

**BEFORE THE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH AT NEW DELHI****I.A. NO. 137 OF 2024****IN****ORIGINAL APPLICATION NO.59 OF 2024****IN THE MATTER OF:**

News item titled “Deforestation for mining resumes in Hasdeo locals activists allege detention” appearing in The Hindu dated 22.12.2023.

**AND IN THE MATTER OF:**

Dr. D.S. Srivastava

S/o Late Sugriv Shankar Srivastava

R/o Apoorva, Khanna Path, TOP-2 Road,

Redma, Daltonganj, District Palmau

Jharkhand 822101

... Intervenor

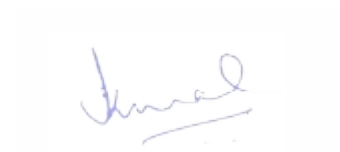
**AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO. 4 –****RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD. (RRVUNL)**

**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1	Affidavit in Reply on behalf of the Respondent No.4 – Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL).	1 - 47
2	<b>ANNEXURE R-1:</b> The True copy of the letter dated 30.08.2011.	48 - 49
3	<b>ANNEXURE R-2:</b> The True copy of the MoEF Affidavit as filed before the Hon'ble Apex Court.	50 - 82
4	<b>ANNEXURE R-3:</b> A True copy of the Lemru Reserve Notification dated 12.07.2021 issued by the State of Chhattisgarh.	83 - 89
5	<b>ANNEXURE R-4:</b> A True copy of the map depicting details of coal blocks located in Hasdeo Arand Coal field and Lemru Elephant Reserve.	90
6	<b>ANNEXURE R-5:</b> A True copy of the Ministry of Coal, Government of India letter dt. 16.11.2022.	91

7	<b>ANNEXURE R-6:</b> A True copy of the Ministry of Power, Government of India letter dt. 17.11.2022.	92
8	Application for Condonation of delay in filing Reply with Affidavit.	93 - 96
9	Proof of Service	97

Filed by:



**Kunal Verma**

Advocate for Respondent No.4

Mob.9818128882

Email: [officeofkunalverma@gmail.com](mailto:officeofkunalverma@gmail.com)

Place: New Delhi

Date: 24.08.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH AT NEW DELHI****I.A. NO. 137 OF 2024****IN****ORIGINAL APPLICATION NO.59 OF 2024****IN THE MATTER OF:**

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**AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO.****4 – RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD.****(RRVUNL)**

I, Hem Raj, S/o Shri Nanag Ram, aged about 55 years, working as the Superintendent Engineer with Respondent No. 4, r/o 24, Chhaya Deep II Colony, Mahesh Nagar, Jaipur do hereby solemnly say and affirm as follows:

1. That I am the authorized representative of the Answering Respondent No. 4 (**'RRVUNL'**) and well versed with the facts and circumstances of the case and as such competent to swear the present affidavit.
2. That I have read the contents of the captioned Intervention Application filed by Dr. D.S. Srivastava(**"Applicant"**) in the captioned *suo moto* proceedings initiated by this Hon'ble Tribunal titled as "*News item titled "Deforestation for mining resumes in Hasdeo locals activists allege detention"*" appearing in The Hindu dated 22.12.2023 in Original Application No. 59 of 2024.

3. I say that the Intervention Application filed by the Applicant is an abuse of the process of law as also being bereft of any merits and deserves to be dismissed on the grounds of the *locus standi* of the Intervenor at its threshold.
  
4. It is vehemently denied that the Applicant is an expert in the field of environment, ecology of elephants and merely on the basis of an alleged Curriculum Vitae (annexed with the application), the Applicant cannot substitute or challenge the opinion of national expert bodies like ICFRE, WII, Forest Advisory Committee (FAC). The Applicant's application is malafide, not genuine and is a mere attempt to reopen the proceedings afresh which already stand decided on merits by this Hon'ble Tribunal.
  
5. At the outset the Answering Respondent denies each and every statement/averment in the form of allegations made in the instant Application to the extent the same is inconsistent with the case set out by the Answering Respondent. Nothing herein shall be construed as an admission of any of the statements made in the Application unless any statement is

specifically admitted. No statement shall be deemed to be admitted for want of a specific traverse.

6. The Answering Respondent No. 4 has already dealt with in detail with the main issue arising in the present *suo-moto* proceedings by way of a separate reply. By way of the present reply/response, the Answering Respondent No. 4 is only dealing with the contents of the application filed by the Applicant herein vide the captioned intervention application. The Answering Respondent craves leave of this Hon'ble Tribunal to also rely upon the detailed submissions made in its main reply to the present *suo-moto* proceedings.

7. The Answering Respondent vehemently opposes the intervention of the Applicant on the grounds of lack of any *locus standi* of the Applicant as also on account of the Applicant being biased, partial and ignorant about the subject matter and background of the present proceedings. Further, the Applicant has failed to show the necessity or the requirement for expressing his opinion in the matter at this

belated stage. The said BAR Report has been deliberated upon by the government approved environment expert bodies and the recommendations therein have been incorporated in the permission for mining which recommendations have been duly acted upon the Answering Respondent.

8. This Ld. Tribunal, vide order dated 24.03.2014, was pleased to set-aside the Forest Clearance dated 28.03.2012\_\_\_ granted in respect of PEKB Coal Block. The Hon'ble Apex Court was pleased to grant an interim stay vide order dated 28.04.2014 pursuant to which mining work continued in the PEKB Coal Block. In the hindsight, all the directions given by the Ld. NGT vide the order dated 24.03.2014 stands fully complied with. For Phase-II mining clearance, a comprehensive Biodiversity study (Biodiversity Assessment Report, 2021/BAR Report) has been carried out by Indian Council for Forestry Research and Education (**ICFRE**), Dehradun in consultation with Wildlife Institute of India (**WII**). The Phase-II mine permission has been granted to the Answering Respondent on the basis of said BAR Report, report of the 3-member sub-committee of MoEF, Forest

Advisory Committee (**FAC**), MoEF and State Forest department, the details of which are as follows:-

<b>S. No.</b>	<b>Dates</b>	<b>Event</b>
1.	28.03.2012	Forest Clearance was granted under Section 2 of the Forest Conservation Act, 1980 in respect of the PEKB Coal block for diversion of 1898.5 HA of forest Land.
2.	24.03.2014	This Ld. Tribunal set aside the FC dated 28.03.2012, suspended all work pursuant to FC dated 28.03.2012 and further remanded the case back to the MoEF to seek fresh advice of the FAC and thereafter pass a reasoned order.
3.	28.04.2014	The Hon'ble Apex Court, vide its order dated 28.04.2014, granted interim stay in favour of the Answering Respondent. Pursuant to the

		said interim stay, the mining work in PEKB Coal Block continued then and is still continuing.
4.	July 2021	Pursuant to the directions of this Ld. Tribunal, the State Government approached Indian Council for Forestry Research and Education (ICFRE), Dehradun in consultation with Wildlife Institute of India (WII) to conduct biodiversity assessment study of the entire Hasdeo Arand Coalfield. ICFRE, in July 2021, submitted a detailed report of the biodiversity assessment study carried out by it.
5.	09.11.2021	After receiving the report from ICFRE, FAC considered the proposal for Phase II. The FAC constituted a Sub-Committee for inspection of the site at PEKB coal Block.
6.	23.12.2021	Upon receiving the report of the Sub-Committee, the FAC considered the proposal for Phase II and in its meeting dated 23.12.2021

		decided to recommend mining in Phase II of the forest area.
7.	02.02.2022	Thereafter, the MoEF considered the proposal for Phase II and after considering the report of the ICFRE and the recommendations of FAC, granted permission for mining in Phase II.
8.	25.03.2022	The State Government also considered the proposal and granted the final Forest Clearance in respect of Phase II forest land.
9.	16.10.2023	Hon'ble Supreme Court disposed off the civil appeal by the Answering Respondents recording compliance of the directions passed by National Green Tribunal, New Delhi based on which MoEF &CC and the State of Chhattisgarh have passed order for mining in Phase-II of the forest land of PEKB Coal Block.

9. It can thus be seen that the said BAR Report has already been examined and deliberated upon by various expert environmental bodies, before granting the permission to the Answering respondent to carry out mining in the coal blocks allocated to it in the HAC Area. All recommendations given by WII have already been taken into consideration by ICFRE while making BAR Report and recommending mining in the 4 coal blocks out of the total 23 coal blocks in the entire HAC Area, thus balancing sustainable development and conservation.
10. It is, thus, abundantly clear that as many as four expert institutes/ committee namely – (i) ICFRE & WII Reports, (ii) Sub-Committee constituted by the FAC, (iii) FAC and (iv) MOEF, have duly applied their mind on each and every aspect of the issue and after careful consideration have decided to recommend commencement of Phase II mining in PEKB Coal Block. In such circumstances, it is not open to the Applicant herein to substitute its own opinion for the views of the experts and assist this Hon'ble Tribunal in the proceedings.

11. It is most respectfully submitted that the ICFRE and WII are renowned institutes with specialized and expert knowledge of environment and forest who were appointed by this Hon'ble Tribunal in its judgment dt. 24.03.2014 in Appeal No. 73 of 2012 in the matter of "Sudiep Shrivastava Vs. Union of India & Ors.". Therefore, once expert bodies in the field, who have given detailed report in compliance of the judgment of this Hon'ble Tribunal, the intervenor ought not to be permitted to assist this Hon'ble Tribunal at such belated stage by way of present Intervention Application. The instant Application is silent upon the necessity of the views of a private individual on the said BAR Report over and above the observations and recommendations made by the said expert institutes, and thus ought not be allowed.

12. It is further submitted on perusal of the contents of the Intervention Application, it clearly appears that the Applicant herein seeks to substitute its own opinion for the views and opinions of the experts. With great respect, it is submitted that appears that the Applicant has no trust or

belief on the findings and recommendations of the expert bodies like the ICFRE and WII.

### **BAR REPORT**

13. The biodiversity assessment study based on the criteria fixed by NGT in its judgment dated 24.03.2014 in Appeal No. 73/2012 in the matter of *Sudiep Srivastava versus State of Chhattisgarh*, has been undertaken by State Government of Chhattisgarh through Indian Council of Forestry Research and Education (**ICFRE**) and Wildlife Institute of India (**WII**) for the whole Hasdeo-Arand Coalfield (**HAC**) comprising of (i) Tara, (ii) Parsa, (iii) Parsa East Kanta Basan ('**PEKB**') and (iv) Kente Extn coal blocks and also to address the queries raised by the Ld. NGT vide the said judgment dated 24.03.2014.

### **SCOPE OF THE STUDY**

14. The impact assessment was carried out to assess the floral and faunal biodiversity of the entire HAC ad-measuring 1879.6 sq.km comprising of 23 coal blocks including (i)

Parsa, (ii) Parsa East & Kanta Basan (**PEKB**), (iii) Tara and (iv) Kente Extension (**KE**) coal blocks to ascertain the following aspects [@Pg 3 of Executive Summary by ICFRE]:

- a. To conduct comprehensive survey for primary baseline data collection on flora and fauna *viz.*, terrestrial/wildlife/avian/aquatic with special reference to endemic/ threatened species, habitat description and ecology. Also, to collect information from secondary sources on:
  - Avifauna studies to assess the likely impacts due to mining activities and to suggest measure for maintaining alternate habitats/home for avifauna including design of artificially made eco-friendly nests.
  - Provide details of Forest cover, migratory routes/corridor of wild animals particularly for elephant within the study area, if any;

- Assess the socio-economic *vis-a-vis* biodiversity values of the study area.
- b. To Assess the potential impacts due to on-going and proposed mining and allied activities on biodiversity and suggested mitigation measures to protect/conservate biodiversity.
  - c. To delineate conservation area.
  - d. To Prepare outline for Integrated Biodiversity and Wildlife Management Plan for wildlife with budgetary provision.
  - e. To Study the efficacy of the mine closure plan, transplanted trees, conservation measure and regeneration proposed in the operational (as envisaged in EC/FC and NGT compliance)/upcoming coal blocks and recommendations, if any.
  - f. To Suggest and highlight measures for conservation of important resources to avoid perceived impacts; and to

recommend modifications (if feasible & practical) in specific project activities/components/technologies for conservation of the resources.

15. The HAC spreads over an area of 1879 sq.km in the State of Chhattisgarh is the third largest coal bearing area (5529 MT), which is about 9% of the coal of the State falling within the largest un-fragmented forests in Central India consisting of pristine Sal and teak forests, outside the protected area network, and an important habitat for indigenous forest dwelling tribal communities and large mammals. Only four coal blocks viz., PEKB, Parsa, Kente Extension and Choita (2A & 2B) out of the total 23 coal blocks in HAC are either active in operation (PEKB and Chotia 2A & 2B) or in the process of obtaining statutory clearances (Parsa & Kente Extension). The entire HAC area is spread over 1876.6 sq. kms. and the four contiguous coal blocks covers only 4.31 % of the entire HAC. These four-coal blocks put together covers an area of 68.75 sq.km i.e., only about 4% of HAC coal bearing area having 1198 million tons of coal resources. The mineable coal reserve from the allotted four coal blocks is

1012.42 MT, of which both PEKB and Chotia contribute to 488.31 MT (48% of the total allotted) of mineable reserve. [Chapter 10 @ **Pg 495** -ICFRE Report].

16. The study period for the field survey and for preparing the BAR was 18 months that included 12 months for three season comprehensive data collection and six months for report writing. Consultative meetings with State Forest Department (**SFD**) and project proponents were conducted to collect relevant detailed information related to the extent of forests falling within each compartment, ranges, divisions, etc., within the HAC, area shape files, location maps, assistance to conduct the field survey and project intervention information. Comprehensive field surveys were conducted by the ICFRE for collection of information/ baseline data under respective components such as terrestrial flora & fauna including avifauna and wildlife, aquatic diversity, socio-economic status, mining and mine management, efficacy of mining plan/progressive mine closure plan, translocated trees and all the conservation measures including surface water/ afforestation employing

standard methodologies. After due study, a report was prepared and submitted on the same by the ICFRE in July 2021.

