

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
APPEAL NO. 5 OF 2021



IN THE MATTER OF:

ANAND KUMAR JHA

...APPELLANT

VERSUS

UNION OF INDIA

...RESPONDENTS

ADDITIONAL AFFIDAVIT FILED ON BEHALF OF THE APPELLANT

I, Anand Kumar Jha, S/o Mr. Shri Bhalchandra Jha, aged about 47 years, R/o Type-B, Dakra Colliery Ranchi, do hereby solemnly affirm and declare on oath as under:

1. That I am the Appellant in the abovementioned Appeal and hence well conversant with the facts and circumstances of the case and competent to swear this Additional Affidavit.
2. That I have read and understood the order dated 07.12.2022 passed by this Hon'ble Tribunal in the above captioned matter and hence filing this Addl. Affidavit in light of the permission granted by this Hon'ble Tribunal vide it's Order dated 07.12.2022.
3. That the deponent craves liberty to raise additional submissions or file additional affidavit in case need arises during the course of arguments.
4. That the above titled Appeal is pending adjudication before this Hon'ble Tribunal which was filed under Section 16(h) of the National Green Tribunal Act, 2010 challenging the Environmental Clearance dated 28.04.2020 granted to M/s Damodar Valley Corporation for operating the Tubed Coal Mine Project located in Latehar District of Jharkhand for 6 MTPA (million tons per annum).

That the following additional documents and facts were already part of the Appeal filed on 30.09.2021 and the Rejoinder filed on 18.08.2022 on behalf of the Appellant, however, the Appellant wants to file the coloured copies of the annexures. Hence, the Appellant hereby is filing the coloured copies of the relevant



23 DEC 2022

Authorised under Section 17 of the Notaries Act, 1956
Jharkhand, Ranchi (India)

maps and images which it wants to bring on record through the present Additional Affidavit for the perusal of this Hon'ble Tribunal which are necessary for proper adjudication of the above-mentioned Appeal. The Appellant hereby briefly lists out the Annexures which are being filed:

- i. **ANNEXURE A-23** – Coloured copy of the Google Map of the proposed railway track up to mine site (**Annexed as A-6 at Pg 104 of the Appeal**).
- ii. **ANNEXURE A-24** - Coloured copy of the Google Map showing the road to be diverted along the Southern boundary of the lease area (**Annexed as A-7 at Pg 105 of the Appeal**).
- iii. **ANNEXURE A-25** - Coloured copy of the Google Map depicting the location of the Palamau Wildlife Sanctuary and Lawalong Sanctuary with respect to the project site (**Annexed as A-8 at Pg 106 of the Appeal**).
- iv. **ANNEXURE A-26** – Coloured photographs of page 3-1 at Page 126 of the EIA showing that the dust sampler used in collection of background concentration of AAQ does not have any electrical wire connection. (**Annexed as A-11 at Pg 110-111 of the Appeal**).
- v. **ANNEXURE A-27** - Coloured Google Maps depicting the location of AAQ Monitoring Stations. (**Annexed as A-13 at Pg 114-124 of the Appeal**).
- vi. **ANNEXURE A-28** - Copy of the Order dated 10.01.2022 of the Hon'ble Supreme Court in the matter titled In Re: Cognizance for Extension of Limitation (Suo Motu Writ Petition (C) No. 3 of 2020).
- vii. **ANNEXURE A-29** - Copy of the report titled Connecting Tiger Populations for Long-Term Conservation published by National Tiger Conservation Authority & Wildlife Institute of India, Dehradun. (**Annexed as A-19 at Pg 45-55 of the Rejoinder**).
- viii. **ANNEXURE A-30** – Copy of coloured Google Map showing the Eco-Sensitive Zones and the study area of 10km and 15km area as per the ToR. (**Annexed as A-22 at Pg 99 of the Rejoinder**).

23 DEC 2022



6. That the abovementioned documents are filed in compliance to the order dated 07.12.2022 passed by this Hon'ble Tribunal in the above captioned matter and hence are necessary for proper adjudication of the matter. It is submitted that no prejudice will be caused to the Respondents if these documents are placed on record. It is therefore most respectfully submitted that the Appeal may be allowed in the interest of justice.



