

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL

FINANCE CENTRE, 3RD FLOOR, NEW TOWN

(Under Section 18 (1) read with Sections 14 and 15 of the
National Green Tribunal Act, 2010)

Original Application No. 05 ²⁰²⁶ of ~~2025~~

In the Matter of:

Gaurav Singh

..... **Applicant**

VERSUS

Hindalco Industries Ltd. and Ors.

..... **Respondent**

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SYNOPSIS

The present Original Application is being filed under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010 by the Applicant, Shri Gaurav Singh, resident of Palamau, Jharkhand, raising grave concerns regarding

environmental degradation and safety hazards caused by Hindalco Industries Ltd. at Kathautia Coal Mines, Palamau.

Despite being under a statutory obligation to comply with conditions of Environmental Clearance (EC), Hindalco has:

- Failed to backfill the mining pits with overburden (OB) and topsoil, leaving behind deep, hazardous highwalls.
- Dumped OB outside the lease area and undertaken plantation over OB dumps rather than planting trees on decoaled land after land reclamation.
- Violated safety norms by creating vertical highwalls, unsafe slopes and inadequate fencing.
- Stopped operations in October 2024 and issued surrender notice (06.06.2025) without complying with mandatory EC Conditions especially the specific conditions no. (iv).

Despite repeated complaints, legal notices, and RTI disclosures, authorities have failed to take remedial action. This has left behind dangerous pits, OB dumps, and ecological imbalance in violation of environmental law, threatening life, ecology, and public safety.

The Applicant, therefore, seeks intervention of this Hon'ble Tribunal to ensure strict compliance of EC conditions before the surrender of the said mines by Hindalco is accepted, environmental restoration of the site, and imposition of environmental compensation in terms of law.

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..... **Respondent**

List of Dates

10.06.2006 – EC granted to M/s Usha Martin Ltd. for Kathautia Opencast Coal Mine Project.

16.04.2015 – Letter of Transfer of Environment Clearance of Kathautia Opencast Coalmine project from M/s Usha Martin Ltd. to M/s Hindalco Industries Ltd.

03.10.2024 – Hindalco submitted Notice of Discontinuance under Regulation 5 of CMR, 2017 declaring closure of Kathautia Mines w.e.f. 01.10.2024. (Annexure-D)

12.03.2025 - Copy of Notice of Discontinuance dated 03.10.2024 submitted by Hindalco under Regulation 5 of CMR, 2017 by Hindalco received through RTI on 12.03.2025 Copy of Notice of Discontinuance dated 03.10.2024 submitted by Hindalco under Regulation 5 of CMR, 2017 by Hindalco received through RTI on 12.03.2025.

30.06.2025 –1) Complaint submitted to MoEF&CC highlighting non-compliance of EC conditions, improper mine closure, OB dumps, and unsafe pits. (Annexure-A)

2)Complaint submitted to Secretary, Mines, Jharkhand regarding surrender of mining lease without compliance of closure obligations. (Annexure-B)

06.06.2025 – Hindalco submitted surrender notice of Kathautia Coal Mine to Nominated Authority, Ministry of Coal. (Annexure-D)

11.06.2025 – Photographs taken showing non-compliance, abandoned pits, OB dumps outside lease area, and unsafe conditions. (Annexure-F)

01.09.2025 – RTI reply received from Ministry of Coal confirming Hindalco's surrender notice and termination of CMDPA. (Annexure-C)

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL

FINANCE CENTRE, 3RD FLOOR, NEW TOWN

(Under Section 18 (1) read with Sections 14 and 15 of the
National Green Tribunal Act, 2010)

Original Application No. _____ of 2025

IN THE MATTER OF:

Gaurav Singh

S/o Shripati Singh, R/o Belwatika, Memorial Hall Road,

Daltonganj, Palamau – 822101, Jharkhand

Contact: 8340109063, Email: gauravsingh11091990@gmail.com

...Applicant

VERSUS

1. **Hindalco Industries Ltd.**

2nd floor, Vasundhara Mega Mart, Near Argora Chowk, PS Argora,
Ranchi, Jharkhand, 834002. Email: hilinvestors@adityabirla.com

Contact: +91 (06522) 244253/334

2. **Ministry of Environment, Forest and Climate Change**

(MoEF&CC)

Through its Secretary, Indira Paryavaran Bhawan, Jor Bagh, New Delhi -110003. Email: secy-moef@nic.in; Contact No.: 011-20819209, 011- 20819239

3. Ministry of Coal,

through its nominated authority, Government of India Shastri Bhawan, Dr. Rajendra Prasad Marg, New Delhi – 110001, Email: secy.moc@nic.in, Contact No. 011-23384884

4. Department of Mines & Geology, Govt. of Jharkhand

Through its Secretary,
Nepal House, Doranda, Ranchi-834002.
Email: secretarymines.jhr@gmail.com Contact No. 0651-2490174

5. The Deputy Commissioner

District Collectorate Building, Block-A, Medininagar (Daltonganj), Palamu, Jharkhand, 822101, Email: dc-pal@nic.in, Contact No.: +91-6562-224033

6. District Mining Officer,

Collectorate Building, Medininagar (Daltonganj), Palamu District, Jharkhand – 822101. Email: dmo-palamau@jharkhandmail.gov.in, Contact No. 06562-231261.

...Respondents

ORIGINAL APPLICATION UNDER SECTION 14, 15, AND 18 OF THE
NATIONAL GREEN TRIBUNAL ACT, 2010 ALONG WITH RULE 14 OF
THE NGT (PRACTICE AND PROCEDURE) RULES, 2011

MOST RESPECTFULLY SHOWETH:

1. That the present application is being filed by the applicant, a socially active individual and environmentally conscious citizen, who resides in Daltonganj, Palamau, Jharkhand. He filed this application to seek directions for strict enforcement of environmental laws and EC conditions especially specific condition no. (iv) against Respondent No.1 – Hindalco Industries Ltd., which operated the Kathautia Coal Mines in Palamau.
2. That Hindalco Industries Ltd. commenced coal production at Kathautia Mines in February 2017 after obtaining Mine Opening Permission, and continued operations till 2023. During this entire period, Hindalco was bound to comply with the Environmental Clearance (EC) conditions originally granted to M/s Usha Martin Ltd. and later transferred to Hindalco. The EC specific condition no. (iv) required backfilling of mined-out pits with overburden (OB), spreading of topsoil, and plantation of native species to make the land cultivable and usable. However, despite operating the mine for over six years, Hindalco failed to implement these fundamental conditions. Instead,

pits were left unfilled, OB was dumped outside the lease area, and plantations were carried out only on OB dumps in blatant disregard of the EC conditions.

3. That instead of following this, Hindalco abandoned the pits, dumped OB outside the lease area, and carried out plantation only on OB dumps which is contrary to the EC conditions. The Applicant submitted a complaint dated 30.06.2025 to MoEF&CC, Ranchi, and Ministry of Coal, Govt. of India, New Delhi highlighting these violations.

Photocopy of the representation dated 30.06.2025 to MoEF&CC and Ministry of Coal regarding non-compliance of EC by Hindalco is annexed herewith as **Annexure-A**.

4. That On the same day, the Applicant submitted a complaint to the Secretary, Department of Mines & Geology, Jharkhand, and other concerned offices pointing out that Hindalco was preparing to surrender its lease without complying with the conditions of EC related to land reclamation and plantation of trees, which also raised the issue of illegal mining on *Jungle Jhari* land, which is raised before Hon'ble Jharkhand High Court in W.P.C No. 6046 of 2017.

Photocopy of representation dated 30.06.2025 to Secretary, Mines, Jharkhand regarding surrender of mining lease without closure compliance is annexed herewith as **Annexure-B.**

5. That Hindalco had earlier filed a Notice of Discontinuance dated 03.10.2024 under Regulation 5 of the Coal Mines Regulations, 2017, declaring closure of the Kathautia Mines from 01.10.2024.

Photocopy of Notice of Discontinuance dated 03.10.2024 submitted by Hindalco under Regulation 5 of CMR, 2017 is annexed herewith as **Annexure-C.**

6. That subsequently, Hindalco issued a surrender notice dated 06.06.2025 to the Nominated Authority, Ministry of Coal, seeking termination of the CMDPA and cancellation of the vesting order on account of alleged land and technical challenges. The applicant received the said surrender notice through RTI reply dated 01.09.2025 by Ministry of Coal.

Photocopy of RTI reply dated 01.09.2025 from Ministry of Coal

enclosing Hindalco's surrender notice dated 06.06.2025 is annexed herewith as **Annexure-D**.

7. That it is gross violation of EC specific conditions no. (iv) that was originally granted to M/s Usha Martin Ltd. which subsequently got transferred to Hindalco through letter dated 16.04.2015 of MoEF&CC, which stated as follows:

“OB should be stacked at earmarked external OB dumpsites within ML (Mining Lease) area and shall be a maximum height of 60m only and consists of benches of 10m each. The ultimate slope of dumpsite should not exceed 28 degrees. Backfilling shall begin at the end of 3rd year in the decoaled area. Monitoring and management of existing reclaimed dumpsites should continue until the vegetation becomes self-sustaining. Compliance status should be submitted to the Ministry of Environment and Forest and its regional office located at Bhubneshwar on yearly basis.”