### **ICFRE REPORT**

17. The ICFRE after conducting its study gave various observations and recommendations on the various aspects on which the study was carried out.

#### **Stand Density** – [**@ Pg 501** of Chapter 10- ICFRE Report]

18. It was observed that the stand density of trees and shrubs in the core zone of four contiguous coal blocks [Tara (15), Parsa (13), PEKB (14) & Kente-Extension (12) – {**4 coal blocks**}] was low when compared with the density of the trees and shrubs in the remaining 19 coal blocks in HAC. [Reefer- Table and **paras E.S. 9.1.1 @ Pg xiii and xiv** of Executive Summary of ICFRE Report and **@ Pg 501 & 502** of Chapter 10- ICFRE Report].

19. ICFRE Report observes that mining activities of the PEKB Open Cast coal mine is being done in compliance with the phase-wise mining as mentioned in condition No. 9 of Stage-I Forest Clearance issued *vide* letter F. No. 8-31/2010-FC dated 06.07.2011 i.e., Phase-I within 762 ha of forest land. Further, the phasing of forest land for the mine is being monitored by State Forest Department and permission of tree felling and use of forest land for mining is being given accordingly. Thus, due precautions are being taken and all necessary conditions are strictly being complied with. [**@Pg 54 -Chapter 3** – ICFRE Report].

20. It is only after a comprehensive biodiversity study of 23 coal mines in the HAC that the ICFRE permitted mining only in 4 coal blocks and not in the remaining 19 coal blocks. The said 4 coal blocks are moderately dense forest as compared to the balance 19 coal blocks- which are highly dense. Pursuant to the said study, the ICFRE has categorically observed that mining in only 4 coal blocks out of the total 23 coal blocks in the HAC be allowed so as to conserve the relatively dense moist-dry deciduous forests in the other coal blocks. It can

thus be seen that conservation of the forests, its flora and fauna were the top priority of the ICFRE.

21. The ICFRE report *interalia* recommended "The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara (15), Parsa (13) PEKE (14) & Kente Extension (12) that are either already opened or in advance stage of getting the statutory clearances/ToR approved, can be considered for mining with strict environmental safeguards including appropriate conservation measures for management of surface water and biodiversity ".

22. Vide judgment dated 24.03.2014 Ld. NGT posed various queries to the MoEF. The ICFRE report goes to show that the ICFRE also pondered over the said queries and given its comments/observations to the same: [**@ Pg xlii** of ICFRE Executive Summary].

Sr. No.	Queries of National Green Tribunal (NGT)	Observation/Comments of ICFRE
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1.	What type of flora and fauna in terms of biodiversity and forest cover existed as on the date of the proposal in PEKB coal blocks.	The pre-mining data on biodiversity area is available in the EIA/EMP study report (as on December 2016 for the PEKB Coal Block). However, the present study (2019-2021) in terms of floral and faunal biodiversity, forest cover and forest types for buffer area of PEKB and adjacent are detailed under the respective chapters.
2.	Is/was the PEKB coal block habitat to endemic or endangered species of flora and fauna.	Yes/was the PEKB coal block habitat to rare, endangered and threatened flora and fauna. RET floral species observed in PEKB consists of <i>Aegle marmelos</i> , <i>Aristolochia indica</i> , <i>Drosera indica</i> , <i>Drosera burmanni</i> , <i>Uraria picta</i> and <i>Premna herbacea</i> RET faunal species – sloth bear ( <i>melursus</i> )

		ursinus), four-horned antelope or Chousingha (Tetracerus quadricornis).
3.	Whether the migratory route/corridor of any wild animal particularly elephant passes through the area.	Elephant occurrence was reported in 148 out of 647 forest compartments in HAC and surrounding landscape during the period 2018 to 2020 by the State Forest Department. A conservative estimate of about 40 to 50 elephants could use different parts of the landscape at different times of the year. The HAC and the surrounding landscape are part of the elephant range in northern Chhattisgarh and serves as both habitat and corridor for movement. The Korba Forest

		<p>Division had reported the occurrence of tigers in the vicinity of HAC and the surrounding landscape. The habitat connectivity between Hasdeo - Arand area and Achanakmar Tiger Reserve, Boramdeo Wildlife Sanctuary and Kanha Tiger Reserve is strong, and may support sporadic tiger dispersal.</p>
4.	<p>Whether the area of PEKB Block has that significant conservation/ protection value so much so that the area cannot be compromised for coal mining with appropriate</p>	<p>Presently as per FSI (2017) the PEKB coal block has 9.11 sq.km area under moderately dense forest and 2.56 sq.km area under very dense forest. Shorea robusta is recorded to be dominant followed by Diospyros melanoxylon, Madhuca longifolia etc.,</p>

	conservation/ management strategies	contributing to the highest IVI values. The diversity index value is low in both core and buffer area due to open cast mining operation disturbance. Therefore, it is suggested that the mining in PEKB may be allowed and to be continued with strict compliance/implementation of EC/FC conditions (detailed Reclamation and Rehabilitation plan, compliance to EC/FC and the observations/ comments/ recommendation made in this report under mine closure plan, sequential mining, biodiversity conservation, etc.)
5.	What is their opinion about opening the PEKB coal block for mining as	Detailed observations pertaining to opinion for PEKB coal block is provided in

	<p>per sequential mining, reclamation methods proposed for regeneration of the flora; efficacy of mine closure plan and the tree translocated:</p>	<p>Chapter 8 of this report for sequential mining reclamation and rehabilitation of the flora in the mine lease area and efficacy of tree translocated trees.</p>
6.	<p>What is their opinion about the Wildlife Management plan finally prescribed?</p>	<p>The wildlife management plan is a legal document prepared for management of the notified protected areas under the Indian Wildlife (protection) Act, 1972. Since HAC is not a protected area, hence, the term wildlife conservation plan is more appropriate in this context. The wildlife conservation plan of Parsa East and Kanta Basen open cast coal mine and washery project</p>

		<p>prepared by the project proponent is basic and generic in nature. Due to this, it requires substantial revision and the management prescriptions need to be spatially explicit and closely consider the ecological, behavioural and social dimensions of the landscape. A detailed review of the same was carried out and specific comments to improve the plan have been provided in Annexure I of WII report enclosed as Volume-II</p>
	<p>7. What conditions and restriction do they propose on the mining in question i.e.</p>	<p>ICFRE- Suggestion and recommendation for further improving the mining environment in PEKB coal</p>

	<p>sequential mining, if they favour such mining?</p>	<p>block are detailed in the Chapter 3 and 8 of this report.</p> <p>WII- As certain portions of the PEKB coal block has already been opened for mining, the mining operation may only be permitted in the already operational mine of the block.</p>
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23. That, from a reading of the above table, it is clear that mining has been permitted to be carried out in the 4 contiguous coal blocks in the HAC Area , namely Tara, Parsa, PEKB and Kete Extension Coal Blocks, by the ICFRE with certain conditions and additional mitigation measures which needs to be carried out by the Answering Respondent herein.
24. Thus, in addition to conducting the studies on the various aspects of the HAC and the impacts of mining therein, the ICFRE also took note of all the queries raised by the Ld. NGT,

and after a thorough investigation and study gave answers to the same.

25. The ICFRE Report further records that the PEKB coal block has been undertaking systematic reclamation and rehabilitation activities including, stabilization of external waste dumps and internal backfilling's with adequate engineering measures (Toe/retaining Wall, Garland drain, gully plugs, miscellaneous drainages alongside haul road/avenue areas, water harvesting structures like settling ponds, catch water drains along coal block boundary to maintain required flow in the natural water courses, check dams, etc.) and biological measures include extensive afforestation with suitable mixed native plant species all over the reclaimed areas that include both within the statutory areas and vacant lands. [**ES 11.1 @ Pg xxiii** of the Executive Summary by ICFRE].

### **WII REPORT**

26. For the faunal aspect of the study area the data was collected and studied by team of experts from WII, who prepared a report on the said aspect.
27. The study of the WII Report goes to show that various impacts on the environment have been detailed by WII in its Report, however, WII has subsequently also given various recommendations and suggestions to mitigate the said impacts. The basis of the mitigation approach adopted by the WII are detailed out at **Pg 103** of the WII Report. The said mitigation measure have been suggested based on the assessment of the impacts of the operational coal mine on faunal biota in PEKB coal block under various heads [**Chapter 7 @ Pg 77** – WII Report @ **Pgs 85 - 100**].
28. Chapter 8 of the WII Report deals with the suggested mitigation strategies by the WII to reduce the impact of the coal mining on faunal groups in the operational PEKB coal mine. [**Chapter 8 - @Pg 103** of WII Report]. Various impacts have been detailed out on **Pg 104** of the Report and in the

subsequent pages recommendations and suggestions have been given by WII to mitigate the said impacts.

29. The said queries by the NGT have also been dealt with and answered by the WII in its report [**@Pg 6 and 7** of the Executive Summary of the WII Report].

### **NO-GO AREA ISSUE**

30. The contention that the HAC has been identified as a 'No-Go' area is erroneous. A perusal of the WII Report [**@Pg 8** of the Executive Summary of the WII] reads as under:

*“The assessment findings are in conformity with the study undertaken jointly by the Ministry of Coal and Ministry of Environment, Forests and Climate Change across nine coal fields across the country during the year 2009, where it was concluded that the Hasdeo–Arand coal fields in north-central Chhattisgarh is identified as a ‘no-go’ area. The findings of this joint study of 2009 culminated into an*

*important policy decision towards facilitating an objective, transparent and informed decision regarding forest lands being diverted for coal mining projects. However, the findings of the study were set aside during 2011. ...”*

The MoEF has issued a letter dated 30.08.2011 whereby it has communicated that vide decision dated 03.02.2011 the concept of the ‘No-Go Area’ for coal mining has been done away with. The True copy of the letter dated 30.08.2011 is annexed herewith as **ANNEXURE R -1**.

31. WII in its report observed that as certain portions of the PEKB block were already operational during assessment being carried out by the WII and large tracts of forests were already opened up for mining operations, the mining operation may only be permitted in the already operational mine of the block. WII further suggested that the conservation/management strategies as described in Chapters- 7,8 & 9 of the WII Report, addressing the impacts of mining in PEKB coal block and the measures to overcome

the same be stringently complied with and strict monitoring be carried out by the State Forest Department. It is pertinent to note here that WII nowhere has observed that the remaining area in the HAC is a 'No-go area'. On the contrary, the WII has only made a suggestion that the balance area be declared as 'No-go area. The same is evident from the response given by the WII to one of the queries raised by NGT, which reads as follows:

“...(vii) **What conditions and restriction do they propose on the mining in question, if they favour such mining?**

*As certain portions of the PEKB block has already been opened for mining, the mining operation may only be permitted in the already operational mine of the block. The other areas in HACF and landscape surrounding **it should be declared** as “no-go areas” and no mining **should be carried out** considering the irreplaceable, rich biodiversity and socio-cultural values. ...”*

[Refer – Response by WII to queries (iv) and (vii) raised by NGT and replied to by the WII -**Pg 6 and 7** of the WII Report]

**ICFRE TOOK NOTE OF THE WII REPORT AND ITS  
OBSERVATIONS**

32. The WII has reported the occurrence of large mammals especially elephant in some of the prime biodiversity rich locations. It is evident that this area supports rich biodiversity with a multitude of mammalian species including tigers and harbours forest-dependent communities and therefore sustaining the forest cover to maintain its overall ecological integrity are essential pre-requisite for the overall wellbeing of the area. Accordingly, WII suggested as follows:

*“It is pertinent that the Chhattisgarh State Forest Department may identify the areas for declaration as Conservation Reserves with due consultation and involvement of local communities and all other relevant stakeholders. Under the ambit of a*

*conservation reserve, habitat improvement activities such as restoration of grasslands and degraded forests; improving surface water availability for wildlife in relatively drier tracts during summer, regulating forest fires, and improving overall protection can benefit wildlife.”*

### **Lemru Elephant Reserve**

33. Insofar as the issue of Human-Elephant conflict is being highlighted, it is pertinent to note here that the State Government has implemented the said suggestions in the WII Report and the same is evident from the Gazette Notification No. F 8-6/2007/10-2 dated 07.10.2021, whereby with a view to provide natural habitat for wild elephants, mitigate human-elephant conflict and with the objective of better wildlife management practices the Govt. of Chhattisgarh declared Lemru Elephant Reserve. Bare perusal of the said Notification goes to show that the 3 coal blocks allocated to RRVUNL do not form part of the Lemru Elephant Reserve, which fact has also been admitted by the

MoEF & CC in its Affidavit filed before the Hon'ble Supreme Court of India. The True copy of the MoEF Affidavit as filed before the Hon'ble Apex Court is annexed herewith as **ANNEXURE R-2.**

34. As opposed to an area *ad-measuring* 450 Sq. Km proposed to be notified as Elephant Reserve, a larger area *ad-measuring* 1995.48 Sq. Km has been declared as reserve area for protection and conservation of elephants in the landscape by the State of Chhattisgarh, vide the said notification dated. 12.07.2021. Imperatively, as per the said notification, neither PEKB nor any of the other three coal blocks recommended for mining with strict mitigation measures fall within the notified Lemru Elephant Reserve.
35. The mitigation and management interventions, remain subject to modifications as and when required related to wildlife and the concerns have been duly taken care of. A True copy of the Lemru Reserve Notification dated 12.07.2021 issued by the State of Chhattisgarh is annexed herewith and marked as **ANNEXURE R-3.**

36. It is also pertinent to highlight here that the MoEF & CC has infact also annexed a map along with its affidavit depicting the details of coal blocks located in the HAC field and Lemru Elephant Reserve before the Hon'ble Supreme Court of India. A True copy of the map depicting details of coal blocks located in Hasdeo Arand Coal field and Lemru Elephant Reserve is annexed herewith and marked as **ANNEXURE R-4.**

37. The ICFRE while agreeing and accepting the said suggestions by the WII observed that considering the rich forest cover, floral biodiversity (640 plants species), occurrence of 33 Rare, Endangered and Threatened (RET) plant species and the different watersheds contributing the hydrological regime/hydrological flow; habitat for the fauna particularly mammals with large home ranges that is known to have established connectivity with proposed '*Lemru Elephant Reserve*' and livelihood dependence on non-wood forest products by the traditional forest dwelling community, the **ICFRE suggests Biodiversity Conservation Area**

comprising of 337 forest compartments (938 sq.km) in Chornai watershed; and 140 forest compartments (330.51 sq.km ) in Ton-Teti watershed, where 14 proposed coal blocks are located, for a sustainable development and conservation.