DEPONENT

VERIFICATION

Verified on this 23 DEC 2022 day of 23 DEC 2022, 2022 at _____ that the contents of the above-mentioned Additional Affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

23 DEC 2022
23 DEC 2022



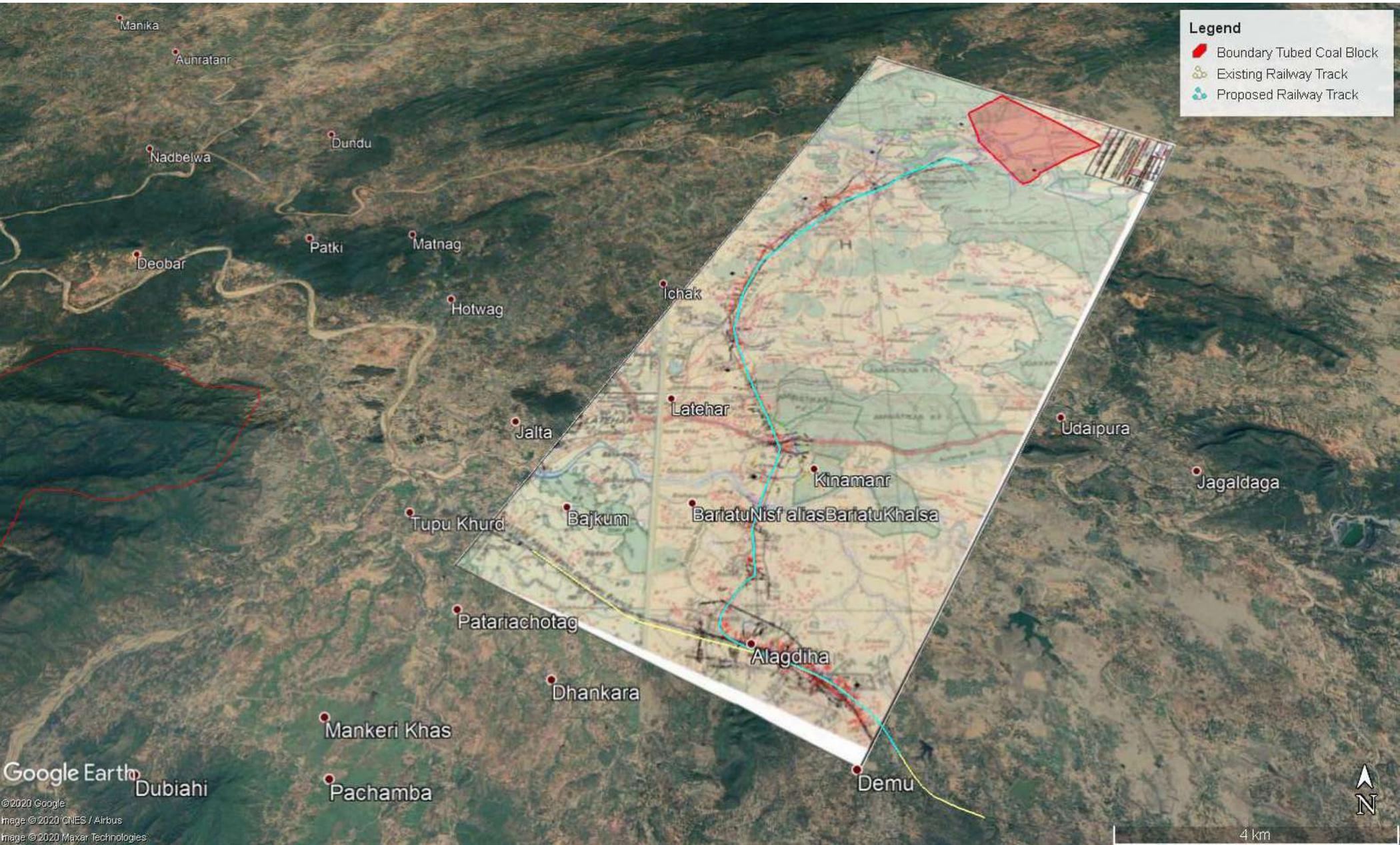
Vikash Kumar Sinha
NOTARY PUBLIC, RANCHI