Photocopy of Original Environment Clearance (EC) granted to M/s Usha Martin Ltd. and letter of transfer dated 16.04.2015 of EC is annexed herewith as **Annexure-E**.

8. That despite surrender proceedings, Hindalco has not complied with Conditions of EC especially specific condition no. (iv) and left pits remain unfilled, OB remains dumped outside the lease, and no ecological restoration has taken place. The Applicant has collected photographs dated 11.06.2025, highlighting grave issues including unsafe vertical highwalls, unbenched pits, absence of fencing, and OB dumps outside the lease area.

Photographs dated 11.06.2025 showing abandoned pits, OB dumps outside lease area, and showing unsafe highwalls is herewith annexed as **Annexure-F**.

9. That the present Original Application is well within the period of limitation prescribed under Section 14(3) of the National Green Tribunal Act, 2010. The cause of action in the present case is of a continuous and recurring nature, as the Respondent No. 1 failed to fill the pits, OB dumps are continuously breaching the lease area and entering into the land of villagers, and no restoration is being done by them. These violations persist to this date, and each day of continuing pollution gives rise to a fresh cause of action. Therefore, the Application is clearly maintainable and filed within the limitation.

10. That the present Original Application is being bona fide, in public interest, and with the sole objective of protecting the environment and preventing further ecological degradation. The applicant affirms that all mandatory requirements under the National Green Tribunal Act, 2010 and the NGT (Practice and Procedure) Rules, 2011 have been duly complied with. The Application is supported by relevant documents, representations, complaints and photographs.
11. That despite repeated complaints and reminders, the Respondent authorities, including MoEF&CC, have failed to take any effective action against Hindalco, thereby allowing continued environmental degradation and safety hazards in the mining area.
12. In these circumstances, the Applicant is constrained to approach this Hon'ble Tribunal seeking enforcement of EC and closure obligations, restoration of the mined-out areas, and imposition of compensation under the 'Polluter Pays' principle.

GROUND

- i. BECAUSE the Hindalco has failed to comply with EC conditions mandating backfilling, topsoil restoration, and plantation, in violation of Environment (Protection) Act, 1986.

- ii. BECAUSE leaving high vertical walls, unsafe pits, and unfenced mines endangers life and property of villagers, violating Articles 21 and 48A of the Constitution.
- iii. BECAUSE MoEF&CC, and other respondents failed to enforce compliance despite complaints and RTI disclosures, reflecting abdication of statutory duties.
- iv. BECAUSE Hindalco is liable for environmental compensation as laid down in *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647 and *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212 according to polluter pay principle.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be please to

- 1. Direct Respondent No.1 (Hindalco Industries Ltd.) to comply with condition of EC especially specific condition no. (iv), backfill pits, remove OB dumps from outside lease area, restore topsoil, and undertake plantation with native species.
- 2. Direct MoEF&CC, Ministry of Coal and Department of Mines and Geology to ensure compliance and file a joint action-taken report.

3. Impose environmental compensation on Hindalco Industries Ltd. under Section 15 of the NGT Act, 2010 applying 'Polluter Pays' principle.

And/ or Pass any further order(s) this Hon'ble Tribunal may deem fit and proper in the interest of justice and environment.

Book No. 67 SL. No. 3245
 Date: 19/12/2025
 0244195



AFFIDAVIT

I, Gaurav Singh, S/o Late Shripati Singh, aged about 34 years, resident of Belwatiaka, Memorial Hall Road, P.O. & P.S. Daltonganj, District Palamu – 822101, Jharkhand, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the accompanying Original Application, and being fully acquainted with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That the content of the Original Application, Synopsis, List of Dates, Grounds, and the accompanying Annexures have been prepared under my instructions, and the same have been read over and explained to me in a language known to me. I state the facts stated therein are true and correct to my personal knowledge, information, and belief.
3. That the environmental violations complained in the Application are continuing and recurring in nature.
4. That the authorities concerned have failed to take corrective or preventive action despite multiple written complaints and representations, thereby allowing the violations to persist unabated.
5. That the present Original Application is being filed bona fide and in the interest of justice, public health, and environmental protection.

I further state that nothing material has been concealed from this Hon'ble Tribunal.

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 5 of this affidavit are true and correct to my personal knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Daltonganj on this 19th day of December, 2025.



19/12/2025
 S. K. Sharan
 Notary Palamu

Gaurav Singh
 Deponent
 (Gaurav Singh)

[Handwritten signature]
 19/12/2025

VERIFICATION

I, Gaurav Singh S/O Late Shripati Singh, aged about 34 years, R/O Belwatika, Memorial Hall Road, P.O & P.S: Daltonganj, District: Palamu, do hereby verify that the contents of the original application, including the Synopsis, List of Dates, Paragraphs of the Application, and the Annexures, are true and correct to my personal knowledge and based on information received from authentic records, which I believe to be true.

Nothing material has been concealed therefrom.

Verified at Daltonganj on this 19th day of December, 2025

Gaurav Singh

Deponent

(Gaurav Singh)

Identified by:

Advocate

Mr. Jeet, Adv.

(Signature)

VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

KNOW ALL to whom these present shall come that I, Gaurav Singh, Applicant, do hereby appoint Advocate Mr. Jeet herein after called Advocate to be my Advocate in the above noted case and authorize him:

To act appear and plead in the above noted case in this Court or in any other Court in which the same be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me.

To sign file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party To withdraw, or compromise the said case or submit to arbitration any-differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other act and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

And I the undersigned do hereby agree not to hold the Advocate responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I the undersigned do hereby agree that in the event of the whole or any part to the fee agreed by me to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the said is paid up. The fee settled is only for the above case and above Court. I hereby agree that once the fee is paid, I will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHERE OF I do hereunto set my hand to these presents the contents of which have been understood by me this 19th day of December, 2025.



JH1306/2024

Email Id: jeetsinha018@gmail.com

ACCEPTED

ADVOCATE

CLIENT

Date:- 30.06.2025

To,

Ministry of Environment, Forest & Climate Change,
Government of India, 2nd Floor, HQ,
Jharkhand State Housing Board,
Harmu Chowk, Harmu Housing Colony,
Ranchi - 834002.

Sub :- Non-compliance of the conditions of Environmental Clearance by Hindalco Industries Ltd. at Kathautia Coal Mines.

Sir,

With regard to above stated subject I have to state that in district Palamau the Kathautia Coal Mines is situated which was initially allotted to Usha Martin Ltd. in the year 2003.

1. That after grant of Mining Lease Usha Martin Ltd. commenced the mining and done the mining actively till 2014 and after order was passed by the Hon'ble Supreme Court the said Kathautia Coal Mines was re-auctioned and same was awarded to Hindalco Industries Ltd.
2. That the Hindalco Industries Ltd. has taken charge of the said Mining Lease with all the assets and liabilities of Usha Martin Ltd.
3. That thereafter the Hindalco Industries Ltd. commenced the mining and has done mining till September 2024 but during the mining and till date the company has not followed the conditions of Environmental Clearance granted to Usha Martin Ltd. later transferred to Hindalco Industries Ltd. which warranted that the company will refill the mining pits created during mining. Further the company was required

Gawar Singh

to backfill the mining pits and that the O.B. dump created from mining was to be used for filling the pits and after filling the pits the top layer was to be filled by top soil and regional/native plants were to be planted so that the decoaled area/land becomes cultivable & usable.

4. That instead of refilling the mining pits and planting trees over decoaled area/land, following the above process in accordance to the conditions of Environmental Clearance the company has left the mining pits as it is and dumped all the O.B. outside the mining lease area and planted trees over O.B. dump which is gross violation of the conditions of the Environmental Clearance.

(Copy of Environmental Clearance granted to Usha Martin Ltd. and Transfer of Environmental Clearance of Kathautia Coal Mines to Hindalco Industries Ltd. is being annexed herewith)

5. That it is stated that the Hindalco Industries Ltd. has filed notice of discontinuation under regulation 5 of Regulation Act 2017 vide letter dated 03.10.2024. Wherein it is stated that the said mines is closed from 01.10.2024.

(Copy of the letter dated 03.10.2024 is being annexed herewith)

6. That from the reliable sources I came to know that the company is preparing for surrender of the said mining and perhaps the company has also moved to the competent authority for accepting the surrender of mines.

It is therefore your good self is requested to kindly look into the matter and issue necessary directions so that before

Gausar Singh

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RJ340816311 IN IVR:8274340816311
 RL DALTONGANJ HO <822101>
 Counter No:1,02/07/2025,10:59
 To:MINISTRY OF ENVIRONMENT,RANCHI
 PIN:834002, Doranda HO
 From:GAURAV SINGH, DTO
 Wt:180gms,REG=17.0

acceptance of surrender of mines the Hindalco Industries Ltd. complies to all the conditions of Environmental Clearance before closure of mines and plant regional/native trees after refilling the decoaled area/land and remove O.B. dump from outside the mining lease area.

