

Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata

OA No. 4 of 2025

Budhan Maji & Ors.

..... Applicant(s)

-VERSUS-

Union of India & Ors.

..... Respondent(s)

I.N.D.E.X

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Place:- Kolkata
Date: 04/03/25

Ashok Prasad

Ashok Prasad, Advocate
Counsel for Respondent No.4
Mobile: 9883069404
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04 MAR 2025

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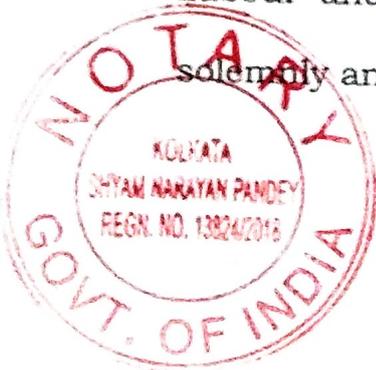
..... Respondent(s)

REPLY ON BEHALF OF THE RESPONDENT NO. 4
DIRECTOR OF MINES SAFETY, REGION-II, EZ,
SITARAMPUR, DGMS, MINISTRY OF LABOUR AND
EMPLOYMENT, GOVT. OF INDIA.

MOST RESPECTFULLY SHOWETH:

I, VINOD RAJAK son of Late Ramjit Rajak aged about
52 years, appointed as the Director of Mines Safety,
Region II, Eastern Zone, DGMS under Ministry of
Labour and Employment, Govt. of India, do hereby

solemnly and declare as follows: -



1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly authorized and competent to swear this affidavit on behalf of R-4, in the above matter.
2. That I have read and understood the original application and have been advised to traverse by way of this Counter Affidavit as reply thereto.
3. That have and except those which are matter of record and those which are specifically admitted hereto the contents of the OA that have not been specifically admitted hereunder or are a matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

PARA WISE REPLY

5. That the contents of Para 1 to 14(i) of the Original Application, are not related to the Answering Respondent, hence, no comment is offered.



6. That the contents of Para 14(ii) to 14(vi) of the Original Application, it is humbly submitted that the contents of said paragraphs of the Original Application have already mentioned in the permission letter No. 010963/EZ/Sitarampur Region No. II/Permrelax/2021/193930 dated 27.08.2021 granted under Regulation 196(3) of the Coal Mines Regulations, 2017 by this Directorate.

A Copy of the letter dated 27.08.2021 is annexed herewith and Marked as Annexure R-1.

7. That the contents of Para 14(VII) to 16 of the Original Application, are not related to the Answering Respondent, hence, no comment is offered.

8. That the contents of Para 17 of the Original Application, it is humbly submitted that the contents of said Para of the Original Application, no



such information has been received by the Answering Respondent.

9. That the contents of Para 18 to 24 of the Original Application, are not related to the Answering Respondent, hence, no comment is offered. It is reiterated that the illegal Mining does not come under the purview of The Mines Act, 1952.

10. That the contents of Para 25 & 26 of the Original Application, it is humbly submitted that permission has been granted by this directorate under Regulation 196(3) of the Coal Mines Regulations, 2017 to Durgapur Project Limited; to carry out blasting beyond 100 m of residential building/structures not belonging to M/s. Durgapur Projects Limited.



11. That the contents of Para 27 to 57 of the Original Application, are not related to the Answering

Respondent, hence, no comment is offered. It is reiterated that the illegal Mining does not come under the purview of Mines Act, 1952.

12. That the contents of Para 58 to 62 of the Original Application, it is humbly submitted that contents of the said Paragraph of the Original Application have already been mentioned in the permission letter No. 010963/EZ/Sitarampur Region No. II/Permrelax/2021/193930 dated 27.08.2021 granted under Regulation 196(3) of the Coal Mines Regulations, 2017 by this Directorate as already mentioned in para 6 of the reply affidavit.

13. That the contents of Para 63 to 65 of the Original Application, are not related to the Answering Respondent, hence, no comment is offered.

14. That the contents of Para 66 of the Original Application, it is humbly submitted that no such



information has been received by the Answering Respondent.

15. That the contents of Para 67 to 75 of the Original Application, are not related to the Answering Respondent, hence, no comment is offered.

16. That the contents of Para 76 of the Original Application, it is humbly submitted that permission has been granted by this directorate under Regulation 196(3) of the Coal Mines Regulations, 2017 to Durgapur Project Limited; to carry out blasting beyond 100 m of residential building/structures not belonging to M/s. DPL.

17. That the contents of Para 77 of the Original Application, are not related to the Answering Respondent, hence, no comment is offered.



18. That the contents of Para 78 of the Original Application, it is humbly submitted no such information has been received by the Answering Respondent.