38. While suggesting the development of the Biodiversity Conservation Area to preserve the flora and fauna in the forest area, the ICFRE balanced the same with the socio-economic requirement and the industrial development requirement of the area under consideration for mining and gave the following recommendations:- [Pg xxxiv of Executive Summary of ICFRE]

- i. *The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara (15), Parsa (13) PEKB (14) & Kente Extension (12) that are either already opened or in advance stage of getting the statutory clearances/ToR approved, **can be considered** for mining with strict environmental safeguards including appropriate*

*conservation measures for management of surface water and biodiversity.*

- ii. The total extent of 4 coal blocks of Tara, Parsa, PEKB, Kente Extension put together comprises of 80.95 sq.km, having a mineable reserve of 1143.49 MT (geological resources of 1475.81 MT) to meet the coal requirement from HAC.*
- iii. However, mining in Kente Extension (12) **may be decided appropriately** with strict environmental safeguards pertaining to surface water management and biodiversity conservation measures, considering the presence of relatively more very dense, moderately dense forest cover and wildlife occurrence, particularly, elephant movements. In addition, the MoEF&CC vide letter No. J-11015/48/2019.II(M) dated 8.01.2020 issued ToR for conducting EIA/EMP studies as this coal block is allotted through auction process to M/s. Rajasthan Rajya Vidyut Utpadan Nigam Limited (RVUNL) and as per the condition*

No. 4(i) of the ToR, MoEF&CC has mandated to conduct Carrying Capacity study.

- iv. A total of 337 forest compartments covering an area of 938 sq.km in Chornai watershed and 140 forest compartments covering an area of 330.51 sq.km in Ton-Teti watershed are suggested for **Biodiversity Conservation Area (BCA)** (Annexure 10.1; Individual forest compartment wise details falling within the Biodiversity Conservation Area of Hasdeo-Arand Coalfield, Chhattisgarh are provided in Chapter-10 of main report Volume-I).

o However, a part of BCA comprising of two forest compartments No. P2114 and P1998 that are falling within PEKB operational mine and allotted Parsa coal block are suggested to be exempted from BCA.

- v. There are two contiguous coal blocks such as Sarma (20) and Laxmangarh (21) covering a total extent area of 41.82 sq.km with 10.53 sq.km under moderately dense forest (0.91% out of 1158.04 sq.km) and a relatively smaller area

of 0.04 sq.km under very dense forest (0.04% out of 1158.04sq.km) falling within the Gaj-Jhink watershed (upstream of Atem Nadi).

- vi. Both Sarma (20) and Laxmangarh (21) coal blocks were observed to have high level of anthropogenic pressures and degraded forest due to extensive agriculture and allied activities and its close affinity/ proximity to Udaipur – the tehsil headquarters, under Surguja district.
- vii. Also, the other two contagious coal blocks i.e., Bhakurma-Martinga (22) and Kedma (23) covering an extent of 44.95 sq.km with 27.15 sq.km area under moderately dense forest (2.34% out of 1158.04 sq.km) and 5.83 sq.km area under very dense forest (5.83% out of 1158.04 sq.km) falling within Rehar watershed (at upstream).
- viii. These four coal blocks viz., **Sarma (20), Laxmangarh (21) falling in** Gej-Jhink watersheds; **Bhakurma-Martinga (22) and Kedma (23) falling in** Rehar watershed, as per the information received from CMPDI

*are only regionally promotionally explored and the boundary demarcation is yet to be carried out.*

- ix. *Hence mining in the identified four coal blocks viz., **Sarma (20), Laxmangarh (21), Bhakurma-Martinga (22) and Kedma (23)** may be kept in abeyance till complete exploration and boundary demarcation is finalized; and the detailed assessment of the catchment and drainage networks of the Rehar River as well as the prominent agriculture activity are made to understand the impact.*

*Overall, 14 projects, falling within both the Chornai (8) and Ton-Teti (9) watershed **may be not recommended** for mining keeping in view of conserving the relatively dense moist-dry deciduous sal dominated forest tracts that provide home range for elephant ; these forest are also intersected by dense stream channels of the higher order characteristic to the Chornai watersheds and considerable area under the coal blocks with relatively dense forests being*

*influenced by the Hasdeo River/ Hasdeo-Bango Dam characteristic to the Ton-Teti watershed.*

- x. *Based on the compliance condition stipulated in the Environmental Clearance (vide letter No.J-11015/03/2008-1A.II(M) dated, 21.12.2011) a 75 km dedicated Railway corridor of South East Central Railway (SECR) connecting Surajpur Railway Station on Bilaspur - Ambikapur to pit head of PEKB mine has been commissioned in April 2018. The same may be utilized by the adjacent coal blocks in the cluster. The coal transportation through the dedicated railway corridor from these coal blocks will likely to reduce the impacts of mining and transportation on the environment and human health.”*
39. In addition to the above, it has also been recommended that a cumulative impact assessment of all the coal blocks mining on environment or a carrying capacity study involving physical, biological, social environment w.r.t. developmental intervention of the entire HAC shall be carried out for

decision making and to achieve sustainable development.

[Pg xxxvi of Executive Summary of ICFRE].

40. It can thus, be seen that the suggestion made by the WII has not only been duly taken into consideration by the ICFRE but the same has also been sought to be implemented by setting the Biodiversity Conservation Area and for the same the ICFRE has earmarked the area comprising of 337 forest compartments (938 sq.km) in Chornai watershed; and 140 forest compartments (330.51 sq.km ) in Ton-Teti watershed, where 14 proposed coal blocks are located, for a sustainable development and conservation. To ensure the strict compliance and implementation of the said suggestion, the ICFRE has ensured that the 14 projects within the Chorani and Ton-Teri watershed have not even been recommended for mining.
  
41. It can thus safely be concluded that the ICFRE has taken into consideration all the views taken, suggestions and recommendations made by the WII in its report and has recommended the mining in the coal blocks allocated to the

RRVUNL only after ensuring the strict compliance of the said recommendations. It cannot be alleged that the WII has been overlooked and the ICFRE has arbitrarily and illegally proceeded to make recommendations for continuing mining activities in the HAC.

42. At the cost of repetition, it is submitted that BAR Report does not bar the mining of coal from the said coal fields, instead suggests further mitigation measures which out to be implemented while carrying out mining in the said coal blocks in the said HAC Area. Out of the total 23 coal blocks in the entire HAC Area, ICFRE has recommended/permitted mining in only 4 coal blocks, which are at the fringe of the HAC Area and which have less density of forests/trees as compared to the other coal blocks and the said mining activity has been recommended only with additional mitigation measures. Thus, all requisite and necessary precautions have been taken into consideration while allowing and recommending mining in the 4 coals in the HAC Area, thus maintaining the necessary balance between sustainable development and conservation of forests.

43. Pursuant to the BAR Report-2021, the Forest Advisory Committee (FAC), in its meeting held on 23.12.2021, accepted the biodiversity report prepared by ICFRE and accordingly recommended mining in Phase-II of PEKB Mine allotted to the answering Respondent. Thus, the directions passed by the Ld. NGT in the impugned order and the interim order passed by this Hon'ble Court, were all subject to the final decision taken by MOEF after seeking the advice of FAC, which have now been carried out and the Applicant now seeks to challenge the same on frivolous and non-existent grounds.
44. It is submitted that the present captioned *suo moto* proceedings involve only the issue of tree felling for the PEKB coal block which arise out of various permissions and clearances granted in favour of the Answering Respondent and which have not been challenged by the Applicant herein. The Applicant is situated in Jharkhand and has failed to show as how will the Applicant be adversely affected by the

mining activities being carried out in the State of Chhattisgarh.

45. It is submitted that the BAR Report which was submitted in July, 2021 and the subsequent permissions granted for Phase-II PEKB mine remains unchallenged by the Applicant till date i.e. after 4 years. Therefore, the question for consideration is can at the instance of an “Intervenor”, this Hon’ble Tribunal entertain and consider submissions at such belated stage in the present *suo moto* proceedings. Therefore, the present Intervention Application ought to be dismissed on this ground alone.

**RESOLUTION DATED 26.07.2022**

46. On the issue of the Resolution dated 26.07.2022 passed by the Chhattisgarh State Legislative Assembly calling for cancellation of all coal blocks in the Hasdeo Forests, it is submitted that the said Resolution is a non-binding and non-official resolution. With respect, it is submitted that there is no legal binding effect of such legislative resolutions.

47. As per the letter of 19.09.2022 the Department of Mining, Government of Chhattisgarh had merely informed the Ministry of Coal, Government of India regarding the non-official resolution seeking deallocation of coal block in the Hasdeo region.
48. It is submitted that vide letter dt. 16.11.2022, the Office of the Nominated Authority, Ministry of Coal, Government of India in response to State Assembly Resolution urged the State Government to not take such retrospective steps as it would affect energy security of the country and rejected the request for de-allocation of coal block in Hasdeo Arand Coalfields. It was stated in the letter that these mines were allocated either on allotment or auction routes and allocatees have incurred huge investments to develop these mines. Any cancellation of these mines at this advanced stage would lead to incurring losses. Also production from these will be affected which will be great loss to the country and it is not in the national interest to cancel these mines. A True copy of the Ministry of Coal, Government of India letter dt.

16.11.2022 is annexed herewith and marked as **ANNEXURE**

**R-5.**

49. Further, pursuant to. State Government Letter dt. 31.10.2022 addressed to Ministry of Environment and Forest, Government of India seeking cancellation of Parsa Opencast Mine Project, Secretary, Ministry of Power, Government of India addressed letter dt. 17.11.2022 to Secretary, Ministry of Environment and Forest and requested retaining of Parsa Opencast Mine Project mining permissions by specifically stating that at present 4340 MW of RVUNL plants are linked with the captive coal blocks and recently 2x660MW units of Suratgargh-SC plant is also being commissioned and put into operation, the present coal supply from PEKB is not sufficient to meet out the requirement of these plants, the requirement of coal supply from Parsa Coal Block have become a necessity for smooth and continues generation . A True copy of

the Ministry of Power, Government of India letter dt. 17.11.2022 is annexed herewith and marked as **ANNEXURE R-6.**

50. In view of the above facts and circumstance, the answering Respondent states that no audience or indulgence should be given to the present Applicant herein and the present Intervention Application be dismissed by this Hon'ble Tribunal.

51. The annexures R/1 to R/6 annexed to the present reply are true copies of their respective originals.



DEPONENT

**Superintending Engineer (Fuel)  
RVUN, Jaipur**

VERIFICATION

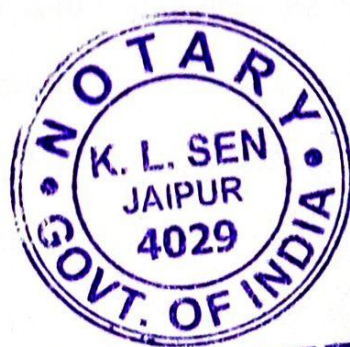
I, above named deponent do hereby solemnly state and affirm that the contents of the above reply are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Signed and Verified at Jaipur on this 23 day of August, 2024.



DEPONENT

**Superintending Engineer (Fuel)  
RVUN, Jaipur**



**ATTESTED**

**NOTARY  
JAIPUR (INDIA)**

23 AUG 2024

F.NO.11-269/2012/FC

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT AND FORESTS

FC DIVISION

Paryavaran Bhavan

CGO Complex, Lodi Road

New Delhi- 110003

Dated 30.08.2012

To,

The Principal Secretary (Forests, State Governments of Madhya Pradesh, Chattisgarh, Jharkhand, Orissa and Maharashtra)

Subject: Proposal seeking prior approval of Central Government under the Forest Conservation Act, 1980 for diversion of forest land for coal mining projects.

Sir,

I am directed to say that a group of ministers (GOM) constituted by the Cabinet Secretariat vide their O.M. No. 121/4/3/2010- CAB. Dated 03<sup>rd</sup> February 2011 to consider the environmental and developmental issues relating to coal mining and other development projects inter alia decided that Go- No- Go for coal mining should be done away with and each of the proposals seeking diversion of forest land for coal mining be processed and considered by this Ministry on its merits.

Accordingly, I am directed to say that the state governments may kindly process the proposals seeking prior approval of the central government under the Forest Conservation Act, 1980 for diversion of forest land for coal mining projects in accordance with said decision of the GOM and send them to this ministry for its necessary action to consider these proposals on a case to case basis and on merit.