Thanking you,

Yours faithfully

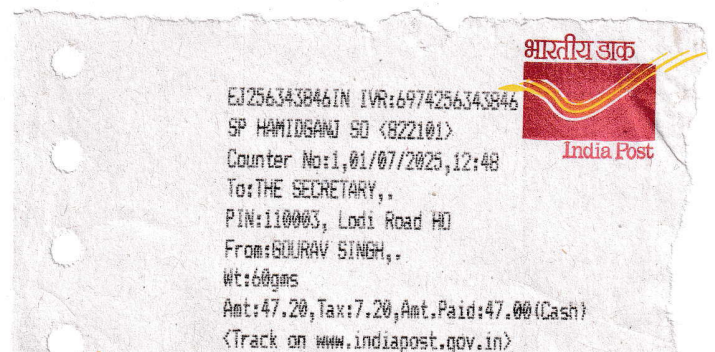
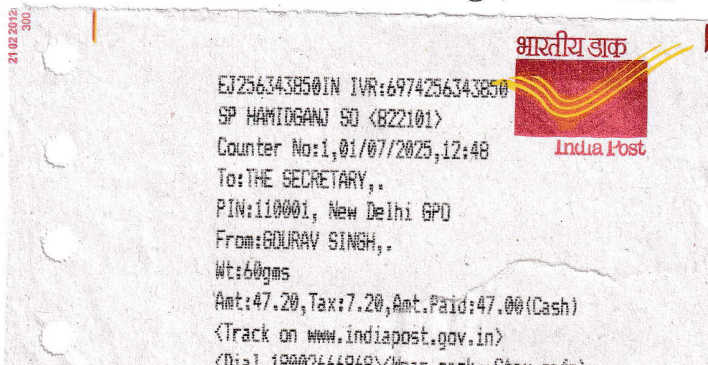
Bhumi Adhigrahan Visthapan Avam
 Punarwas Kleran Samiti
 Gaurav Singh
 President

Enclosures :- (.18.. Pages)

1. Environment Clearance granted to Usha Martin Ltd. and Transfer of Environmental Clearance of Kathautia Coal Mines to Hindalco Industries Ltd.
2. Letter dated 03.10.2024
3. Photographs dated 11.06.2025 showing the non-compliance & violation.

Copy To :-

1. Secretary, Ministry of Coal, New Delhi.
2. Secretary, Ministry of Environment Forest & Climate Change, New Delhi.



Annexure B

Date:- 30.06.2025

To,

The Secretary,
Department of Mines & Geology,
Government of Jharkhand,
Nepal House, Doranda,
Ranchi- 834002.

Sub :- Surrender of mining lease of Kathautia Coal Mines by Hindalco Industries Ltd. after discontinuation of the mines.

Sir,

With due respect regarding above stated subject I draw your attention to the following facts :-

1. That earlier vide representation dated 28.02.2025 I brought to the notice of your good self that Hindalco Industries Ltd. is going to surrender the mining lease and before accepting the same, I requested your good self to ensure that mining closure plan is implemented and further requested your good self to direct the company to remove the O. B. dump and other structure from outside the mining lease area. Further I requested that as admittedly the company has done mining over Jungle Jhari land for which fine should be imposed on them and FIR should be lodged against the erring officials namely Mr. Satish Pai (Managing Directing) and Mr. Brijesh Kumar Jha (then President Mines) current designation (President, Mining and Mineral corporate).

(Copy of the letter dated 28.02.25 is being annexed herewith).

2. That with regard to mining over Jangal Jhari land I earlier also represented before Principal Secretary, but though the said representation of mine is required to be sent for

Grawar Singh

necessary action to the revenue department but unfortunately the same was sent to the office of PCCF vide letter dated 19.05.2025.

(Copy of letter dated 19.05.2025 is being annexed herewith)

3. That it is stated that earlier we sought information under RTI from Director General of Mines Safety regarding violation of the provisions of Mining Act and Mines Safety Rules. In their reply dated 12.03.2025 I was informed that management of Kathautia Coal Mines has submitted the notice of discontinuation under regulation 5 of Coal Mines Regulation 2017 vide letter dated 03.10.2024 stating that the date of discontinuation of the mines is from 01.10.2024.

(Copy of letter dated 12.03.2025 and 03.10.2024 is being annexed herewith)

4. That the company has not taken any step to implement the mining closure plan, the pit created due to mining is required to be backfilled and the O. B. dump created from mining should be used for filling the pit and after filling the pit the top layer will be filled with top soil and over the same regional/native plant should be planted so that the decoaled area/land becomes cultivable & usable.
5. That instead of refilling the mining pits and planting trees over decoaled area/land, they have left the mining pits as it is and dumped all the O.B. outside the mining lease area and planted trees over O.B. dump.
6. That it is stated that as the company has clearly stated that they have issued the notice on 03.10.2024 stating that the mines has been discontinued from 01.10.2024 and therefore the company is under obligation to comply all the conditions of mining closure plan with regard to filling of pits as well as removing O. B. dump created outside the mining lease area and other discrepancies but the company is not taking any steps for the same.
7. That the aforesaid compliance further assumes importance as the Hindalco Industries Ltd. has done mining on lands of Raiyats without taking mandatory permission under section

Grawzar Singh

49 of C.N.T. Act, further the company has done mining over the land of Raiyats, paying part compensation or no compensation at all.

8. That as the company has discontinued the mines from 01.10.2024 therefore appropriate direction for compliance of conditions & the procedure prescribed for closure of mines before accepting the surrender of mining lease by the department is required to be issued.

It is therefore your good self is required to kindly look into the matter and issue necessary direction to the company for complying the procedure prescribed by law for closure of the mines and remove O.B. dump from outside of mining lease area so that the hazards created by the company may not jeopardize the life of persons/ animal residing in nearby village and the said hazards does not create environmental/ecological imbalances otherwise having no other alternative I have to take recourse of law by moving appropriate courts/forums for ensuring that all compliances are done by the Hindalco Industries Ltd.

Thanking you,

Yours faithfully

Bhumi Adhigrahan Visthapan Avam
Punarwas Kisan Samiti

Gaurav Singh
President

Enclosures :- (40 Pages)

1. Letter dated 28.02.2025.
2. Letter dated 19.05.2025.
3. Letter dated 12.03.2025 and 03.10.2024.
4. Photographs dated 11.06.2025 of Kathautia Coal Mines showing the non-compliance/violation.

Copy to :-

1. Secretary, Ministry of Coal, Govt. of India, New Delhi.
2. Secretary, Department of Revenue, Registration and Land Reform, Govt. of Jharkhand, Ranchi
3. Secretary, Department of Forest, Environment and Climate Change, Govt. of Jharkhand, Ranchi
4. Deputy Commissioner, Palamau.
5. District Mining Officer, Palamau.

RJ340816532IN IVR:8274340816532
 RL DALTONGANJ HO <822101>
 Counter No:1,02/07/2025,10:59
 To:THE SECRETARY,RANCHI
 PIN:834002, Doranda HO
 From:GAURAV SINGH,DTO
 Wt:240gms,REG=17.0

Amt:90.86,Tax:13.86,Amt.Paid:91.00(Cash)
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 Counter No:1,02/07/2025,10:59
 To:DISTRICT MAINI,DTO

RJ340816546IN IVR:8274340816546
 RL DALTONGANJ HO <822101>
 Counter No:1,02/07/2025,10:59
 To:THE SEC,NEW DELHI
 PIN:110001, New Delhi GPO
 From:GAURAV SINGH,DTO
 Wt:220gms,REG=17.0

Amt:84.96,Tax:12.96,Amt.Paid:85.00(Cash)
 <Track on www.indiapost.gov.in> भारतीय डाक
 <Dial 18002666868><Wear mask - Stay safe>

RJ340816529IN IVR:8274340816529
 RL DALTONGANJ HO <822101>
 Counter No:1,02/07/2025,10:59
 To:DEPUTY COMR,DTO
 PIN:822101, Daltonganj HO
 From:GAURAV SINGH,DTO
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 <Dial 18002666868><Wear mask - Stay safe>

RJ340816435IN IVR:8274340816435
 RL DALTONGANJ HO <822101>
 Counter No:1,02/07/2025,10:59
 To:THE SEC,RANCHI

Gaurav Singh



सत्यमेव जयते



भारत सरकार
Government of India
श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
खान सुरक्षा महानिदेशालय
Directorate General of Mines Safety
रांची क्षेत्र, रांची/Ranchi Region, Ranchi



3rd Floor, R.I-III Building, CMPDIL Campus, Kanke Road, Ranchi-834008, Phone No. 0651-2233020, Fax-2233049

सं. RR/Kathautia/Legal Notice/2025/ 209

रांची, दिनांक 12-03-25

सेवा में

श्री गौरव सिंह
अध्यक्ष,
भूमि अधिग्रहण विस्थापन एवं
पुनर्वास किसान समिति,
पलामू प्रमंडल, पलामू,
झारखंड।

विषय: Regarding legal notice dated 11.12.2023 sent to you through my advocate and your reply dated 10.01.2024.

महोदय,

Please refer to your letter vide No. Nil dated 27.02.2025 regarding above mentioned subject.

In this regard, it is to inform you that the management of Kathautia Coal Mine has submitted Notice of Discontinuance under Regulation 5 of Coal Mines Regulation 2017 vide letter No. Nil dated 03.10.2024 to this Directorate stating that the date of discontinuance of the mine is from 01.10.2024.

