

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 174 of 2020 (SZ)

IN THE MATTER OF:

Banothu Nandu Nayak

Applicant(s)

Versus

Singareni Collieries Company Ltd. & Ors.

Respondent(s)

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Place: Chennai

Date:18/12/2020

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION No. 174 of 2020 (SZ)

**INTERIM REPORT OF THE JOINT COMMITTEE
CONSTITUTED IN THE O.A. No. 174 OF 2020 IN THE
MATTER OF BANOTHU NANDU NAYAK VERSUS SINGARENI
COLLIERIES COMPANY LTD. & OTHERS BEFORE THE
HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,
CHENNAI.**

Interim Report of the Joint Committee constituted in the O.A. No. 174 of 2020(SZ) in the matter of Banothu Nandu Nayak Vs Singareni Collieries Company Ltd. & Ors. before the Hon'ble National Green Tribunal, (SZ), Chennai.

Introduction:

The Hon'ble National Green Tribunal, Southern Zone, Chennai passed an Order dated 08.09.2020 in the O.A. No. 174 of 2020(SZ) in the matter of Banothu Nandu Nayak Vs Singareni Collieries Company Ltd. & Ors., wherein appointed a Joint Committee comprising the members of (1) the District Collector, Khammam District, or a Senior Officer not below the rank of Assistant Collector/Joint Collector or Sub Divisional Magistrate as designated by the District Collector, (2) a Senior Officer / Scientist from Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai (3) a Senior Officer from Telangana State Pollution Control Board as nominated by its Chairman and (4) a Senior Officer from the Department of Mines and Geology, Telangana State with the direction to inspect the area in question and submit factual report on the terms of reference referred therein the Order.

2. In the above said Order Hon'ble NGT appointed Ministry of Environment Forest and Climate Change, Regional Office, Chennai as nodal agency for co-ordination and for providing all necessary logistics for this purpose. Meanwhile considering the time requirement for coordinating with the authorities concerned for constitution of the Joint Committee and the subsequent meeting / site inspection, additional time was sought from the Hon'ble NGT. Accordingly, Hon'ble Tribunal granted time and adjourned the matter to 24/12/2020.

Constitution of the Joint Committee and its meeting:

3. In compliance with the directions of the Hon'ble NGT, as a nodal agency Regional Office of MoEF&CC at Chennai vide O.M. No. EP/12.7/NGT(SZ)/058/2020/ dated 11.11.2020 constituted a Joint Committee based on the Officers deputed / nominated from the Authorities concerned **(Annexure-I)**.

4. In compliance with the Order dated 08/09/2020 of Hon'ble NGT and in continuation to the Joint Committee Constitution vide O.M. dated 11.11.2020, the first meeting of the Joint Committee was convened through video conference on 02.12.2020. In the said meeting all the Joint Committee Members furnished below are participated.

- (i). Shri. N. Madhusudan, I.A.S, Additional Collector, Khammam District, Telangana.
- (ii). Shri. D. Krupanand, Joint Chief Environmental Engineer, Zonal Office, Telangana State Pollution Control Board, Hyderabad.
- (iii). Shri. P. Madhusudan Reddy, Dy. Director of Mines & Geology, Warangal, Department of Mines & Geology, Govt. of Telangana.
- (iv). Dr. M.T. Karupiah, Scientist – E, MoEF&CC, Regional Office, Chennai.

Terms of reference (TOR) to the Joint Committee:

5. During the Joint Committee meeting, members discussed the facts, issues and prayers in the above case and the Terms of the Reference (ToR) to the Joint Committee referred therein the Order dated 08/09/2020 of Hon'ble NGT. Hon'ble Tribunal has directed the committee to go into the question as furnished under:

- (i). whether the safety as well as pollution control mechanisms provided are sufficient to meet the sound, air pollution that is likely to be caused on account of the operation of the 1st respondent unit, the impact of such pollution on the residents of that locality,
- (ii). Whether there was any violation committed by the 1st respondent in implementing the terms and conditions imposed in the environmental clearance granted and also the consent granted by the authorities,
- (iii). Whether the mine closure plan has been properly implemented by the 1st respondent when the mining activity in one of the mines is closed or exhausted,
- (iv). Whether any excess mining has been done and if so, what is the quantity of the excess mining done.
- (v). To assess the environmental compensation regarding the damage caused to the environment apart from assessing environmental compensation for excess mining that is said to have been committed by them.