Yours Faithfully

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

(1) The principal chief conservator of forests,

State Governments of Madhya Pradesh, Chattisgarh, Jharkhan, Orissa and  
Maharashtra

(2) The nodal officer, Forest Conservation Act, 1980

State Governments of Madhya Pradesh, Chattisgarh, Jharkhan, Orissa and  
Maharashtra

(3) The CCF (Central), Regional Office, Bhubaneshwar and Bhopal

(4) Guard file

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests



//True Copy//

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4395 OF 2014

&

WRIT PETITION(C) NO. 371 OF 2019

&

SPECIAL LEAVE PETITION(C) NO. 18103 OF 2022

**IN THE MATTER OF:**

Rajasthan Rajya Vidyut Utpadan Nigam Limited

...Appellant

V/S

Sudiep Srivastava & Others.

...Respondents

**AFFIDAVIT ON BEHALF OF THE UNION OF INDIA, MINISTRY OF  
ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI.**

**(RESPONDENT NO. 3)**

**PRELIMINARY SUBMISSIONS:**

I, Charan Jeet Singh, son of Late Sh. Pritam Singh, aged about 43 years,  
working as Scientist 'D' at the Indira Paryavaran Bhawan in the  
Ministry of Environment, Forest and Climate Change at New Delhi do

hereby solemnly affirm and state as under:



1. That I am duly authorized to swear this affidavit as such conversant with the facts of the present case and competent to swear the present affidavit.
2. That I am making the present affidavit on the basis of the records maintained by the Respondent No. 3 in its normal course of business and the same are true and correct.
3. That the answering Respondent has previously filed affidavits dated 15.04.2019, 25.04.2019, 07.05.2019, 15.07.2022, 19.02.2021, 02.11.2022 in the captioned matters. The contents of the said affidavits may be read together with the present affidavit.
4. It is respectfully submitted that the present affidavit is being filed in compliance of order dated 13.04.2023 of this Hon'ble Court whereby this Hon'ble Court issued the following directions,

*"We direct the Union of India to file a comprehensive affidavit indicating the status of all matters. This shall be carried out within a period of two weeks"*

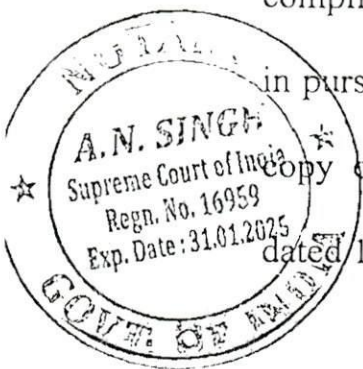
5. A chart containing the status of all the matters herein is annexed herewith as "**Annexure-I**".

6. It is pertinent to mention that the answering Respondent had filed a compliance affidavit dated 15.04.2019 to the Civil Appeal No. 4395/2014

in pursuance of the order dated 28.01.2019 of this Hon'ble Court. A true

copy of the Compliance Affidavit filed by the answering Respondent

dated 15.04.2019 is annexed as "**Annexure – II**".



*[Handwritten Signature]*

7. Thereafter an IA No. 53863/2019 was filed by Sh. Sudiep Srivastava. The answering Respondent filed a detailed reply on 25.04.2019. A true copy of the Counter Affidavit filed by the answering Respondent dated 25.04.2019 in IA No. 53863/2019 is annexed as “**Annexure – III**”.
8. Thereafter, Sh. Sudiep Srivastava again filed IA No. 71316, 71319 and 2007 of 2022 in Civil Appeal No. 4395 of 2014. The answering Respondent in response to the IAs filed a Counter Affidavit on 15.07.2022. A true copy of the Counter Affidavit filed by the answering Respondent dated 15.07.2022 is annexed as “**Annexure – IV**”.
9. Thereafter, Sh. Dinesh Kumar Soni filed a Writ Petition No. 371 of 2019 which is tagged along with this matter. The answering Respondent in response to the said petition has filed an Affidavit on 19.02.2021. A true copy of the Affidavit filed by the answering Respondent dated 19.04.2021 is annexed as “**Annexure – V**”.
10. Thereafter, the Hon’ble Supreme Court vide order dated 13.10.2022 directed the answering Respondent to file the Biodiversity Assessment Report (“BAR” for short) prepared by ICFRE and WII before the next date of hearing. In compliance to the said order, the answering Respondent on 02.11.2022 filed the BAR and the same is on record. A true copy of the Affidavit dated 02.11.2022 filed by the answering Respondent is annexed as “**Annexure – VI**”.



*[Handwritten Signature]*

11. At the outset, all the allegations made against the answering Respondent in Civil Appeal No. 4395/2014, Writ Petition(C) No. 371/2019 and SLP(C) No. 18103/2022 and the IAs filed therein are denied except those that are specifically admitted herein. The Petitions are not maintainable against the answering Respondent either on law or on facts.

12. It is respectfully submitted that the present affidavit is being filed indicating the status of all the matters connected herein. Accordingly, the status of each matter is stated below:

**A. STATUS OF CIVIL APPEAL NO. 4395/2014 AND IA NO. 53863 OF 2019, IA NO. 71316, 71319 OF 2022, IA NO. 2007 OF 2022 AND IA NO. NIL OF 2023 (AS FILED ON 26.04.2023)**

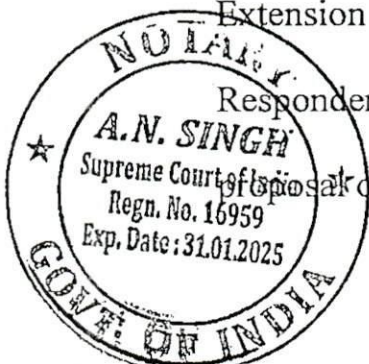
13. It is respectfully submitted that the Hasdeo-Arand Coalfield is one of the major coalfields of Central India located in the upper reaches of Mahanadi Valley Master Gondwana Basin. It is spread over an area of approximately 1879.6 sq km. There are 23 coal blocks in Hasdeo-Arand Coal fields, out of which mining operations are currently being carried out only in Parsa East & Kete Basan (PEKB) Coal Block in the area in question. The answering Respondent has accorded approvals, under

Section 2 of the Forest (Conservation) Act, 1980, to the following coal mining projects:



*[Handwritten signature]*

- i. A proposal for diversion of 1324.380 ha of forest land (originally proposed 2301.260 ha) for Tara Coal Block Opencast Coal Mining Project in favour of M/s Chhattisgarh State Mineral Development Corporation in Surguja District, Chhattisgarh was accorded Stage-I approval on 5.07.2011. The answering Respondent has not received the compliance report on the conditions of the Stage I Approval from the State Government in this matter. Accordingly, since, the final approval has not been granted by the answering Respondent in this matter, the forest land has not been diverted in this coal block as yet.
- ii. A proposal for diversion of 1898.328 ha of forest land for Parsa East and KeteBasan captive coal block for open cast mining project in favour of M/s Rajasthan Rajya Vidut Utpadan Nigam Limited in South Surguja Forest Division in the Surguja District of Chhattisgarh was accorded Stage-II on 15.03.2012.
- iii. A proposal for diversion of 841.538 ha of forest land for Parsa Opencast Coal Mining Project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) in the Surguja District in the State of Chhattisgarh was accorded Stage-II approval on 21.10.2021.
- iv. The proposal for prospecting of 1745.883 ha of forest land in the Kete Extension Coal Block was granted Stage II Approval by the answering Respondent on 14.06.2018. It is pertinent to mention here that the proposal of prospecting does not involve diversion of forest land.



*(Signature)*

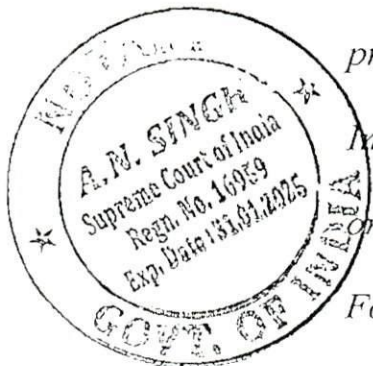
**PARSA EAST AND KANTE BASAN (PEKB) COAL BLOCK:**

14. The Government of Chhattisgarh, vide their letter dated 28.04.2010 submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 1898.328 ha of forest land for Parsa East and Kete Basan ("PEKB") Coal block open cast mining in Hasdeo Arand forest.

15. The proposal was placed before the Forest Advisory Committee ("FAC") as constituted under Section 3 of the FCA on 10.03.2011 and 20-21.06.2011. The FAC did not recommend the proposal for diversion of forest land. However, the said recommendations of the FAC were overruled by the then competent authority vide speaking order dated 23.06.2011 and accordingly Stage I 'in-principle' Approval was granted by the answering Respondent vide letter dated 06.07.2011, subject to conditions prescribed therein.

16. It is pertinent to mention here that one of the mandatory conditions of Stage I Approval was:

*7. The Wildlife Management plan and programme should be prepared under the aegis of an institution like the Wildlife Institution of India. Other independent institutions with expertise on elephant-related issues especially, like the Nature conservation Foundation, Wildlife Trust of India and the Centre for Ecological*



*(Signature)*

*Studies at the Indian and the Indian Institute of Science could also be involved in the preparation and implementation of such a management plan with funds from the project proponents (IFFCO and RVUNL). The plan should be prepared over the next four-six months and should be submitted to the Ministry for monitoring.*

17. It is respectfully submitted that the proposal for grant of Environment Clearance ('EC') was considered in the 33<sup>rd</sup> Expert Appraisal Committee ('EAC') meeting held on 26-27<sup>th</sup> September, 2011. The Committee, after detailed deliberation, had recommended for the grant of environment clearance in an area of 2711.034 ha to the PEKB coal block for a production capacity of 10 million tonnes per annum (MTPA). Accordingly, the EC was granted by the Ministry on 21.12.2011.

18. The State Government, vide their letter dated 17.10.2011 forwarded a copy of Wildlife Management Plan to Wildlife Institute of India ('WII'), Dehradun in compliance to condition no. 7 of the Stage-I approval dated 06.07.2011. The answering Respondent vide its letter dated 02.02.2012 had requested the WII, Dehradun to examine the Wildlife Plan submitted by the Government of Chhattisgarh. The WII, Dehradun examined the Wildlife Management Plan and has furnished its comments, vide their letter dated 29.02.2012.



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19. That after receipt of the comments of the WII, Dehradun on the Wildlife Management Plan and compliance of other conditions stipulated in the 'in-principle' approval, the Ministry accorded Final Approval to the proposal on 15.03.2012 *inter-alia* stipulating following additional conditions for effective implementation of the Wildlife Management Plan:

- i. *"The State Government will suitably incorporate the comments, as suggested by of the WII, Dehradun, into the Wildlife Management Plan prepared for the area.*
- ii. *The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.*
- iii. *In order to ensure proper implementation of the Wildlife Management Plan, the user agency shall make necessary provisions for carrying out the monitoring and evaluation of the plan. It would be appropriate to include Chief Wildlife Warden of the State as part of the Monitoring Committee.*
- iv. *The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area."*



*Chy*

20. That the above-mentioned Wildlife Management Plan, involving financial provision of Rs. 22.0 crores, was proposed to be implemented in the core area and buffer area over a period of 15 years. The Wildlife Management Plan included general protection of the core area and protection and conservation of the buffer zone ecosystem by carrying out various activities like fire protection, protection from grazing, illicit felling and plantation, empowerment of people for protection, soil and moisture conservation works, etc. The Wildlife Management Plan has been proposed to mitigate the impact of the mining operations on the wildlife in the area, including providing for safe movement of elephants. Therefore, to say that no mitigative measures were considered while granting Stage II/Final Approval for the PEKB Coal Block is incorrect and the same is denied.

21. The Stage II/Final Approval dated 15.03.2012 for diversion of 1898.328 ha forest land was granted for commencing the mining work in two phases. The relevant condition number 8 of the Stage II/ Final Approval is reiterated below:

*"8. The mining shall be done in two phases:*

*I. During the Phase-I, covering 15 years, the mining shall be restricted to 762.00 ha. of forest land.*



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II. During Phase-II, the mining over remaining 1136.00 ha. will be linked to the reforestation and biodiversity management in Phase-I.

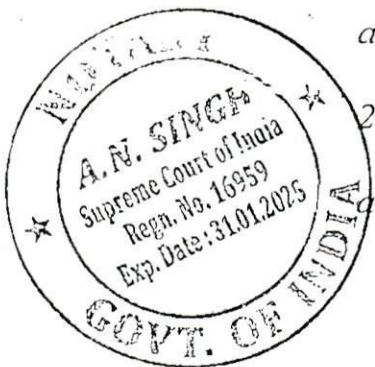
III. The project proponent will submit the application for permission for mining in Phase-II along with compliance report of Phase-I." A True copy of the Stage II Approval dated 15.03.2012 is annexed as "Annexure –VII".

22. That, subsequent to grant of Stage-II/ Final approval by the answering Respondent, the State Government on 28.03.2012 passed the order for diversion of 1898.328 ha. of forest land for PEKB Coal Block. The said order of the State was challenged before the Hon'ble NGT by way of Appeal No. 73 of 2012 by Shri Sudiep Srivastava. The Hon'ble NGT vide order dated 24.03.2014 *inter-alia* directed:

*Minister's letter*

"1. Order dated 23rd June, 2011 passed by the respondent no. 2-MoEF Government of India and consequential order dated 5.2.12 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

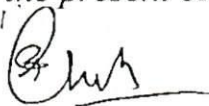
2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the



*[Handwritten signature]*

proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.



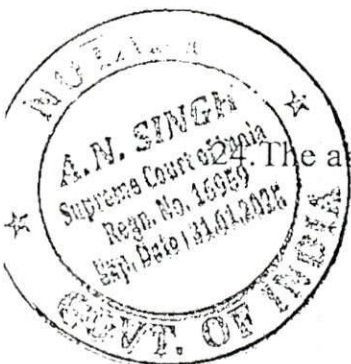
..... 

3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.

4. All work commenced by the respondent no. 3 project proponent and respondent no. 4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law."

