

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 38 of 2026/EZ
(Earlier O.A. No. 46 of 2026/PB)**

IN THE MATTER OF:

MANOJ KUMAR

...APPLICANT

-VERSUS-

THE STATE OF JHARKHAND & ORS.

...RESPONDENTS

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Date: 15.04.2026

Filed by
Amrita Pandey, Advocate for
Respondent no. 5 (F/747/2009)
M: 9830609262; 9432820002
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Address: Hastings Chamber, 7C,
KSR Road, 2nd Floor, Room No. 6,
Kolkata – 700 001



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

ORIGINAL APPLICATION NO. 38/2026/EZ

In the matter of:

Manoj Kumar

...Applicant

-Versus-

State of Jharkhand & Ors.

...Respondent(s)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 05 i.e.

M/s MONNET DANIELS COAL WASHERIES LIMITED

I, Devendra Singh son of Late Daulat Ram Verma aged about 66 years, by Occupation – Service working for gain at M/s MDCWL LTD formerly Monnet Daniels Coal Washeries Limited, presently posted as AVP (Washery) having office at KDH Dakra, Block-Khalari, District Ranchi, Jharkhand – 829205, do hereby solemnly affirm and state as follows:

1. That I am well acquainted with the facts and circumstances of the present case and competent to swear this counter affidavit on its behalf.

Devendra Singh

**AVP-Washery
MDCWL LIMITED
KDH, DAKRA**

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& Notaries Rules 1956 by Govt. of
Jharkhand, Ranchi. (India)

17 5 APR 2026

Ref. No. Date



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2. That I have been duly authorised by Respondent No. 5 to affirm and file the present counter affidavit, to make statements on its behalf and to sign all necessary pleadings and documents in connection with this Original Application.

Copy of the Board Resolution dated 27.03.2026 is annexed herewith and is marked as **Annexure - A**.

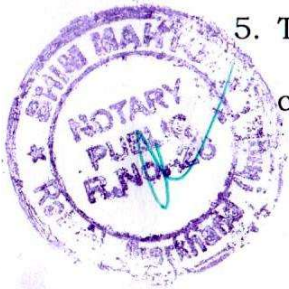
3. That this Counter Affidavit is being filed in compliance to the directions contained in the order dated 25.02.2026 passed by this Hon'ble Tribunal in OA No. 38/2026/EZ, whereby the Respondent No. 5 was directed to file its reply before the next date of hearing.

Copy of the Order dated 25.02.2026 is annexed herewith and is marked as **Annexure - B**.

4. That the present Original Application No. 38/2026/EZ arises out of a purported complaint dated 17.07.2025 filed by the Applicant on the Public Grievances Portal alleging that Respondent No. 5 has encroached into Sonadubbi River and is discharging effluents into the river.

Copy of the purported complaint dated 17.07.2025 is annexed herewith and is marked as **Annexure - C**.

5. That the present proceedings are a part of repeated purported complaints on similar allegations by the Applicant and other



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people associated to him which have already been examined in earlier proceedings being the Circle Officer, Khalari, and in appeal before the Deputy Commissioner, Ranchi, as well as before the Hon'ble High Court of Jharkhand in W.P. (PIL) No. 5787 of 2025.

Copy of the Letter dated 21.10.2022 addressed to the Circle Officer, Khalari and the Letter dated 12.06.2023 addressed to the Deputy Commissioner, Ranchi are annexed herewith and is marked as **Annexure - D and E** respectively.

6. That the Respondent No. 5 emphatically dispute and deny all the allegations of encroachment and discharge of effluents into the Sonadubbi River are false, incorrect and concocted in the manner it has been stated. The Respondent No. 5 operates entirely within its approved leasehold area and maintains closed circuit systems to ensure no discharge of effluents into natural water bodies and no encroachment upon the river course. The washed coal from washery is transported to the railway siding through covered conveyor belt.

7. That the Washery was established by Punjab State Power Corporation Limited (PSPCL) within the KDH Opencast Coal Mine of Central Coalfields Limited (CCL) under a Lease Deed dated 07.07.2006 for 30 years. PSPCL has engaged Respondent



Devedra Singh

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No. 5 as washery operator. The Washery has Environmental Clearance from the Ministry of Environment & Forests (dated 10.12.2008, amended 26.12.2013) and Consent to Operate from Jharkhand State Pollution Control Board (JSPCB) for 5.0 million TPA, valid up to 31.12.2027.

8. That M/s MDCWL LTD formerly Monnet Daniels Coal washeries Ltd was established on a parcel of land allotted by CCL. The entire adjoining area is currently vested with CCL under the Coal Bearing Act. To comply with the specific conditions enumerated in the Environmental Clearance (EC), conveyor belts were installed to transport coal to the railway siding. This measure was implemented specifically to reduce pollution arising from coal transportation. These installations were completed after obtaining due permission from CCL, the owner of the land.

9. That on 12.12.2025 JSPCB inspected the Washery and issued directions on 31.12.2025 wherein it was recorded that the unit was in operation, surrounded by a pucca boundary wall, with conveyor belts covered, plantation of about 300-310 trees and a settling pond established within the premises to prevent run-off with coal particles into the river and no water was found being discharged from the unit outside the premises into the river and no encroachment points were found by JSPCB and

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that water samples from Sonadubi River showed no contamination or effluent discharge from the Washery thereby contradicting the Applicant's allegations.

Copy of the inspection report dated 31.12.2025 issued by the JSPCB is annexed herewith and is marked as **Annexure - F.**

10. That similar allegations regarding the alleged pollution have been examined in encroachment proceedings which were initiated before the Circle Officer, Khalari, resulting in an order dated 21.10.2022 which is under challenge in Appeal No. 40/15/2023-24 before the Deputy Commissioner Ranchi wherein the Deputy Commissioner has granted stay and the appeal is pending with further hearing fixed on 28.04.2026. In this connection, copy of the document granting stay by Dy. Commissioner Ranchi & cause list showing the next date is fixed for hearing on 28.4.2026 is annexed hereto and marked as **Annexure - G.**

11. That this Hon'ble Tribunal has already considered similar allegations in OA No. 479/2022 Krishna Chouhan v. State of Jharkhand & Ors., where a Joint Committee comprising MoEF&CC (RO), JSPCB and the Deputy Commissioner inspected the site on 26.09.2022. As per their Committee



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Report no encroachment was recorded and the matter was disposed of on 13.10.2023. Copy of the Order dated 13.10.2023 is annexed hereto and marked as **Annexure - H**.

12. That a subsequent OA No. 1033/2024 filed by one Mr. Gaurishankar Keshri on similar allegations was disposed of by this Hon'ble Tribunal on 06.11.2024 that the issues had already been taken cognizance in OA No. 479/2022 avoiding multiple litigation on the same subject matter.

Copy of the order dated 06.11.2024 passed by this Hon'ble Tribunal in OA No. 1033/2024 is annexed herewith and is marked as **Annexure - I**.

13. That the present Applicant is the son of Mr. Gaurishankar Keshri has also filed W.P. (PIL) No. 5787/2025 before the Hon'ble High Court of Jharkhand concerning alleged encroachment and river pollution. The Hon'ble High Court has directed the Deputy Commissioner Ranchi to finalize the encroachment matter by 31.03.2026 and sought response from MoEF&CC with the matter listed on 17.04.2026.

Copy of the order dated 05.01.2026 passed by the Hon'ble High Court of Jharkhand is annexed herewith and is marked as **Annexure - J**.



Devendra Singh

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14. That the question of alleged encroachment is already sub judice before the appellate authority Deputy Commissioner, Ranchi and forms part of the subject matter of the pending PIL before the Hon'ble High Court of Jharkhand, even though previous inspections and proceedings have not found any encroachment by Respondent No. 5.
15. Save and except of what has been specifically admitted herein, the Respondent No. 5 does not admit the averments and allegations contained in the Original Application and puts the Applicant to the strict proof thereof.
16. The Respondent No. 5 states that this Application is not bona-fide, bad in law and is liable to be rejected with cost.
17. That the Respondent No. 5 denies each and every allegation made by the Applicant in the Original Application. The allegations of encroachment upon the Sonadubbi River are completely false and baseless. The allegations of discharge of effluent and chemical-laden coal waste into the river are also entirely false and denied.
18. That the Respondent No. 5 denies that any boundary wall has been constructed encroaching upon the river or that any encroachment of any nature whatsoever exists.

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19. That the Respondent No. 5 denies that the Sonadubbi River has been brought within its boundary wall or that the river is being exploited in any manner. Respondent No. 5 denies that any order passed by the Circle Officer, Khalari dated 21.10.2022 or any other authority has not been complied with, and Respondent No. 5 states that the said order is itself under challenge and has been stayed by the competent appellate authority.

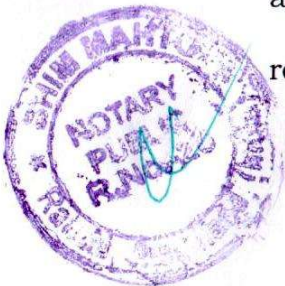
20. That the Respondent No. 5 denies that it has caused any pollution or harm to the Sonadubbi River or to the Damodar River into which it flows. Respondent No. 5 denies that the water of the Sonadubbi River has become toxic or that the width of the river has shrunk or is shrinking due to any act or omission on the part of Respondent No. 5.

21. That the Respondent No. 5 denies that it is responsible for any adverse effect on the lives of thousands of villagers who depend on the water of the Sonadubbi River. Respondent No. 5 denies that it has violated any environmental norms, statutory conditions, or legal provisions in any manner whatsoever.

22. That the Respondent No. 5 denies that the Applicant has made any legitimate grievance or raised any substantial question relating to environment arising out of the implementation of the

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15 APR 2026



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AVP-Washery
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enactments specified in Schedule I to the National Green Tribunal Act, 2010. Respondent No. 5 states that the present Original Application is frivolous, vexatious, and has been filed with malafide intentions.

23. That the Respondent No. 5 denies that any relief whatsoever can be granted to the Applicant against Respondent No. 5. Respondent No. 5 denies that the Original Application is maintainable either in law or on facts.

24. That the Respondent No. 5 states that this Application is not bona fide, is bad in law, and is liable to be rejected with costs.

25. That it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss Original Application No. 38/2026/EZ against Respondent No. 5 with costs, and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

26. That the statements made in paragraphs 1 to 24 of the foregoing application are true to my knowledge and those made in the prayer portion are my respectful submissions before this Hon'ble Court.

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17 5 APR 2026



Devendra Singh
Deponent

AVP-Washery
MDCWL LIMITED
KDH, DAKRA Identified by me

Dev Prasad
E.K. TIWARI
Advocate
E.No.-4133/05
Mob.No.-9431393090

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VERIFICATION

I, the deponent within named, do hereby solemnly affirm and verify that the contents of the statement made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom

Verified at Ranchi, on this the **15 APR 2026** day of April 2026.

Deendra Singh

Deponent

AVP-Washer /
MDCWL LIMITED
KDH, DAKRA Identified by me

Advocate
B.K. Tivari
Advocate
E.No.-413/25
Mob.No.-943150309



Deendra Singh
15-4-2026

NOTARY PUBLIC, RANCHI

Registered Office: 3rd Floor, 10, Masjid Moth, Greater Kailash, Part-II New Delhi South Delhi-110048 IN
Phone: 011-48232200; Fax: 011-29218541 Email: roc.mdcwl@gmail.com
CIN U74999DL2002PLC385142

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF MDCWL LIMITED (FORMERLY KNOWN AS MONNET DANIELS COAL WASHERIES LIMITED) HELD ON FRIDAY, ON 27th March 2026 AT 3RD FLOOR, 10, MASJID MOTH, GREATER KAILASH, PART -II NEW DELHI -110048

TO Authorise Mr. Devendra Singh for submission of documents in the Original Application No.38/2026/EZ before the National Green Tribunal, Eastern Zone Bench,Kolkata.

“**RESOLVED THAT** Mr. Devendra Singh, Assistant Vice President (AVP – Washery / Unit Head, KDH, Dakra of MDCWL Limited (Formerly, Monnet Daniels Coal Washeries Limited) is hereby authorised to sign papers, documents, reply & response as required before the honourable National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. **38/2026/EZ** in the matter of Manoj Kumar (Applicant) Versus State of Jharkhand(Respondents) on behalf of MDCWL Limited (Formerly, M/s Monnet Daniels Coal Washerise Limited) Respondent no.5 i.e the Project Proponent.

FURTHER RESOLVED THAT Mr. Devendra Singh, is further authorised to provide all necessary information, testimony, and disclosures as may be required by the honourable National Green Tribunal or relevant authorities in connection with this matter.”

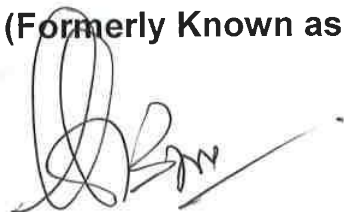
FURTHER RESOLVED THAT certified true copy of the above resolution be given to the concerned authorities.”

Certified to be True copy

By order of the Board of Directors

MDCWL LIMITED

(Formerly Known as Monnet Daniels Coal Washeries Limited)



Hira Lal Sapru

DIN: 03273924

E-202, Satisar APTS, Plot No. -6,

Sector -7, Dwarka, New Delhi - 110075

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.38/2026/EZ

Manoj Kumar

Applicants

Versus

State of Jharkhand

Respondents

Date of hearing: 25.02.2026

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicants: Mr. Manoj Kumar, the applicant in person (through VC).

ORDER

1. Original Application (O.A.) No.46/2026/PB was registered by the Principal Bench of this Tribunal at New Delhi, on the basis of a complaint dated 17.07.2025 made by Mr. Manoj Kumar on Public Grievances Portal of this Tribunal, for exercise of suo moto jurisdiction in view of law laid down by Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai vs. Ankita Sinha, (2022) 13 SCC 401.***
2. In the complaint, which is in Hindi, the applicant raised grievances regarding illegal encroachment and discharge of effluent by M/s Monet Daniel Coal Washery Private Limited, KDH Dakra in Sonadubbi River.
3. English translation made by the Registry of the Tribunal of the relevant part of the complaint, treated as Original Application (O.A.), reads as under:-

XXX

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“Subject: Request for action against encroachment carried out in the Sonadubbi River by the General Manager and Chairman of M/s Monet Daniel Coal Washery Private Limited, KDH Dakra, and for making the Sonadubbi River free from encroachment. Reference: 1. Memo No. 647 (ii) dated 21/10/2022 issued by the Circle Officer, Khalari 2. Letter No. 810 (ii) / Naja dated 12/06/2023 issued by

the Deputy Commissioner-cum-District Magistrate, Ranchi 3. Notice dated 26/08/2023 issued by the Circle Officer, Khalari Sir, I submit that I, Manoj Kumar (Social cum RTI Activist), am a resident of Village Mahavir Nagar, Khalari, District Ranchi, State of Jharkhand. These days, I have been continuously raising my voice against the culprits who are polluting and encroaching upon the Sonadubbi River, and I am corresponding with various authorities to save the very existence of the Sonadubbi River. Sir, I would like to inform you that the Sonadubbi River falls under the Khalari Block-cum-Circle Office in District Ranchi, Jharkhand. Its existence is now on the verge of extinction. If timely attention is not paid to the Sonadubbi River, its water will become as toxic as the water of the Yamuna River in Delhi, and the width of the river will continue to shrink. This will adversely affect the lives of thousands of people in this area. I would further like to inform you that thousands of villagers from 3 to 4 villages depend on the water of the Sonadubbi River. Moreover, the Sonadubbi River flows further and merges into the Damodar River (hence it is also known as a tributary of the Damodar River). Sir, if the Sonadubbi River is in such a pathetic condition today, the responsibility lies with the General Manager and Chairman of M/s Monet Daniel Coal Washery Private Limited, established at KDH under Khalari Block, who have encroached upon the Sonadubbi River by bringing it within their boundary wall and are exploiting it. If the above-referenced letters are examined carefully, the Circle Officer, Khalari himself has admitted that the Monet Daniel company has illegally erected 12 pillars in the middle of the river and has encroached upon the river land by 10 to 50 feet at various places, and is discharging chemical-laden coal waste into the river, The Circle Officer, Khalari had also ordered the General Manager of Monet Daniel to demolish and remove the 12 illegal pillars and encroachments from the river land, but despite this, the encroachments have not been removed from the river land till date. When no action was taken by the Circle Office, the matter was placed before the Hon'ble Deputy Commissioner, Ranchi. The Deputy Commissioner-cum-District Magistrate, Ranchi, through his signed letter No. 810 (ii) / Naja dated 12/06/2023, also directed the Circle Officer, Khalari to take action. However, after about two months, the Deputy Commissioner-cum-District Magistrate's Court imposed a stay on the action, contrary to the orders issued by himself and the Circle Officer. Due to this stay, the encroached land of the Sonadubbi River has not been freed from the encroachers till date, which is a matter of grave concern. Sir, water, forests, land, and rivers are natural resources; they are nature itself. It is only because of nature that humans, citizens, animals, and other living beings are able to exist safely on this earth. If any individual or company, driven by selfish interests, interferes with and exploits natural resources (rivers), then all of us inhabitants of the earth will have to bear the consequences in the form of natural disasters. Since I have, on several occasions, informed officials from the Circle Office to the District Office about the above-mentioned matter by submitting around 200 letters, and have requested that the Sonadubbi River be freed from encroachment and pollution, but till date no action whatsoever has been taken on my applications. In this matter, I have also repeatedly appealed through letters to the Deputy Commissioner, Ranchi; the Chief Secretary, Jharkhand; the Department of Land Reforms, Jharkhand; and the Pollution Control

Department, Jharkhand, but I have only faced disappointment from there as well. Today, with a new hope, I am submitting this application to you and earnestly expect action from your end. I have full faith that you will take cognizance of this public interest matter, conduct due examination of issues related to water, forests, land, and rivers, take necessary action against the culprits, and ensure that the Sonadubbi River is made free from encroachment and pollution.”