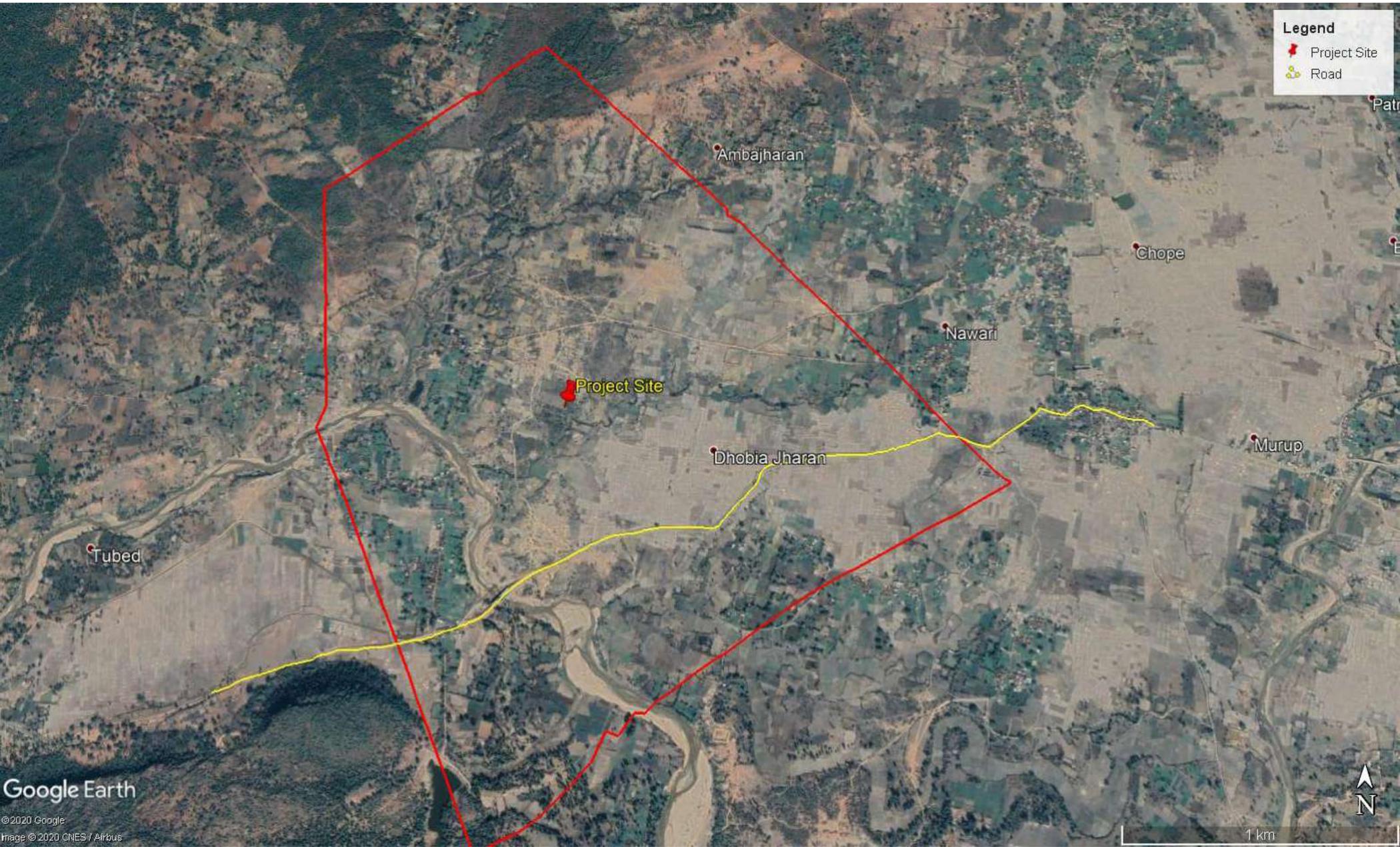
DEPONENT

1
Signature Attested on
Identification of Lawyer

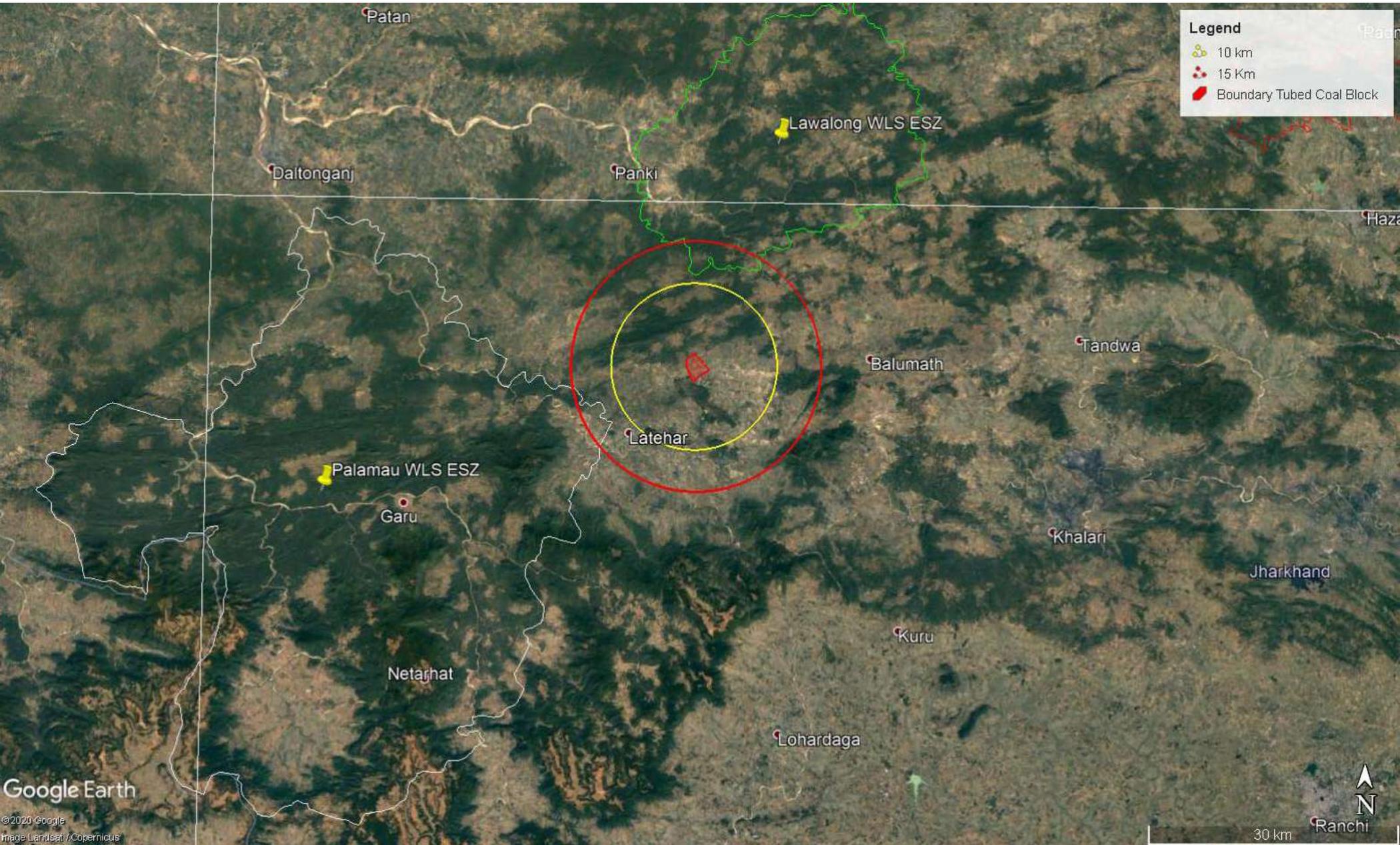
Annexure A-23



Annexure A-24



Annexure A-25



TUBED COAL MINING PROJECT (OPENCAST) (AREA -460 HA.) WITH PRODUCTION CAPACITY OF 6.0 MTY, IN VILLAGE TUBED, MANGRA, DIHI, AMBAJHARAN, DHOBIAJHARAN, NAWARI; TEHSIL- LATEHAR; DISTRICT- LATEHAR (JHARKHAND)