23. The said order of the Hon'ble NGT was challenged by way of the captioned Civil Appeal. This Hon'ble Court vide order dated 28.04.2014 *inter-alia* directed:

*"We stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forests."*



24. The above order is self-explanatory.

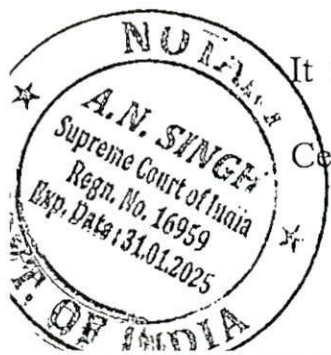
*Chy*

25. It is submitted that the mining activity in the forest land cannot operate without any permission under any statutory law. If it were to operate without any statutory regulations, then there would be illicit mining without any obligation to operate as per the statutory conditions prescribed in the statutory approval which in this case is the Stage II/Final Approval dated 15.03.2012 under section 2 of the Forest (Conservation) Act, 1980. Therefore, the Final Approval dated 15.03.2012 was under operation in pursuance of the stay order dated 28.04.2014 of this Hon'ble Court.

26. It is also pertinent to mention that the Hon'ble NGT vide order dated 07.11.2012 in Appeal No. 7 of 2012 in the matter of *Shri Vimal Bhai and other v. Union of India inter-alia* observed:

*29. Cumulative reading of Section 2 (A) of the FC Act and 16(e) of the NGT Act, leads to an irresistible conclusion that under the said Sections an Appeal is provided for only against an order passed by the State Government or other authorities. In other words, the Legislature in its wisdom has kept the order of approval/clearance passed by the Central Government under FC Act beyond the scope of Appeal.*

It is therefore respectfully submitted that the prior approval of the Central Government, granted under section 2 of the Forest



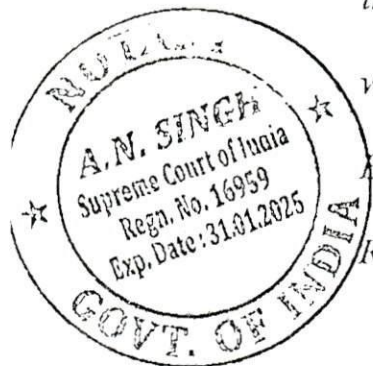
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(Conservation) Act, 1980, could not have been quashed by the Hon'ble NGT. A true copy of the excerpts of the order dated 07.11.2012 of the Hon'ble NGT is annexed as "Annexure-VIII".

27. Subsequently, the Government of Chhattisgarh submitted a proposal in 2017 for prospecting in the Kete Extension Coal Block which is contiguous to PEKB. Generally, prospecting or survey does not result into perceptible change in the forest land use, however, prospecting being a non-forestry activity attracts the provisions of the Forest (Conservation) Act, 1980. The answering Respondent referred the proposal to the FAC in August, 2017 and FAC directed the Regional Office, Nagpur of the answering Respondent to carry out the inspection in light of the directions of NGT as contained in its order dated 24.03.2014.

28. The Regional Office submitted its inspection report in light of the directions of the answering Respondent. Thereafter, the matter was again examined holistically by the FAC on 25.01.2018 and the FAC inter-alia recommended that the following study may be conducted by the State:

*"A Biodiversity Study to be conducted through ICFRE, Dehradun in consultation with Wildlife Institute of India, Dehradun for the whole HasdeoArand Coalfield comprising of Tara, Parsa, Parsa East & KantaBasan and Kete Extension to be funded by M/s Rajasthan RajyaVidyutUtpadan Nigam Limited (RVUNL). The*



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*study is to be awarded by state government by associating the Indian Council of Forestry Research & Education (ICFRE), Dehradun and Wildlife Institute of India (WII) Dehradun and Integrated Wildlife Management Plan (IWMP) will be prepared and conservation area will be identified and mitigation measures will be recommended by the expert committee. The cost of study and cost of implementation of the recommendations shall be borne by M/S Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL). The report will be submitted within 2 years."*

30. It is respectfully submitted that a proposal for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA was considered in 28<sup>th</sup> meeting of the EAC held on 17<sup>th</sup> -18<sup>th</sup> April, 2018. The EAC duly noted all the court cases/violations involved with regard to the project and recommended the proposal for grant of environmental clearance. Accordingly, the answering Respondent vide letter dated 10.08.2018 granted Environment Clearance for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA.

31. It is respectfully submitted that Government of Chhattisgarh vide letter dated 22.02.2021 forwarded the request of the user agency to allow

mining in 1136 ha. of forest land of Phase-II in the PEKB Coal block. It was stated that due to the enhancement of production capacity of mine



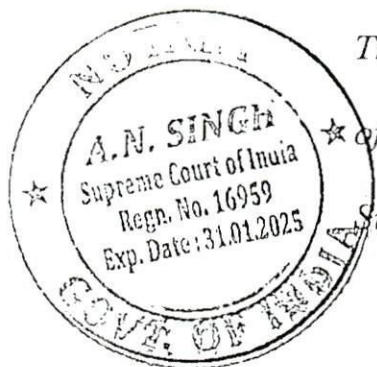
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from 10 MTPA to 15 MTPA, mining activities of Phase-I will be over in 2021.

32. It is respectfully submitted that on receipt of the request of the State Government to allow the mining in the balance area i.e., the Phase II Mining, the proposal was re-examined thoroughly by the answering Respondent. The Ministry thoroughly deliberated and analysed the current factual position that the Bio-diversity Assessment Study was still under consideration with the State Government and the matter is sub-judice as well in this Hon'ble Court. Accordingly, vide letter dated 25.05.2021 requested the State Government to submit its considered opinion in the matter in light of various order of this Hon'ble Court for any further action on the proposal.

33. That the State Government vide their letter dated 22.06.2021, in reply to Ministry's letter dated 25.05.2021 forwarded the legal opinion of the Advocate on Record which *inter-alia* stated the following:

*"In furtherance of the foregoing, in my considerate view, the judgement of Appeal No. 73/2012 titled 'Sudiep Srivastava v. State of Chhattisgarh & Ors' dated 24.03.2014 of National Green Tribunal and the pendency of the court case in Civil Appeal 4395 of 2014 titled 'Rajasthan Rajya Vidyut Utpadan Nigam Limited v. Sudiep Srivastava & Ors' in the Hon'ble Supreme Court, do not come*



*Chy*

*in the way of exercising any administrative action strictly in accordance with law as the mining suspension order of Ld. NGT dated 24.03.2014 has been stayed by the Hon'ble Supreme Court of India vide its order dated 28.04.2014, an also the first operative part of the Judgement dated 24.03.20214, which raised some question for which the Biodiversity Assessment study is being conducted, is being fully complied with in accordance with the law."*

34. The Government of Chhattisgarh, vide their letter dated 08.10.2021 forwarded a copy of Biodiversity Assessment Study Report to the Ministry. The report inter-alia recommended *"The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara (15), Parsa (13) PEKB (14) & Kente Extension (12) that are either already opened or in advance stage of getting the statutory clearances/ToR approved, can be considered for mining with strict environmental safeguards including appropriate conservation measures for management of surface water and biodiversity."* It is pertinent to note that 14 out of 18 projects, falling within both the Chornai (8) and Ton-Teti (9) watershed have not been recommended for mining by the Biodiversity Assessment Study keeping in view of conserving the relatively dense moist-dry deciduous sal dominated forest tracts that



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provide home range for elephants. It is pertinent to mention that after receipt of the Biodiversity Assessment Study Report, all the operational directions of the Hon'ble NGT have been complied.

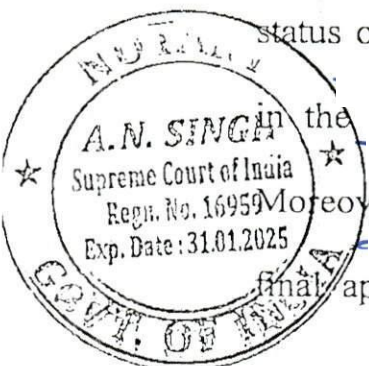
35. That as a matter of abundant precaution and after due diligence on the proposal based on Biodiversity Assessment Study, answering Respondent deliberated the proposal in the FAC meeting dated 28.10.2021. Prior to taking any decision, FAC recommended that a Sub-Committee shall be formed to visit the PEKB site to assess that status of reclamation measures already implemented/being implemented in the lease area by the user agency in terms of its efficacy and provisions provided in the Mining Plan and to provide the status of compliance of various conditions stipulated in the Stage II Approval dated 15.03.2012. Sub-Committee was constituted by the answering Respondent vide letter dated 9.11.2021. A true copy of the minutes of the meeting of the FAC dated 28.10.2022 is annexed as “Annexure – IX”.

36. That the Sub-Committee of FAC visited the site from 26<sup>th</sup>– 29<sup>th</sup> November 2021 and after thorough examination submitted its report with observations on 01.12.2021. The Sub-Committee recommended that the

status of reclamation measures already implemented/being implemented

in the area of inspection is satisfactory and ecologically sustainable.

Moreover, it was also recommended that the conditions stipulated in the final approval by answering Respondent dated 15.03.2012 have been



complied with, by the User Agency and the proposal can be considered for Phase II mining. A true copy of the Sub-Committee Report is annexed as “Annexure – X”.

37. It is submitted that Biodiversity Assessment Study Report (BAR) was carried out by the ICFRE, Dehradun in association with Wildlife Institute of India (WII), Dehradun. It is pertinent to mention that there is only one report on the BAR which is submitted by the ICFRE, which includes report of WII. The recommendation made in the final report includes the recommendation of WII. The final report after due consultations with WII was presented by ICFRE before the FAC held on 23.12.2021.

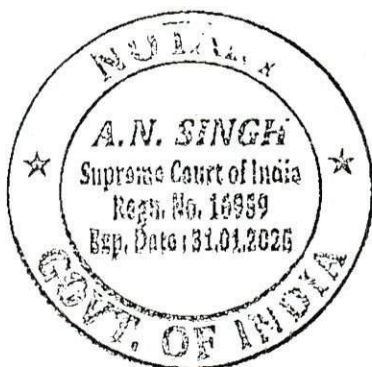
38. That the recommendations of the Sub-Committee and detailed presentation of ICFRE Report was made before the FAC in its meeting held on 23.12.2021. The FAC, after detailed discussion and deliberations on the proposal, discussion with the Nodal Officer (FCA), Chhattisgarh, members of Sub-Committee of the FAC and after careful examination of the recommendations of ICFRE in Biodiversity Assessment Study Report (BAR) recommended the proposal for Phase-II mining over balance area of 1138 ha for which the Final/Stage-II Approval was already granted on 15.03.2012 subject to the fulfilment of following conditions:

- i. *The recommendation in the Biodiversity Assessment Study Report (BAR) have been made keeping in view the*



*comprehensive scenario of current production levels, biotic interference, mitigating measures, etc vis-à-vis impact on surrounding resources. Therefore, no further changes in the Mining Plan vis-a-vis land use shall be effected by the user agency without the prior approval of Central Government.*

- ii. *The recommendation made in the Biodiversity Assessment Study Report shall be incorporated into the Wildlife Management Plan and the same shall be implemented by the State Forest Department at the project cost.*
- iii. *Annual site inspection on compliance of conditions should be mandatorily done jointly by IRO, Raipur and State Forest Department.*
- iv. *Grant of permission for mining operations in the Phase-II area of 1136 ha is subject to change as per the directions of Hon'ble Supreme Court, as may be directed in final decision, in Civil Appeal 4395 of 2014.*
- v. *The user agency, in consultation with the State Forest Department, will strengthen the provision for appropriate financial outlay for the establishment and effective functioning of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.*



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- vi. *The State Government and the user agency shall ensure that concerned orders/directions of Courts/Tribunals, relevant provisions of the all Acts, Rules, Regulations and Guidelines pertaining to this project, if any, for the time being in force, as applicable to the project.*
- vii. *Biodiversity restoration should be integral part of mining site rehabilitation and User Agency should submit annual progress report on rehabilitation of mined up areas following best practices and afforestation measures to IRO for information and verification.*

A true copy of the minutes of the meeting of the FAC dated 23.12.2022 is annexed as “**Annexure-XI**”

39. That, accordingly, the answering Respondent vide letter dated 02.02.2022 granted permission to commence the Phase II mining operation in the balance area of 1136 ha. of forest land in favour of Rajasthan RajyaVidyutUtpadan Nigam Ltd.

40. It is pertinent to mention that the approval for Phase-II mining of the Stage –II/Final approval given by the Ministry was based on the facts brought before the FAC and the report submitted by the Sub-Committee.

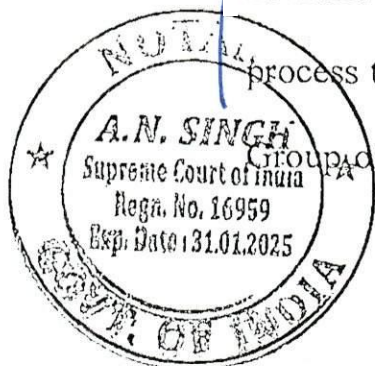
Therefore, the allegations made in the IAs are baseless and without any merit. Furthermore, the Environment Clearance for mining out the coal



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was given considering the mining plan and mining carried out by the User Agency. Therefore, the allegation regarding allowing the Phase-II mining without completely exhausting the coal reserves of Phase-I is hypothetical and lack factual substances.