4. Vide order dated 05.02.2026, Court No. 2 of the Principal Bench, New Delhi directed listing of the matter before this Bench and on transfer of the abovesaid O.A. in compliance thereof, the same has been renumbered as Original Application No.38/2026/EZ.
5. We have heard submissions made by the applicant and gone through the material on record.
6. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.
7. In view of the averments made in the application, we consider it appropriate to have response of (1) State of Jharkhand through Principal Secretary, Environment (2) Member Secretary, Water Resources Department, (3) District Magistrate, Ranchi, (4) Jharkhand State Pollution Control Board and (5) M/s Monet Daniel Coal Washery Private Limited, KDH Dakra who are impleaded as respondents no. 1 to 5.
8. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No.1 to 5 along with copies of the original application and documents attached with the same.
9. Ms. Aishwarya Rajyashree, Advocate has appeared and accepted notice on behalf of respondents no. 1 to 3.
10. Mr. Surendra Kumar, Advocate has appeared and accepted notice on behalf of respondent no. 4.

11. The Registry is directed to issue notice to respondents no. 5- M/s Monet Daniel Coal Washery Private Limited, KDH Dakra.
12. **Replies/responses by respondents no. 1 to 5 may be filed at least one day before the next date of hearing fixed.**
13. List on 17.04.2026 for further consideration.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

February 25th, 2026
Original Application No.38/2026/EZ
SN

OA-38/2026/EZ

True Translated Copy

Date: 17/07/2025

To,
The Hon'ble Chairperson,
National Green Tribunal (NGT),
Delhi.

Subject: Request for action against encroachment carried out in the Sonadubbi River by the General Manager and Chairman of M/s Monet Daniel Coal Washery Private Limited, KDH Dakra, and for making the Sonadubbi River free from encroachment.

Reference:

1. Memo No. 647 (ii) dated 21/10/2022 issued by the Circle Officer, Khalari
2. Letter No. 810 (ii) / Naja dated 12/06/2023 issued by the Deputy Commissioner-cum-District Magistrate, Ranchi
3. Notice dated 26/08/2023 issued by the Circle Officer, Khalari

Sir,

I submit that I, Manoj Kumar (Social cum RTI Activist), am a resident of Village Mahavir Nagar, Khalari, District Ranchi, State of Jharkhand. These days, I have been continuously raising my voice against the culprits who are polluting and encroaching upon the Sonadubbi River, and I am corresponding with various authorities to save the very existence of the Sonadubbi River.

Sir, I would like to inform you that the Sonadubbi River falls under the Khalari Block-cum-Circle Office in District Ranchi, Jharkhand. Its existence is now on the verge of extinction. If timely attention is not paid to the Sonadubbi River, its water will become as toxic as the water of the Yamuna River in Delhi, and the width of the river will continue to shrink. This will adversely affect the lives of thousands of people in this area. I would further like to inform you that thousands of villagers from 3 to 4 villages depend on the water of the Sonadubbi River. Moreover, the Sonadubbi River flows further and merges into the Damodar River (hence it is also known as a tributary of the Damodar River).

Sir, if the Sonadubbi River is in such a pathetic condition today, the responsibility lies with the General Manager and Chairman of M/s Monet Daniel Coal Washery Private Limited, established at KDH under Khalari Block, who have encroached upon the Sonadubbi River by bringing it within their boundary wall and are exploiting it. If the above-referenced letters are examined carefully, the Circle Officer, Khalari himself has admitted that the Monet Daniel company has illegally erected 12 pillars in the middle of the river and has encroached upon the river land by 10 to 50 feet at various places, and is discharging chemical-laden coal waste into the river.

The Circle Officer, Khalari had also ordered the General Manager of Monet Daniel to demolish and remove the 12 illegal pillars and encroachments from the river land, but despite this, the encroachments have not been removed from the river land till date.

When no action was taken by the Circle Office, the matter was placed before the Hon'ble Deputy Commissioner, Ranchi. The Deputy Commissioner-cum-District Magistrate, Ranchi, through his signed letter No. 810 (ii) / Naja dated 12/06/2023, also directed the Circle Officer, Khalari to take action. However, after about two months, the Deputy Commissioner-cum-District Magistrate's Court imposed a stay on the action, contrary to the orders issued by himself and the Circle Officer. Due to this stay, the encroached land of the Sonadubbi River has not been freed from the encroachers till date, which is a matter of grave concern.

Sir, water, forests, land, and rivers are natural resources; they are nature itself. It is only because of nature that humans, citizens, animals, and other living beings are able to exist safely on this earth. If any individual or company, driven by selfish interests, interferes with and exploits natural resources (rivers), then all of us inhabitants of the earth will have to bear the consequences in the form of natural disasters.

Since I have, on several occasions, informed officials from the Circle Office to the District Office about the above-mentioned matter by submitting around 200 letters, and have requested that the Sonadubbi River be freed from encroachment and pollution, but till date no action whatsoever has been taken on my applications. In this matter, I have also repeatedly appealed through letters to the Deputy Commissioner, Ranchi; the Chief Secretary, Jharkhand; the Department of Land Reforms, Jharkhand; and the Pollution Control Department, Jharkhand, but I have only faced disappointment from there as well.

Today, with a new hope, I am submitting this application to you and earnestly expect action from your end. I have full faith that you will take cognizance of this public interest matter, conduct due examination of issues related to water, forests, land, and rivers, take necessary action against the culprits, and ensure that the Sonadubbi River is made free from encroachment and pollution.

I shall always remain grateful to you for your action.

Thanking you.

Applicant (Social cum RTI Activist)
Manoj Kumar
Mahavir Nagar, Khalari
P.O. & P.S. Khalari (829205)
Ranchi (Jharkhand)
Contact No.: 9431791588, 8235210332

मेसर्स मोनेट डेनियल कोल वाशरी प्राईवेट लिमिटेड के०डी०एच० डकरा के महाप्रबंधक एवं चेयरमैन द्वारा सोनाडुब्बी नदी में किये गये अतिक्रमण पर कार्रवाई करने एवं सोनाडुब्बी नदी को अतिक्रमण मुक्त करवाने के संबंध में।

1749/UP/25
15/09/25

< manojkumarmanoj94317@gmail.com >

Thu, 17 Jul 2025 6:45:57 PM +0530

To "publicgrievance-ngt"<publicgrievance-ngt@gov.in>

दिनांक 17/07/2025

सेवा में,
अध्यक्ष महोदय,
राष्ट्रीय हरित अधिकरण (NGT)
दिल्ली।

विषय - मेसर्स मोनेट डेनियल कोल वाशरी प्राईवेट लिमिटेड के०डी०एच० डकरा के महाप्रबंधक एवं चेयरमैन द्वारा सोनाडुब्बी नदी में किये गये अतिक्रमण पर कार्रवाई करने एवं सोनाडुब्बी नदी को अतिक्रमण मुक्त करवाने के संबंध में।

प्रसंग - अंचल अधिकारी खलारी का ज्ञापांक 647 (ii) दिनांक 21/10/2022

प्रसंग - उपायुक्त सह जिला दण्डाधिकारी राँची का पत्रांक 810 (ii) / नजा- दिनांक 12/06/2023

प्रसंग अंचल अधिकारी खलारी का नोटिस दिनांक 26/08/2023

महोदय,

निवेदन पूर्वक कहना चाहूँगा मैं मनोज कुमार (Social cum RTI Activist) ग्राम महावीर नगर खलारी, जिला राँची, राज्य झारखण्ड का निवासी हूँ। इन दिनों मैं सोनाडुब्बी नदी को प्रदूषित एवं अतिक्रमण करने वाले दोषियों के प्रति अपनी आवाज बुलंद करते हुए सोनाडुब्बी नदी का अस्तित्व बचाने के लिये पत्रचार कर रहा हूँ।

महाशय, बतलाना चाहूँगा झारखण्ड राज्य में जिला राँची के खलारी प्रखण्ड सह अंचल कार्यालय अंतर्गत सोनाडुब्बी नदी आती है जिसका अस्तित्व अब खत्म होने के कगार पर है अगर वक्त रहते सोनाडुब्बी नदी की ओर ध्यान आकर्षित नहीं किया गया तो इसका जल भी दिल्ली की यमुना नदी के जल की तरह जहरीली हो जायेगी और नदी की चौड़ाई सिमटती चली जाएगी। इसका दुष्प्रभाव यहाँ के हजारों लोगों के जीवन पर पड़ेगा। बतलाना चाहूँगा इस सोनाडुब्बी नदी के जल पर 3 से 4 गाँव के हजारों ग्रामीण निर्भर है साथ ही साथ सोनाडुब्बी नदी की जल बहती हुई आगे जा कर दामोदर नदी से भी मिलती है (जिसे सोनाडुब्बी नदी को दामोदर की सहायक नदी के नाम से भी जाना जाता है)

श्रीमान जी, आज अगर सोनाडुब्बी नदी की यह दुर्दशा (हालत) हुई है तो इसका जिम्मेदार खलारी प्रखण्ड अंतर्गत केडीएच में स्थापित मोनेट डेनियल कोल वाशरी प्राईवेट लिमिटेड के महाप्रबंधक एवं चेयरमैन है जो सोनाडुब्बी नदी को अपने चारदिवारी के अंदर कब्जे में लेकर उसका दोहन कर रहे है। उपरोक्त प्रसंग पत्र का गहराड़्यों से अवलोकन किया जाये तो अंचल अधिकारी खलारी ने खुद माना है की मोनेट डेनियल कंपनी ने नदी के बिचो बिच 12 अवैध पीलर गाड़ कर नदी के भू भाग में विभिन्न स्थानो पर 10 से 50 फिट तक अतिक्रमण कर रसायन युक्त कोयला का वेस्ट नदी में बहा रही है।

अंचल अधिकारी खलारी ने मोनेट महाप्रबंधक को नदी के भू भाग से 12 अवैध पिलर एवं अतिक्रमण को जमीनदोज करने का आदेश भी दिया किन्तु उसके बाद भी आज तक नदी के भू भाग से अतिक्रमण को हटाया नहीं गया है।

अंचल द्वारा कार्रवाई ना होता देख जब मामले को उपायुक्त महोदय राँची के समक्ष रखा गया तो उपायुक्त - सह - जिला दण्डाधिकारी राँची ने अपने हस्ताक्षर युक्त पत्रांक 810 (ii) /नजा. दिनांक 12/06/2023 में अंचल अधिकारी खलारी को कार्रवाई करने का आदेश भी दिया किन्तु करीब दो महीने बाद उपायुक्त सह जिला दंडाधिकारी न्यायालय के द्वारा अपने एवं अंचल अधिकारी के आदेशों के विरुद्ध कार्रवाई पर रोक (स्टे) लगा दिया गया जिसके कारण आज तक सोनाडुब्बी नदी से अतिक्रमण की भूमि को अतिक्रमणकारियों से मुक्त नहीं करवाया गया है जो एक अति चिंतनीय विषय है।

मल्लाशय - जल, जंगल, जमीन, नदियाँ एक प्रकृति संसाधन है प्रकृति है तभी पृथ्वी पर मनुष्य, नागरिक, जानवर एवं अन्य प्राणी भी सही सलामत अपने आप को महसूस कर रहे अगर प्रकृति संपदा (नदियों) से कोई मनुष्य या कंपनियों आपसी स्वार्थ में छेड़ छाड़ करते हुए उसका दोहन करेगी तो प्राकृतिक आपदा का खामियाजा भी हम सब पृथ्वी वाशी मानव को भुगतना पड़ेगा।

चुकीं मैंने कई बार इन सब उपरोक्त मामले से अंचल कार्यालय से लेकर जिला कार्यालय तक अधिकारियों को करीब 200 पत्र देकर मामले से अवगत करवाया एवं सोनाडुब्बी नदी को अतिक्रमण एवं प्रदूषण मुक्त करने का गुहार लगाया लेकिन आज तक मेरे दिये गए आवेदन पर किसी तरह की कोई भी कार्रवाई देखने को नहीं मिली। उपरोक्त मामले में उपायुक्त राँची, मुख्य सचिव झारखंड, भूमि सुधार विभाग झारखंड, प्रदूषण विभाग झारखंड को भी मैंने कई बार पत्र के माध्यम से कार्रवाई की गुहार लगायी लेकिन यहाँ से भी मुझे निराशा हाथ लगी। आज मैं एक नयी उम्मीद के साथ आपको आवेदन पत्र शौप रहा हूँ आपसे कार्रवाई की अपेक्षा रहेगी। मुझे आपसे पूर्ण आशा है आप जल, जंगल, जमीन एवं नदियाँ को सर्वेछन देकर इस जनहित मामले को संज्ञान में लेकर दोषियों पर आवश्यक कार्रवाई करते हुए सोनाडुब्बी नदी को अतिक्रमण एवं प्रदूषण मुक्त करवाएँगे।

आपके इस कार्रवाई के लिए मैं सदा आपका आभारी बना रहूँगा।

धन्यवाद

आवेदक (Social cum RTI Activist)
मनोज कुमार
महावीर नगर खलारी
पो. थाना खलारी (829205)
राँची, (झारखंड)
संपर्क सं 9431791588, 8235210332



कार्यालय अंचल अधिकारी, खलारी, राँची।

प्रपत्र ॥

झारखण्ड सार्वजनिक भूमि अतिक्रमण अधिनियम, 2000 की धारा 6 की उप- धारा (2) के अधीन नोटिस की तामिता

अतिक्रमण वाद संख्या- 01/2022-23

(1) महाप्रबंधक, मेसर्स मोनेट डेनियल कोल वाशरी लिमिटेड के, डी. एच. डकरा।

आपके द्वारा मौजा- विश्रामपुर, खाता संख्या- 41, प्लॉट संख्या- 19, रकबा- 6.34 एकड़, मधे रकबा- 0.50 एकड़ (नक्शा की छायाप्रति सलग्न) भूमि से अतिक्रमण हटाने के लिए विहार सार्वजनिक भूमि अतिक्रमण अधिनियम, 1956 की धारा 5 की उपधारा (1) के खंड (c) के अधीन एक आदेश पारित किया गया है जिसे अधिनियम की धारा 2 की उपधारा (5) में यथा परिभाषित सार्वजनिक भूमि पाया गया है। आपको एतत् द्वारा 21/11/22 की अवधि के भीतर आदेश का अनुपालन करने की अपेक्षा की जाती है।

ध्यान रखें कि अवज्ञा किये जाने पर आप भारतीय दंड संहिता, 1860 (XLV वर्ष 1860) की धारा 188 द्वारा प्रावधानित शास्ति के दायी होंगे।

अनुलंक:- यथोक्त।

हो
अंचल अधिकारी,
खलारी, राँची।

ज्ञापांक- 642(ii) दिनांक- 21/10/22

प्रतिलिपि:- श्री गौरीशंकर केसरी, ग्राम- महावीर नगर, बुकबुका को सूचनार्थ प्रेषित।

प्रतिलिपि:- विश्वजीत कुमार चौहान ग्राम- मोहन नगर, पो.- डकरा, थाना- खलारी, जिला- राँची को सूचनार्थ प्रेषित।

हो
अंचल अधिकारी,
खलारी, राँची।
21/10/22



कार्यालय उपायुक्त-सह-जिला दण्डाधिकारी, रांची।

(जिला नजारत शाखा)

पत्रांक...११०(11)/नजा.

प्रेषित,

उपायुक्त-सह-जिला दण्डाधिकारी,
रांची।

सेवा में,

अंचल अधिकारी,
खलारी।

रांची, दिनांक 12/6/23

विषय: मेसर्स मोनेट डेनियल कोल वाशरी लिमिटेड के.डी.एच., डकरा से संबंधित अतिक्रमण वाद संख्या 01/2022-23, मौजा-विश्रामपुर, खाता संख्या-41, प्लॉट संख्या-19, रकबा-6.34 एकड़ मध्ये रकबा-0.50 एकड़ भूमि पर किये गये अतिक्रमण हटाने हेतु आवंटन उपलब्ध कराने के संबंध में।

प्रसंग: आपका पत्रांक 323(i) दिनांक 02.06.2023

महाशय,

उपर्युक्त विषय एवं प्रसंग के संबंध में कहना है कि मेसर्स मोनेट डेनियल कोल वाशरी लिमिटेड के.डी.एच., डकरा से संबंधित अतिक्रमण वाद संख्या 01/2022-23, मौजा-विश्रामपुर, खाता संख्या-41, प्लॉट संख्या-19, रकबा-6.34 एकड़ मध्ये रकबा-0.50 एकड़ भूमि पर किये गये अतिक्रमण हटाने हेतु 2,00,000.00 (दो लाख) रूपया आवंटन उपलब्ध कराने का अनुरोध किया गया है। विदित हो कि अतिक्रमण हटाने की प्रक्रिया में होने वाले व्यय की वसूली अतिक्रमणकारी से ही किये जाने का प्रावधान है।

अतः इस संबंध में नियमानुसार आवश्यक कार्रवाई की जाय।

जिला नजारत उप समाहर्ता
12/06/23

विश्वासभाजन
12/6/2023
उपायुक्त-सह-जिला दण्डाधिकारी,
रांची।



JHARKHAND STATE POLLUTION CONTROL BOARD

T.A.DIVISION BUILDING (GROUND FLOOR),H.E.C.,DHURWA,RANCHI-

834004,Phone.:2403852,2403851,Fax:0651- 2403850.