Also, this is to inform you that the Notice U/s 22A(1) of Mines Act, 1952 has been recorded by this Directorate as management has complied with the terms and conditions of the Notice.

This is for your information please.

भवदीय,

(आफताब अहमद)
खान सुरक्षा निदेशक
रांची क्षेत्र, रांची

11360
07/10/24



निदेश / उपनिदेश - II, 1974
A.A.W.
08/10/24

962
7/10
24

Date: 03/10/2024

From:

Manager

Name: Kala Chand Modak

Postal address:

At – Kathautia Open Cast Coal Mine

PO: Naudiha, PS: Pandwa, District : Palamu , Jharkhand

PIN: 822123

Mobile Number: 9006814095

Email ID: kala.modak@adityabirla.com

To

The Regional Inspector of Mines Safety, Ranchi – 834008.

Subject: Notice of discontinuance of mine

Dear Sir,

Enclosed please find the Notice of discontinuance in Form 1-D u/r 5 of CMR'2017 of Kathautia Coal Mine M/s Hindalco Industries Limited.

This is for your kind information and necessary action please.

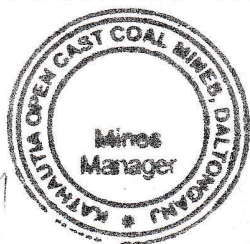
Thanking you,

Yours Faithfully,

Manager

Kathautia Open Cast Coal Mine

Hindalco Industries Limited.



Encl: Notice of discontinuance of mine in Form 1-D

CC to: The DC, Palamu, Jharkhand- 822101

FORM 1- D
Notice of discontinuance (See Regulation 5)

I have to furnish the following particulars in respect of discontinuance of **Kathautia Coal Mine**

1	Name of Mine	Kathautia Open Cast Coal Mines
2	Name of owner/company/firm/association...	Hindalco Industries Limited
3	Location of the Mine	
	mine Lease number(s)	4686/4593, 2016, date-07/10/2016
	Village/area/road	Kathautia,
	Post Office-	Naudiha
	Police Station	Pandwa
	Sub-Division (Taluq/Tehsil)	Daltonganj
	Railway station(nearest)	Kajri
	District	Palamau
	State-	Jharkhand
	PIN	822123
4	Labour Identification Number (LIN)	I-8771-3429-2
5	Mine Code	10972

6. Details of Owner, Agent, Manager				
Sl. No.	Particulars	Nominated Owner	Agent	Manager
i	Name	Shri Praveen Kumar Maheshwari	Shri Raju Kr Singh	Shri Kala Chand Modak
ii	Address Village/area/road- Post Office- Police Station- Sub-Division (Taluq)/Tehsil- Railway station(nearest)- District- State-	Hindalco, Industries Limited, 7th Floor, Birla Centurion, Pandurang Budhkar Marg, Worli,	Kathautia Open Cast Coal Mine PO: Naudiha, PS: Pandwa, District : Palamu State : Jharkhand PIN : 822123	Kathautia Open Cast Coal Mine PO: Naudiha, PS: Pandwa, District : Palamu State : Jharkhand PIN : 822123



	PIN-	Mumbai – 400 030.		
iii	Mobile Number	-	7004690757	9006814095
iv	Telephone number (Landline)	+912269477 000	-	-
v.	Fax number	-	-	-
vi.	Email ID		Raju.k.singh@adityabirla.com	Kala.modak@adityabirla.com

7. Date on which it is intended to discontinue the mine. NA

8. Actual date of discontinuance (01/10/2024).

9. Number of persons likely to be affected: none

10. Reasons for discontinuance: **JJ issue which is subjudice and land unavailability in continuance.**

11. Updated plans enclosed as required under Regulation 66 of CMR, 2017 – Not required

12. If Yes, Specify the Plan(s) reference number(s)



Yours faithfully

Signature:

KM 03/10/2024

(Kala Chand Modak)

Designation: Manager

Date:

* Optional

File No.: NA-505/11/2025-NA
Government of India
Ministry of Coal
Office of the Nominated Authority

120, F -Wing, 1st Floor, Shastri Bhawan,
New Delhi, Dated: 01 Sept., 2025

To
Shri Gaurav Singh
Belwatika, Deltanganj,
Palamau, Jharkhand -822101

Subject: Response to RTI Application – IPO No. 65F479534 dated 31.07.2025

Please refer to your RTI application dated 31.07.2025 (IPO No. 65F479534), received in the Office of the Nominated Authority on 07.08.2025, seeking a certified copy of the Notice dated 06.06.2025 submitted by M/s Hindalco Industries Limited regarding surrender of Kathautia Coal Mine and termination of CMDPA dated 02.03.2015.

2. The information is **annexed herewith**

3. In case, you are not satisfied with the reply, you may appeal to the Appellate Authority indicated below within 30 days from the date of receipt of this letter.

“Shri Marapally Venkateshwarlu, Director, Tech (NA), Ministry of Coal, Room No.304-B, Shastri Bhawan, New Delhi.”

(Alok Verma)
CPIO & Under Secretary (NA)



June 6, 2025

The Nominated Authority

Ministry of Coal
Government of India
Shastri Bhawan, New Delhi

Sub: Notice for surrender of Kathautia Coal Mine, termination of CMDPA dated 02.03.2015 and cancellation of Vesting Order dated 23.03.2015- Land & Technical challenges beyond our control.

Respected Madam,

We are constrained to issue the present notice in the facts and circumstances described below:

1. As you are aware, the Kathautia coal mine situated in Palamau District, Jharkhand ("**Kathautia coal mine**") was previously allotted by Ministry of Coal through Screening Committee route in favour of Usha Martin Ltd. ("**Prior Allottee**").
2. The said allotment in favour of Prior Allottee was cancelled w.e.f. 31.03.2015 by the Hon'ble Supreme Court vide Judgment dated 25.08.2014 and Order dated 24.09.2014 in WP(Crl.) No. 120/2012 titled *ML Sharma v. Prl. Secretary*. The Prior Allottee had operated the Kathautia coal mine from 2008 till 31.03.2015 i.e. until deallocation of the mine.
3. Since the mine had been operated by the Prior Allottee and was operational until deallocation, we believed that the mine had requisite approvals and clearances and that there was no impediment in reopening the mine. Our understanding was confirmed by the Mine Summary and Mine Dossier issued prior to the auction of the mine under the Coal Mines Special Provisions Act, 2015 ("**CMSP Act**") which made the following representations:
 - (i) Mining lease area comprised of 938.27 Ha.
 - (ii) The Project area comprised of 687.93 Ha.
 - (iii) Forest Area was "Nil".
 - (iv) Non-Forest Area comprised of 938 Ha.
 - (v) Prior Allottee had secured all requisite statutory approvals and clearances for conducting coal mining operations and operated the Kathautia coal mine during 2008 till 31.03.2015.

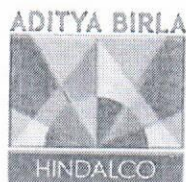
Hindalco Industries Ltd.

8th Floor, Parsvnath Capital Tower, Bhai Vir Singh Marg, New Delhi - 110 001, India

T: +91 11 23464500, 66374500 | F: +91 11 2346 4591

E: corporateaffairs@adityabirla.com | W: www.adityabirla.com

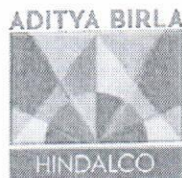
Corporate ID No. L27020MH1958PLC011238



4. Relying on such aforesaid representations we participated in the auction for Kathautia coal mine and were declared the Successful Bidder. The Coal Mines Development and Production Agreement dated 02.03.2015 ("CMDPA") was executed between the President of India (through Nominated Authority) and HIL with respect to Kathautia coal mine.
5. In compliance with the Vesting Conditions specified under the CMDPA, we deposited the following with your good office:
 - (i) Performance Security – Bank Guarantee to the tune of INR 268,88,80,000 – as per Clause 3.1 of CMDPA.
 - (ii) Upfront Amount – INR 54,77,48,668 – as per Clause 3.1 r/w. Cl. 5.2 of CMDPA.
 - (iii) Fixed Amount – INR 32,13,02,288 – as per Clause 3.1 of CMDPA.
6. As per the Vesting Order dated 23.03.2015 issued in our favour in terms of Section 8 of CMSP Act, the following area and types of coal bearing land falling within the mining lease area were stated to have been fully and absolutely transferred and vested in our favour w.e.f. the Vesting Date, i.e., 01.04.2015:

S N	Type of land	Extent (Ha.)	Extent (Acres)
1.	Freehold land for mining as per Mining Lease	162.0287	400.38163
2.	Leasehold Government land for mining as per Mining Lease	67.12	165.85713
3.	Leasehold private land for mining as per Mining Lease	492.72	1217.53764
4.	Forest land	Nil	Nil
	Total	721.8687	1783.7764

7. However, as we have informed your good office on several occasions, most of the vested land has not been made available for mining to us despite the lapse of over 10 years since the purported absolute transfer and vesting of the above land.
8. All our representations at all levels requesting for resolution of the issues regarding availability of land have remained unresolved. We are also forced to pursue litigation before the High Court of Jharkhand at Ranchi as detailed below, without any resolution in sight.



