

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
APPEAL NO. 04 OF 2020 (EZ)**

IN THE MATTER OF:

SANJAY CHAUHAN

...APPELLANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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PLACE: KOLKATA / NEW DELHI

DATE: 18.05.2026

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WRITTEN SUBMISSIONS ON BEHALF OF THE APPELLANT

MOST RESPECTFULLY SHOWETH:

1. The Appellant herein has challenged the Environmental Clearance dated 20.03.2020 granted by Respondent No. 1, MoEF&CC to Respondent No. 2, M/s Central Coalfields Limited (CCL) for the expansion of the Amrapali Opencast Coal Mine located in Chatra district of Jharkhand from 12 MTPA to 14.4 MTPA.

**EAC AND MOEF&CC HAS APPRAISED THE PROJECT DESPITE
VIOTATTON OF THE CONDITTONS OF THE PREVIOUS EC DATED
03.01.2006:**

2. That the impugned project was earlier granted EC on 03.01.2006. It is submitted that the Appellant herein had filed an Original Application No. 28 of 2020 relating to the non-compliance of the several conditions of the previous EC. The EAC and the MoEF&CC have turned a blind eye to the several violations of the previous EC dated 03.01.2006. The EAC has simply referred to the Compliance Report submitted by the Regional Office of the MoEF&CC, without undertaking any discussion regarding the contents of the report. It is reiterated that the Compliance Report submitted by the MoEF&CC clearly shows that out of 40 general and specific conditions, 4 have been stated to be 'not complied' and 24 have been stated to be 'only partially complied'. That in this regard, the MoEF&CC had sent directions to CCL u/s 5 of the EP Act, 1986

on 12.12.2018 which highlighted 27 conditions of the earlier EC were being violated. (See Annexure A/4 of Appeal Pg. 72).

THE EC HAS BEEN GRANTED DESPITE THE PROTECT DOES NOT MEET THE REQUTREMENTS OF THE OM DATED 15.09.2017:

3. Thereafter the impugned project has been granted EC on 20.03.2020 in absolute violation of the Office Memorandum dated 15.09.2017 issued by MoEF&CC wherein it was categorically stated that projects of coal mines involving increase in production capacity upto 40% in 2-3 phases are exempted from public hearing only on the fulfilment of certain conditions. One of the conditions were: (See Annexure A/3 of Appeal @ Pg. 70):

“3 (ii) Coal transportation is through conveyor system up to the silo and then loading to railway wagons, involving no transportation through roads.

4 (c) Coal transport is through conveyor system upto the silo and loading to railway wagons, and not by road”

4. That the Expert Appraisal Committee (EAC) in its 53rd Meeting held on 20.02.2020 has casually and wrongly stated that this condition of the OM dated 15.09.2017 is ‘complied’, whereas in the very same minutes has stated that the constructing of railway siding is under construction and will be commissioned in FY 2022 – 2023. (See Annexure A/2 of Appeal @ Pg. 63):

“PP submitted compliance of OM 15.09.2017:

<i>Requirements of OM</i>	<i>Compliance Status</i>
<i>Coal transportation is through conveyor system up to silo and then loading to railway wagons, involving no transportation through roads.</i>	<p><u>Complied.</u></p> <ol style="list-style-type: none"> <i>1. A new Amrapali railway siding is under implementation for coal transportation from Amrapali OCP for which the work has been awarded to M/s RITES Ltd. After commissioning of this siding in FY 2022-23, there will be no transportation through road.</i> <i>2. At present, the coal is being transported through tarpaulin-covered trucks to nearby Shivpur Railway siding on the Tori-Shivpur line, which is at a distance of 07 km from the project boundary. All precautions are being taken for mitigation of dust.</i> <i>3. The coal to end consumers is being supplied by rail from Shivpur siding.</i>

4. Further, it is submitted that the EAC in its 53rd meeting after detailed deliberations recommended the impugned project for grant of EC on the specific terms and conditions and the same are recorded in the EC dated 20.03.2020. (See Annexure A/1 of Appeal Pg. 46):

“6(v) PP shall implement inpit conveyor to railway siding through silo loading in three years.

5. It is submitted that the conditions stipulated in the EC granted categorically states that the recommendations of the EAC shall be abided and that the Ministry reserves the right to revoke and suspend the clearance if the conditions are not complied with: (See Annexure A/1 of Appeal Pg. 55,56):

“(j) Miscellaneous:

(x) The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP, commitment made during public hearing and also that during their presentation to the EAC.

(xiii) The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.

8. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP, and also that during their presentation to the EAC. All commitments made on the issues raised during public hearing shall also be implemented in letter and spirit”.

6. It is to be noted that the Respondent No.4, JSPCB vide Affidavit dated 07.09.2021 has filed a Site Inspection Report wherein it has categorically recorded the violation of the impugned project and that as on 2020, there were no silo and railway siding in existence: (See Pg. 101 of JSPCB Counter Affidavit):

“OM dated 15.09.2017 states that MoEF&CC shall consider proposals for grant of EC.....providing exemption from public hearing.....subject to conditions including (c) Coal transport is through conveyor system upto the silo and loading to railway wagons, and not by road”. As this Committee Report dated 14.09.2020 clearly observes that the silo and railway siding were not in existence in January, 2020 nor are in existence today. The company is using Shivpur Railway siding located 6-7 kms from the project to which coal is sent by truck”

7. Furthermore, the Respondent No.4, JSPCB vide Affidavit dated 21.03.2022 has filed a Site Inspection Report and has categorically submitted that the Committee does not agree with the views of the EAC appraising the fulfilment of the conditions of OM dated 15.09.2017 as recorded in the 53rd Meeting and the Committee has accepted that neither conveyor nor silos are installed so far:

(See Pg. 471 of Counter Affidavit of JSPCB dated 21.03.2022 Para 5 (a) (b)

(c)) (Relevant Pg. 482 Para 3 S.N. (ii) of Report):

“5. (a) The Committee does not agree with the views of EAC appraising fulfilment of certain requirement (Sl. No. 2 & 3) as reported in summary record of 53rd meeting of EAC held on 20.02.2020....