Ref. No.....3429.....

Ranchi, dated-31/12/2025

From,

Rajeev Lochan Bakshi,
Member Secretary.

To,

The Managing Director,
M/s Monnet Daniels Coal Washeries (P) Ltd.,
Khalari, Dist-Ranchi.

Sub:- Direction under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981-Regarding.

Whereas, CTO was accorded to the Unit vide Board's Ref No. JSPCB/HO/RNC/CTO-16988577/2023/2150 Dated : 30-12-2023 for the production capacity of Raw Coal Input-5.0 Million TPA valid up to 31.12.2025.

Whereas, an inspection was carried out by Shri Sanjay Kumar, JEE, JSPCB Régional Office, Ranchi, in présence of Shri Manoj Kumar, Swain, (G.M, HR, M/s Monnet Daniels Coal Washeries (P) Ltd) on 12.12.2025 and the inspection report was submitted vide office letter no. 2302 dated-19.12.2025.

During inspection the following observations were made : -

1. The washery unit was found to be in working condition during inspection.
2. Sonadubbi River takes sharp bend near M/s Monet Daniel Coal Washery and the washery is situated on both sides of the river .
3. Pucca boundary wall was found around the unit during inspection.
4. Conveyor belt in the unit was found covered with metal sheets during inspection.
5. To prevent air pollution, about 300-310 trees have been planted by the unit .
6. Fixed type water sprinklers have been installed in the unit and water is sprinkled manually from water tankers to control dust particle emission in the unit
7. Settling pond has been established in the unit premises to prevent any run-off with coal particle from going into the river. .
8. Transportation Road of washery towards east side to west side up to railway siding is kutchha which cause fugitive emission from transportation road.

9. During the inspection, no water was found being discharged from the unit outside the unit premises into the river

Whereas, in light of the above facts, the RO has given the following recommendation : -

1. To construct & maintain catch drains, siltation ponds at suitable locations to check the flow.
2. Transportation roads should be made pucca and well maintained and ensure no coal spillage on the coal transportation roads.
3. Height of rejected coal heap should not be above the height of boundary wall and wind breaking wall must be provided
4. Construct wheel washing ditch for HEMM.

Now, therefore, in view of the above and by exercising the powers vested under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981, the following directions are being issued: -

1. To construct & maintain catch drains, siltation ponds at suitable locations to check the flow within 30 days of issuance of this letter.
2. Transportation roads should be made pucca and well maintained and ensure no coal spillage on the coal transportation roads within 30 days of issuance of this letter.
3. Height of rejected coal heap should not be above the height of boundary wall and wind breaking wall must be provided within 30 days of issuance of this letter
4. Construct wheel washing ditch for HEMM within 30 days of issuance of this letter.

Raj
(Rajeev Lochan Bakshi)
Member Secretary.

Raj

अनुसूची 14 - फारम सं० 563 अतिक्रमण अपील वाद सं० 40 R/S/23-24
देवेन्द्र सिंह - - - अपीलकर्ता

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर आदेश सं० 2 केचरी नं० - विपक्षी	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
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03
29.09.2023

आदेश

अपीलकर्ता मेसर्स मोनेट डेनियल कोल वाशरीज प्राइवेट लिमिटेड, द्वारा जेनरल मैनेजर देवेन्द्र सिंह, पिता-स्व० दौलत राम वर्मा, साकिन-C/2 सुभाष नगर, पोस्ट-डकरा, थाना-खलारी, जिला-राँची के०डी०एच०, डकरा के द्वारा एक आवेदन दाखिल कर इस अपील वाद में दिनांक 01.12.2023 को निर्धारित तिथि को रिकॉल कर सुनवाई करते हुए विद्वान अंचल अधिकारी खलारी (राँची) के द्वारा अतिक्रमण वाद सं० 01/2022-23 में दिनांक 12.07.2023 को पारित आदेश के क्रियान्वयन पर रोक लगाने का प्रार्थना किया है।

प्रस्तुत अपील वाद विद्वान अंचल अधिकारी खलारी (राँची) के द्वारा अतिक्रमण वाद सं० 01/2022-23 में दिनांक 12.07.2023 को पारित आदेश के विरुद्ध दायर किया गया है। दिनांक 18.08.2023 को प्रस्तुत अपील वाद को अंगीकृत किया गया तथा विपक्षी को नोटिस जारी करते हुए यह अपील वाद दिनांक 01.12.2023 को निर्धारित किया गया है। इस दौरान अंचल अधिकारी खलारी ने दिनांक 26.08.2023 को उक्त अतिक्रमण वाद सं० 01/2022-23 में नोटिस जारी कर दिनांक 22.11.2022 तक पारित आदेश का अनुपालन करते हुए एक माह के अंदर अतिक्रमण हटाना सुनिश्चित करने का निदेश दिया गया है।

अतः उपरोक्त तथ्यों के आधार पर इस अपील वाद में दिनांक 01.12.2023 को निर्धारित तिथि को रिकॉल कर सुनवाई करते हुए विद्वान अंचल अधिकारी खलारी (राँची) के द्वारा अतिक्रमण वाद सं० 01/2022-23 में दिनांक 12.07.2023 को पारित आदेश के क्रियान्वयन पर इस अपील वाद में अंतिम आदेश पारित किये जाने तक रोक लगाई जाती है। पुनः अभिलेख पूर्व निर्धारित तिथि 01.12.2023 को उपस्थापित करे।

Signature
उपायुक्त
राँची



Certified to be true copy

Head Clerk
Legal Section, Ranchi

दिनांक-27.02.2026 को उपायुक्त, राँची के न्यायालय में सुने जाने वाले अभिलेखों का कॉजलिस्ट (CAUSELIST)					
क्र०	केस का प्रकार	वाद सं०	वादी	प्रतिवादी	अगली तारीख
Mutation Revision					
1	Mut. Rev.	113R15/2023-24	राकेश कुमार	मजहर हुसैन वगै०	02.06.2026
2	Mut. Rev.	114R15/2023-24	राकेश कुमार	मजहर हुसैन वगै०	02.06.2026
3	Mut. Rev.	115R15/2023-24	राकेश कुमार	मजहर हुसैन वगै०	02.06.2026
4	Mut. Rev.	116R15/2023-24	राकेश कुमार	मजहर हुसैन वगै०	02.06.2026
5	Mut. Rev.	117R15/2023-24	राकेश कुमार	महफुज आलम वगै०	02.06.2026
6	Mut. Rev.	118R15/2023-24	राकेश कुमार	महफुज आलम वगै०	02.06.2026
7	Mut. Rev.	119R15/2023-24	राकेश कुमार	मजहर हुसैन वगै०	02.06.2026
8	Mut. Rev.	120R15/2023-24	राकेश कुमार	महफुज आलम वगै०	02.06.2026
9	Mut. Rev.	121R15/2023-24	राकेश कुमार	महफुज आलम वगै०	02.06.2026
10	Mut. Rev.	49R15/2021-22	मनोरमा शर्मा	नरेश महतो वगै०	05.06.2026
11	Mutation Rev	32R15/2025-26	सृष्टी कुमारी	मुरारी लाल वगै०	05.06.2026
12	SAR Appeal	192R15/2025-26	मुन्नी हेमरोम	सामुएल नाग वगै०	05.06.2026
13	Mutation Rev	203R15/2025-26	इस्लाम अंसारी	अलीम अंसारी	05.06.2026
14	Permission Appeal	193R15/2025-26	बुद्धदेव उरांव	बिरसा उरांव वगै०	05.06.2026
15	SAR Appeal	142R15/2025-26	महेन्द्र पाठक उर्फ राम किंकर पाठक	तेतरा मुण्डा वगै०	05.06.2026
लगान निर्धारण अपील वाद					
16	Rent Fixation Appeal	67R15/2024-25	संदीप कुमार वगैरह	शैलेन्द्र नाथ ओहदार वगै०	05.05.2026
CERTIFICATE APPEAL CASE					
17	CERTIFICATE APPEAL	74R15/2023-24	परशुराम साह	युनाईटेड इन्श्युरेंस कम्पनी लि०	08.05.2026
SAR Appeal					
18	SAR Appeal	121R15/2024-25	आनन्द भौरा	मोनिका टोप्पो	08.05.2026
झारखण्ड उच्च न्यायालय के आरंभ के आलोक में					
19	Mis Case	27R15/2023-24	जामुद्दीन अंसारी	राज्य	24.04.2026
Mutation Revision					
20	Mut Revision	44R15/2022-23	नईम मल्लिक	मो० मंजुर खान वगै०	08.05.2026
Mutation Cases					
21	Mutation Rev	04R15/23-24	मुरारी प्रसाद वर्मा	मो० तबारक राय वगै०	28.04.2026
अतिक्रमण अपील वाद					
22	अतिक्रमण अपील	40R15/2023-24	देवेन्द्र सिंह	गौरीशंकर केसरी वगै०	28.04.2026
JBC CASE					
23	JBC Case	26R15/2023-24	रामोतार चितलंगीया वगै०	सुधा चितलंगीया	28.04.2026

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

.....

**ORIGINAL APPLICATION No.116/2023/EZ
(Earlier Original Application No.479/2022/PB)**

IN THE MATTER OF:

**Krishna Chouhan,
Mohan Nagar, Post Dakra,
Khalari Police Station, District Ranchi,
Jharkhand-829210**

....Applicant(s)

Versus

- 1. State of Jharkhand,
Through its Chief Secretary, Government of Jharkhand,
1st Floor, Project Building, Dhurwa, Ranchi-834004;**
- 2. Jharkhand State Pollution Control Board,
H.E.C., Dhurwa, Ranchi-834004, Jharkhand;**
- 3. District Magistrate, Ranchi
Deputy Para, Ahirtoli, Ranchi
Jharkhand-834001;**
- 4. Chairman/Managing Director,
M/s Monnet Daniels Coal Washery,
(Project Proponent)**

....Respondent(s)

COUNSEL FOR APPLICANT(S):

None

COUNSEL FOR RESPONDENT(S):

**Ms. Aishwarya Rajyashree, Adv. for R-1&3,
Mr. Kumar Anurag Singh, Adv. for R-2,
Ms. Shalini Daftuar, Advocate for R-4**

JUDGMENT

PRESENT:

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)
HON'BLE DR. ARUN KUMAR VERMA (EXPERT MEMBER)**

**Reserved On:- 6th October, 2023
Pronounce On:- 13th October, 2023**

1. Whether the Judgment is allowed to be published on the net? **Yes**

2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

Heard the Applicant in person as well as the learned Counsel for the Respondents and perused the documents on record.

2. This Original Application was initially registered before the New Delhi Bench of the National Green Tribunal on a letter petition/complaint, submitted by the Applicant before the New Delhi Bench, complaining about environmental pollution being caused by Monnet Daniel Coal Washery, Respondent No.4 herein, situated at Khalari Block of District Ranchi.

3. The allegation of the Applicant is that the Project Proponent has stored heavy quantity of rejected coal in Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi and has also blocked the road near KDH weighment bridge with coal sludge. The rejected coal stock has caught fire and is emitting smoke adversely affecting the health of the residents of the locality.

4. The Tribunal also constituted a Joint Committee comprising of the following members: -

- (i) Regional Office, Ministry of Environment, Forests and Climate Change, Ranchi;
- (ii) State Pollution Control Board, Jharkhand; and

(iii) District Magistrate, Ranchi

5. The Committee was directed to visit the site and examine the allegations and submit its Report.

6. Thereafter, by order dated 04.01.2023 another Committee was constituted by the New Delhi Bench of the National Green Tribunal comprising of representatives of:

- (i) Central Pollution Control Board;
- (ii) Regional Office, Ministry of Environment, Forests and Climate Change;
- (iii) Representative of State Pollution Control Board, Jharkhand; and
- (iv) District Magistrate, Ranchi

7. The Committee has filed its Report dated 04.07.2023. Thereafter, directions were issued by the New Delhi Bench on 04.07.2023 to the Project Proponent, Respondent No.4 herein, to comply the recommendations made by the Committee by 15.08.2023 and thereafter, the Committee was directed to re-visit the Colliery on or before 31.08.2023 and submit a fresh report with regard to the compliance made.

8. The case was thereafter transferred to the National Green Tribunal, Eastern Zone Bench, Kolkata and re-numbered as Original Application No.116/2023/EZ.

9. The first Committee Report dated 26.10.2023 reads as under:-

“Report on environment pollution by Monnet Daniel Washery situated at Khalari Block of Ranchi District Jharkhand in the matter of Krishna Chouhan Vs State of Jharkhand in O.A. No.479/2022 pending before Hon’ble National Green Tribunal, Principal Bench, New Delhi.

I. Background

(Application was registered in NGT based on a complaint received by post)

a. Mr. Krishna Chauhan resident of Mohan Nagar, P.O.- Kakra, P.S.- Khalari, Dist – Ranchi, Jharkhand had registered an original application at Hon’ble NGT, Principal Bench bearing O.A. No.479/2022 complaining about causing of environmental pollution by Monnet Daniel Washery situated at Khalari Block of Ranchi District.

b. It has been alleged by the applicant that, the Project Proponent has stored heavy quantity of rejected coal in Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi and has also blocked the road near KDH weighment bridge with coal sludge. The rejected coal stock caught fire which is emitting smoke adversely affecting health of the residents of the locality. The above said Project Proponent is continuously violating provisions of the Air (Prevention and Control of Pollution) Act, 1981 and is also contaminating the water by discharging untreated effluents in river Sona Dubi.

c. Hon’ble NGT, Principal Bench vide its order dated – 10.08.2022 has stated that – In view of the allegations

made in the application, we consider it appropriate that a Joint Committee of the concerned statutory authorities be asked to verify the factual position and take remedial action on the basis thereof.

d. In view of the above Hon'ble NGT constituted Joint Committee of the concerned Statutory Authorities-

I. Regional Office, MoEF&CC, Ranchi,

II. State PCB and

III. District Magistrate, Ranchi.

e. NGT has directed the above committee to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, verify the factual position and take remedial action as mandated by the statutory provisions empowering them in accordance with law after notice to the concerned Project Proponent and by following due process of law.

f. As per the NGT order State PCB will be the nodal agency for coordination and compliance.