9. Records will show that the following disputes are pending in relation to the land falling in the Kathautia coal mine.

A. 344.16 acres of land declared to be *jungle jhari* (deemed forest land) after execution of mining lease:

10. You are well aware that after allocation and vesting of the Kathautia Coal Mine in our favour w.e.f. 01.04.2015, Jharkhand State Government vide Letters / Orders dated 29.08.2015, 17.09.2015, 22.09.2015 and 19.10.2015 claimed for the first time that an extent of 344.16 acres within the mining lease area allegedly comprised *jungle-jhari* (deemed forest) land and stated that our application for grant of Mining Lease would be processed only after grant of Forest Clearance under Forest (Conservation) Act 1980 ("**FC Act**").

11. Subsequently, the results of the revisional survey and settlement of records under the Chota Nagpur Tenancy Act, 1908 ("**CNT Act**") initiated in the year 1977 were published vide Notification dated 04.07.2016 which confirmed that there was no *jungle-jhari* land within the mining lease area of Kathautia coal mine.

12. After publication of the survey records, on 07.10.2016, i.e. 18 months after the Vesting Date, the Mining Lease was executed by Jharkhand State Government for the Kathautia coal mine comprising 687.92 Ha. (1699.88 Acres) on the basis that there was no *jungle jhari* land in the mining lease area.

13. We also discovered after winning the mine that the Prior Allottee had made several deviations in relation to statutory compliances for the mine. We were constrained to regularize the Prior Allottee's deviations and obtain several other statutory approvals afresh, including preparation of Mine Closure Plan and approval thereof by Ministry of Coal; execution of Escrow Agreement with CCO; regularization of Escrow Account; Consent to Operate and Mine Opening Permission. We have kept you informed through our numerous communications of such additional compliances made by us.

14. Despite delay and such difficulties, we commenced coal production in the last week of February 2017, after the grant of Mine Opening Permission by CCO on 24.02.2017 and other requisite statutory approvals.

15. However, to our dismay, within 4 months of commencement of coal production in February 2017, the Jharkhand State Government vide Letters / Orders dated

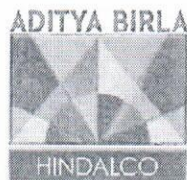
Hindalco Industries Ltd.

8th Floor, Parsvnath Capital Tower, Bhai Vir Singh Marg, New Delhi - 110 001, India

T: +91 11 23464500, 66374500 | F: +91 11 2346 4591

E: corporateaffairs@adityabirla.com | W: www.adityabirla.com

Corporate ID No. L27020MH1958PLC011238



12.07.2017, 03.08.2017 and 09.10.2017 once again alleged the existence of 344.16 acres *jungle jhari* (deemed forest) land within the Mining Lease area and directed us to stop all mining activities at Kathautia coal mine until Forest Clearance under FCA 1980 was obtained.

16. We were constrained to approach the Hon'ble Jharkhand High Court in WP(C) 6046/2017 for challenging the aforesaid orders issued by Jharkhand State Government. Vide order dated 13.10.2017, Hon'ble Jharkhand High Court was pleased to stay the operation of the impugned orders dated 03.08.2017 and 09.10.2017 subject to the condition that we shall not undertake any mining operations over the extent of 344.16 acres land within the mining lease area which was alleged to be *jungle jhari* (deemed forest) land.
17. Even though we have made out a good case from records that the alleged area claimed to be *jungle jhari* land had been diverted much before the enactment of the FC Act, the aforesaid proceedings continue to remain pending before Hon'ble Jharkhand High Court even as on date with no resolution in sight. Vide Order dated 22.06.2022, Hon'ble Jharkhand High Court was pleased to implead Ministry of Coal as Respondent No. 7 in WP(C) 6046/2017 and Ministry of Coal was directed to file counter affidavit within 4 weeks. However, the Ministry of Coal has not filed counter affidavit in WP(C) 6046/2017 even as on date despite lapse of almost 3 years since impleadment.
18. Thus, we are unable to undertake mining operations over an extent 344.16 acres land since October 2017 till date. Since such land is not contiguous and is scattered within the mining lease area, we are also unable to access land which is in close proximity to such land, and which cannot be accessed without access to the alleged *jungle jhari* area.

B. 165.85 acres of land comprising Government land has not been transferred to HIL till date:

19. The Jharkhand State Government vide GO dated 07.07.2012 had granted permission in favour of the Prior Allottee for transfer of 165.85 acres Government land for mining purposes with respect to Kathautia coal mine. The Prior Allottee had deposited INR 4,20,74,110/- with Jharkhand State Government with respect to the said Government land.
20. Vide the Vesting Order dated 23.03.2015, the said extent of 165.85 acres Government land also stood absolutely transferred and vested in our favour. The

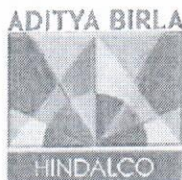
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expenditure incurred by the Prior Allottee for transfer of Government land was reimbursed to Prior Allottee from the Fixed Amount deposited by us with your good office under the CMSP Act. Thus, we have paid full amount for 165.85 acres of government land falling in the Kathautia coal mine.

21. However, despite over 10 years having passed since the absolute transfer and vesting of the land in the mining lease including the 165.85 acres Government land in our favour, the Jharkhand State Government is yet to grant possession of the said land to us for reasons best known to itself.
22. We have left no stone unturned for obtaining possession of the said land including approaching the Hon'ble Jharkhand High Court in WP(C) 4173/2022 seeking directions to Jharkhand State Government for handover of Government land to us. Vide order dated 07.11.2023, Hon'ble Jharkhand High Court *inter alia* directed Jharkhand State Government to decide our representation within 45 days. We have duly submitted our representation to the State Government on 17.11.2023 however, the same is pending till date. Copy of order dated 07.11.2023 of the Hon'ble High Court in WP(C) 4173/2022 is annexed herewith as **Annexure - A**.

C. 859.07 acres of Private (Raiyat) land remains locked in dispute with individual landowners:

23. In the year 2012, the Jharkhand State Government purportedly acquired 1217.5030 acres private (Raiyat) land for and on behalf of the Prior Allottee by invoking the urgency provisions under the erstwhile Land Acquisition Act, 1894.
24. However, at the time of auction in 2014-15, we were not informed that landowners had already challenged the invocation of urgency provisions by Jharkhand State Government for land acquisition for Kathautia coal mine before Hon'ble Jharkhand High Court and that the said proceedings had been pending since 2012.
25. After the allocation of Kathautia coal mine in our favour in 2015, it came to our knowledge that a batch of at least 49 such writ petitions were pending consideration before Hon'ble Jharkhand High Court.
26. Vide order dated 11.01.2017 in WP(C) 5749/2012 titled *Sardar Manjhi v. State of Jharkhand* and connected batch matters, Hon'ble Jharkhand High Court directed the Jharkhand State Government to consider the landowners' representation for denotification of land under acquisition proceedings in terms of Section 48 of the Land Acquisition Act, 1894 within the stipulated period.



Thereafter, Jharkhand State Government de-notified the entire extent of 1217.5030 acres private (Raiyat) land from acquisition.

27. Considering the above, we were constrained to pursue proceedings under the CNT Act for acquisition of surface rights over private land parcels from individual landowners / Raiyats. Despite considerable regulatory challenges and a complete absence of support from stakeholders, we were able to acquire surface rights only over 398.12 acres private land under CNT Act out of the total 1257.19 acres private land specified under the Mining Lease dated 07.10.2016. In other words, an extent of 859.07 acres private Raiyat land falling within the mining lease area has remained inaccessible to us despite our best efforts.
28. We have faced substantial challenges in undertaking production even over the private land acquired under CNT Act as the same is not contiguous and is accessible only through land that is not accessible to us on account of reasons stated hereinabove. Consequently, we have been able to produce from only 134.40 acres Raiyat land.
29. Several landowners / raiyats have refused to hand over possession of private land acquired under CNT Act despite having received compensation as mutually agreed or determined by the Government Authorities under CNT Act.
30. During 2019-20, several landowners / raiyats who had already received compensation from us towards land, assets and R&R approached Hon'ble Jharkhand High Court and filed at-least 29 writ petitions *inter alia* seeking enhanced compensation with the lead writ petitions bearing WP(C) 1326/2019 titled *Ramjit Saw v. State of Jharkhand* and WP(C) 4357/2019 titled *Rajkumar Saw v. State of Jharkhand*. Vide Orders dated 03.03.2020 and 05.03.2020 in the said batch matters, Hon'ble Jharkhand High Court disposed of the said writ petitions directing the Jharkhand State Government to consider and decide the representations of the said landowners / raiyats regarding compliances under CNT Act. Despite the lapse of over 5 years since the directions passed by Hon'ble Jharkhand High Court, the said proceedings continue to remain pending before the district administration even as on date and have not attained resolution / conclusion.
31. Due to the above challenges, we were once again constrained to approach the Hon'ble Jharkhand High Court by filing the following writ petitions:
 - (i) WP(C) 4172/2022 wherein we sought directions to Ministry of Coal and Jharkhand State Government for handover of possession with respect to

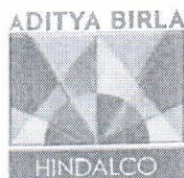
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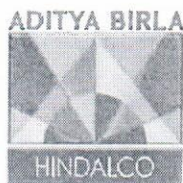


1257.19 acres private (Raiyat) land falling within the ML area of Kathautia coal mine.