41. It is respectfully submitted that to facilitate objective, informed and transparent decision on diversion of forest land for coal mining projects, the answering Respondent on the suggestion from the Ministry of Coal, jointly undertaken a study during 2008- 2009 in nine major coal fields, namely the Talcher, IB Valley, Mandiraigarh, Sohagpur, Wardha, Singrauli, North Karanpura, West Bokaro and Hasdeo and the coal blocks located in these coalfields were classified into 'Go' and 'No Go' areas. However, Group of Minister, constituted by the Cabinet Secretariat, vide their OM No. 121/4/3/2010-Cab. dated 3.02.2011 to consider the environmental and developmental issues relating to coal mining and other developmental issues, inter-alia decided that concept of Go-No-Go for coal mining should be done away with and each of the proposal seeking diversion of forest land for coal mining be processed and considered by the answering Respondent. Accordingly, the answering Respondent vide its letter dated 30.08.2012 conveyed the concerned State Governments to process the coal mining proposals in accordance with the decision of the Group of Ministers and send them to MoEF&CC to consider these cases



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on case to case basis and on their merits. A true copy of the OM dated 30.08.2012 is enclosed as "Annexure- XII".

42. It is respectfully submitted that the Government of Chhattisgarh has notified the Lemru Elephant Reserve over an area of 1995.48 sq km on 12.07.2021 for protection and conservation of elephants in the landscape being a flagship species. It is pertinent to mention that an area of 450 Sq. Km was proposed to be notified as Elephant Reserve, however, the elephant reserve was declared in an area of 1995.48 Sq. Km. As per said notification, neither PEKB nor any other three Coal Blocks as recommended in the BAR fall within the notified Lemru Elephant Reserve. Moreover, a Wildlife Management Plan for the proposal was concurred by Wildlife Institute of India (WII), Dehradun before issuance of Stage-II and as per the recommendation, a sum of Rs. 22 crores was deposited by the User Agency for the same. Further, the Ministry while according permission for Phase-II mining operations, also directed the State Government to incorporate the recommendation made in the BAR in the Wildlife Management Plan to enforce the mitigation measures for protection and conservation of the wildlife and floral diversity of the area. Therefore, the allegation of the appellant that the recommendations of the WII were not considered is factually incorrect. Thus, mitigation measures and management interventions, that remains subject to modifications as and when required, related to wildlife in the matter has duly been taken




care of. A true copy of the Lemru Reserve Notification is annexed as “Annexure –XIII”.

43. It is respectfully submitted that the Government of Chhattisgarh has taken a cautious decision to notify the Lemru Elephant Reserve revealing the intention of the State to give emphasis on the protection and conservation wildlife in general and elephants in particular than mining. It is pertinent to mention that, presently, the entire area of only three Coal blocks fall within the Lemru Elephant Reserve whereas areas of two coal blocks are partially falling within the Elephant Reserve. It may be noted that neither of the Coal Blocks in question i.e., Parsa, Tara Central, PEKB and Kente Extension are in the Lemru Elephant Reserve. A map depicting the detail of Coal Blocks located in Hasdeo Arand Coal field and Lemru elephant Reserve is annexed as “Annexure-XIV”.

44. The answering Respondent received a proposal for expansion in capacity from 15 MTPA to 18 MTPA from the Project Proponent for the PEKB Coal Block and after careful examination and due deliberation, the answering Respondent on 14.02.2022, granted the Environment Clearance for expansion in capacity from 15 to 18 MTPA under the provisions of 7(ii) of EIA Notification, 2006.



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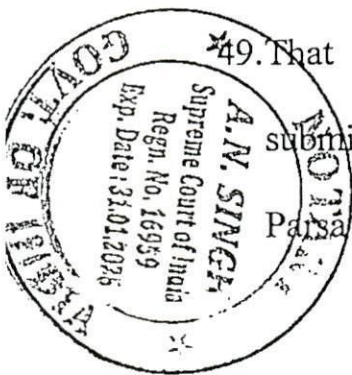
45. It is respectfully submitted that the User Agency (RRVUNL) submitted an online application for Terms of Reference (ToR) (Proposal No. IA/CG/CMIN/59215/2016) on 27.09.2016 for Opencast Coal Mining in the Parsa Coal Block.

46. The ToR proposal was considered by the Expert Appraisal Committee (EAC) in its meeting held on 30th-31st January' 2017, wherein the proposal was recommended for ToR. The ToR for EIA/EMP was issued by answering Respondent vide letter dated 23.03.2017.

47. Thereafter, the Project Proponent (RRVUNL) submitted an online proposal No. IA/CG/CMIN/59215/2016 seeking grant of Environment Clearance (EC) to the Project was considered in various Expert Appraisal Committee (EAC) meetings.

48. The proposal was again deliberated in EAC held on 21.02.2019 and the EAC, after meticulously examining the proposal and the replies filed by the Project Proponent, recommended for grant of Environmental Clearance to the project. The answering Respondent vide letter dated 12.07.2019 granted Environment Clearance to the project with conditions and subject to the orders of Hon'ble Supreme Court in Civil Appeal No.4395/2014.

49. That the State of Chhattisgarh vide their letter dated 02.05.2018 submitted proposal for diversion of 841.538 ha. of forest land for the Parsa Opencast Coal Mining project (5MTPA) in favour of M/s Rajasthan



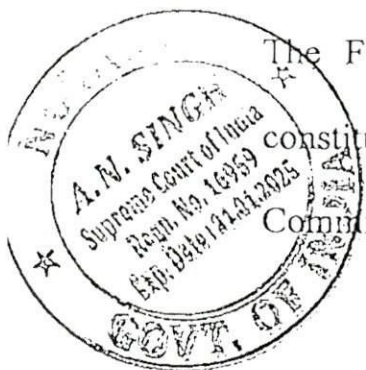
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Rajya Vidyut Utpadan Nigam Limited (RRVUNL), in Surguja and Surajpur Districts in the State of Chhattisgarh. The above proposal was considered by the FAC in its meeting held on 26.07.2018 and the FAC, after examination of the proposal recommended to obtain *legal opinion whether in-principle approval can be considered for this coal block/other coal blocks in Hasdeo Arand forest area pending final disposal of the case in the Apex court.*

50. That based on the recommendation of the FAC, the Department of Legal Affairs, Ministry of Law & Justice was requested to obtain the legal opinion. The Ministry of Law and Justice furnished the legal opinion wherein it is inter-alia it was opined that “.....*there is no bar for the FAC to consider the proposal for in-principal approval and pending case before the Supreme Court has no bearing with the 'Parsa Coal Block' as such. However, it must be clarified that the FAC is competent and not restricted in any manner to take any decision in regard to the proposed conversion of land on any scientific or environmental concern which it may have....*”.

51. That the proposal along with the legal opinion, was placed before the Forest Advisory Committee in its meeting held on 19<sup>th</sup> December, 2018.

The FAC, after deliberation of the legal opinion, recommended to constitute a Sub-Committee of the FAC to visit the area. The Sub-Committee, constituted by the Ministry on 20.12.2018, visited the area on



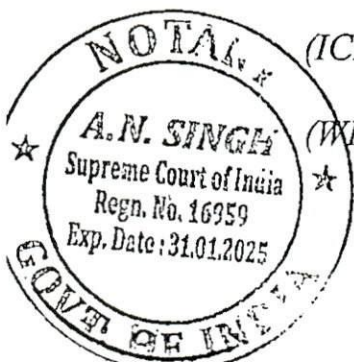
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8<sup>th</sup> January, 2019 and submitted its report on 11<sup>th</sup> January, 2019 wherein *inter-alia* it was reported that so far, an area of 537.24 ha has been broken up and sequential mining and reclamation is also going on and so far 161.63 ha has been backfilled, 79.70 ha physically reclaimed and 50.2 ha of internal dump and 21.96 ha of other areas have been reclaimed through plantation/biological reclamation.

52. That the proposal, along with the report of the Sub-Committee was considered by the FAC in its meeting held on 15<sup>th</sup> January, 2019 and the FAC, after deliberations on the inspection report of the Sub-Committee, legal opinion furnished by the Ministry of Law and Justice and facts related to the proposals, decided to recommend the proposal for grant of '*in-principle*' approval.

53. That the Stage I '*in-principle*' approval to the Parsa Opencast Coal Mining project was accorded by the Ministry vide letter dated 13<sup>th</sup> February 2019 read with letter dated 28.02.2019 *inter-alia* stipulating the following condition:

*The State Government and the User Agency shall comply with the recommendation made in the Biodiversity Assessment Study to be carried out by Indian Council of Forestry Research and Education (ICFRE), Dehradun in consultation with Wildlife Institute of India (WII), Dehradun for the whole Hasdeo-Arand Coalfield comprising of*



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*Tara, Parsa, Parsa East, KeteBasan, etc. The State Government shall submit recommendation of Biodiversity Assessment to MoEF&CC before Stage-II approval for further decision in the Ministry.*

54. That the Government of Chhattisgarh vide their letter dated 14.06.2021 and letter dated 8.10.2021 furnished the compliance of 'in-principle' approval and Biodiversity Assessment Study Report, respectively. The Ministry, after considering the same and having satisfied with the compliance report, granted Stage-II/Final approval to Parsa Coal Block on 21.10.2021.

**B. STATUS OF SLP(C) NO. 18103 OF 2022 and IA No. NIL of 2023**

55. The SLP has been filed against the impugned judgement dated 30.09.2022 in IA No. 5/2022 of WP(C) No. 1346/2016 passed by the High Court of Chhattisgarh at Bilaspur which rejected the interim relief sought by the petitioners prevent tree felling in the Ghatbarra forest in the HasdeoArand Region.

56. It is respectfully submitted that facts related to the prior approval granted by the answering Respondent under the Forest (Conservation) Act, 1980 to the PEKB coal block, as mentioned above, may be read as part and parcel of the contentions raised in this SLP and the same is not re-iterated for the same of brevity.



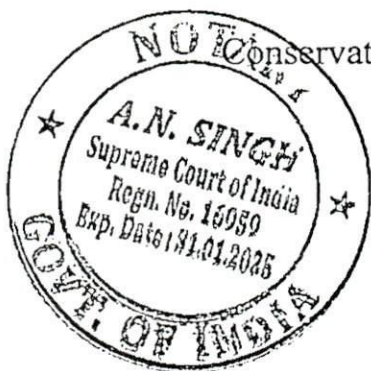
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57. It is alleged that after the promulgation of the Forests Rights Act, 2006, the village Ghatbarra in HasdeoArand Region claimed its community rights to the forest in and around the village. The said rights were partially settled by the District Level Forest Rights Committee in its meeting on 03.09.2013 which recognized the community rights of the Gram Sabha of Ghatbarra village over an area of 810.921 ha. of forest land.

58. It is alleged that while enjoying their community rights, the petitioners obstructed in the mining operations of the Rajasthan Rajya Vidyut Utpadan Nigam Ltd. for the PEKB Coal Block.

59. It is respectfully submitted that the responsibility of settlement of rights of Scheduled Tribes and Other Traditional Forest Dwellers in accordance with the provisions of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act, 2006) vests with the State Government.

60. The District Collector is the competent authority for settling with settlement of rights and issuing of required certificates. The certificates by the State Government were considered by the Government of India while considering the proposal of PEKB coal Block for approval under the Forest Conservation Act, 1980.



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C. STATUS OF WRIT PETITION NO. 371 OF 2019 AND IA NO. NIL OF 2023

60. The Petitioner has sought directions to cancel the allocation of the PEKB, Parsa, Kente Extension coal blocks to RRVUNL as same is in contravention of Coal Mines (Special Provisions) Act 2015 and Judgment dated 25.08.2014 and 24.09.2014 of this Hon'ble Court in W.P. (Crl.) No. 120/2012.

61. The relief sought with respect to the answering Respondent in the Writ Petition is that the Environment Clearance, granted to M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd (RRVUNL) on 21.12.2011 in favour of Parsa East and Kanta Basan Opencast Coalmine Project, be revoked due to non-compliance of Environment Clearance conditions.

62. It is respectfully submitted that the answering Respondent in accordance with the EIA Notification, 2006 vide letter dated 18.03.2008 had granted the ToR for the Parsa East and Kanta Basan Opencast Mine project of 10 MTPA production capacity in a total area of 2711.034 ha. Along with a pit head coal washery of 10 MTPA to be located within the leasehold of the mine located in the Hasdeo Arand Coalfields in Tehsil Udaipur, District, Sarguja, Chhatisgarh.

63. It is submitted that the proposal was considered in the 33<sup>rd</sup> EAC meeting on 26-27<sup>th</sup> September, 2011. The Committee, after detailed



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deliberation, had recommended for the grant of Environment Clearance in an area of 2711.034 ha. to the PEKB coal block for a production capacity of 10 million tonnes per annum (MTPA). Accordingly, the Environmental Clearance was granted by the answering Respondent on 21.12.2011.

64.It is submitted that on 25.08.2014 and 24.09.2014, this Hon'ble Court vide judgement in WP (Crl.) 120 of 2012, quashed the allocation of all the coal blocks in the country except the two allocations made to the Central Government PSU not having any joint venture, Thereafter, the Ministry of Coal had framed the Coal Mines (Special Provisions) Act, 2015. Further, the PEKB coal block was re-allocated in favour of RRVUNL by Ministry of Coal vide allotment No. 103/13/2015/NA and the revalidation of Environmental Clearance was granted by the answering Respondent on 25.06.2015.

65.It is respectfully submitted that the proposal for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA was considered in 28<sup>th</sup> meeting of the EAC held on 17<sup>th</sup> -18<sup>th</sup> April, 2018. The EAC after detailed deliberations recommended grant of Environmental Clearance. The answering Respondent vide letter dated 10.08.2018 granted Environment Clearance for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA. Moreover, the Ministry on 14.02.2022,



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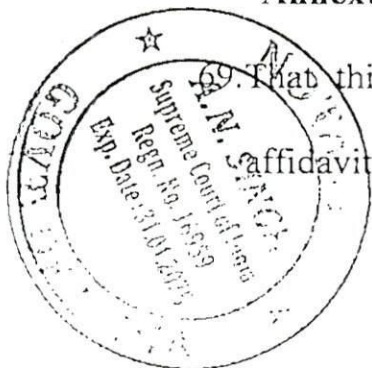
granted the Environment Clearance for expansion in capacity from 15 to 18 MTPA under the provisions of 7(ii) of EIA Notification, 2006.