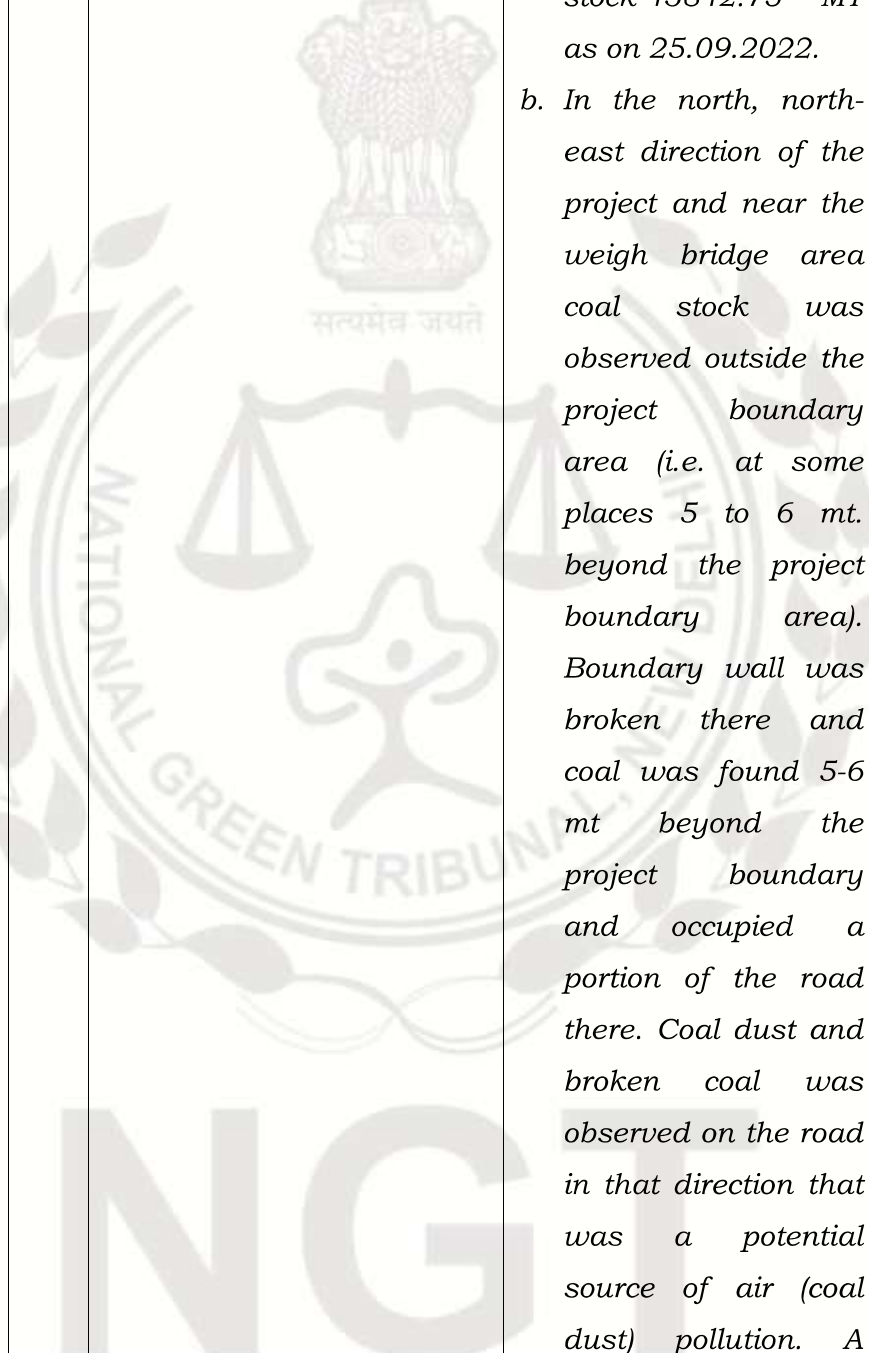
Accordingly, a committee was constituted with the following members:

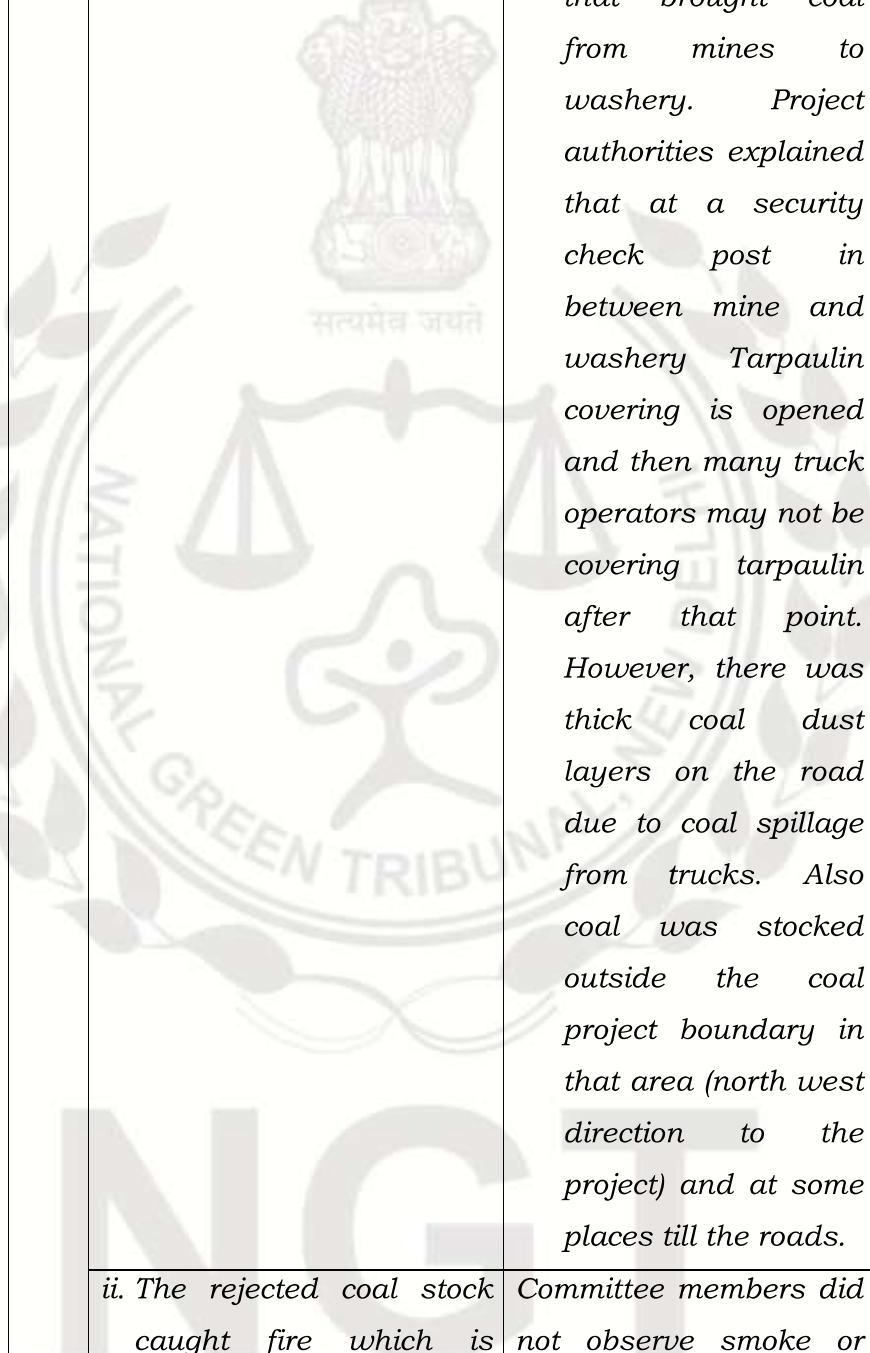
- 1. Shri Rajeev Ranjan, Scientist-E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.*
- 2. Shri Gopal Kumar, Regional Officer, Ranchi, Jharkhand State Pollution Control Board, Ranchi,*
- 3. Shri Rahul Kumar Sinha, IAS, Deputy Commissioner / District Magistrate, Ranchi, Jharkhand.*

II. Point wise observations of the committee members with respect to allegations made by the applicant:

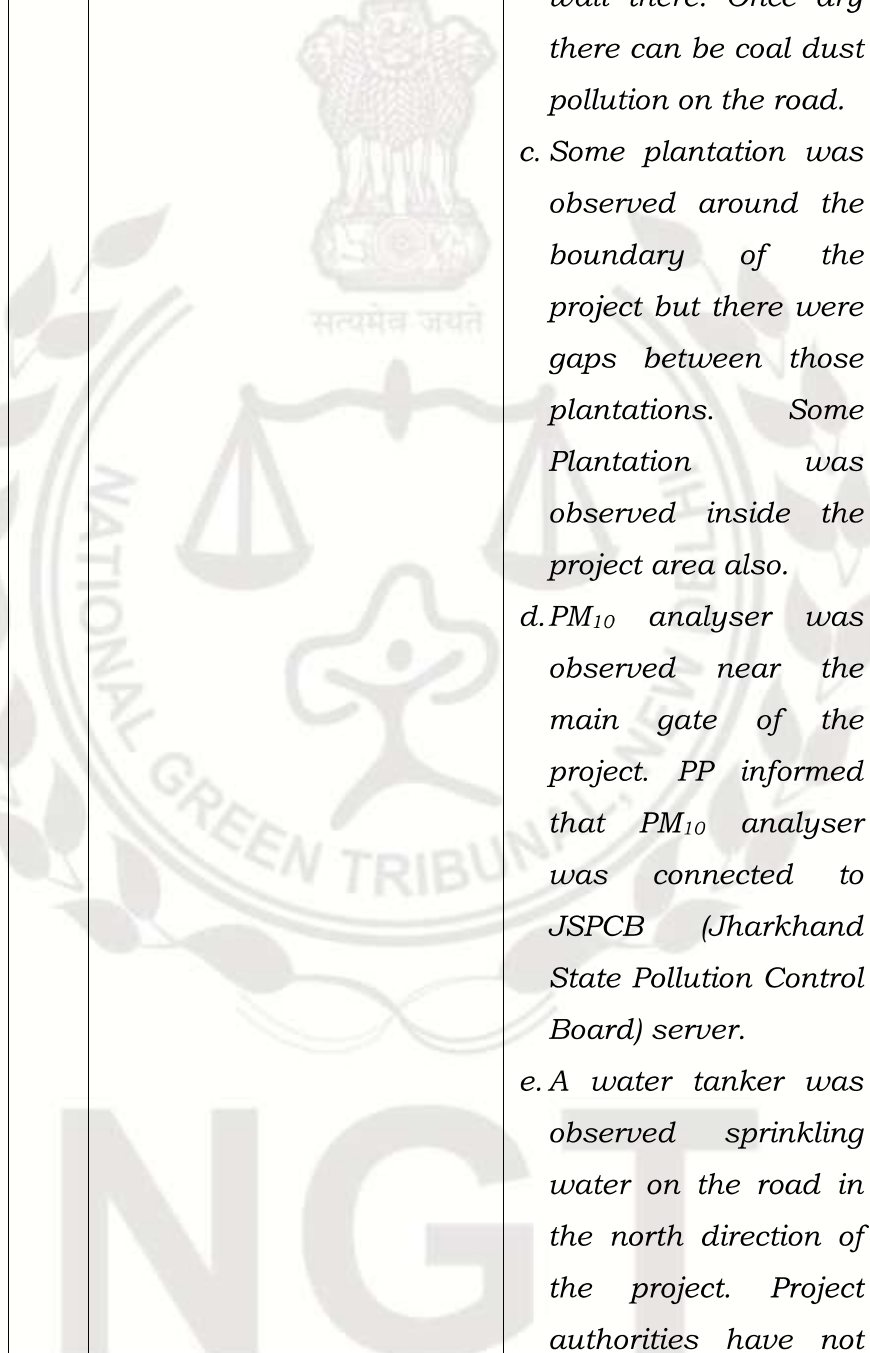
The Committee members inspected/visited Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi on 26.09.2022. Observations of the committee members vis a vis issues raised by the complainant/applicant based on the site inspection and the documents submitted by Project Proponent are as given below:

Issues raised by the complainants/applicant	Observations of inspecting team/committee members
<p>i. Project Proponent has stored heavy quantity of rejected coal in Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi and has also blocked the road near KDH weighment bridge with coal sludge.</p>	<p>a. Large quantity of coal was stocked in the project whereas in the EC (Environmental Clearance) is mentioned that "Only one day stock shall be stored in the stockyard (specific Condition (ii) of EC accorded by MoEF&CC vide no.J-11015/260/2008-IA.II (M) dated 10.12.2008. As per the data submitted by the project proponent</p>

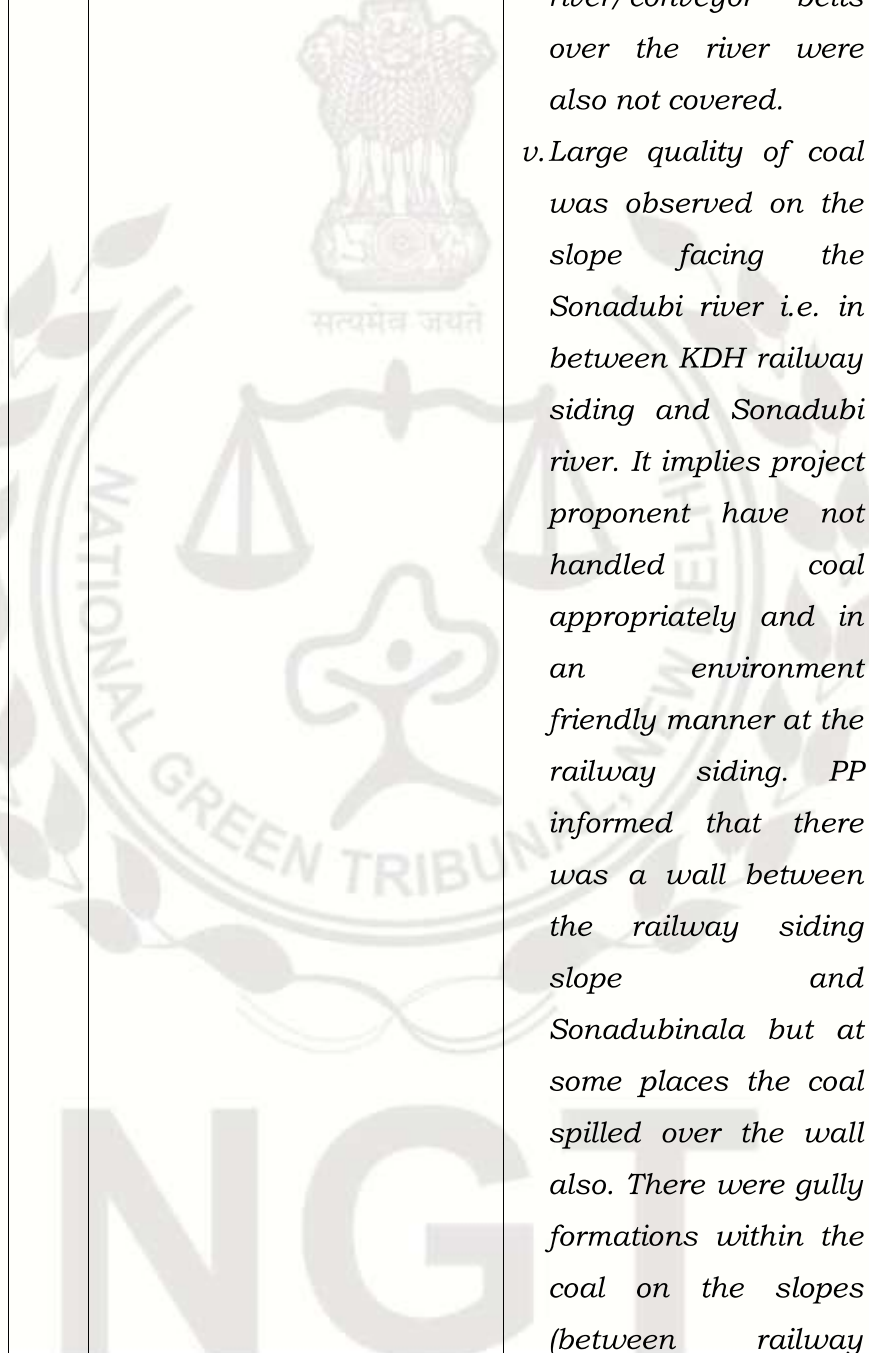
		<p><i>raw coal stock- 610.27 MT, washed coal stock 432.03 MT and Reject coal stock-43842.75 MT as on 25.09.2022.</i></p> <p><i>b. In the north, north-east direction of the project and near the weigh bridge area coal stock was observed outside the project boundary area (i.e. at some places 5 to 6 mt. beyond the project boundary area). Boundary wall was broken there and coal was found 5-6 mt beyond the project boundary and occupied a portion of the road there. Coal dust and broken coal was observed on the road in that direction that was a potential source of air (coal dust) pollution. A long jam of trucks was observed near the weighbridge area.</i></p>
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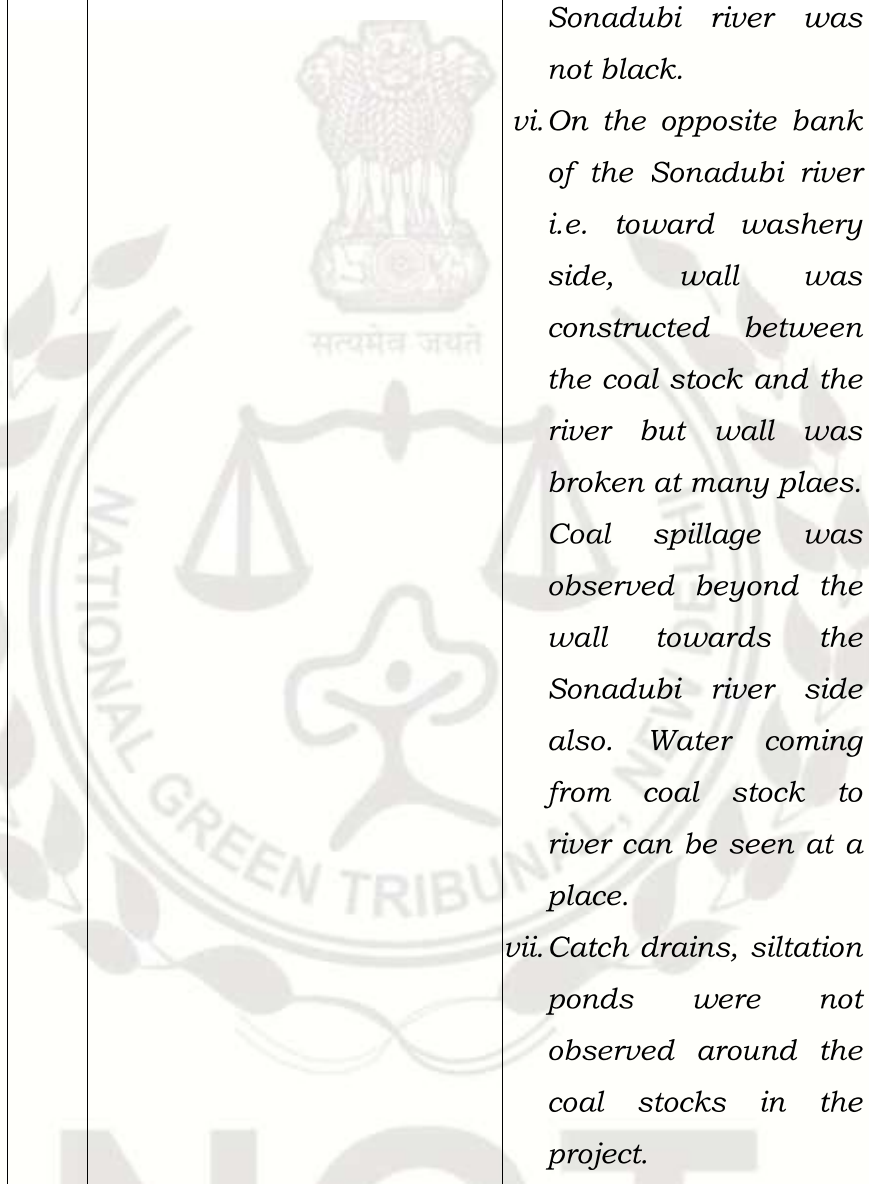
		<p>c. Tarpaulin covering was not observed over the coal transportation trucks that brought coal from mines to washery. Project authorities explained that at a security check post in between mine and washery Tarpaulin covering is opened and then many truck operators may not be covering tarpaulin after that point. However, there was thick coal dust layers on the road due to coal spillage from trucks. Also coal was stocked outside the coal project boundary in that area (north west direction to the project) and at some places till the roads.</p>
	<p>ii. The rejected coal stock caught fire which is emitting smoke adversely affecting health of the residents of the locality.</p>	<p>Committee members did not observe smoke or spontaneous combustion in the coal stock at the project. However such a large coal stock can be a</p>