- (ii) WP(C) 4213/2022, WP(C) 4214/2022, WP(C) 4215/2022, WP(C) 4216/2022, WP(C) 4217/2022, WP(C) 4218/2022 2022 wherein we sought directions to Jharkhand State Government for eviction of 6 landowners / raiyats who have refused to handover possession of their respective lands acquired under CNT Act despite having received compensation from us towards land, assets as well as R&R.
32. Vide order dated 07.11.2023 in the aforesaid matters pertaining to private (Raiyat) land, Hon'ble Jharkhand High Court directed that the disputes between landowners / raiyats and us regarding handover of possession of land acquired under CNT Act and determination of compensation be referred to mediation. The said mediation proceedings have also failed despite bona fide efforts made by us to facilitate amicable resolution.
33. The status of land falling in the Kathautia coal mine is set out in the following table:

S. No	Description	Extent (acres)
1.	Total land for mining as per Mining Lease	1783.7764
Extent Land not available for mining		
2.	Alleged Jungle Jhari Land	344.16 (A)
3.	Private (Raiyat) not available to HIL	859.07 (B)
4.	Government Land not available to HIL	165.85 (C)
5.	Total (A+B+C)	1369.08

34. From the above table, majority of the area of the mining land is not available to us for mining in the Kathautia block.
35. The limited land that is in our possession has either already been mined out or can't be mined out due to being scattered and in vicinity of the alleged jungle jhari land and other land that is inaccessible.
36. Due to the non-availability of mining land, we could produce only 0.19 MT in the period between April 2023 to December 2023 and there has been no coal production and dispatch since December 2023.



D. Technical challenges:

37. Due to the unavailability of majority of the land falling within the mining lease as is clearly illustrated in the table at paragraph 33 above, we have been facing the following technical challenges in producing from the mine:
- (i) We are not able to develop a single contiguous pit and at present there are 4 different small pits (Pit-A, B, C and D) within the ML area. The pits being small, it is impossible to achieve the PRC of 0.8 MTPA.
 - (ii) We are unable to deploy equipment and conduct operations as per the Mining Plan and are constrained to operate on *ad hoc* basis on whatever land is available.
 - (iii) Since most of the private lands that are still in occupation of Raiyats / landowners are within the range of 100m we cannot conduct controlled blasting for face advancement and are forced to adopt manual methods that are not conducive for optimizing production.
 - (iv) In addition, we are being held accountable by the Ministry of Environment, Forests and Climate Change (MoEF&CC), vide notice dated 31.05.2023 for past non compliances by Prior Allottee. We are being made accountable for the consequences of the Prior Allottee's non-compliances. This is not acceptable especially when we are yet to enjoy commercial returns from our investment in the mine.
 - (v) Despite multiple attempts, we have been unable to take possession of the land of Pit C. Local people cause obstructions on the road, resulting in the suspension of mining operations several times.
 - (vi) Additionally, since part of the alleged *jungle jhari* land is located in front of the approach road to Pit C, we are also not able to access the previously excavated area in Pit C, which includes land for which compensation has already been paid by us.
38. The above facts and circumstances clearly establish that there can be no production from the Kathautia coal mine until the disputes involving the land falling within the mining lease are resolved. Such disputes have not been resolved in the ten years since the allocation of the mine to us due to complete apathy amongst government officials. The CMDPA has become impossible of further performance which is clear from the fact that we have not been able to produce and dispatch from the mine since December 2023.

Hindalco Industries Ltd.

8th Floor, Parsvnath Capital Tower, Bhai Vir Singh Marg, New Delhi - 110 001, India

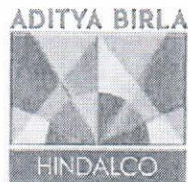
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Corporate ID No. L27020MH1958PLC011238



39. You are aware that there has been nil coal production from the Kathautia coal mine for the past 1.5 years since December 2023. No transit passes have been issued by the State Government since then.
40. We invested in the Kathautia coal mine to ensure continuous supply of coal to the extent of the PRC of the mine for our Captive Power Plant (“CPP”). Not only are we not able to produce from the mine, but since the Kathautia coal mine remains allocated to Hindalco, our entitlement to coal linkage for our CPP at Mahan, Madhya Pradesh in auctions conducted by Coal India Ltd. (“CIL”) is reduced to the extent of the PRC of the coal mine i.e. 0.8 MT as per CIL’s policy.
41. We are maintaining the mine and essential mine safety infrastructure despite nil production, thereby incurring heavy costs.
42. It is not unknown that private sector is already under considerable stress due to the ongoing coal crisis and prioritization of coal to the power sector and public sector undertakings. Having to maintain a non-productive mine adds to our hardship.
43. It is clear from material available on record that the CMDPA and Mining Lease could never be performed to their full extent despite our best efforts and the Kathautia coal mine could never be fully exploited by us since its reopening due to non-availability of land. The CMDPA has become impossible of further performance due to lack of access to mining land.
44. In the circumstances, we are left with no option but to surrender the Kathautia coal mine. Therefore, kindly treat the present letter as our notice of surrender of the CMDPA dated 02.03.2015. We also hereby request you to kindly cancel the Vesting Order dated 23.03.2015 and terminate the CMDPA dated 02.03.2015 with respect to Kathautia coal mine.
45. Surrender of the Kathautia coal mine would also be in line with the Central Government’s endeavors to remove legislative roadblocks in providing equal access to natural resources and we believe that the Central Government is in fact committed to removing legacy issues as is illustrated by Notification No. NA=301/1/2021-NA dated 9th May 2022 issued by the Central Government offering the One Time Window Scheme to surrender non-operational coal mines without penalty. This is indeed a bold step in resolving legacy issues and putting the mines back in auction for subsequent successful bidders to step in knowing fully well about the pending issues with the mine.



46. The objective behind the One Time Window Scheme is also laudable as early operationalization of coal blocks would provide employment, boost investment, contribute to economic development of backward areas of the country, reduction in litigation and promotion of ease of doing business leading to reduction in import of coal in the country.
47. As elaborated above issues regarding availability of land were revealed to us after the mine was vested upon us and for which we had not bargained. Without land being made available to us, the CMDPA and the mining lease cannot be performed. We would therefore urge that our case be treated at par with that of any Government Company allottees who have been offered relief under the said policy.
48. Public interest would be better served if all mines such as Kathautia coal mine, irrespective of whether they were allotted to Government or Non-Government Companies are pooled for re-auction and offered to interested parties afresh with a fresh commitment towards facilitation and after full disclosure of all underlying issues in operationalization.
49. We are initiating steps to withdraw the various litigation in relation to the land falling in the Kathautia coal mine to which we are a party.

Submission:

In view of the above, kindly advise your good office to initiate procedure for takeover of the mine please.

We remain available for any further information/clarification(s).

Thanking you in anticipation.

Yours sincerely,
For **Hindalco Industries Ltd.**

(Signature)
Dr. Vinod K Verma

President & Head- Regulatory Affairs (HIL)

Call +91 9990000260/+91 9990000404

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 4173 of 2022

Hindalco Industries Limited through its Authorized
Signatory Vijay Kant Dubey Petitioner

Versus

1. The State of Jharkhand through the Chief Secretary
 2. The Secretary, Department of Mines and Geology, Govt. of Jharkhand, Ranchi.
 3. The Joint Secretary, Department of Mines and Geology, Govt. of Jharkhand, Ranchi.
 4. The Deputy Commissioner, Medninagar, Palamau, Jharkhand.
 5. Nominated Authority, Ministry of Coal, Union of India, New Delhi.
- Respondents.

**CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.**

For the Petitioner: M/s Indrajit Sinha, Ashish Prasad, Vaibhav Kumar,
Prerna Jhunjhunwala, Advocates.
For the State: Mr. Rajiv Ranjan, A.G.
Mr. Manoj Kumar, GA-III
Mr. Aditya Raman, AC to GA-III
For the UOI: Mr. Anil Kumar, ASGI

14/07.11.2023: By filing this writ petition, the petitioner has prayed for following relief(s):-

(i) For the issuance of appropriate writ(s)/Order(s)/direction(s), particularly writ in the nature of mandamus to the State Government of Jharkhand and the Deputy Commissioner, District- Palamau Jharkhand, to expeditiously hand over Government land admeasuring 98.59 Acres mentioned in the Mining Lease dated 7.10.2016 in respect of Kathautia Coal Mines executed in favour of Hindalco Industries Limited.

(ii) For the issuance of appropriate writ(s)/Order(s)/direction(s), particularly writ in the nature of mandamus to the Office appointed by the State Government of Jharkhand under Rule 72 of the Mineral Concession Rules, 1960 to expeditiously act on the petitioner's application bearing No. HIL/KOCCM?LAND/2022/29 dated 4.5.2022 under Rule 72 of the Mineral Concession Rules, 1960 and handover possession to the petitioner of Government land admeasuring 98.59 Acres mentioned in the Mining Lease dated 7.10.2016 in respect of Kathautia Coal Mines executed in favour of the petitioner.

