

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 107/2025**

IN THE MATTER OF:

Mantu Soni

...Applicant

Versus

State of Jharkhand & Ors.

...Respondent

**WRITTEN SUBMISSIONS ON BEHALF OF THE RESPONDENT NO. 4
NTPC LTD. PAKRI BARWADIH COAL MINING PROJECT (PBCMP).**

1. The Pakri Barwadih Coal Mining Project is a captive coal block allocated to NTPC and forms an essential component of national energy security. Any attempt to obstruct its lawful mining or coal evacuation operations on the basis of conjectures directly impacts public interest and the national power supply framework.

I. Applicability and Scope of Forest Clearance

2. At the outset, it is respectfully submitted that the entire edifice of the Applicant's case rests on a fundamental misinterpretation of the scope and applicability of the Forest (Conservation) Act, 1980. The said Act is a regulatory statute intended solely to govern the diversion and use of notified forest land for non-forest purposes, and its operation is expressly confined to such forest land alone. The preamble of the Act clearly states "*An Act to provide for the conservation of Forest and for matters connected therewith or ancillary or incidental thereto.*".
3. Respondent No.4 has been granted Forest Clearance for diversion of 1026.438 hectares of forest land for coal mining in the Pakri



Barwadih Coal Mining Project, and the conditions imposed under such clearance are applicable strictly and exclusively within the boundaries of the said diverted forest land.

4. The Applicant's allegation of violation of Forest Clearance Condition No. 9 relating to coal evacuation through a high-speed conveyor is wholly misconceived. The said condition mandates installation of a 20-metre wide conveyor at a height sufficient to allow movement of tall wildlife, including elephants, under the supervision of the Chief Wildlife Warden. Respondent No.4 has fully complied with this condition. The 20-metre wide conveyor is operational within the diverted forest zone and the minimum height requirement has been ensured under the direct supervision of the Chief Wildlife Warden. The No Objection Certificate (**Annexure-1 Pg. 17**) issued by the competent wildlife authority and the photographic evidence (**Annexure-2 Pg. 19**) placed on record conclusively establish compliance, leaving no scope for any allegation of breach.

5. It is further submitted that the Forest (Conservation) Act, 1980 does not regulate activities undertaken beyond forest land. Coal transportation on public roads, village roads and State Highways outside the diverted forest area does not fall within the purview of the Act. Consequently, any attempt by the Applicant to invoke forest clearance conditions in relation to non-forest land is legally unsustainable. The stand of the Divisional Forest Officer, as borne out from the official record, is in consonance with this settled legal position and fully aligns with the submissions of Respondent No.4.



II. Compliance with Forest Clearance and Environmental Clearance Conditions.

6. Without prejudice to the above, it is submitted that Respondent No.4 has at all times remained fully compliant with both the Forest Clearance and the Environmental Clearance granted under the Environment (Protection) Act, 1986. While the Forest Clearance governs activities within the forest land, the Environmental Clearance comprehensively regulates environmental safeguards for all project-related activities, including those undertaken outside forest areas. Respondent No.4 has been granted Environmental Clearance and successive amendments thereto, which expressly permit transportation of coal by road, subject to strict mitigation measures.

7. The 12th amendment dated 02.01.2025 issued by the MoEF&CC (**Annexure-3 Pg. 21**) explicitly allows road transportation of coal till the stipulated period, recognizing practical and infrastructural constraints relating to rail and conveyor systems. Such permission has been granted after due consideration by the competent Expert Appraisal Committee and in accordance with statutory procedure. Respondent No.4 has strictly adhered to all conditions imposed under the Environmental Clearance, including deployment of tarpaulin covered trucks, installation of speed governors, dust suppression systems, water sprinkling along transport routes, and continuous environmental monitoring.

8. Respondent No.4 has also deposited substantial amounts, including Rs. 135.67 crore, in the CAMPA account towards implementation of wildlife management plans, which are being executed by the State Forest Department itself. The Divisional Forest Officer's Reply filed before this hon'ble Tribunal demonstrate that the Forest Department

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has been actively implementing these plans, thereby reinforcing the fact that Respondent No.4's operations are lawful, regulated and environmentally responsible.

9. Further, the monitoring data placed on record (***Annexure-5, Pg. 34***) establishes that all air quality parameters, including PM10, PM2.5, SO₂ and NO_x, remain well within the limits prescribed under the National Ambient Air Quality Standards. The allegation of pollution or public nuisance is therefore demonstrably false and unsupported by any scientific or regulatory finding. Also, the Traffic Study Report (***Annexure-4 Pg. 31***) placed on record shows that NTPC's contribution to road traffic is minimal, amounting to only about 2.5% of the total permissible road capacity. The roads in question are long-standing public roads, including State Highway No. 7 and village roads, which have historically been used by local residents and commercial traffic. There is no congestion attributable to NTPC's operations, nor any evidence linking alleged accidents or wildlife disturbances to coal transportation undertaken by Respondent No.4.