		<p><i>potential source of spontaneous combustion/smoke. May be due to rainy season there was no spontaneous combustion/smoke in the large coal stock stored in the project.</i></p>
	<p><i>iii. The above said Project Proponent is continuously violating provisions of the Air (Prevention and Control of Pollution) Act, 1981 and</i></p>	<p><i>a. Conveyor belts in the projects used for coal transportation were found to be uncovered and were potential source of fugitive coal dust emissions.</i></p> <p><i>b. Wall in the north east and east direction (wall inside which coal stock was kept) was observed to be broken at many places and some inadequate arrangement (metal sheets at some places and fabric sheets at other places, etc.) were done to prevent coal spillage. However, there were every chances of coal spillage from there and also coal dust flow outside the</i></p>

		<p>premises. Coal dust, broken coal were found in the road adjacent to the broken wall there. Once dry there can be coal dust pollution on the road.</p> <p>c. Some plantation was observed around the boundary of the project but there were gaps between those plantations. Some Plantation was observed inside the project area also.</p> <p>d. PM₁₀ analyser was observed near the main gate of the project. PP informed that PM₁₀ analyser was connected to JSPCB (Jharkhand State Pollution Control Board) server.</p> <p>e. A water tanker was observed sprinkling water on the road in the north direction of the project. Project authorities have not submitted copy of log book of water tanker operational in their project.</p>
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<p><i>iv. The above said Project Proponent is also contaminating the water by discharging untreated effluents in river Sona Dubi.</i></p>	<p><i>i. Coal dust layers were observed at some portions on the roads of the project area. There were chances of those coal dust flowing into the Sonadubi river in case of rainfall since there were no safeguards to stop the flow entering into the river.</i></p> <p><i>ii. Retaining/ concrete wall was observed to be broken at few places adjacent to the Sonadubi river.</i></p> <p><i>iii. Coal wastes (rejects) were kept near the washing unit in the project area without any proper safeguards. There were no humps, retaining walls etc. around the coal wastes (rejects) and there were chances of flow of those coal wastes (rejects) into the Sonadubi river. Bank of Sonadubi river was within 20-21m (approx..) from that coal wastes</i></p>
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		<p><i>rejects.</i></p> <p><i>iv. Conveyor belt system was made over Sonadubi river/conveyor belts over the river were also not covered.</i></p> <p><i>v. Large quality of coal was observed on the slope facing the Sonadubi river i.e. in between KDH railway siding and Sonadubi river. It implies project proponent have not handled coal appropriately and in an environment friendly manner at the railway siding. PP informed that there was a wall between the railway siding slope and Sonadubinala but at some places the coal spilled over the wall also. There were gully formations within the coal on the slopes (between railway siding and Sonadubi river) and there were chances of coal dust flow in the river from</i></p>
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		<p>that side. However during inspection on 26.09.22 colour of water flowing in Sonadubi river was not black.</p> <p>vi. On the opposite bank of the Sonadubi river i.e. toward washery side, wall was constructed between the coal stock and the river but wall was broken at many plaes. Coal spillage was observed beyond the wall towards the Sonadubi river side also. Water coming from coal stock to river can be seen at a place.</p> <p>vii. Catch drains, siltation ponds were not observed around the coal stocks in the project.</p>
<p>III Recommendations made by the committee members:</p> <p>i. The observations/ inspection report is being sent to concerned divisions of MoEF&CC, HQ, New Delhi for necessary action as deemed fit as per acts and rules (report shall be sent by IRO Ranchi to MOEF&CC New Delhi)</p> <p>ii. Regional Officer, Ranchi, JSPCB (Jharkhand State</p>		

Pollution Control Board) is also sending the committee report to JSPCB Member Secretary for necessary action.

Committee members instructed the Project Proponent verbally for remedial actions at the site during their inspections on 26.09.2022. Some of the important instructions were:

- a. Comply all the conditions of EC issued by MoEF&CC and CTE/CTO issued by JSPCB.
- b. Clear/ take out all coal from the slopes adjacent to Sonadubi nallah/river. Develop grassing and vegetation around the slopes of the river. It should be ensured that during loading / unloading of coal at the railway siding no coal is spilled on the slopes facing the Sonadubi river/nallah. Construct and repair broken wall between Sonadubi river and project urgently.
- c. Bring all the coal stocks inside the premises urgently and construct/ repair all the wall around project boundary (in all the directions).
- d. Make catch drains, siltation's ponds, concrete humps/wall around coal dumps, washed coal, rejects so as to ensure that no coal dust/slurry flows in river/ other low lying areas.
- e. Arrange for repair and maintenance of all roads in and adjacent to the project. It should be ensured that there is no coal spillage on the coal transportation roads. In case of any sudden spillage the coal, broken coal should be cleared/cleaned within same day. Tarpaulin covering on the coal transportation trucks should be done strictly. An office order in this regard should be issued that if any truck is found without tarpaulin covering during coal transportation it would not be allowed to operate

	<p><i>further in the project.</i></p> <p><i>f. Number of mobile water tankers should be increased. Copy of the log book of water tankers mentioning running hours, kilometer travelled, maintenance hours should be maintained.</i></p> <p><i>g. All the conveyor belts in the project should be covered urgently.</i></p> <p><i>h. Plantation/green belt development around the project boundary, in the gaps between already existing trees, inside the project areas should be developed.</i></p>
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10. The Committee has noted that coal dust layers were observed on portions of the road in the Project area and there were chances of the said coal dust flowing in the Sonadubi River as there were no safeguards to prevent the same. It was also mentioned that retaining/concrete wall was broken at places adjacent to the Sonadubi River. Coal wastes were kept near the washing unit in the Project area without any proper safeguards and there were no humps or retaining walls etc. around the coal wastes to prevent the possibility of flow of coal wastes into the Sonadubi River. The Sonadubi River bank was within 20-21m from the coal waste rejects. The Committee also noted that conveyor belt system was made over the Sonadubi River but the same was not covered and layers of large quantity of coal was observed on the slope facing the Sonadubi River in between KDH Railway Siding and Sonadubi River, which implied that the Project Proponent had not handled coal appropriately and in an environment friendly manner at the railway siding. Though the Project Proponent informed that there

was a wall between the railway siding slope and the Sonadubi River/Nala but at some places the coal had spilled over the wall also. The Committee further noted that on the opposite bank of the Sonadubi River i.e. towards the washery side, a wall was constructed between the coal stock and the river but the said wall was broken at many places and coal spillage was observed beyond the wall towards the Sonadubi River side. Catch drains, siltation ponds were also not observed around the coal stocks in the Project.

11. The Respondent No.4 has submitted its reply dated 08.12.2022 stating that the washery dispatches through Railway wagons during the period in question could not function because the certificate of Consent to Operate (CTO) issued in favour of the washery had expired in December, 2021 and though an application for renewal of the same had been made, the renewal of the certificate only took place after 3 months in March, 2022 as a result of which the reject coal that had accumulated in the premises could not be disposed of.

12. We do not find this to be a reply satisfactory since it was a duty of the Project Proponent to have taken into consideration the factum of accumulation of coal wastes/rejects coal and taken appropriate measures to prevent spillover under the 'Precautionary Principle'. 'Polluter Pays Principle'/Precautionary Principle has been expounded by the Hon'ble Supreme Court in (1996) 5 SCC 647, *Vellore Citizens' Welfare Forum vs. Union of India & Ors.*, the precautionary principle and polluter-pays principle were held to be part of the environmental law of the country. It was held that the

polluter-pays principle means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of sustainable development.

13. In (2005) 13 SCC 186, *Research Foundation for Science vs. Union of India & Ors.* Paragraphs-29 and 33 of the judgment read as under:-

“29. The polluter pays principle basically means that the producer of goods or other items should be responsible for the cost of preventing or dealing with any pollution that the process causes. This includes environmental cost as well as direct cost to the people or property, it also covers cost incurred in avoiding pollution and not just those related to remedying any damage. It will include full environmental cost and not just those which are immediately tangible. The principle also does not mean that the polluter can pollute and pay for it. The nature and extent of cost and the circumstances in which the principle will apply may differ from case to case.

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33. The polluter-pays principle was applied in Indian Council for Enviro-Legal Action vs. Union of India¹ to fasten liability for defraying the costs of remedial measures. The task of determining the amount required for carrying out the remedial measures, its recovery/realization and the task of undertaking the remedial measures was placed in this case upon the Central Government. In the present case the approximate expenditure to be incurred for destroying the hazardous waste has been mentioned in the report.”

¹ (1996) 3 SCC 212

14. The Hon'ble Supreme Court in (2013) 4 SCC 575; (*Sterlite Industries (India) Limited & Ors. Vs. Union of India & Ors.*), has referred to the judgment of the Hon'ble Supreme Court in (1987) 1 SCC 395; (*M.C. Mehta Vs. Union of India*), para 31 of which has been quoted in para 46 of the judgment which reads as under:-

“46. *In M.C. Mehta v. Union of India [(1987) 1 SCC 395 : 1987 SCC (L&S) 37] , a Constitution Bench of this Court held: (SCC pp. 420-21, para 31)*

“31. ... The enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm results on account of such activity, the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part.”

The Constitution Bench in the aforesaid case further observed that the quantum of compensation must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect and the larger and more prosperous the enterprise, the greater must be the amount of compensation payable by it.”

15. The Respondent No.4 has further sought to take refuge of COVID-19 pandemic for damage caused to environment by him which also is not acceptable since he has not been able to show that during this period there was layoff of staff and that the washery had not functioned at all and there were no financial transactions during this period of COVID lockdown. The findings of the Joint Committee that Respondent No.4 has stored quantities of

reject coal at its washery blocking the road near KDH weighbridge has also been disputed by the Project Proponent on the plea that the road belongs to M/s Central Coal Fields Ltd. and is also used by the CCL, KDH Project & others.

We are not satisfied with the plea taken by the Respondent No.4 since the findings recorded by the Joint Committee speak of the coal spillage at the Washery and not by other contributors as alleged by the Respondent No.4.

16. The Project Proponent admits that one portion of the Project boundary wall was damaged due to heavy rains because of which some reject coal had inadvertently spilled over on to the adjoining portion of the road. This admission itself belies the claim of the Respondent No.4 that M/s Central Coal Fields Ltd., the KDH projects and others had contributed to the spillage of coal on the road.

17. The finding of the Committee however, is that though the Committee did not observe smoke or spontaneous combustion in the coal stock at the project but such large coal stock can be a potential hazard due to spontaneous combustion. Under the "Precautionary Principle" it is the duty of the Project Proponent to anticipate such emergencies and take preventive steps in advance.

18. The finding of the Committee that rejected coal stock had caught fire and was emitting smoke affecting the health of the residents has been denied by the Project Proponent though at the same time such incidents has been explained by it stating that coal

has a tendency to catch fire but to ensure that the same does not happen adequate arrangements for Fire Fighting Hydrant System were put in place all along the boundary of the factory premises besides mobile water tanker/sprinklers were also arranged.

19. The Committee also noted that coal transportation trucks that brought coal from the mine to the washery were not covered with tarpaulin.

The Project Proponent sought to explain the same by taking a species plea that at the security check-post between the mine and washery, the tarpaulin covering the trucks is opened and many truck operators may not be covering the tarpaulin after that. This plea cannot be a satisfactory defence to the Project Proponent since the Project Proponent being a 'principal' cannot be absolved of the omissions of its agents. In fact such a defence itself is an admission of negligence on the part of the Project Proponent to take preventive steps through regular monitoring of the trucks.

20. The Committee also observed that conveyor belts in the Projects used for coal transportation were found to be un-covered and a potential source of fugitive coal dust emissions.

The Project Proponent has not given any satisfactory explanation for this lapse.

21. The Joint Committee also noted that though some plantation was observed around the boundary wall of the Project but there were also gaps between those plantations.

The omission in providing adequate green belt though plantations has not been explained by the Project Proponent.

22. A further compliance report has been submitted by the Respondent No.4 dated 05.04.2023 which mentions that about Rs.2,10,480/- (Rupees Two lakhs ten thousand four hundred eighty only) has been incurred on plantation as on 16.03.2023 and 1786 number of trees have planted. A further chart has been filed at page no.101 of the paper book showing various dates of completion of the boundary wall at specific site locations confirming the findings of the Joint Committee that the boundary wall had been broken at several places.

23. A further Committee Report has been filed based on site inspection of the Project on 16.03.2023 which reads as under: -

“Report on environmental pollution by Monnet Daniel Washery situated at Khalari Block of Ranchi District, Jharkhand, in the matter of Krishna Chouhan Vs State of Jharkhand in O.A. No.479/2022 pending before Hon’ble National Green Tribunal, Principal Bench, New Delhi.

A complaint was lodged by Mr. Krishna Chauhan of Mohan Nagar, Ranchi, Jharkhand, to the Hon’ble NGT, Principal Bench, bearing O.A. No.479/2022 against Monnet Daniel Coal Washery, accusing them of causing environmental pollution in Khalari Block of Ranchi District. The applicant allege that the Project Proponent had stored a large amount of rejected coal in the washery, blocked the road with coal sludge, and discharged

untreated effluents into the river SonaDubi, leading to adverse health effect on residents of the locality.

In response, the Hon'ble NGT ordered a Joint Committee comprising the Regional Office of MoEF&CC at Ranchi, Jharkhand, State Pollution Control Board, and the District Magistrate, Ranchi to investigate the matter and submit the report to the Hon'ble NGT. The committee visited the site on 26.09.2022 and reported their observations and recommendations to the Hon'ble NGT, alongwith an action taken report.

Jharkhand State Pollution Control Board (JSPCB) had submitted the report of the Joint Committee via email dated on 0.11.2022, in compliance with the Hon'ble NGT order. The Respondent No. 4, M/s Monnet Daniels Coal Washery, (Project Proponent) was issued a notice by the Hon'ble NGT vide the order dated- 11.11.2022, in response of the notice, the Project Proponent filed a reply on 11.12.2022 comprising of compliance averments. JSPCB submitted an Action Taken Report on 03.01.2023, both via email.

Based on the compliance averments made by the project proponent, the Hon'ble NGT constituted another Committee vide its order dated 04.01.2023 comprising representatives of Central Pollution Control Board, MoEF&CC at Ranchi, Jharkhand State Pollution Control Board, and the District Magistrate, Ranchi to verify the compliance status of the Project Proponent and submit their report to the Hon'ble NGT with recommendations within three months.

Accordingly, a committee was constituted with the following members:

1. Rahul Kumar Sinha, IAS, Deputy Commissioner/District Magistrate, Ranchi, Jharkhand.
2. Rajeev Ranjan, Scientist – E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.
3. Gopal Kumar, Regional Officer, Ranchi, Jharkhand State Pollution Control Board, Ranchi.
4. Toufic Aslam, Scientist – C, Central Pollution Control Board, Regional Directorate, Kolkata

The above committee members inspected/visited Monnet Daniels Coal Washery situated in the area of KDH in Khalari Block of District Ranchi on 16.03.2023.