19. That the contents of Para 79 to 99 of the Original Application, are not related to the Answering Respondent, hence, no comment is offered.

20. That the contents of Para 100 to 110 of the Original Application, it is submitted that these are denied and not related to the Answering Respondent, hence, no comment is offered.

21. That the contents of Para I to III of the Ground it is submitted that it is denied and is not related to the Answering Respondent, hence, no comment is offered.

22. That the contents of Para IV to VIII of the Ground it is humbly submitted that it has already been

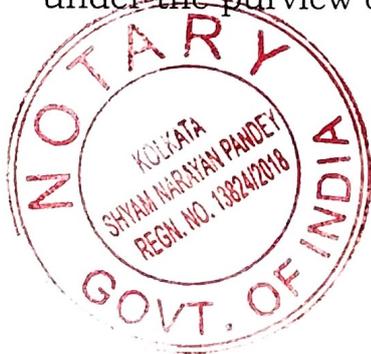


mentioned in the permission letter No. 010963/EZ/Sitarampur Region No. II/Permrelax/2021/193930 dated 27.08.2021 granted under Regulation 196(3) of the Coal Mines Regulations, 2017 by this Directorate.

23. That the contents of Para IX to XI are not related to the Answering Respondent, hence, no comment is offered.
24. That the contents of Para XII of the Ground, it is humbly submitted that no such information has been received by the Answering Respondent.
25. That the contents of Para XIII to XXI of the Ground are not related to the Answering Respondent, hence, no comment is offered. Illegal Mining does not come under the purview of the Mines Act, 1952.



26. That the contents of Para XXII to XXIII of the Ground, it is humbly submitted that no such information has been received by the Answering Respondent.
27. That the contents of Para XXIV to XLII of the Ground are not related to the Answering Respondent, hence, no comment is offered.
28. That the contents of Para XLIII to XLX of the Ground it is submitted that these are denied and are not related to the Answering Respondent, hence, no comment is offered.
29. That the contents of Para 112 of the Original Application it is submitted that these are not related to the Answering Respondent, hence, no comment is offered. Illegal Mining does not come under the purview of the Mines Act, 1952.



30. That the contents of Para 113 to 115 of the Original Application it is submitted that these are not related to the Answering Respondent, hence, no comment is offered.

31. That the contents of Para 116 of the Original Application it is submitted that these are not related to the Answering Respondent, hence, no comment is offered. Illegal Mining does not come under the purview of the Mines Act, 1952.

PRAYER

in view of what has been stated hereinbefore, It is respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and circumstances of this case.

Rajata

DEPONENT

VINOD RAJAK
Director of Mines Safety
R-11, DGMS, E2,
Sitarampur



VERIFICATION

Verified at Kolkata on this 4th of March, 2025,
that the contents of the above affidavit are true
and correct to the best of my knowledge. No. part
of it is false and nothing material has been
concealed therefrom.

Vinod

DEPONENT

VINOD RAJAK
Director of Mines
Safety
R-I, EZ, DGMS,
Sitarampur

Identified by me

Ashok Prasad

Advocate



Solemnly Affirm & Declare
Before Me on Identification
of Ld. Advocate

Shyam Narayan Pandey

SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

04/03/2025

04 MAR 2025



भारत सरकार
Govt. of India
श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
खान सुरक्षा महाविद्यालय
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,

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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:

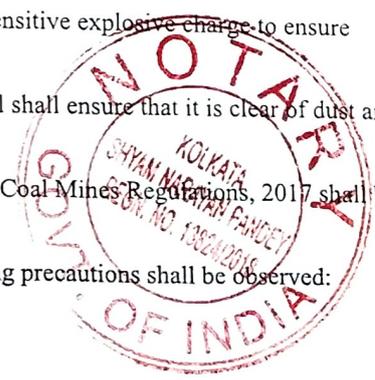
Distance of structures (in m)	Dia. of hole(mm)	Maximum explosive per delay (in kg)	Maximum Explosive per round(kg)
50-100m	100-115mm	20kg	300kg
100-200m	160mm	30kg	600kg
200-300m	160mm	40 kg	1200kg
Beyond 300m	160mm	50kg	2500kg

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:

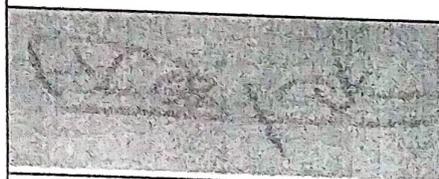
- (a) No shot hole shall be fired in crushed, broken or fractured ground strata.
- (b) Blasting shall be done against a free face only. Blasted material shall be cleared off before commencement of drilling operations for succeeding round.
- (c) Top stemming column shall not be less than the burden.
- (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.