III. Allegations Are Speculative and Unsubstantiated

10. It is respectfully submitted that the allegations raised in the Original Application are entirely speculative and unsupported by any verifiable data or regulatory finding. The Applicant has relied primarily on assumptions, newspaper reports and generalized assertions, without producing any specific incident, inspection report, show-cause notice or adverse finding issued by any competent authority against Respondent No.4.
11. On the contrary, the environmental monitoring reports on record clearly establish that ambient air quality parameters along the transportation routes are well within the limits prescribed by the



Central Pollution Control Board. There is no scientific or factual basis for the Applicant's claim of environmental degradation, public nuisance or increased accident risk attributable to NTPC's operations.

12. The Applicant has also sought to attribute wildlife disturbances to coal transportation, without demonstrating any nexus between NTPC's regulated vehicular movement and alleged wildlife incidents. Several villages cited by the Applicant are either already diverted for mining by the Government or are situated at considerable distances from the project site, clearly negating any causal connection. The inference sought to be drawn by the Applicant is therefore illogical, unsupported and contrary to the material on record. It is further submitted that coal transportation by road, where permitted by the Environmental Clearance, is a recognized and lawful activity within India's energy framework. Thermal power continues to constitute a substantial portion of the national energy mix, and uninterrupted coal evacuation is essential to maintain grid stability and public services. Respondent No.4's activities are fully aligned with statutory permissions and national interest.

IV. Conduct and Bona Fides of the Applicant

13. It is respectfully submitted that the present OA is a continuation of the Applicant's consistent misuse of judicial and administrative forums to obstruct lawful public infrastructure projects of Respondent No.4. The Applicant has a long history of initiating vexatious proceedings, making reckless allegations, and suppressing material facts, particularly against NTPC, with the evident intent to delay and derail nationally significant operations.



14. The Applicant is involved in multiple criminal cases registered at Barkagaon Police Station, District Hazaribagh, involving serious offences under the Indian Penal Code, including Sections 147, 148, 149 (rioting), 341, 342 (wrongful restraint and confinement), 323, 325 (hurt and grievous hurt), 332, 333, 353, 188 (obstruction and assault on public servants), 307 (attempt to murder), 379, 427, 435 (theft and mischief), 385, 387 (extortion), 420, 120B (cheating and criminal conspiracy), and 153A/153AA (promoting enmity). Proceedings have also been initiated against the Applicant under Section 27 and Sections 25(1-B)(a), 26 and 35 of the Arms Act, Section 21(3) of the MMDR Act, and Section 42 of the Mines Act, clearly demonstrating a pattern of coercive and unlawful conduct. In addition, the Applicant has repeatedly approached constitutional courts against Respondent No.4 on identical allegations. A Public Interest Litigation before the Hon'ble Jharkhand High Court alleging a fictitious compensation scam by NTPC was dismissed with costs of Rs. 1,00,000/- for concealment of criminal antecedents, and the Special Leave Petition arising therefrom was dismissed by the Hon'ble Supreme Court. Another writ petition alleging forged forest clearance documents was withdrawn by the Applicant himself when confronted with the record. Similar allegations raised through media and legal forums have also failed before the Hon'ble National Green Tribunal. (**Para U Pg. 11 of the Reply**).

15. The Hon'ble Supreme Court in *State of Jharkhand v. Shiv Kumar Sharma & Ors.*, 2022 SCC Online SC 1541 has held that courts must examine the credentials and bona fides of a person invoking public interest jurisdiction. The Applicant's antecedents and conduct clearly fail this test. The present Application is therefore an abuse of the process of this Hon'ble Tribunal and deserves to be dismissed with costs.

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16. In view of the foregoing facts and submissions, it is evident that Respondent No.4 has acted strictly within the framework of law, in full compliance with forest and environmental clearances, while discharging its vital public duty of ensuring national energy security. The Original Application is devoid of merit, motivated by extraneous considerations, and deserves to be dismissed with exemplary costs for abuse of process.

Through



UTTAM KUMAR MANDAL

Advocate for the Answering Respondent No.4,
10, Old Post Office Street,
Room No. 110/1,
Kolkata - 700 001,
(M) : 9830424536/8777688137,
Office (Ph.) : 03322627467,
E- mail : advuttamkumar63@gmail.com.

Place: Kolkata

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