Based on the site inspection and observations of the Committee Members vis a vis compliance averments and the documents submitted by the Project Proponent are as given below: -


Sl. No.	Observations and recommendations of the earlier inspecting team/committee members based on site inspection on 26.09.2022	PP's reply/action taken report as submitted by them	Latest remarks of the inspecting team/committee members based on site inspection of project on 16.03.2023 and documents submitted by PP.
	a. Large quantity of coal was stocked in the project	a) The project proponent has made Request for	a. As per the data submitted by PP (Project

<p>whereas in the EC (Environmental Clearance) it is mentioned that "Only one day stock shall be stored in the stockyard (specific Condition (ii) of EC accorded by MoEF&CC vide no.J-11015/260/2008-IA.II (M) dated 10.12.2008. As per the data submitted by the Project proponent raw coal stock- 610.27 MT, washed coal stock 432.03MT and reject coal stock- 43842.75 MT as on 25.09.2022.</p> <p>b. In the north, north-east direction of the project and near the weigh bridge area coal stock was observed outside the</p>	<p>amendment to Specific Condition no. (ii) of EC granted on 10.12.2008 vide its letter dated 17.11.2022 to the Ministry of Environment, Forest & Climate Change requesting for permission to enhance storage capacity</p> <p>The reject Coal is temporarily stored in the premises of the plant and ultimately disposed off to Captive power plants (actual end users) only through rail wagons (as per conditions of Environmental Clearance). During the Covid Pandemic, when there was country wide Lock down the dispatches were badly affected ad Coal rejects accumulated in the premises. As the restrictions imposed during the lockdown eased, afterwards the Reject coal disposal</p>	<p>Proponent) raw coal stock 694.67 MT, washed coal stock 28032.62 (MT) and washery reject coal stock was 1,34,058.66 MT (up to 16th March 2023)</p> <p>PP has submitted letter no.MDCWL/HO (2022-23)/DIRECTOR/75 dated 17.11.22 addressed to Director, IA (Coal Mining), MoEF&CC, New Delhi requesting for amendment in EC condition (for one-month storage capacity). However EC condition has not been amended by MOEF&CC till date.</p> <p>b. Dozer was deployed for scraping/cleaning the dust from</p>
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<p>project boundary area (i.e. at some places 5 to 6 mt beyond the project boundary area). Boundary wall was broken there and coal was found 5-6m beyond the project boundary and occupied a portion of the road there. Coal dust and broken coal was observed on the road in that direction that was a potential source of air (coal dust) pollution. A long jam of trucks was observed near the weighbridge area.</p> <p>c. Tarpauline covering was not observed over the coal transportation trucks that brought coal from mines to washery. Project authorities</p>	<p>started but the Coal reject customers reduced drastically. Non-availability of railway wagons for movement of reject coal to certain destinations also restrict the reject coal disposal as priority are given for movement of washed coal and raw coal rakes. Yet we are in continuous process of disposal of accumulated reject coal as well as fresh generated reject coal and expecting to dispose off in next 8-10 months approximately.</p> <p>The Road Belongs to M/s CCL and MDCWL is not authorized to repair the Road however KDH PO has been requested vide our letter dated 28.10.22 for repair and maintenance of the road adjacent to the project.</p> <p>Office order has been issued to the</p>	<p>the haul roads adjacent to project. Roads adjacent to the project were relatively clean and layers of dust was not observed in the north, north east and north west directions and in weighbridge area. However, formation of sludge like layer of settled coal dust due to sprinkled water at multiple points was observed.</p> <p>Concrete wall construction in north west direction was complete for approx. 55m. In the north direction near gate no.2 also wall construction work was in progress and for remaining 70-80m length, PP</p>
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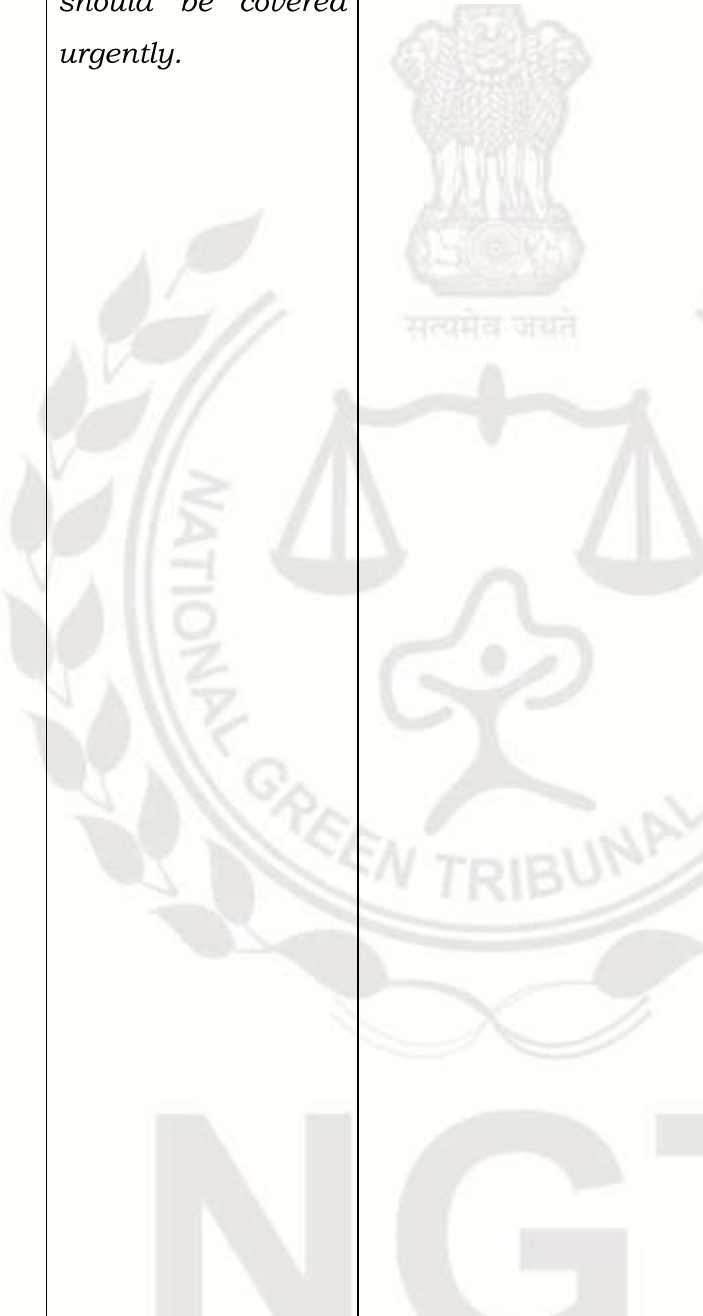
<p><i>explained that at a security check post in between mine and washery. Tarpaulene covering is opened and then many truck operators may not be covering tarpaulene after that point. However, there was thick coal dust layers on the road due to coal spillage from trucks. Also coal was stocked outside the coal project boundary in that area (north west direction to the project and at some places till the roads.</i></p> <p>Recommendations</p> <p><i>- Comply all the conditions of EC issued by MoEF&CC and CTE/CTO issued by JSPCB. Bring all the coal</i></p>	<p><i>Transporter along with monitoring being done & work being carried out.</i></p> <p><i>Condition pertaining to EC issued by MOEF, CTE & CTO issued by JSPCB are being complied.</i></p>	<p><i>assured the work will be completed within one month. No coal was observed outside the project boundary there.</i></p> <p><i>During inspection on 16.03.2023 there road was clear and there was no jamming of trucks observed.</i></p> <p><i>c. With respect to tarpaulene covering since there was no coal transportation on inspection date the compliance could not be ascertained. PP informed that due to unrest in Piparwar area there was road blockage by displaced/local people and therefore coal trucks were not coming to washery project.</i></p>
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<p>stocks inside the premises urgently and construct/repair all the wall around project boundary (in all the directions).</p> <p>Arrange for repair and maintenance of all roads in and adjacent to the project. It should be ensured that there is no coal spillage on the coal transportation roads. In case of my sudden spillage the coal broken coal should be cleared/cleaned within same day. Tarpaulene covering on the coal transportation trucks should be done strictly. An office order in this regard should be issued that if any truck is found without tarpaulene covering during coal transportation it would not be</p>		<p>Production (coal washed on 16.03.2023—2009 MT (As per documents provided by the unit vide E-mail dated 25.03.2023)</p> <p>PP has submitted letter no. Ref no.MDCWL/VCPL/2022-23/272 dated 27.09.2022 addressed to M/s Variant commercial Pvt. Ltd. in which they have instructed the agency for covering of raw coal transportation vehicles by tarpaulin sheet.</p>
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	<i>allowed to operate further in the project.</i>		
	<i>Committee members did not observe smoke or spontaneous combustion in the coal stock at the project. However, such a large coal stock can be a potential source of spontaneous combustion/ smoke. May be due to rainy season there was no spontaneous combustion/ smoke in the large coal stock stored in the project.</i>		<i>There was no smoke or spontaneous combustion of coal in the project during inspection on 16.03.2023.</i>
	<i>a. Conveyor belts in the projects used for coal transportation were found to be uncovered and were potential source of fugitive coal dust emissions. b. Wall in the north east and east</i>	<i>Conveyor belt covering work has been started by the project proponent and the work is under progress. Major part of work is completed. It is expected to be completed by 30.06.2023. Due to heavy rainfall Portion of boundary</i>	<i>a. Conveyor belts over the Sonadubi river were closed from top. At other places in the project conveyor belts were covered except at three places. Project proponent (PP) assured verbally that</i>


<p>direction (wall inside which coal stock was kept) was observed to be broken at many places and some inadequate arrangement (metal sheets at some places and fabric sheets at other places, etc.) were done to prevent coal spillage. However, there were every chances of coal spillage from there and also coal dust flow outside the premises. Coal dust, broken coal were found in the road adjacent to the broken wall there. Once dry there can be coal dust pollution on the road.</p> <p>c. Some plantation was observed around the</p>	<p>wall was damaged and some reject coal had inadvertently made its way onto the adjoining portion of the road. The RCC Boundary wall construction work of 299 mts has been started & completed vide work order Ref: MDCWL/SITE/WO/O&M-CIVIL/22-23/42 dated 24th September 2022.</p> <p><u>Following Boundary work on progress:</u></p> <p>1. WORK ORDER for Construction of RCC Boundary Wall inside River on progress vide ref:MDCWL/SITE/WO/CIVIL/22-23/69 Dated 4th Feb 2023</p> <p>Work order for Plantation work dated 19th Nov 2022 of work of plantation being carried out and is in progress Major part of work is completed.</p>	<p>they will cover those conveyor belts within one month</p> <p>b. Pucca wall had been constructed in east and south east direction (Gate No.3 side). Road in that direction was also relatively clean.</p>
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<p>boundary of the project but there were gaps between those plantations. Some plantation was observed inside the project area also.</p> <p>d. A water tanker was observed sprinkling water on the road in the north direction of the project. Project authorities have not submitted copy of log book of water tanker operational in their project.</p> <p>Recommendations- Number of mobile water tankers should be increased. Copy of the log book of water tankers mentioning running hours, kilometer travelled, maintenance hours should be</p>	 <p>Office Order has been issued to the Transporter/service provider increase the mobile tanker.</p>	<p>c. Some new plantations were done outside the newly constructed pucca boundary in east and south direction (near Gate no.3) side. Some new plantations were observed in the north east direction. However it was instructed to increase the density of plants in above places.</p> <p>d. A water tanker was observed sprinkling water</p>
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<p><i>maintained.</i></p> <p><i>All the conveyor belts in the project should be covered urgently.</i></p>		<p><i>on the road in the north direction of the project. Project authorities have still not submitted copy of log book of water tanker operational in their project.</i></p> <p><i>Fixed water sprinklers have been installed in project at some locations- near east direction boundary wall and near north east direction boundary wall and they were operational during inspection. Fixed water sprinklers were operational at railway siding also. Water spraying system at coal hopper were also found operational.</i></p>
<p><i>a. Coal dust layers were observed at some portions on the roads of the project area.</i></p>	<p><i>The project proponent ensuring no coal is spilled on the slopes facing Sonadubi River thus removed large</i></p>	<p><i>Internal concrete roads in the project were observed to be clean.</i></p>

<p>There were chances of those coal dust flowing into the Sonadubi river in case of rainfall since there were no safeguards to stop the flow entering into the river.</p>	<p>quantity of Coal from slope. After removing the coal from slope filling was done with Soil/Mitti & Plantation/grassing developed from the slopes facing the River.</p>	<p>A boundary wall was constructed to prevent coal silt flow towards Sonadubi river. However, the wall needs to be extended further to east direction though wall height may be kept less there.</p>
<p>b. Retaining/ concrete wall was observed to be broken at few places adjacent to the Sonadubi river.</p>	<p>a) Work order dated 15.12.2022 Ref.MDCWL/SITE /WO/STORE/22-23/56 b) Work order dated 16.12.2022 Ref.MDCWL/SITE /WO/STORE/22-23/55</p>	<p>A small hump (as mentioned in earlier committee's report) should also be constructed around the coal wastes/rejects.</p>
<p>c. Coal wastes (rejects) were kept near the washing unit in the project area without any proper safeguards. There were no humps, retaining walls etc. around the coal wastes (rejects) and there were chances of flow of those coal wastes (rejects) into the Sonadubi</p>	<p>Settling ponds are already there one more Siltation pond & Slurry pond Construction work is under Progress to take care of any emergency. It is expected to be completed by 31.03.2023. Conveyor belt covering work has been started by the project proponent and the work is under progress. Major part of work is</p>	<p>Concrete tank was observed in which water from project and outside also came. A pump was provided with tank for water re-circulation to project activities. It was instructed to make arrangement for making shed for pump. Committee members were also of the view that a</p>

<p>river. Bank of Sonadubi river was within 20-21m (approx.) from that coal wastes rejects.</p>	<p>completed. It is expected to be completed by 30.06.2023.</p>	<p>standby pump should also be kept there because water continuously came in the tank and the tank was</p>
<p>d. Conveyor belt system was made over sonadubi river/conveyor belts over the river were also not covered.</p>	<p>MDCWL LED is designed for Zero effluent discharge. The washing process is designed for closed circuit system. Effluents with Coal fines is sent to Belt Filter press</p>	<p>located just on the banks of river Sonadubi.</p>
<p>e. Large quality of coal was observed on the slope facing the Sonadubi river i.e. in between KDH railway siding and Sonadubi river. It implies project proponent have not handled coal appropriately and in an environment friendly manner at the railway siding. PP informed that there was a wall between the</p>	<p>imported from U.K. WHERE COAL fines are recovered and mixed with solid reject disposed of by rail. Practically there is no discharge out of circuit.</p> <p>The cleaning of such sudden spillage coal is being done periodically to avoid coal dust pollution.</p>	<p>A large water tank was observed in which water was pumped in. Since the tank was close to river, committee members instructed to strengthen its wall so that there is no danger of its collapse. Grassing and vegetation on the slopes between the large tank and river should be developed.</p> <p>Conveyor belts over the Sonadubi river were closed from top.</p> <p>Coal was still observed on the slope facing the Sonadubi river i.e.</p>

<p>railway siding slope and Sonadubinala but at some places the coal spilled over the wall also. There were gully formations within the coal on the slopes (between railway siding and Sonadubi river) and there were chances of coal dust flow in the river from that side. However during inspection on 26.09.22 colour of water flowing in Sonadubi river was not black.</p> <p>f. On the opposite bank of the Sonadubi river i.e. toward washery side, wall was constructed between the coal stock and the river but wall was broken at</p>		<p>in between KDH railway siding and sonadubi river.</p> <p>Some grassing was observed on the slopes facing river Sonadubi (between Railway siding and river Sonadubi). But grasses have not grown on the complete slope as recommended in earlier's committee's report. It was instructed to make arrangements to develop grasses and vegetation on the complete slope in between railway siding and river.</p> <p>New grassing and vegetation was observed all along the railway siding creating a bench (approx.. 1.5m width) on the slope. Some new bamboo plantations were also observed there.</p> <p>However, committee members were of</p>
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<p>many places. Coal spillage was observed beyond the wall towards the Sonadubi river side also. Water coming from coal stock to river can be seen at a place.</p> <p>g. Catch drains, siltation ponds were not observed around the coal stocks in the project.</p> <p>Recommendations- Clear/take out all coal from the slopes adjacent to Sonadubinallah/river. Develop grassing and vegetation around the slopes of the river. It should be ensured that during loading/unloading of coal at the railway siding no coal is spilled on the slopes facing the Sonadubi river/nalah. Construct and repair broken wall between</p>		<p>the view that a strong wall is needed at the edge of railway siding. This wall would prevent coal spillage towards slope (between siding and Sonadubi river). Otherwise coal spillage (being pushed by payloaders during coal loading on railway wagons) may pollute the river and also damage new grasses and vegetation on slopes.</p> <p>At some places it was observed that coal spilled over the walls of the project. Due to coal spillage there are chances of coal silt flow into river Sonadubi and project proponent should urgently take strict action to prevent such</p>
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<p><i>Sonadubi river and project urgently.</i></p> <p><i>Make catch drains, siltation ponds, concrete humps/wall around coal dumps, washed coal, rejects so as to ensure that no coal dust/slurry flows in river/ other low lying areas.</i></p> <p><i>Plantation/green belt development around the project boundary, in the gaps between already existing trees, inside the project areas should be developed.</i></p>		<p><i>spillage.</i></p> <p><i>At some places wall of the project were still found to be broken adjacent to river and it was instructed to repair urgently.</i></p> <p><i>Two siltation ponds were constructed in the north west direction in which water from railway siding and other areas would come and settle before flowing towards project.</i></p> <p><i>New short wall construction needs to be done for some portion (30m) between stacker and transfer conveyor area so that coal silt would not flow from that side into river . Catch drain and siltation ponds also needs to be constructed at that side and</i></p>
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			<p><i>accordingly instructions were given to PP who assured to construct the same soon (before rainy season).</i></p> <p><i>PP has submitted details of work order w.r.to. Boundary wall work and setting pond at MDCWL Ltd (Project) with target data of completion. In the document submitted they have shown 31.03.2023 as target date of completion of above works.</i></p>
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24. The Committee has noted that the EC conditions has not been amended by the Ministry of Environment, Forests and Climate Change till date; formation of sludge like layer of settled coal dust due to sprinkled water at multiple points was observed; though concrete wall construction in the north west direction was complete for approximately 55 m but in the north direction near Gate No.2 wall construction work was still in progress for remaining 70-80 m length and the Project Proponent assured that the same would be completed within one month.