**FINAL EIA/EMP REPORT
ABBREVIATION**

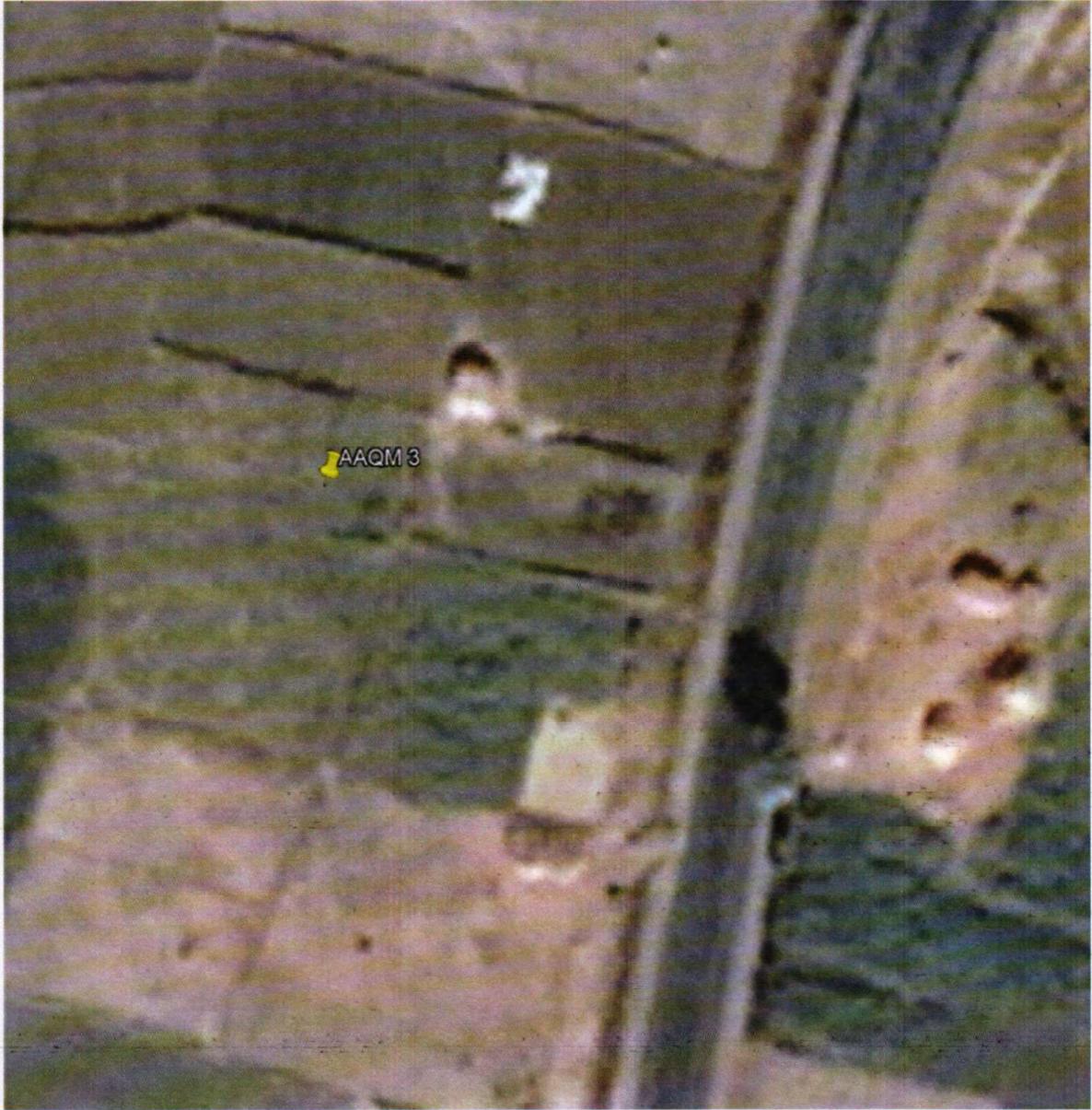
TABLE OF CONTENTS

1 INTRODUCTION AND BACKGROUND.....	17
1.1 ABOUT THE PROJECT PROPONENT	17
1.2 ABOUT MINE.....	17
1.3 LOCATION OF PROJECT.....	18
1.3.1 Approach to Site.....	27
1.4 ABOUT EIA REPORT	27
1.4.1 Regulatory Framework.....	27
1.4.2 Purpose of EIA Report.....	27
1.4.3 The Consultant.....	27
1.4.4 Project Chronology till Date	27
1.5 STATUTORY PERMISSIONS AND CLEARANCE RECEIVED.....	28
1.6 SCOPING BEFORE TOR.....	29
1.7 SCOPE OF WORK	29
1.8 IMPORTANCE TO COUNTRY AND REGION	30
1.8.1 Importance to Country.....	30
1.8.2 Importance to Region.....	31
1.9 GENERIC STRUCTURE OF EIA REPORT	31
1.10 TOR COMPLIANCE	32
1.11 METHODOLOGY ADOPTED	53
1.12 INSTRUMENT USED	53
1.13 DATA COLLECTED	54
2. PROJECT DESCRIPTION.....	55
2.1 GENERAL	55
2.2 DESCRIPTION OF PROJECT	55
2.3 GEOLOGY.....	58
2.3.1 Regional Geology.....	58
2.3.2 Local Geology.....	59
2.3.3 Structure of the block.....	60
2.3.4 Formation of geological sectors in Tubed block.....	64
2.3.5 Coal Reserves In Tubed Block.....	64
2.3.6 Quality of Coal Seams In Tubed Block.....	64
2.3.6 Topographical Survey.....	70
2.3.7 Exploration Done	71
2.4 LIFE OF MINE	75
2.4.1 Resources optimization / recycling and reuse envisaged in the project.....	75













