTI CHAKRABARTI
Advocate
For The State of West Bengal

Email: subho.advocate@gmail.com
(M): 9007035534.