- (vi). Whether any soil degradation has been caused on account of the activities of the 1st respondent and its impact on agricultural activities in that area.
- (vii). To conduct the Ambient Air Quality and soil quality test and also test the sound level in that area, and if there is any violation found then, suggest as to what are all the remedial measures to be taken by the 1st respondent to mitigate the same apart from payment of environmental compensation for the damage caused to the environment.
- (viii). Whether necessary green belt has been provided for the purpose of mitigating the air pollution and sound pollution by the first respondent unit.
- (ix). The vibration that is being caused while using explosives if any, while undertaking the mining operations and its impact on the residential area as well.

Submissions of M/s the Singareni Collieries Company Ltd. to the Joint Committee:

6. As consented by all the members of the Committee an opportunity was given to the Respondent No.1. M/s The Singareni Collieries Company Ltd. (SCCL) to present their submissions to the Joint Committee during the meeting held. Accordingly, Shri. Narasimha Rao, General Manager of SCCL has attended the meeting and made submissions on behalf of M/s The Singareni Collieries Company Ltd.

7. During the deliberations M/s SCCL completely denied the averments referred therein the O.A. except the excess production achieved in the said coal mine.

- (i). The respondent project authority (M/s SCCL) informed that they are regularly undertaking post project monitoring in respect of air quality, water quality and Noise level monitored through approved Govt. third party agency (M/s EPTRI, Hyderabad) and project authority claim that the monitored data show that the values are well within the limit.
- (ii). It was also informed that project authority has already installed online continuous Ambient Air Quality Monitoring Stations on their project area, which are connected to the servers of the Telangana Pollution Control

Board as well as Central Pollution Control Board and the real time monitored data is available in public domain.

- (iii). Regarding excess production of Coal, Project authority admitted that they achieved excess production since there was a direction from the Telangana State Government to supply more Coal to Thermal Power Plants to meet the power requirement.
- (iv). In pursuant to the Notification dated 14th March, 2017 of MoEF&CC, New Delhi relating to violation of the EIA Notification, 2006, M/s The Singareni Collieries Company Limited (project authority) submitted their proposal of Jalagam Vengal Rao Opencast - I Expansion Project for annual production from 2.50 to 5 MTPA in an area of 544.81 Ha. to MoEF&CC for Environmental Clearance. The Expert Appraisal Committee in its meeting held on 13-14 June, 2018 appraised the proposal. The Committee, after deliberations on the proposal in accordance with the provisions of the above said Notification, confirmed this case to be of violation of the EIA Notification, 2006 and issued Terms of Reference (ToR) vide letter No.23-77/2018-IA.(III) dated 8th August, 2019 of MoEF&CC with the recommendations referred therein (**Annexure- II**).
- (v). In this regard, reportedly credible legal action has already been initiated by the Telangana State Pollution Control Board against the Singareni Collieries Company Ltd. before the Hon'ble Court of Judicial First Class Magistrate, Sathupalli, Telangana through C.C. No. 1075 of 2020 and the matter is still pending before the Hon'ble Court (**Annexure-III**).
- (vi). Further, in accordance with one of the recommendations in the TOR letter No.23-77/2018-IA.(III) dated 8th August, 2019, the project proponent needs to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the State PCB prior to the grant of EC. The bank guarantee shall be released after successful implementation of the Environmental Management Plan (EMP), followed by recommendations of the EAC and approval of the regulatory authority. The said TOR, also recommended for Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of

environment. The Accredited Consultant M/s.EPTRI made a detailed presentation on salient features of the project before the Expert Appraisal Committee for the proposal involving violation of EIA Notification, 2006 held on 21st -22nd September, 2020 and the minutes of the same is placed as **Annexure-IV**. Accordingly, an amount of Rs. 26,67,00,000/- (rupees twenty six Crores and sixty seven lakhs) has been deposited to the TSPCB as bank guarantee towards remediation plan and natural and community resource augmentation plan based on the study undertaken and approved by the MoEF&CC. Copy of the acknowledgement issued in this regard by the TSPCB vide letter dated 08.08.2019 is enclosed as **Annexure-V**.

(vii). During the deliberations, project authority informed that they are undertaking controlled blasting using nonel technique by following the guidelines issued by the Directorate General of Mine Safety (DGMS) and the ground level vibrations are being regularly monitored and the value are reportedly within the limit. Project authority suggested to verify this fact by the Joint Committee during their blasting operations.

(viii). Project authority informed that necessary green belt has already been developed.

Observation and proposed plan of Action of the Committee:

8. Based on the deliberations held during the first meeting of the Joint Committee the following observations are made:

(i). The applicant in the O.A. has not produced any substantive evidence / documents / data in support of the alleged air, water and noise pollution except the photographs for the cracks on the house. First Respondent denying those alleged violations based on their monitored data / documents available with them.