66. It is submitted that the Cancellation/Allocation of Coal block does not come under the purview of the answering Respondent as the same comes under the provisions enshrined in Coal Mines (Special Provisions) Act, 2015 for which the Nodal Ministry is the Ministry of Coal.

67. It is respectfully submitted that to assess the compliances of EC condition, Ministry's Integrated Regional Office (IRO)-Raipur has conducted site visit on 17.11.2021 and submitted Monitoring Report dated 19.01.2022 for updated status of compliance of EC Conditions stipulated in EC letter dated 10.08.2018. As per the said report, all the conditions are reported to be complied except two conditions i.e., no. (xi) & (i). These are regarding Fly Ash Utilization and reduction of energy consumption. A true copy of the Monitoring Report dated 19.01.2022 is annexed as "**Annexure – XV**"

68. It is further submitted that the Action Taken Report for compliance of conditions was submitted by the Project Proponent vide its letter dated 20.09.2022. A true copy of the Action Taken Report is annexed as "**Annexure – XVI**".

That this answering Respondent reserves its right to file additional affidavits as and when required till *pende-lite*.



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70. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble court may pass any order as it deem fit.

I Identify the deponent who has Signed/Put T.I. in my presence

DEPONENT  
(Charan Jeet S. वैज्ञानिक 'सी'/Scientist  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

VERIFICATION

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

02 MAY 2023

Verified at New Delhi on this 2nd Day of May, 2023.

DEPONENT  
(Charan Jeet S. वैज्ञानिक 'सी'/Scientist  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi



ATTESTED  
A. G. Singh, Adv.  
Notary Public  
Govt. of India, Delhi  
Mob.: 9718139591, 7982539115

02 MAY 2023

Certified that the above Named Deponent Identify by Shri/Smt. Charan Jeet S. Solemnly affirmed before me at Delhi S. No. 357 The contents of the affidavit which have been read & explained to me are true and correct  
 Notary

02 MAY 2023

Nava Raipur, Atal Nagar the 7th October 2021

No. F 8-6/2007/10-2.—With a view to provide Natural Habitat for wild Elephants, Mitigate Human-Elephant Conflict and with the objective of Better Wildlife Management Practices, the Government of Chhattisgarh hereby declares "Lemru Elephant Reserve" as specified in the following schedule :—

**SCHEDULE**

District	Korba, Surguja, Raigarh
Forest Division	Korba, Katghora, Surguja, Dharamjaigarh
Forest Range	Kendai, Atmanagar, Udaipur, Lakhanpur, Kudmura, Pasarkhet, Balco, Lemru, Boro, Kapu, Dharamjaigarh
Name of Elephant Reserve	Lemru Elephant Reserve
Area	199548.00 Ha. = 1995.48 Sqkm

## BOUNDARIES

SN.	DIVISION	SUB DIVISION	RANGE	COMPARTMENT NUMBER	AREA (in ha)		BOUNDARIES
					Forest Land	Revenue Land	
1	2	3	4	5	6	7	8
1	KATGHORA	KATGHORA	KENDAI	OA698, OA699, OA700, OA701, OA702, OA724, OA725, OA726, OA727, P355, P356, P357, P358, P359, P360, P361, P362, P363, P364, P365, P366, P367, P368, P369, P370, P371, P372, P373, P374, P375, P376, P377, P378, P379, P380, P381, P382, P383, P384, P385, P386, P387, P388, P389, P390, P391, P392, P393, P394, P395, P396, P397, P398, P399, P400, P401, P402, P403, P404, P405, P406, P407, P408, P409, P410, P411, P412, P413, P414, P415, P416, P417, P418, P419, P420, P421, P422, P423, P424, P425, P426, P427, P428, P429, P430, P431, P432, P433, P434, P435, P436, P437, P438, P439, P440, P441, P442, P443, P444, P445, P446, P447, P448, P449, P450.	26798.568	5492.714	Northern Boundary- Confluence of the Hasdeo River and Manashi Nala, makes northern boundary of comp no 355, Katghora division and Southern boundary of comp no P1902, Surguja division. Moving towards east it forms boundary of compartment no P356 & P357 of Kendai range, Katghora division. Moving further east, Northeast boundary of compartment no. P357, P358, P359, P360, P361 and OA724 makes common boundary of Udaipur and Kendai ranges. It further crosses national highway and makes northern boundary of comp no P432, P433, P434, P439, P440, P441, P445 & P446. Forming northern boundary of Comp no. P865 and P866 of Leman range Korha division, touches north boundary of OA1189, it further moves south-east and makes boundary of comp no. P867. It now proceeds to village Munazi Dadar, touching eastern boundary of OA1190. Moving southeast it makes Northeast boundary of P876 and enters Udaipur range of Surguja Division. Now it proceeds from western end of comp no P2151, moves toward north and southeast direction, touching north-eastern end of comp. P2152 and then moves further toward east

				P451, P452,			and making western boundary of comp no P2159, 2160 it forms west, north and eastern boundary of comp no 2161. Now it makes north, east, south boundary of comp no 2162 it moves south making eastern boundary of comp no 2160, moves towards east from south, and makes northern boundary of comp no 2156. In the east, making north boundary of comp no 2183, it moves toward north, making west and north boundary of comp no 2182 and north east boundary of comp no 2180, it further touches northern boundary of comp no 2181 and proceeds further north east direction. It further creates north boundary of comp no P2178, and moving toward south it create eastern boundary of comp no 2178. In the east, it touches eastern boundary of comp no 2177 and Khorrani village and proceeds towards south and creates east and south boundary line. Further, it creates east and south boundary of comp no 2194, 2195 and proceeds eastward forming northern boundary of comp no 2193 and enters Kudmura range of Korba division. It further touches north boundary of comp no. P1077; creating northern boundary of comp no P1078; 1079, 1080 and 1081, it enters Boro range of Dhamrajgarh Division. From western boundary of comp no 690, it progresses toward comp no 693 and forms western boundary of it. Then it creates western boundary of comp no 698 and touching north boundary of comp no 699, it enters Lakhanpur range of Surguja division. It further divides comp no P2209 and making north boundary of comp no 706, 707, 708 of Boro range and comp no 1, 2, 6, 7, 8, 11, 12, 13, 15, 17, 18 and 19 of Kapu range Dhamrajgarh division and moves towards
2	KATGHORA	KATGHORA	ATMA-NAGAR	OA753, P496, P497, P498, P499, P500, P501, P502, P503, P504, P505, P506, P507, P508, P509, P510, P511, P517, P519, P520, P521, P522, P523, P524, P525	6950.338	6707.333	
3	SURGUJA	UDAIPUR	UDAIPUR	P2151, P2152, P2153, P2154, P2155, P2156, P2157, P2158, P2159, P2160, P2161, P2162, P2177, P2178, P2180, P2181, P2182, P2183, P2184, P2185, P2192, P2193, P2194, P2195,	5381.351	0.000	
4	SURGUJA	UDAIPUR	LAKHAN PUR	P2206, P2207, P2208, P2209	856.320	0.000	
5	KORBA	NORTH KORBA	KUDMURA	OA1359, OA1360, OA1361, OA1362, OA1363, OA1364, OA1365, OA1366, OA1367, OA1368, OA1369, OA1370, OA1371, OA1372, OA1373, OA1374, OA1375, OA1376, OA1377, OA1378, OA1379, OA1380, OA1381, OA1382, OA1383, OA1384, OA1385,	19549.649	7084.854	

				OA1386, OA1387, OA1388, OA1389, OA1390, OA1391, OA1392, OA1393, OA1394, OA1395, OA1396, OA1402, OA1403, OA1404, OA1405, OA1406, P1053, P1054, P1070, P1071, P1072, P1073, P1074, P1075, P1076, P1077, P1078, P1079, P1080, P1081, P1082, P1083, P1084, P1085, P1086, P1087, P1088, P1089, P1090, P1091, P1092, P1093, P1094, P1095, P1096, P1097, P1098, P1099, P1100, P1101, P1102, P1103, P1104, P1105, P1107, P1113, P1114, P1119			east, making east boundary of comp no 22 and north boundary of comp no 24.  Eastern Boundary - Lemru Elephant reserve boundary moves further towards East and South boundary of comp no 51P, South boundary of comp no 50P, 49P, 48P, 46P, 47P, 17P, 16P, 14P, South-East boundary of comp no 13, East boundary of 25, 45P, 44P, South boundary of comp no 43P and East boundary of comp no 32, 33 in Kapu Range of Dharampigash division and south boundary of comp no 34 of Kapu range, then divides north side of comp no 630P and moves South toward comp no 658, 657, 653, 651, 650 and south boundary of 621P touches east boundary of comp no 602, 605, 475, 474, OA1382, 1089, 473P and further moves toward south, making boundary of comp no 458P, 457P, 456P and meets near Mand river.
6	KORBA	SOUTH KORBA	PASARKHET	OA1329, P1016, P1017, P1018, P1019, P1020, P1021, P1022, P1023, P1024, P1025, P1026, P1027, P1043, P1044, P1045, P1046, P1047, P1048, P1049, P1052, P1055, P1056, P1057, P1058, P1059, P1060, P1061, P1062, P1063, P1066, P1067, P1068, P1069, P1115, P1116	14157.449	170.718	Southern Boundary - From Mand river it moves further West, making south boundary of comp no 456P and 459P and making western boundary of comp no 463P; it enters Kudmura range of Korba division. Moving further west, making south boundary of P1103, OA1405 and southeast boundary of comp no OA1390 and P1119; it enters Pasarkhet range. It further divides eastern boundary of comp no 1115, 1116 and southern boundary of 1068, 1067; moves further west making southern boundary of comp no 1063, 1026, 1025, 1044, 1043 and moves toward north and forming western boundary of comp no 1043, it proceeds toward west and makes southwest boundary of comp no 1043 and 1046. It further creates western boundary of comp no 1047 and proceeds more west forming southern
7	KORBA	NORTH KORBA	BALCO	P919, P920, P921, P928, P933, P934, P935, P936, P937, P938, P939, P940, P941, P942, P943, P944, P945, P946, P950, P951, P954, P955, P956, P957, P958	14204.825	0.000	

				P959, P960, P961, P964, P965, P966, P967, P968, P969, P970			boundary of comp no 1043, southern boundary of comp no 933, 944 and moving toward south it creates east and south boundary of comp no 946. It further proceeds toward west and creates southern boundary of comp no 950, 951 and while moving towards north it creates southern and western boundary of comp no 951.
8	KORBA	NORTH KORBA	LEMRU	OA 1178, OA 1179, OA 1180, OA 1181, OA 1182, OA 1183, OA 1184, OA 1185, OA 1186, OA 1187, OA 1188, OA 1189, OA 1190, OA 1191, OA 1192, OA 1193, OA 1194, OA 1195, OA 1196, OA 1197, OA 1198, OA 1199, OA 1200, OA 1201, OA 1202, OA 1203, OA 1204, OA 1205, OA 1206, OA 1207, OA 1208, OA 1209, OA 1210, OA 1211, OA 1212, OA1213, P801, P802, P803, P804, P805, P806, P807, P808, P809, P810, P811, P812, P813, P814, P815, P816, P817, P818, P819, P820, P821, P822, P823, P824, P825, P826, P827, P828, P829, P830, P831, P832, P835, P836, P837, P838, P839, P840, P841, P842, P843, P844, P845, P846, P847, P848, P849, P850, P851, P852, P853, P854, P855, P856, P857, P858, P859, P860, P861, P862, P863, P864, P865, P866, P867, P868, P869, P870, P871, P872, P873, P874, P875, P876, P877, P878, P879, P880, P881, P882, P883, P884, P885,	45674.451	6790.601	<p>Western Boundary- From comp no. 951, Balco range; it continues towards North, touching South-West boundary of comp no. 955 and moves toward West. Now it makes Southern boundary of comp no. 954, 951, 964 and while moving toward North it makes Western boundary of comp no. 965, 966, 967, Western boundary of comp no 968, 970 and North boundary of comp no 970 and makes Western boundary of comp no. P831. Then it moves towards north, touching southern boundary of P829, P828 while making southern boundary of comp no P830 and crossing Bango Dam; it enters Atmanagar Range of Kathora Division. On Eastern boundary of comp no P505 of Atmanagar Range (which is also submersion zone), it moves South via Bodanala village making Eastern boundary of comp no. P525 and enters balco range and moves towards south east along the northern boundary of 921, 919 and south Western boundary of P928 and continues along the south western boundary of 928 and 920 touching the tip of the southern boundary of P921 and moves and enters Atmanagar range and moves along the southern boundary of comp no. P524 and along western boundary of 524, 525 and forms the southern boundary of comp no. P498, southwest boundary of comp no. 496 and western boundary of comp no. 497, 499</p>

				P886, P887, P888, P889, P890, P891, P892, P893, P894, P895, P896, P897, P898, P899, P900, P901, P902, P903, P904, P905, P906, P907, P908, P909, P910, P911, P912, P913			and 500. It continues west making west-north boundary of comp no. 511, making western boundary of comp no. 510 and 517, moves further west making southern boundary of comp no. 753, 519, 520 and touching west side of comp no. 520 it moves towards north. While progressing north, it makes western boundary of comp no. 521, 522, 523 and enters Kendai range meets with Sink zone of Bango Dam and forms western boundary of P381, P377, P376 and North-west boundary of comp no. 375 along Hasdeo river. It further moves toward north and making western boundary of comp no. P355, it finally meets the northern boundary at the confluence of Hasdeo river and Manasahi nala.
9	DHARAM JAIGARH	DHARAM JAIGARH	BORO	601P, 602, 604P, 605P, 606P, 607P, 608P, 609P, 610P, 611P, 612P, 613P, 614P, 615P, 616P, 617P, 618P, 619P, 620P, 621P, 622P, 623P, 631P, 632P, 634A, 635P, 636P, 637P, 638P, 639, 640, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708	17113.520	6207.292	
10	DHARAM JAIGARH	LAILUNGA	KAPU	1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 3, 30,	10676.974	2616.386	

				31, 32, 33, 34, 36, 37, 38, 39P, 4, 40, 41P, 42, 43P, 44P, 45P, 46P, 47P, 48P, 49P, 5, 50P, 51P, 6, 7, 8, 9			
11	DHARAM JAIGARH	DHARAM JAIGARH	DHARAM JAIGARH	456P, 457P, 458P, 459, 461P, 462P, 463, 464P, 466P, 473P, 474, 475	1857.325	1257.332	
Total -					163220.769	36327.231	
Grand Total -					199548.000		

By order and in the name of the Governor of Chhattisgarh,  
ABHISHEK KUMAR SINGH, Deputy Secretary.