(b)present status as observed during inspection is that:

I. Neither conveyor system nor any silos are installed so far.

II. 100% coal is still being transported through road using dumpers.”

8. That despite the recommendations of EAC that the Amrapali railway siding will commission in FY 2022-2023, it was not commissioned and the same is clear from the Committee Report. That in this regard, another inspection report was filed through the Counter Affidavit of JSPCB dated 21.03.2022 wherein in Para 7 Pg. 475, the Committee made the following major observations:

a) The unit has not constructed the Railway siding.

b) The unit has not constructed the Coal Handling Plant (CHP).

c) The unit has not installed the silos.

9. That Para 8 of the same Affidavit at Pg. 476 stated that the Environmental Compensation amounting to Rs. 1,35,00,000/- (Rupees One Crore Thirty Five Lakhs only) was levied on M/s Amrapali OCP vide Board reference letter dated 25.01.2022 (Pg. 802 of the paperbook) which has been submitted by the unit in the Board.

10. That thereafter the MoEF&CC once again granted EC dated 12.05.2023 to R2 for expansion of Amrapali Opencast Mine from 14.14 MTPA to 20.16 MTPA in an area of 619.87 ha of M/s Central Coalfields Ltd. with a specific amendment – “specific condition no. 3(xv) such as ***“PP should ensure that coal transportation from Amrapali Railway siding through belt conveyor (within two years) from grant of EC”***

(See Para 2, Pg. 1459 of Additional Affidavit by R2 dated 25.07.2023)

11. That the Respondent No. 2 in the Affidavit in Para 4 Pg. 1457 submits that ***“PP should ensure that coal transportation from Amrapali Railway Siding through Belt Conveyor within 18 months i.e., from May, 2023 to January 2025”.***

12. That thereafter the MoEF&CC once again granted amendment of EC dated 21.02.2025 to Respondent No. 2, granting extension of time of railway siding from 2025 to 2027: (See Pg. 1760 of the Counter Affidavit dated 23.04.2025 by Respondent No. 2)

As of now, the physical progress against the on-going contract of Railway Siding is 22% and it is accordingly it is expected to be completed by March-2027.

In light of the delay being caused for construction of railway siding and CHP, it is proposed to continue road transportation of coal from shivpur siding through the dedicated coal transportation until March 2027.

13. That thereafter the MoEF&CC once again granted expansion Amrapali Opencast Coal Mining Project (increase in ML area from 619.87 to 1298.98 Ha and increase in the production capacity from 24.19 to 28 MTPA) to Respondent No. 2 vide EC dated 25.06.2025. (See Pg. 1769 of Affidavit dated 17.11.2025 by R2)

14. That the following table categorically shows that the Respondent No. 2 till date has sought multiple extension of timelines to undertake the construction of Silo and has failed to comply the same and that till date the coal transportation is undertaken by road causing massive air pollution:

SN	Particulars	Capacity	Date
1	Environmental Clearance	12 MTPA	03.01.2006
2	Expansion of Environmental Clearance	14.40	20.03.2020
3	Expansion of Environmental Clearance (commissioning of railway siding by 2023)	20.16	10.05.2021
4	Environmental Clearance Amendment (extension for railway siding from 2023 to 2025)	20.16	12.05.2023
5	Expansion of Environmental Clearance	24.19	05.02.2024
6	Environmental Clearance Amendment (extension for railway siding from 2023 to 2027)	24.19	21.02.2025

15. The Appellant herein submit that the OM dated 15.09.2017 categorically mandated that Coal transport has to be through conveyor system upto the silo. Despite such mandate, in complete disregard the EC was granted in 20.03.2020 and the same was deliberately ignored and not considered by the EAC as well as the MoEF&CC. That thereafter, till date the project proponent has failed to comply with the mandatory condition. That initially, the Project proponent committed the commissioning of railway siding by 2023, however, the same was not complied. That thereafter they sought further two extensions i.e., from 2023 to 2025 and from 2025 to 2027. It is pertinent to note that despite passage of 9 long years from the date of issuance of the OM and 6 long years from the date of issuance of EC, the physical progress against the on-going contract of Railway Siding is 22% as recorded in the EC dated 21.02.2025 at Pg. (See Pg. 9 of the Counter Affidavit dated 23.04.2025 by Respondent No. 2). Thus, it is pertinent to note that till date the transportation of coal is undertaken by road thereby significantly deteriorating the air quality of the area. The Appellant herein submits that the Project Proponent has, till date, failed to comply with the conditions stipulated in the Office Memorandum dated 15.09.2017 and has instead proceeded to seek three successive expansions. It is submitted that the EAC and the MoEF&CC, despite being fully aware of the non-compliance with the conditions prescribed in the said Office Memorandum, have turned a blind eye to such violations and have nevertheless granted the Environmental Clearance in 2020 and even granted several expansions and extensions. Thus, the Hon'be Tribunal may take the above points into consideration while deciding the Appeal and consider that the project is still transporting coal by road despite the specific condition stipulated in the OM.

THROUGH

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