(ii). It is not in dispute that the 1st Respondent Company has achieved enhanced production of Coal than the sanctioned capacity and the violation has already been confirmed by the MoEF&CC. In this regard credible legal action has already been initiated by the Telangana State PCB through legal proceedings before the Hon'ble Court of Judicial First Class Magistrate, Sathupalli, Telangana through C.C. No. 1075 of 2020 and the matter is under sub-judice. Project Authority has already applied for Environmental Clearance for the enhanced capacity from the

MoEF&CC under violation category and the same is also under process. Further, the project authority, has also executed a bank guaranty of an amount of Rs. 26,67,00,000/- (rupees twenty six Crores and sixty seven lakhs) to the TSPCB towards remediation plan and natural and community resource augmentation plan, which is valid for 5 years.

- (iii). Regarding the alleged violation of vibration that is being caused while using explosives during the blasting operations during the mining operations and its impact on the residential area has been discussed by the members. The applicant claims in the O.A. that the houses of the residents of NTR Colony is damaged due to the blasting operations of the 1st Respondent project. But, the first respondent denying such alleged violation rather relied upon that they are practicing controlled blasting technique using nonel technique as approved by the Directorate General of Mine Safety and ground level vibrations are being monitored regularly and the monitored data is reportedly well within the limit. First Respondent also claim that NTR Colony is 670 m away from the disputed Coal Mine and in between these reportedly there are other residential Colonies and roads and no such complaint was received from those residents. In this regard Committee members unanimously suggested having an expert as a member from the Organization concerned such as Directorate General of Mine Safety (DGMS) and Roads and Buildings Department, Govt. of Telangana to assess the alleged violation. Similar suggestion was also made by the Committee already constituted by the District Collector based on the representation of the applicant. Accordingly, the Joint Committee suggested to appraise these facts before the Hon'ble NGT through the nodal agency and request to pass appropriate Order for appointing additional members from the DGMS and Roads and Buildings Department, Govt. of Telangana as a member to the Joint Committee and grant additional time of 3 months to enable the Committee to submit the final report.
- (iv). Hon'ble NGT has directed the Committee to conduct the study on Ambient Air Quality, soil quality and also monitor the noise level in that area, and if there is any violation found then, suggest as to what are all the remedial measures to be taken by the 1st respondent to mitigate the same apart from payment of environmental compensation for the damage caused to the environment. Hon'ble Tribunal, also directed to assess the environmental compensation regarding the damage caused to

the environment apart from assessing environmental compensation for excess mining that is said to have been committed by them.

- (v). In this regard, Environment Management Plan (EMP) for JVR OC-I Expansion Project has already been prepared and submitted to the MoEF&CC, based on the identification of overall impact due to mining activity during operation inter-alia including air, water, noise, soil, land environment and other relevant data. A copy of the relevant Chapter of Environment Management Plan made available by the project authority is enclosed as **Annexure-VI**. Accordingly, EMP comprising of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation has been submitted to the MoEF&CC.
- (vi). Based on the study / assessment, Expert Appraisal Committee arrived an amount of Rs. 26,67,00,000/- (rupees twenty six Crores and sixty seven lakhs) towards remediation plan and natural and community resource augmentation plan and the same has already been deposited as bank guaranty. So the Joint Committee felt that undertaking the study of Ambient Air Quality and soil quality and also noise level monitoring in that area will be duplication of the work. However, Telangana State PCB has agreed to carry out the sampling and analysis of Ambient Air Quality, soil quality and also noise level monitoring, if the Hon'ble NGT desires to do the same again. Also, the Joint Committee felt that arriving environmental compensation again for the same violation would lead to double jeopardy and thus the same will be decided based on the decision of the Hon'ble NGT.
- (vii). If Hon'ble NGT desires to carry out fresh study, the Committee requested the member from the TSPCB to collect representative samples for air, water, soil quality study and noise level monitoring in the project area for getting factual information on the alleged violation. The JCE, TSPCB agreed upon and assured to take further necessary action regarding the sample collection and analysis through their Regional Office and laboratory at Warrangal.
- (viii). Committee members proposed to undertake next meeting and site inspection of the area under question, after incorporating the members from DGMS and Road and Buildings Organization, Govt. of Telangana in

the Joint Committee with the leave of the Hon'ble Tribunal. Accordingly, the following plan of action on the TOR has been proposed:

Sl. No.	Terms of Reference to the Joint Committee	Action proposed	Remarks
(i).	Whether the safety as well as pollution control mechanisms provided are sufficient to meet the sound, air pollution that is likely to be caused on account of the operation of the 1 st respondent unit, the impact of such pollution on the residents of that locality.	It will be ascertained based on the site inspection of the Joint Committee.	
(ii)	Whether there was any violation committed by the 1 st respondent in implementing the terms and conditions imposed in the environmental clearance granted and also the consent granted by the authorities,	Undisputedly Project authority has exceeded the production than the sanctioned capacity and thus violated the EC and Consent condition in respect of production. Compliance of other conditions will be ascertained based on the site inspection	In respect of excess production, credible legal action has already been initiated by the Telangana State PCB and the matter is under subjudice. Further, as approved by the MoEF&CC, Project Authority has executed a bank guaranty of an amount of Rs. 26,67,00,000/- (rupees twenty six Crores and sixty seven lakhs) to the TSPCB towards remediation plan and natural and community resource augmentation plan.
(iii)	Whether the mine closure plan has been properly implemented by the 1 st respondent when the mining activity in one of the mines is closed or exhausted.	It will be ascertained based on the site inspection of the Joint Committee.	
(iv)	Whether any excess mining has been done and if so, what is the quantity of the excess mining done.	No dispute in this regard, since the fact was admitted by the first respondent.	Credible legal action has already been initiated by the Telangana State PCB and the matter is under subjudice.
(v)	To assess the environmental compensation regarding the damage caused to the environment apart from assessing environmental compensation for excess mining that is said to have been committed by them.	It will be decided by the Committee based on the further direction of the Hon'ble NGT.	Environmental Management Plan comprising of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic

			benefits derived due to violation has been submitted to the MoEF&CC. Based on the study / assessment, Expert Appraisal Committee arrived an amount of Rs. 26,67,00,000/- (rupees twenty six Crores and sixty seven lakhs) towards remediation plan and natural and community resource augmentation plan and the same has already been deposited as bank guaranty.
(vi)	Whether any soil degradation has been caused on account of the activities of the 1 st respondent and its impact on agricultural activities in that area.	It will be decided by the Committee based on the further direction of the Hon'ble NGT. Committee has requested the TSPCB to carryout soil analysis, if required.	Damage assessment has already been carriedout and submitted to MoEF&CC.
(vii)	To conduct the Ambient Air Quality and soil quality test and also test the sound level in that area, and if there is any violation found then, suggest as to what are all the remedial measures to be taken by the 1 st respondent to mitigate the same apart from payment of environmental compensation for the damage caused to the environment.	It will be decided by the Committee based on the further direction of the Hon'ble NGT. The Committee has requested Telangana State PCB to conduct representative sample collection and analysis for Ambient Air, Water, Soil quality and noise level monitoring in the area under question, if required based on the directions of the Tribunal.	
(viii)	Whether necessary green belt has been provided for the purpose of mitigating the air pollution and sound pollution by the first respondent unit.	It will be ascertained based on the site inspection of the Joint Committee.	
(ix)	The vibration that is being caused while using explosives if any, while undertaking the mining operations and its impact on the residential area as well.	Committee members unanimously suggested having experts as a member from the Directorate General of Mines	

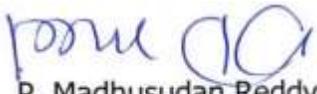
		<p>Safety and Roads and Buildings Department, Govt. of Telangana to assess the alleged violation. Accordingly, it was suggested to request the Hon'ble Tribunal to pass appropriate Order for appointing additional members from the DGMS and Roads and Buildings Department as a member to the Joint Committee and grant additional time of 3 months to enable the Committee to submit final report.</p>	
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Prayer:

In view of the facts and circumstances stated above, the Joint Committee prays that this Hon'ble Tribunal may pleased to (i). appoint additional members from the Directorate General of Mines Safety and Roads and Buildings Department, Govt. of Telangana as a member to the Joint Committee as suggested above (ii). pass appropriate Orders for conducting requirement of repeated study on Ambient Air Quality, soil quality and also monitor the noise level in that area and arriving environmental compensation and (iii) grant additional time of 3 months to enable the Committee to submit the final report.


 N. Madhusudan,
 Additional Collector,
 Khammam District, Telangana.


 D. Krupanand,
 Joint Chief Environmental Engineer,
 Telangana State PCB, Hyderabad.


 P. Madhusudan Reddy,
 Dy. Director of Mines & Geology,
 Department of Mines & Geology,
 Warangal, Telangana.


M.T. Karuppiah,
Scientist- E,
MoEF&CC, Regional Office, Chennai.