2. In course of hearing learned counsel appearing for the parties agree that the Deputy Commissioner, Palamau, should take a decision considering the matter and decide the amount of compensation, to be paid by the petitioner to the State Government.

3. Learned Advocate General would submit that the petitioner should file a representation before the Deputy Commissioner, Palamau, giving a detailed

2.

proposal of such payment of compensation. On such an event, the representative of the petitioner shall be heard along with the such Government Official, as may be necessary and deemed just by the Deputy Commissioner, Palamau and he will decide the matter within a period of forty five (45) days from the date of production of a copy of this order along with representation by reasoned and speaking order.

4. With the aforesaid observation and direction, this writ petition stands disposed of.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)

No.J-11015/61/2006-IA.II(M)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
C.G.O.Complex, Lodi Road,
New Delhi -110003.

Dated: 15th June 2006

To
M/s Usha Martin Ltd.,
701, Surya Kiran Building,
19, Kasturba Gandhi Marg,
New Delhi -110001.

Sub: Kathautia Opencast Coal Mine Project (0.80 MTPA) of M/s Usha Martin Ltd., located in villages Kathautia, Kajri, Garikhas, Palhekhurd, Sika, Sakhui and Batsara,, Tehsil Daltonganj, District Palamau, Jharkand - environmental clearance - reg.

Sir,

This has reference to your letter dated 14.03.2006 submitting your application and subsequent letters dated 12.04.2006, 12.04.2006, 25.04.2006, 02.05.2006 and 02.05.2006 on the above-mentioned subject. The Ministry of Environment & Forests has considered your application. It has been noted that the project is for opening a new Kathautia Opencast Coal Mine Project for the linked Sponge Iron Plant. The total lease area is 938.27 ha of which 55.98 ha is agricultural land and 882.29 ha is wasteland. Of the total lease area, area for excavation is 687.93 ha, 4 ha is for storage of topsoil dumps, 73.97 ha is for OB dumps, 2ha is for infrastructure, 1 ha is for roads, 40.09 ha is for greenbelt, 3.50 ha is for tailings pond, and 125.51 ha is undisturbed area. There area no National Parks, Wildlife Sanctuary, Biosphere Reserves found in the 10 km buffer zone. The nearest water body (Koel River) flows at a distance of 500m, and River Durgawati adjacent to the northern boundary of the proposed project and Amannat River and Jinjoi Nadi flow at a distance of 4 km and 1 km respectively form the mine site. The project does not involve modification of the natural drainage. An embankment for protection against flood is planned 5m above the HFL of Durgavati Nallah which is controlling the drainage to the core zone. Project involves R&R of 7 villages- Kathautia, Kajri, Garikas, Palhekhurd, Sakhui, Sika and Batsara involving 976 land losers and 396 losers of both land and homestead. Mining will be opencast by mechanised method. Surface Miners will be mainly used for both coal and OB extraction and blasting will be done only if hard starta is encountered. The rated capacity of the project is 0.80 million tonnes per annum (MTPA) of coal production. Mineral transportation of 2667 TPD of coal is by road. Ultimate working depth of the mine is 50m below ground level (bgl). Water table is in the range of 3.2 m - 6.98 m bgl in the core zone and 2.9 m - 8.5 m bgl in the buffer zone. Mining will intersect water table. Average water requirement is 345 m³/d, which will be met from groundwater (27 m³/d) and from mine pit water (318m³/d). An estimated 244.46 Mm³ of OB and 6.879 Mm³ of topsoil will be generated in life of mine of which about 93% of the OB will be backfilled and the balance will be dumped in four external dumps of 50m max. height. Backfilling will begin from 1st year onwards. Public Hearing was held on 18.07.2005. NOC has been obtained on 21.02.2006. Life of the mine at the rated capacity is 33years. The Mining Plan has been approved by Ministry of Coal on 20.05.2005. Capital cost of the project is Rs. 80 crores.

2. The Ministry of Environment & Forests hereby accords environmental clearance for the above-mentioned Kathautia Opencast Coal Mine Project of M/s Usha Martin Ltd. for production of coal of 0.80 MTPA rated capacity under the provisions of the Environmental Impact Assessment Notification, 1994 and subsequent amendments thereto subject to the compliance of the terms and conditions mentioned below:

A. Specific Conditions

- (i) All the conditions stipulated by the State Pollution Control Board shall be effectively implemented.
- (ii) The bund/embankment shall be designed taking into account the highest flood level, based on past data, of the drainage of the water bodies in the buffer zone which impact the mining operations so as to guard against mine inundation.
- (iii) Topsoil should be stacked properly with proper slope at earmarked site(s) and should not be kept active and shall be used for reclamation and development of green belt.
- (iv) OB should be stacked at earmarked external OB dumpsite(s) within ML area and shall be a maximum height of 60m only and consist of benches of 10m each. The ultimate slope of the dump shall not exceed 28°. Backfilling shall begin at the end of 3rd year in the decoaled area. Monitoring and management of existing reclaimed dumpsites should continue until the vegetation becomes self-sustaining. Compliance status should be submitted to the Ministry of Environment & Forests and its Regional office located at Bhubaneswar on yearly basis.
- (v) Catch drains and siltation ponds of appropriate size should be constructed to arrest silt and sediment flows from soil, OB and mineral dumps. The water so collected should be utilised for watering the mine area, roads, green belt development, etc. The drains should be regularly desilted and maintained properly.
Garland drains (size, gradient and length) and sump capacity should be designed keeping 50% safety margin over and above the peak sudden rainfall and maximum discharge in the area adjoining the mine site. Sump capacity should also provided adequate retention period to allow proper settling of silt material.
- (vi) Dimension of the retaining wall at the toe of the dumps and OB benches within the mine to check run-off and siltation should be based on the rainfall data.
- (vii) No ancillary operations shall as crushing, screening and washing of coal shall be done within the lease.
- (viii) Crushers at the CHP should be operated with high efficiency bag filters, water sprinkling system should be provided to check fugitive emissions from crushing operations, conveyor system, haulage roads, and transfer points.
- (ix) Drills should be wet operated.
- (x) Surface Miners shall be used for coal and OB extraction. Controlled blasting should be limited to hard strata only and practiced only during daytime with use of delay detonators. The mitigative measures for control of ground vibrations and to arrest the fly rocks and boulders should be implemented.
- (xi) Area brought under afforestation shall cover a total area of 802.03 ha and includes reclaimed external OB dump (73.97 ha), reclaimed topsoil dump (4 ha), backfilled area (683.97 ha), 18.65 ha along excavated area, along ML boundary, along roads

(14.80 ha), 6.64 ha along the river and in undisturbed area (1.14 ha) within the lease by planting native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha.

- (xii) A Progressive Closure Plan shall be implemented by reclamation of quarry area of 683.97 ha shall be backfilled and afforested by planting native plant species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. The balance 3.96 ha of decolaed area shall be converted into a water reservoir, the upper benches of which shall be gently sloped and stabilised and reclaimed with plantation.
- (xiii) Conservation Plan for endangered species found in and around the project area shall be formulated, if required, in consultation with the State Forest and Wildlife Departments.
- (xiv) The company shall obtain prior approval of CGWA/CGWB Regional Office for use of groundwater if any, for mining operations.
- (xv) Regular monitoring of groundwater level and quality should be carried out by establishing a network of exiting wells and construction of new peizometers. The monitoring for quantity should be done four times a year in pre-monsoon (May), monsoon (August), post-monsoon (November) and winter (January) seasons and for quality in May. Data thus collected should be submitted to the Ministry of Environment & Forests and to the Central Pollution Control Board quarterly within one month of monitoring.
- (xvi) The Company shall put up artificial groundwater recharge measures for augmentation of groundwater resource. The project authorities should meet water requirement of nearby village(s) in case the village wells go dry due to dewatering of mine.
- (xvii) ETP should also be provided for workshop and CHP wastewater.
- (xviii) R&R shall be not less than the norms laid out by the State Government and of the National R&R Policy and shall be completed within a specified time-frame.
- (xix) A Final Mine Closure Plan along with details of Corpus Fund should be submitted to the Ministry of Environment & Forests 5 years in advance of final mine closure for approval.


✓ (xx) Consent to Operate shall be obtained before starting mining operations. — Mr Patodrahan applied

B. General Conditions

- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment and Forests.
- (ii) No change in the calendar plan including excavation, quantum of mineral coal and waste should be made.
- (iii) Four ambient air quality monitoring stations should be established in the core zone as well as in the buffer zone for SPM, RPM, SO₂ and NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets in consultation with the State Pollution Control Board.