25. With regard to tarpaulin covering, it was observed that during this inspection there was no coal transportation and therefore, whether tarpaulin was used for covering transportation trucks or not could not be ascertained.

26. During the inspection on 16.03.2023 the road was found to be clear and no jamming of trucks was observed; no smoke or spontaneous combustion of coal was observed; at different places in the Project, conveyor belts were covered except at three places and the Project Proponent assured that those conveyor belts would be covered within one month; some new plantations were observed and the Project Proponent was directed to increase the density of plants; a water tanker was observed sprinkling water on the road but the Committee noted that the Project Authorities did not submit copy of the log book of water tanker operational in their Project; fixed water sprinklers have been installed within the Project at some locations; a boundary wall was constructed to prevent coal silt from seeping towards the Sonadubi River and the Project Proponent was directed to ensure that the wall is extended further to the east with a further direction that a small hump as mentioned in the previous Committee Report, should be constructed around the coal wastes/rejects.

27. The Committee further directed the Project Proponent to strengthen the wall so that there is no danger of its collapse and to carry out grassing and plantation of vegetation on the slopes between the large tank and river should be developed. The

Committee also noted that coal was observed on the slope facing the Sonadubi River in between KDH Railway Siding and the Sonadubi River.

28. The Committee also recommended that a strong wall is needed at the edge of the Railway Siding to prevent coal spillage towards the slope between the Railway Siding and Sonadubi River; coal spillage over the wall was still observed by the Committee and it was noted that there were chances of coal silt flowing into the Sonadubi River and the Project Proponent was directed to take urgent steps to prevent such spillage; the wall of the Project was found to be broken at the place adjacent to the River and the Project Proponent was directed to repair the same urgently.

29. The Committee further recommended that new short wall construction be carried out for some portion atleast 30 m between stacker and transfer conveyor area so that coal silt would not flow from that side into the River; catch drain and siltation ponds be constructed at that site and the Project Proponent assured that the construction would be undertaken soon before the rainy season.

30. A further affidavit dated 19.09.2023 has been filed by the Respondent No.4 bringing on record the Compliance Status/Action Taken/Work completion Status with regard to the recommendations made by the Joint Committee. The Compliance Status reads as under: -

Sl. No.	Latest Remarks of the Joint Committee	PP' Compliance Status / Action taken/ Work completion Status
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	based on site inspection of the project on 24.08.2023 and report dated 4.09.2023	as on date		
1.	<p>Concrete wall construction in north west direction, north direction, north east direction was complete for approx.. 55m. Only at two places space was left for HEMM movement. However, there may be chances of coal silt flow outside these large spaces in between boundaries. It was instructed to construct humps at these places and also make covered drains so that no coal silts flows outside the project premises and movement of HEMM can also occur.</p> <p>No coal was observed outside the project boundary there.</p>	<p>Complied.</p> <table border="1"> <tr> <td>Coal stock is kept within the Boundary wall Concrete wall construction was complete for 55 mts in north west direction. Coal kept within the Boundary wall thus road is free from any obstruction.</td> <td>For HEMM movement space provided for which hump was constructed so that coal silt does not flow out side the project premises.</td> </tr> </table>	Coal stock is kept within the Boundary wall Concrete wall construction was complete for 55 mts in north west direction. Coal kept within the Boundary wall thus road is free from any obstruction.	For HEMM movement space provided for which hump was constructed so that coal silt does not flow out side the project premises.
Coal stock is kept within the Boundary wall Concrete wall construction was complete for 55 mts in north west direction. Coal kept within the Boundary wall thus road is free from any obstruction.	For HEMM movement space provided for which hump was constructed so that coal silt does not flow out side the project premises.			
2.	<p>Silt/Coal dust silt was observed on the road adjacent to the project</p>	<p>Complied : The road adjacent to the project belongs to M/s CCL which is not a</p>		

	<p>in north and north east direction and it made the roads slippery.</p> <p>On instruction PP arranged HEMM for road cleaning. However, it was instructed to keep the roads just adjacent to project boundary clean and silt free always.</p> <p>Road in South and South west direction, south east direction were observed to be clean</p>	<p>pucca road, however it is being cleaned on regular intervals by PP. Dozer is being deployed for scraping/cleaning the dust from the haul roads adjacent to project Roads. Also sprinkling of water being done through water tanker & 360 degree Sprinkling done along the boundary wall.</p> <p>Formation of Sludge like layer of settled coal dust was at multiple points due to sprinkled water which is being cleaned on regular intervals.</p>
3.	<p>Tarpauline covering was observed on the trucks standing near hopper area at the railway siding. However, it was seen that Tarpauline covering was not proper and there were small places that remained uncovered and from there chances of coal spillage.</p> <p>Committee members instructed PP to</p>	<p>Complied: Coal transportation being done by covering the tarpaulin over the vehicles. The Concerned agency/transporter has been issued officer order for strict compliance of Environment Management System.</p> <p>Action Taken by PP.</p> <p>a) Counselling has been done to Transporter/agency regarding strict compliance so as to ensure no spillage of coal on roads.</p> <p>b) Letter of warning issued to agency on dated 24.8.2023</p>

	<p>ensure that Tarpauline covering over coal transportation trucks is done in effective and proper manner and there should be no spillage of coal on roads.</p>	
4.	<p>Committee members did not observe smoke or spontaneous combustion in the Coal stock at the project site during their inspection on both the dates i.e. on 16.03.2023 and 24.08.2023.</p>	<p>Complied PP is Continuously monitoring & ensuring coal stock does not catch fire. Continuous dozing over coal stock and fire Fighting arrangements at different points at site of stock is used for prevention of fire.</p>
5.	<p>As per the latest data submitted by PP (Project Proponent) Raw coal stock : 3660 MT Washed coal stock 36976 MT Washery reject Coal Stock 61216.14 MT as on date 24.08.2023. PP has submitted letter no. MDCWL/HO 2022-23 / DIRECTOR/75 dated 17.11.22 Addressed to Director, 1A (Coalmining),</p>	<p>Action Taken by Project Proponent</p> <ol style="list-style-type: none"> 1. The EC Amendment Common Application Form applied in PARIVESH PORTAL (Ministry of Environment, Forest and climate change Government of India). The Project ID-Single Window No is SW/107308/2022. Covering letter dated 17.11.22 with Common application. 2. PP is Complying with all the conditions of EC issued by MOEF & CC and CTE/CTO issued by JSPCB as on date. 3. Despite various hindrance of

<p>MOEF&CC, New Delhi requesting for amendment in EC condition (for one-month' Storage capacity)</p> <p>However EC condition has not been amended by MOEF&CC till date.</p>	<p>Coal Dispatch, yet the PP is disposing of the reject coal continuously and has reduced the reject coal stock by more than 50% and the remaining reject coal will be disposed of in the earliest time period possible.</p> <p>4. As on 24.08.2023 the Wash Coal Stock was 36976.850 MT, Rejet Coal Stock was 61216.140 MT and Raw coal Stock was 3660.015 MT.</p> <p>Background / Hindrances of Coal Movement:</p> <p>5. The coal rejects accumulated due to Covid Pandemic when there was a country wide lock down due to which dispatches were badly affected at the Project site.</p> <p>6. The Consent to Operate (CTO) for the washery Unit was valid up to 31.12.2021, while the CTO Certificate had expired in Dec 2021 and application for renewal of the same was made, the renewal of the certificate only took place after a period of 3 months in March 2022 as a result of which the reject coal that had accumulated in the premises could not be disposed of in time.</p>
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		<p>7. The customer of Rejects drastically reduced due to market conditions afterwards.</p> <p>8. During rainy season due to heavy rains the Northern Indian railway route was submerged in water and restrictions were imposed. Railway did not provide rakes for transportation of washed coal to Pubjab. Hence, Stock of Washed Coal increased in the period.</p> <p>9. Non availability of railway wagons for movement of reject coal to certain destinations also restricted the reject coal disposal as priority was given for movement of washed coal and raw coal rakes.</p>
<p>6.</p>	<p>a. Conveyor belt over the Sonadubi River were closed from top. Conveyor belts were covered at other places in the projet except very small two or three places were found uncovered. PP explained that due to some technical reasons those small patches were left</p>	<p>Complied</p> <p>a. Washery is designed for Wet process for coal preparation so there is less chance of fugitive coal dust emission however to minimize the risk in order to strengthen and to comply the recommendation of Joint committee Conveyor belt covering work the small patches work also completed.</p>

	<p><i>uncovered but those will be covered soon.</i></p>	
	<p><i>a. Pucca wall had been constructed in East and north east direction Gate No.3 side Road in that direction were also relatively clean.</i></p> <p><i>b. New plantations were done all along the project boundary (outside boundary wall) with proper guards.</i></p> <p><i>c. It was instructed to care for these newly planted trees and ensure their survival.</i></p>	<p style="text-align: center;">Complied</p> <p><i>a) Pucca wall had been constructed in east &U north east direction as per the recommendation of Joint Committee. The road in that direction also maintained clean.</i></p> <p><i>b) Density of Plantation has been increased and New plantations done.</i></p> <p><i>c) Coal Field is of Rocky area and there is less soil and more rock field so it becomes difficult to grow the trees.</i></p> <p><i>The following Green belt has been executed during the Year 22-23.</i></p> <p>1. Phase I plantation</p> <p><i>Plantation in Gaps of already existing Trees besides boundary wall.</i></p> <p>2. Phase II Plantation</p> <p><i>Plantation at River Side and Railway Siding area, Weigh bridge Area & Plantation in east and south east direction.</i></p> <p>3. Phase III Plantation <i>at slopes of River Sonadubi Nallah and newly constructed Boundary wall.</i></p> <p><i>PP has developed the above green</i></p>

		<i>belt and ensuring the newly planted trees survival with tree guards and timely water sprinkling.</i>
7.	<p><i>a. Water tankers were observed in project sprinkling water. PP has submitted copy of log both of water tankers operational in their project. The unit should operate water tankers at least three hour in eight hour shift.</i></p> <p><i>b. Fixed water sprinklers as mentioned in the last inspection report was found operational/functional. Fixed water sprinklers were found operational at the railway siding area also data. Water spraying system at coal hopper was found operational.</i></p>	<p>Complied</p> <p>Action taken</p> <ol style="list-style-type: none"> <i>1. PP ensuring water tankers operational in project 3 hours in eight hours shift.</i> <i>2. Copy of Log Books 1 & 2 submitted to MOEF & CC, Ranchi dated 31.08.2023.</i> <i>3. Fixed water sprinkler system operational is ensued at the Project site.</i>
8.	<i>Internal concrete roads in the project were observed to be clean. Remaining wall to</i>	<p>Complied</p> <p><i>Internal Concrete roads in the project maintained clean on regular basis.</i></p>

	<i>prevent coal silt flow towards Sonadubi River has been constructed.</i>	<i>Remaining wall was constructed to prevent coal silt flow towards Sonadubi River.</i>
9.	<i>Hump has been constructed around the coal waste/reject.</i>	Complied. <i>Path way hump has been constructed around the coal waste/rejects.</i>
10.	<i>Shed for pump (used for water recirculation) had been constructed. A stand by pump was also kept there as suggested by committee members in their last inspection.</i>	Complied <i>For concrete tank Shed for pump with one stand by pump has been provided.</i>
11.	<i>A large water tank was observed in which water was pumped in as per committee report dated 16.03.2023 since the tank was close to river committee members instructed to strengthen its wall. Wall of tank was slightly increased. PP informed that since it was a concrete wall its strength is satisfactory. However once again committee members suggested to make</i>	Complied <i>As the recommendation of Joint Committee 5 Nos of support wall being made to support the wall of tank. Grassing and vegetation developed on the slopes between the tank and river.</i>

	<p>arrangements for strengthen of its wall since the tank is near to river.</p> <p>PP assured that gradually they will develop grasses and vegetation on the slope.</p>	
12.	<p>Conveyor belts over the Sonadubi River were closed from top.</p>	<p>Complied</p> <p>Conveyor belts over the River were closed.</p>
13.	<p>A concrete wall all along the railway siding (in between platform and river slope) was constructed. Therefore no coal from railway siding would now be pushed on the slopes of river.</p> <p>New plantations were also done on the slopes of river adjacent to the above concrete wall. Some clayey material was also put on the slopes and the PP assured that gradually they will develop grasses and vegetation on the slopes.</p>	<p>Complied</p> <p>There was already a boundary wall at the river side to prevent coal spillage in to the river however to strengthen additional RCC boundary wall measuring approximately 570 mts has been constructed.</p> <p>It was very difficult to grow vegetation on rocky areas. However complete Railway siding slope has been developed by removing coal from slope and plantation & vegetation developed.</p>
14.	<p>Wall in between the</p>	<p>Complied</p>

	<p>river and project in the south west direction, south direction has been constructed. No spillage of coal was observed on the wall. Repair of wall facing river has also been done.</p>	<p>Boundary wall in all directions completed.</p> <p>Total boundary wall completion details measuring 1560 mts.</p>
15.	<p>Proper drains and walls were constructed between stacker and transfer conveyor area and the arrangements were found adequate.</p> <p>It was instructed to regularly di-silt these drains.</p>	<p>Complied</p> <p>Proper drains and wall constructed and necessary compliance done of di-silting drains.</p>
16.	<p>All the walls are provided with provisions of weep holes for safety purpose. However, some arrangements may be done so that no coal silt flow outside especially in river side.</p>	<p>Complied: Some arrangements has been made and ensured no coal silt flow outside especially in river side.</p>
17.	<p>Committee members were of the view that drains/other arrangements provisions of pipes etc. should be made so</p>	<p>Complied:</p> <p>Necessary arrangements has been made at Site.</p>

<p>that water entering from outside into the project in the west/north west direction does not enter the project premises since those water creates heavy load on the tanks/walls in the project and those tanks are close to river.</p>	
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4. That, also the Hon'ble Tribunal vide its order dated 4.07.2023 in OA no 479/2022 has ordered the JSPCB to take appropriate proceedings against the Project Proponent for imposition of environment compensation for violation of the environmental norms.

5. That it is humbly submitted that in its direction of imposition of Environment compensation there is ambiguity in imposing compensation & assessment of calculation of Environment Compensation to be made by the JSPCB as per the Guideline issued by the Central Pollution Control Board-methodology for assessing Environmental Compensation and Action Plan to utilize the Fund.

6. Whereas the cases considered for levying Environmental Compensation (EC) under Methodology as per CPCB Guidelines with respect to project compliance is given below: The details of Compliance status of PP with reference to Guidelines of CPCB is given here under:

Sl. No.	Description	Remarks
1	Discharge in	The prescribed standards are

	<i>Violation of Consent Condition mainly prescribed standards / Consent Limits</i>	<i>adhered. Compliance of Consent Condition being submitted and verified by the authority. Consent has been renewed based upon inspection & re inspection by the competent Statutory authority.</i>
2	<i>Intentionally avoidance of data submission or data manipulation by tampering the Online Continuous Emission/Effluent monitoring system.</i>	<i>Timely Submission of Compliances>Returns/replies/queries of RO-Ranchi, JSPCB-Ranchi and MOEF&CC.</i>
3	<i>Accidental discharges</i>	<i>There is no accidental discharge. Washery is operating in Closed Circuit System so there is practically no discharge from the Unit. Preventive measures taken so as to ensure no accidental discharge from unit.</i>
4	<i>Intentional discharges</i>	<i>Washery is operating in Closed Circuit System so there is practically no discharge from the Unit.</i>
5	<i>Injection of treated /partially treated/untreated effluents to ground water.</i>	<i>No injection being done to ground water. Unit is designed for zero effluent discharge.</i>

7. That it is humbly stated and imperative here to mention that without ascertaining the degree & nature of damage caused to the Environment, loss made to population & having detailed analysis from expert organization/agencies to particular ecology, mere computation of Environment Compensation may create anomaly and ambiguity in the eyes of law.

8. That as per the direction of Hon'ble Tribunal Joint Committee 1st constituted on its visit dated 26.09.2022 later on 16.03.23 & 14.08.23 and its recommendations made the Unit has made compliances as per the recommendation of Joint Committee in time bound manner. Therefore all above factors ought be taken in to account or as per any other method as the Hon'ble tribunal may think fit proper before taking any adverse action against the PP.