*Amal*

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**Maps showing Lemru Elephant Reserve and Hasdeo Arand Coal Fields:**

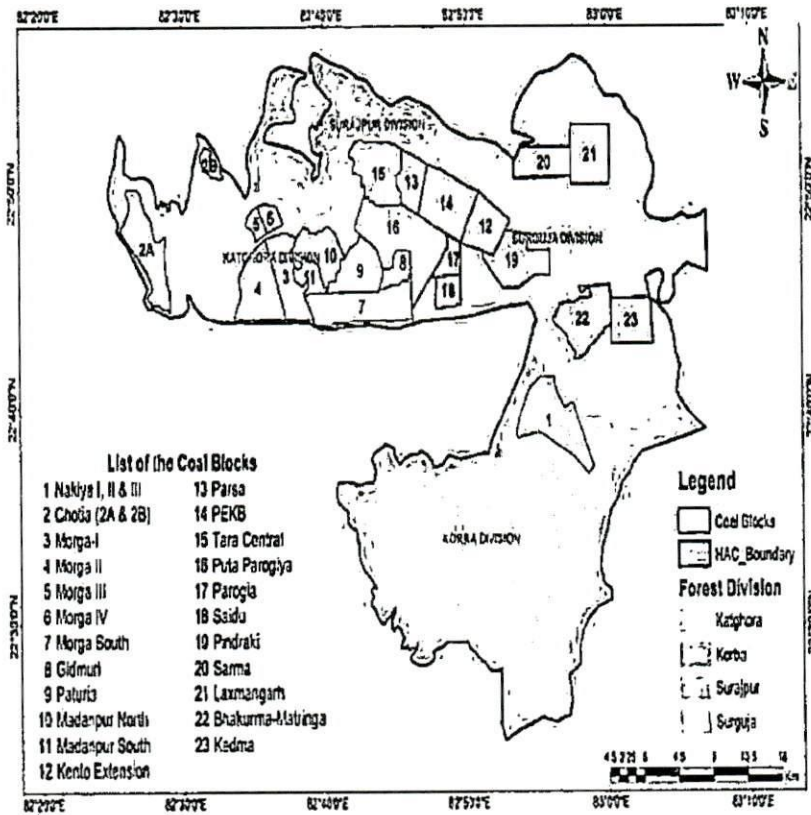
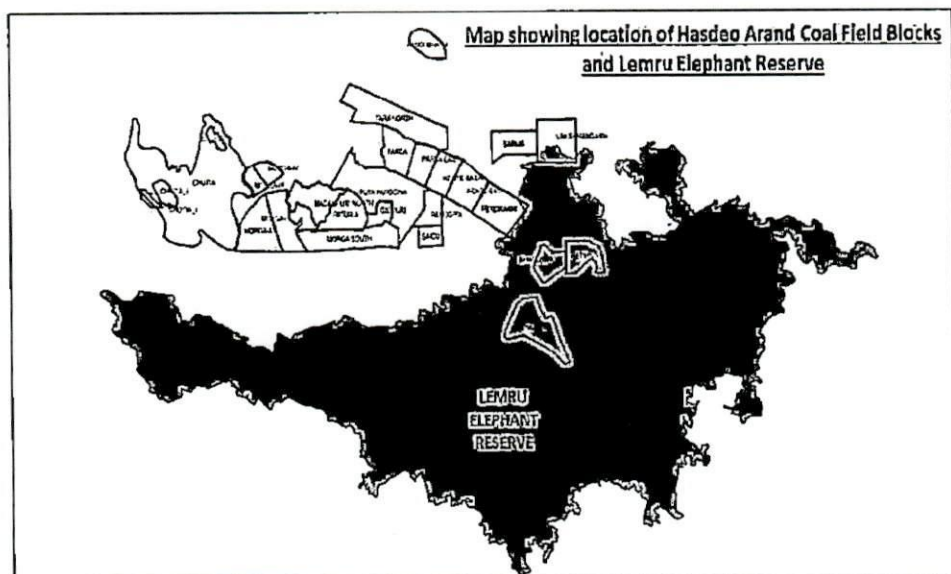


Figure 1.2: Demarcation of the 23 Coal blocks in the entire Hasdeo-Arand Coalfield area under Surguja, Katghora, Korba and Surajpur Forest Divisions of Chhattisgarh



*Kunal*

//True Copy//

File No. 103/24/2015/NA  
Government of India  
Ministry of Coal  
O/o Nominated Authority  
\*\*\*\*\*

120-F, Shastri Bhawan, New Delhi  
Date : 16th November, 2022

To,

Shri Amitabh Jain (IAS),  
Chief Secretary,  
State Government of Chhattisgarh,  
Mahanadi Bhavan,  
Nawa, Raipur -492002.

Subject: विधानसभा अशासकीय संकल्प नं. 10 "हसदेव क्षेत्र में आबंटित सभी कोल ब्लॉक रद्द किये जायें।" (विधानसभा सत्र जुलाई, 2022)

Sir,

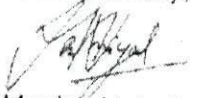
I am directed to refer to Mineral Resources Department, Government of Chhattisgarh's letter No.F 8-93/2022/12 dated 19.09.2022 regarding cancelling the coal blocks allotted in Hasdeo area of Chhattisgarh State as resolved by the Chhattisgarh Vidhan Sabha on 26.07.2022.

2. Five coal blocks [i.e., Parsa, Parsa East & Kanta Basan, Chotia and Madanpur South coal blocks] falls under Hasdeo area of Chhattisgarh States. Out of these 5 coal blocks, 3 coal blocks are operational [Parsa East & Kanta Basan and Chotia coal blocks] and one has received all the approvals for coal production. Further, one of the above mines is under Lemru Elephant corridor, therefore will not get EC/FCs and will not be able to operationalise the mine.

3. Furthermore, these mines were allocated either on allotment or auction routes. The Allocatees might have incurred huge investment to develop these mines. Any cancellation of these mines at this advanced stage would lead to incurring losses by these companies. Also production from these will be affected which will be a great loss to the country. At this point, it is not in the national interest to cancel these mines.

4. In view of the above, the State Government is urged not to take such retrospective steps as it would harm the national investment climate and also affect energy security of the country.

Yours faithfully,

  
(Manish Uniyal)

Under Secretary to Government of India  
Tel: 23384106



//True Copy//

आलोक कुमार, भा.प्र.से.  
सचिव

भारत सरकार

Alok Kumar, I.A.S.  
Secretary  
Government of India



Ministry of Power  
Shram Shakti Bhawan  
New Delhi - 110001

विद्युत मंत्रालय

श्रम शक्ति भवन

नई दिल्ली-110001

Tele : 23710271/23711316

Fax 23721487

E-mail : secy-power@nic.in

DO No.FU-19/2021-FSC (Part-I)

November 17, 2022

Dear

As you may be aware that Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL) is having three captive coalmines namely Parsa East and Kente Basan (PEKB) phase-II, Parsa and Kente Extension in Chhattisgarh. The supply of coal from PEKB Phase-II is partially restored. All necessary permission has been granted for Parsa. However, tree felling activities has been stopped due to agitation of local people. The development of Kente Extension coal block is in advance stage and expected to commence production in the year 2023-24.

2. In this connection, it is stated that Dept. of EF & CC Chhattisgarh has written to DG (Forest) M/o EF&CC vide letter dated 31.10.2022 to cancel FC-II and land diversion permission granted on 21.10.2021 and directed Principal Chief Conservator of Forest and Chief of Forest Force, Chhattisgarh for taking necessary action accordingly in respect of Parsa coal block.

3. At present, 4340 MW of RRVUNL plants are linked with the captive coal blocks and recently 2x660 MW units of Suratgarh-SC plant is also being commissioned and put into operation, the present coal supply from PEKB is not sufficient to meet out the requirement of these plants, the requirement of coal supply from Parsa coal blocks have become a necessity for smooth and continuous generation.

4. In view of the above, I shall be grateful if you could intervene to retain the permission granted by Ministry of EF & CC on diversion of land for non-forestry work of coal mining from Forest land (841.548 ha) in Parsa open cast coal mine area and restore land diversion process in respect of Kente extension coal block as well.

Yours sincerely

Sd/-

(Alok Kumar)

Smt Leena Nandan,  
Secretary, MoEF&CC,  
Indira Paryavarna Bhawan,  
Jor Bagh,  
New Delhi-110003.

Copy to:

Shri Amitabh Jain, Chief Secretary, Govt. of Chhattisgarh  
Smt. Usha Sharma, Chief Secretary, Govt. of Rajasthan  
PS to HMoP, New Delhi

(Alok Kumar)

//True Copy//

**BEFORE THE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****I.A. No.137 of 2024****IN****OA No.59 of 2024****IN SUO MOTO MATTER:****In Re:      DEFORESTATION FOR MINING RESUMES IN HASDEO,  
LOCALS, ACTIVISTS ALLEGE DETENTION****APPLICATION FOR CONDONATION OF DELAY IN FILING REPLY****MOST RESPECTFULLY SHEWETH:**

1. That, the above mentioned matter was listed on 03.07.2024. On the said date, the answering respondent had sought for a weeks time to file reply to the main Original Application as well as replies to the Application for intervention. This Hon'ble Tribunal, vide its order dated 03.07.2024, had granted one weeks time to the Answering Respondent to file the replies.
2. That, however, in view of the fact that there are multiple proceedings pending before various forums, namely the Hon'ble Supreme Court, the Hon'ble High Court of Chhattisgarh and before this Hon'ble Tribunal. As such the record of the present matter is voluminous and bulky.
3. That, on account of the above, the Answering Respondent was collating all the record and thereafter the replies were drafted. After the replies were drafted, the Answering Respondent had got the same vetted from the Counsel.

4. This took some time and as a consequence thereof, the Answering Respondent could not file the reply within a period of one week granted by this Hon'ble Tribunal and there is a short delay in filing the reply.
5. That, the delay is unintended and bonafide and is deeply regretted by the Answering Respondent.

### **PRAYER**

In view of the above and in the interest of justice, the Hon'ble Tribunal may most graciously be pleased to:

- (a) Condone the delay in filing the present Reply; and
- (b) Pass any other and such further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.



**KUNAL VERMA**

Advocate for Respondent No.4

Place: New Delhi

Dated: 24.08.2024

## BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

I.A. No. 137 of 2024

in

OA No. 59 of 2024

IN SUO MOTO MATTER:In Re: DEFORESTATION FOR MINING RESUMES IN HASDEO,  
LOCALS, ACTIVISTS ALLEGE DETENTIONAFFIDAVIT

I, Hem Raj, S/o Shri Nanag Ram, aged about 55 years, working as the Superintendent Engineer with Respondent No. 4, r/o 24, Chhaya Deep II Colony, Mahesh Nagar, Jaipur do hereby solemnly say and affirm as follows:

1. That I am the authorized representative of the Respondent No.4 - M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited. ('RRVUNL') and well versed with the facts and circumstances of the case and as such competent to swear the present affidavit.
2. That, I have read and understood the contents of the accompanying I.A. application for condonation of delay in filing the reply and I state that the contents thereof are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.



ATTESTED

NOTARY

JAIPUR (INDIA) 27 AUG 2024

  
 DEPONENT

 Superintending Engineer (Fuel)  
 RVUN, Jaipur

## VERIFICATION

I, above named deponent do hereby solemnly state and affirm that the contents of the above reply are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Signed and Verified at Jaipur on this 23 day of August, 2024.

  
DEPONENT

Superintending Engineer (Fuel)  
RVUN, Jaipur



ATTESTED

  
NOTARY  
JAIPUR (INDIA)

23 AUG 2024



97

Kunal Verma &lt;officeofkunalverma@gmail.com&gt;

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**Service in the matter of I.A. NO.137 OF 2024 IN ORIGINAL APPLICATION NO.59 OF 2024 titled as News item titled "Deforestation for mining resumes in Hasdeo locals activists allege detention" appearing in The Hindu dated 22.12.2023.**

1 message

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**Kunal Verma** <officeofkunalverma@gmail.com>

Sat, Aug 24, 2024 at 3:23 PM

To: peof-ha@cg.gov.in, secv-mocti@nic.in, korba.ca@nic.in, Shibani Ghosh &lt;shibanighosh83@gmail.com&gt;, architkrishnaoffice@gmail.com

Dear Sir/Madam,

We are the counsel for the Respondent No.4 Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL).  
We are filing the Affidavit in Reply. Please treat this email as an Advance Service.

Please Find the Attachment.

Regards,

Kunal Verma,  
Advocate-on-Record  
Supreme Court of India

**CHAMBER**

D-113, Defence Colony,  
New Delhi - 110 024  
Ph: +91-11-3573 5005

**FINAL AFFIDAVIT IN REPLY.pdf**

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