- 4
- (iv) Fugitive dust emissions (SPM and RPM) from all the sources should be controlled regularly monitored and data recorded properly. Water spraying arrangement on haul roads, wagon loading, dump trucks (loading and unloading) points should be provided and properly maintained.
 - (v) Data on ambient air quality (SPM, RPM, SO₂ and NO_x) should be regularly submitted to the Ministry including its Regional Office at Bhubaneswar and to the State Pollution Control Board and the Central Pollution Control Board once in six months.
 - (vi) Adequate measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in blasting and drilling operations, operation of HEMM, etc should be provided with ear plugs/muffs.
 - (vii) Industrial wastewater (workshop and wastewater from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May 1993 and 31st December 1993 or as amended from time to time before discharge. Oil and grease trap should be installed before discharge of workshop effluents.
 - (viii) Vehicular emissions should be kept under control and regularly monitored. Vehicles used for transporting the mineral should be covered with tarpaulins and optimally loaded.
 - (ix) Environmental laboratory should be established with adequate number and type of pollution monitoring and analysis equipment in consultation with the State Pollution Control Board.
 - (x) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and to take corrective measures, if needed.
 - (xi) A separate environmental management cell with suitable qualified personnel should be set up under the control of a Senior Executive, who will report directly to the Head of the company.
 - (xii) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year-wise expenditure should be reported to this Ministry and its Regional Office at Bhubaneswar.
 - (xiii) The Regional Office of this Ministry located at Bhubaneswar shall monitor compliance of the stipulated conditions. The Project authorities shall extend full cooperation to the office(s) of the Regional Office by furnishing the requisite data/information/monitoring reports.
 - (xiv) A copy of the will be marked to concerned Panchayat/ local NGO, if any, from whom any suggestion/representation has been received while processing the proposal.
 - (xv) State Pollution Control Board should display a copy of the clearance letter at the Regional Office, District Industry Centre and Collector's Office/Tehsildar's Office for 30 days.

- (xvi) The Project authorities should advertise at least in two local newspapers widely circulated around the project, one of which shall be in the vernacular language of the locality concerned within seven days of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution control Board and may also be seen at the website of the ministry of Environment & Forests at <http://envfor.nic.in>.
3. The Ministry or any other competent authority may stipulate any further condition for environmental protection.
4. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract the provisions of the Environment (Protection) Act, 1986.
5. The above conditions will be enforced *inter-alia*, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and Rules.


(Dr. T. Chandini)
Additional Director

Copy to:

1. Secretary, Ministry of Coal, Shastri Bhawan, New Delhi.
2. Secretary, Department of Environment & Forests, Government of Jharkhand, Secretariat, Ranchi.
3. Chief Conservator of Forests, Regional office (EZ), Ministry of Environment & Forests, A/3 Chandrashekarapur, Bhubaneswar - 751023.
4. Chairman, Jharkhand State Pollution Control Board, TA Building, HEC Complex, PO Dhurwa, Ranchi.
5. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110032.
6. Member-Secretary, Central Ground Water Authority, Ministry of Water Resources, Curzon Road Barracks, A-2, W-3 Kasturba Gandhi Marg, New Delhi.
7. District Collector, Palamau, Government of Jharkhand.
8. Monitoring File 9. Guard File 10. Record File

Government of India
Ministry of Environment, Forest & Climate Change

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road,
New Delhi-110003

No. J-11015/61/2006-IA-II.(M)

Dated : 16th April, 2015

To,

Asst. Vice-President -Corporate-Affairs
M/s Hindalco Industries Limited
Aditya Birla Centre,
3rd Floor, B wing, S.K. Ahire Marg,
Worli, Mumbai-400030
Maharashtra

E-mail: corporateaffairs@adityabirla.com

Subject: Transfer of Environmental Clearance of Kathautia Opencast Coalmine Project (0.80 MTPA) in an ML area of 938.27 ha in villages Kathautia, Kajri, Garikhas, Palhekhurd, Sika, Sakhui and Batsara, Tehsil Daltonganj district Palamau, Jharkhand from M/s Usha Martin Limited to M/s Hindalco Industries Limited, Mumbai, Maharashtra - reg.

The Ministry of Environment, Forest and Climate Change (MoEFCC), in accordance with the Environmental Impact Assessment (EIA) Notification, 2006 and subsequent amendment thereto had accorded Environmental Clearance (EC) to M/s Usha Martin Limited for Kathautia Opencast Coalmine Project (0.80 MTPA) in an ML area of 938.27 ha in villages Kathautia, Kajri, Garikhas, Palhekhurd, Sika, Sakhui and Batsara, Tehsil Daltonganj district Palamau, Jharkhand subject to compliance of terms and conditions stipulated in the EC letter No. J-11015/61/2006-IA.II (M) dated June 19th, 2006.

WHEREAS the Supreme Court of India vide judgment dated 25th August, 2014 read with its order dated 24th September, 2014 has cancelled the allocation of 204 coal blocks and issued directions with regard to such coal blocks wherein the Central Government in pursuance of the said directions has to take immediate action to implement the said order.



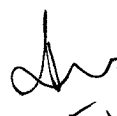
WHEREAS in pursuance of the judgment and order of the Supreme Court, the nominated authority has, in accordance with provisions of the Coal Mines (Special Provisions) Second Ordinance, 2014 and the Coal Mines (Special Provisions) Rules 2014 conducted the auction of the mines.

WHEREAS Ministry of Coal (MOC) vide its O.M. letter no. 43020/20/2014-CPAM dated 16th March, 2015 has informed MoEFCC that MOC has recently approved 23 coal blocks (15 coal blocks from Schedule II and 8 coal blocks from Schedule III of the Ordinance) through bidding to different successful bidders/ companies. MOC has requested this Ministry to facilitate transfer of the Environment Clearance and Forest Clearance of these blocks to the new successful bidders before 31.03.2015.

WHEREAS Ministry of Coal vide Vesting Order under clause (b) of sub-rule (2) of rule 7 and sub-rule (1) of rule 13 and Order no. 104/3/2015/NA dated 23rd March, 2015 has allocated the Kathautia Opencast Coalmine Project (0.80 MTPA) in an ML area of 938.27 ha in villages Kathautia, Kajri, Garikhas, Palhekhurd, Sika, Sakhui and Batsara, Tehsil Daltonganj district Palamau, Jharkhand, to M/s Hindalco Industries Limited, Registered Office at Century Bhavan, 3rd Floor, Dr. Annie Besant Road , Worli, Mumbai-400 030 Maharashtra as the successful bidder.

WHEREAS vide Gazette Notification S.O. 811 (E) Notification dated 23.03.2015, MOEFCC has made amendments to paragraph 11 in the Gazette Notification S.O.1533 (E) dated 14th September, 2006. Vide the said amendment; where an allocation of coal block is cancelled in any legal proceeding; or by the Government in accordance with law, the environmental clearance granted in respect of such coal block may be transferred, subject to the same validity period as was initially granted, to any legal person to whom such block is subsequently allocated, and in such case, obtaining of "no objection" from either the holder of environment clearance or from the regulatory authority concerned shall not be necessary and no reference shall be made to the Expert Appraisal Committee or the State Level Expert Appraisal Committee concerned.

WHEREAS pursuant to the MOC vesting Order no. 104/3/2015/NA dated 23rd March, 2015 and MoEFCC Gazette Notification S.O. 811(E) dated 23.03.2015, the EC granted vide letter




no. J-11015/61/2006-IA.II (M) dated 19th June, 2006 to M/s Usha Martin Limited for Kathautia Opencast Coalmine Project (0.80 MTPA) in an ML area of 938.27 ha in villages Kathautia, Kajri, Garikhas, Palhekhurd, Sika, Sakhui and Batsara, Tehsil Daltonganj district Palamau, Jharkhand is hereby transferred to M/s Hindalco Industries Limited, Registered Office at Century Bhavan, 3rd Floor, Dr. Annie Besant Road, Worli, Mumbai-400 030 Maharashtra subject to the following conditions:

- (i) Any change in scope of work will attract the provisions of Environment Protection Act (EPA), 1986 and Environmental Impact Assessment Notification, 2006 in conjunction with the subsequent amendments / circulars.
- (ii) All conditions stipulated in the EC letter No. J-11015/61/2006-IA.II (M) dated 19th June, 2006 shall remain unchanged.
- (iii) The successful bidder shall be liable, if any, for any act of violation of the EPA 1986 / EIA Notification 2006 /subsequent amendments and circulars which it has inherited during the transfer.
- (iv) Successful bidder shall be liable for compliance of all court directions, if any.


(Dr R Warriar)
Director

Copy to :

1. Secretary, Ministry of Coal, New Delhi.
2. Secretary, Department of Environment & Forest, Government of Orissa, Secretariat, Bhubaneswar.
3. PCCF (WL), Govt. of Orissa in regard to implementation of WL Conservation Plan.
4. Chief Conservator of Forest, Regional Office (EZ), Ministry of Environment & Forest, A-Chadrashekarapur, Bhubaneswar -751023
5. Chairman, Orissa State Pollution Control Board, Parivesh Bhawan, A/118, Nilkanthanagar, Unit VIII, Bhubaneswar-751012.
6. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi
7. Member Secretary, Central Ground Water Authority, Ministry of Water Resources, Curzon Road Barracks, A-2, W-3, Kasturba Gandhi Marg, New Delhi.
8. District Collect, **Palamau**, Government of Orissa.
9. Monitoring File 10. Guard File 11 Record File.


(Dr R Warriar)
Director





PIT-C



PIT-B



BAITHA TOLA PIT







PIT-D



OB DUMP