9. Whereas the unit is designed for zero effluent discharge as mentioned in its reply dated 15.12.2022. The washing process is designed for closed circuit system. Effluent with fines is sent to belt press filter imported from UD where coal fines are recovered and mixed with solid rejects disposed of by rail. Particularly there is no discharge out of the Circuit. It is hereby submitted that Unit is following all concerned enactment specified in scheduled 1 of the National Green Tribunal Act 2010 and has not violated any of them.

10. The unit is operating under the prescribed tandards and within Consent Limits. In order to monitor the Air Quality, the Unit has installed PM-10 Analyser which is having connectivity with JSPCB, Ranchi Server and result shows as submitted to MOEF and CC on dated 31.08.2023 the PM-10 Concentration in the Ambient air was found well within the Prescribed limit most of the time as notified by the Central Pollution Control Board dated 18.11.2009.

11. Additionally, Ambient Air Quality Monitoring Arrangement- Ambient Air Quality inside the Washery premises are also monitored regularly by the Scientific research laboratory of the JSPCB at different locations.

12. Additionally, the Unit is having authorization from the JSPCB for handling of hazardous waste and for its disposal which is valid up to 31.03.2025.

13. That, it is essential here to mention that the Washery unit is designed for wet process for coal preparation so probability fugitive coal dust emission from unit is negligible.

14. The unit is having valid CTO up to 31.12.2023 Ref. No. JSPCB/HO/RNC/CTO-11502577/2022/265 Dated 12.3.2022 based on the various documents relied upon and inspection including following:

(i) The contents of (CTO) Consent to Operate dated 25.3.2020 for the period up to 31.12.2021

(ii) The contents of Inspection report (I/R) Ref No Nil Regional Office, Ranchi dated 12.01.2022 and reverification report inspected on 9.03.2022.

15. That as per the Show cause notice under Section 21(4) of the Air Prevention and Control of Pollution Act 1981 and under Section 25/26 of the water Prevention and Control of Pollution Act 1974 issued by JSPCB dated 21/12/2022 related to the inspection held on 26.9.2022 by the Joint Committee Constituted by the Hon'ble NGT & the inspection report was submitted vide reference no 821 dated 28.10.2022.

16. That the Project proponent vide its letter dated 22.12.2022 submitted its Action taken/Compliance report before the Member Secretary, Jharkhand State Pollution Control Board with target date of Completion of all recommendation of the Joint Committee which has been duly adhered in time line.

Copy of Show Cause Notice dated 21/12/2022 along with the Action Taken Report submitted to JSPCB.

17. That with reference to CPCB letter dated 19.01.2023 vide letter dated 31.01.2023 of RO, Ranchi addressed to the Project proponent the PP vide its letter dated 14.02.2023 submitted its Compliance Report before the Regional Officer, Ranchi, Jharkhand State Pollution Control Board mentioning target date of completion of Joint Committee recommendation which has

been duly adhered in time line. Copy of Compliance Report submitted to RO, Ranchi.

Thus, there is no delay in submission of compliance report nor any noncompliance on the part of PP as per the direction of Statutory authorities including the Joint Committee constituted as per the Order of Hon'ble Tribunal. Further the Washery unit is fully complying the rules as per the National Green Tribunal Act, 2010 Schedule I of Act.

18. The Unit is complying provision under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under the section 21 of Air (Prevention & Control of Pollution) Act, 1981 under which the Consent is granted. Following are some compliance witnessed by the Joint Committee apart from other compliances.

- a) That , there was no smoke or spontaneous combustion of coal stock in the project as observed by the Joint Committee during the inspection of project site.*
- b) No discharge from the closed circuit of the Unit. The Unit is working in the principle of Zero discharge.*
- c) River water found to be clean.*
- d) Fixed water sprinkler in project boundary & Railway siding and Hopper found in operational condition.*
- e) Air Quality monitoring PM10 connected to JSPCB server. Data submitted/report sent within the prescribed limit.*


19. That, therefore, it is humbly submitted that no adverse orders be passed/initiated against the Project Proponent including but not restricted to imposition of Environmental Compensation in view of the capital expenditure made by the PP for strengthening & protecting the environmental system and keeping in view the due compliance of the recommendations of the Joint Committee brought on record before this Hon'ble

Tribunal. Any additional financial proposition on PP may make vulnerable/jeopardise the Project.”




31. The Jharkhand State Pollution Control Board has filed Action Taken Report with regard to the findings of the Joint Committee Inspection Report dated 26/28.10.2022. On the basis of the said Committee Report a notice dated 21.12.2022 was issued by the Jharkhand State Pollution Control Board to the Project Proponent directing it to appear in the office of the Jharkhand State Pollution Control Board on 23.12.2022 to explain the findings recorded by the Joint Committee and also as to why the Consent to Operate (CTO) may not be revoked.

32. The Project Proponent submitted his reply dated 22.12.2022 which is on record giving the ‘Current Status on the part of the Project Proponent’ which reads as under: -

Sl. No.	Recommendation of Committee	Remarks of Committee	Current Status on the part of Project Proponent
a	Comply all the Conditions of EC issued by MoEF&CC and CTE/CTO issued by JSPCB	Large quantity of coal was stocked in the project. Where as in the EC (Environmental Clearance) it is mentioned that only one day stock shall be stored in the stock yard (specific condition (ii) accorded by	The reject coal is temporarily stored in the premises of the plant and ultimately disposed off to captive power plants (actual end users) only through rail wagons (as per conditions of Environmental Clearance). During the Covid Pandemic, when there was county wide Lock down the dispatches were badly affected and coal

		<p>MOEFCC vide no.J-11015/260/2008-IA.II(M) dated 10.12.2008.</p> 	<p>rejects accumulated in the premises. As the restrictions imposed during the lockdown eased, afterwards the reject coal disposal started but the coal reject customers reduced drastically. Non-availability of railway wagons for movement of reject coal to certain destinations also restrict the reject coal disposal as priority are given for movement of washed coal and raw coal rakes. Yet we are in continuous process of disposal of accumulated reject coal as well as fresh generated reject coal and expecting to dispose off in next 8-10 months approximately.</p> <p>The project proponant has also made request for amendment to specific Condition no. (ii) of EC granted on 10.12.2008 vide its letter dated 17.11.2022 to the Ministry of Environment, Forest & Climate Change requesting for permission of one month coal storage in washery premises to face such</p>
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			<i>unavoidable circumstances.</i>
<i>b</i>	<i>Clear/take out all coal from the slopes adjacent to Sonadubi Nallah/ river & Develop grassing. Ensure during loading/ unloading no Coal is spilled on the slopes facing River.</i>	<i>Large quantity of coal was observed on the slope facing sonadubi river in between KDH Railway Siding and Sonadubi River.</i>	<i>1. Project proponent ensuring no coal is spilled on the slopes facing Sonadubi River. 2. Plantation/ grassing developed after removing the coal from the slopes facing the River. Copy of work order dated 15.12.2022 Ref. MDCWL/SITE/WO/STORE/22-23/56.</i>
<i>c</i>	<i>Bring all the Coal Stock inside the premises urgently and construct/ repair all the wall around project boundary (in all directions)</i>	<i>Boundary wall was broken and coal was found beyond the project boundary</i>	<i>Portion of boundary wall was damaged due to heavy rainfall and some reject coal had inadvertently made its way onto the adjoining portion of the road. Boundary wall construction work has been started vide work order Ref: MDCWL/SITE/WO/O&M-CIVIL/22-23/42 dated 24th September, 2022. Construction is expected to be completed by the end of Mar-23. Presently coal being kept with in boundary wall to avoid spillage.</i>
<i>d</i>	<i>Make catch drains, siltation ponds, concrete humps around coal dumps,</i>		<i>MDCWL LTD is designed for zero effluent discharge. The washing process is designed for closed circuit system. Effluents with coal</i>

	<p>Washed Coal, rejects so as to ensure no coal dust/slurry flows into the river other low lying areas.</p>		<p>finer is sent to Belt Filter press imposed from U.K. where coal fines are recovered and mixed with solid reject disposed of by rail. Practically there is no discharge out of circuit. Settling ponds are already there one more siltation pond & slurry pond construction work is under progress to take care of any emergency. It is expected to be completed by 31.03.2023.</p>
e	<p>Arrange and repair and maintenance of all roads in and adjacent to the project</p>		<p>The Road belongs to M/s CCL and MDCWL is not authorized to repair the road however KDH PO has been requested vide our letter dated 28.10.22 for repair and maintenance of the road adjacent to the project.</p>
	<p>In case of sudden spillage the Coal, broken coal should be cleared/cleaned with the same day</p>		<p>The company has a policy for cleaning of such sudden spillage coal immediately to avoid coal dust pollution.</p>
	<p>Tarpaulin covering in Coal Transpiration trucks to be ensured</p>	<p>Tarpaulin covering was not observed over the coal trucks transportation</p>	<p>Office Order has been issued to the transporter along with monitoring being done.</p>

f	No of mobile tankers should be increased copy of log book of water tanker to maintain		Office Order has been issued to the transporter/ service provider increase the mobile tanker.
g	All the conveyor belts in the project should be covered	Conveyor belt in the project used for coal transportation were found to be uncovered and potential source of fugitive coal dust emission.	Conveyor belt covering work has been started by the project proponent and the work is under progress. It is expected to be completed by 30.06.2023.
h	Plantation/green belt development around the project boundary in the gaps between gap already existing trees inside the project area should be developed	Some plantation was observed around the boundary of the project but there were gaps between those plantation. Some plantation was observed inside the project area.	Work order for plantation work dated 19 th Nov. 2022 is attached herewith along with photographs dated 22.12.2022 of work of plantation being carried out and is in progress.

Prayer:

Considering our above submission we may please be allowed to grant above time to make above compliance as per the recommendation of Committee & complete the ongoing work at our end. Therefore in view of the above facts our CTO should not be revoked.”

33. A perusal of this Report would show that the Project Proponent has admitted that it is in the continuous process of

disposal of accumulated reject coal as well as fresh generated reject coal and “is expected to dispose of the same within the next 8-10 months approximately”. This confirms the findings of the Joint Committee that there was accumulation of coal rejects. It was stated that boundary wall construction work has been started vide work order dated 24.09.2022 and is expected to be completed by March, 2023 which again confirms that the boundary wall is broken at places. It is also stated that siltation pond & slurry pond construction work is under progress to take care of any emergency and is expected to be completed by 31.03.2023 which again confirms that on the date of the first Inspection there was no siltation pond & slurry pond. With regard to conveyor belt covering, the Respondent No.4 has stated that the conveyor belt covering work has been started by the Project Proponent and the work is under progress and is expected to be completed by 30.06.2023 which also confirms the findings of the first Joint Committee Report that there was no conveyor belt covering on the date of the Inspection.

34. The Jharkhand State Pollution Control Board has filed further affidavit dated 06.09.2023 stating that Environmental Compensation has been computed by the Board as per the methodology and guidelines laid down by the Central Pollution Control Board, amounting to Rs.7,62,50,000/- (Rupees Seven crores sixty two lakhs fifty thousand only) and that a show cause notice has also been issued to the Unit. It is also stated that the Joint Committee visited the site again on 24.08.2023 for the second

time and with regard to its findings a Compliance Report has been submitted by the Project Proponent (which has already been extracted hereinabove).

35. From the two Joint Committee Inspection Reports and the Compliance Status submitted by the Applicant, it is clearly established that the findings recorded by the Joint Committee regarding non-compliance of environmental norms/violation of environmental norms by the Project Proponent stand confirmed and the Project Proponent in his Compliance Status has assured that the recommendations of the Committee would be complied and completed.

36. Considering the Environmental Violations, the Jharkhand State Pollution Control Board has also computed Environmental Compensation against the Project Proponent. So far as the findings of the Joint Committee Report and the explanation given by the Project Proponent are concerned, we are satisfied that the Project Proponent is in gross violation of the environmental norms. However, since the Environmental Compensation has been computed against the Project Proponent, he has a right to respond to the same.

37. We accordingly dispose of this Original Application with liberty to the Respondent No.4, Project Proponent, to submit his reply to the computation of Environmental Compensation within 15 days and if such a reply is submitted, the Jharkhand State Pollution Control Board shall consider the reply of the Respondent No.4 with

regard to the quantum of Environmental Compensation and after giving him opportunity of hearing, if so desired by the Project Proponent, shall proceed to pass final order thereon in accordance with law.

38. Interlocutory Applications, if any, stand disposed of accordingly.

39. There shall be no order as to costs.

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B. AMIT STHALEKAR, JM

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DR. ARUN KUMAR VERMA, EM

Kolkata,
October 13, 2023,
Original Application No.116/2023/EZ
(Earlier O.A. No.479/2022/PB)
MN

NGT

Item No. 08

Court No. 2

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1033/2024

Gauri Shankar Keshri

Applicant

Versus

State of Jharkhand

Respondent(s)

Date of hearing: 06.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: None

ORDER

1. A letter petition dated 07.01.2024 sent by Gauri Shankar Keshri, resident of Mahavir Nagar, Khalari, Ranchi, Jharkhand has been registered as an application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') and has come up before us for exercise of *suo-moto* jurisdiction in view of law laid down by Supreme Court in ***Municipal Corporation of Greater Mumbai Versus Ankita Sinha and Others, (2022) 13 SCC 401.***

2. Complainant has alleged that it M/s Monet Denial Coal Washery is an industrial unit operating in Khalari, District Ranchi and it has encroached upon road, discharging effluent in river and despite directions given by Authorities for not causing any pollution, continuously indulge in such activities.

3. We are informed that a similar complaint made by one Krishna Chauhan against M/s Monet Denial Coal Washery situated at Khālari block of District Ranch was already entertained by Tribunal in *Original Application No.479/2022, Krishna Chouhan v. State of Jharkhand & Ors.* and various orders were passed therein, besides constitution of Joint Committee for submission of factual reports.

4. Lastly, matter has been transmitted to Eastern Zone Bench, Kolkata vide order dated 18.08.2023.

5. Since issue raised in matter has already been taken cognizance by Tribunal, we do not find that it is a fit case for exercise of *suo moto* jurisdiction to multiply litigation and that too on a letter petition.

6. Original Application is accordingly disposed of with the liberty to applicant to avail such remedy as available in law.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 06, 2024
Original Application No. 1033/2024
AB

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No. 5787 of 2025
 Court on its Own Motion
 Versus
 The State of Jharkhand and others Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

Amicus Curiae:	Ms. Khalida Haya Rashmi, Advocate
For Resp.1&2/State:	Mr. Gaurav Raj, A.C. to A.A.G.-II
For Resp. No.3&5:	Mr. Amit Kumar Das, Advocate
	Mr. Shivam Utkarsh Sahay, Advocate
For Resp. No.4/JSPCB:	Mr. Rahul Saboo, Advocate
	Mr. Kunal Chandra Suman, Advocate
For Resp. No.6/MoEF&CC:	Mr. Prashant Pallav, A.S.G.I.
	Mr. Parth Jalan, A.C. to A.S.G.I.

05/Dated: 05.01.2026

1. Heard.
2. It appears that proceedings regarding encroachment are pending consideration before the Deputy Commissioner, Ranchi as is evident from the affidavit filed by the respondent no.2. It shall be apt to reproduce paragraphs 7 and 8 of the affidavit which read as under:-

"7. That it is humbly stated and submitted that in response to the memo no. 2365, dated 29.10.2025, the Circle Officer, Khalari vide letter no. 376, dated 31.10.2025 corresponded to the Executive Engineer, Drinking Water and Sanitation Division, Ranchi West, Ranchi mentioning therein that the Circle Inspector and the Circle Amin conducted an in-site inquiry and it was found that around 1800 feet long part of M/s. Monnet Daniels Coal Washeries is a part of Sonadubbi River. The part of the river falls in Mouza Vishrampur, Khata No. 41, Plot No. 19, total area 6.34 acres and according to the Survey it is a Gair Mazaruwa Malik and the nature of land is River. M/s. Monnet Coal Washeries have made a construction and a total of 12 pillars over the river.

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8. *That it is humbly stated and submitted that vide order dated 12.07.2023 passed in Encroachment Case No. 01/2022-23, the Circle Officer, Khalari has passed an order for removal of encroachment but the same has been challenged by the Respondent No.5 before the Deputy Commissioner, Ranchi which has been registered as Encroachment Appeal Case No.40R15/23-24, wherein vide order dated 29.09.2023 the Deputy Commissioner, Ranchi has stayed the order dated 12.07.2023 passed in Encroachment Case No.01/2022-23.”*

3. In the given facts and circumstances, we deem it appropriate to direct the Deputy Commissioner, Ranchi to decide the Encroachment Appeal Case No. 40R15/23-24 as expeditiously as possible and in any event by 31st March 2026 in accordance with law.

4. Further, it appears that the newly added respondent no.6 has not filed its response.

5. Let the same be filed before the next date of hearing.

5. List on 17.04.2026.

(Tarlok Singh Chauhan, C.J.)

(Sujit Narayan Prasad, J.)

January 05, 2026

Manoj/Pramanik/Cp.1