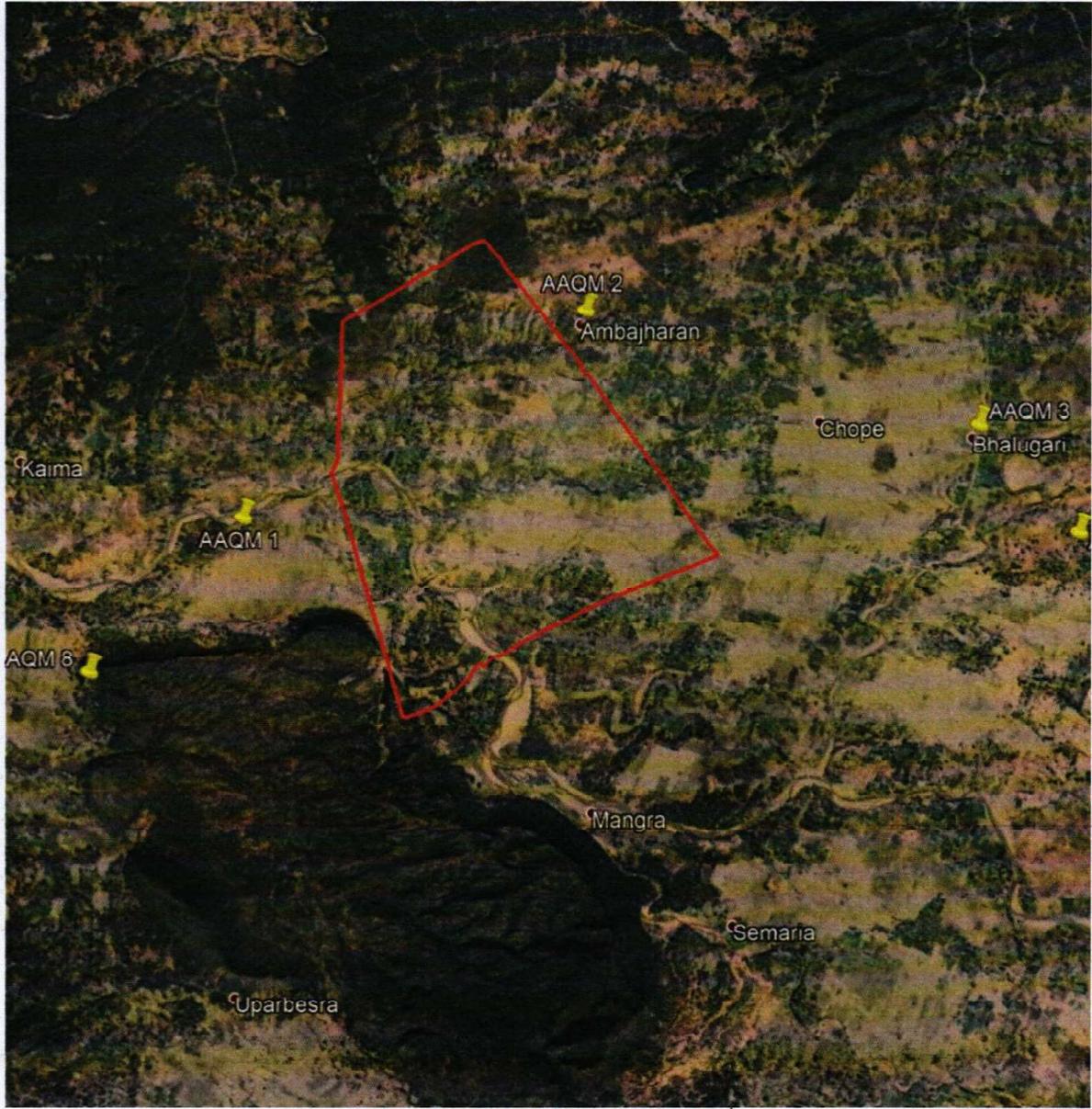












IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 21 OF 2022
IN
MISCELLANEOUS APPLICATION NO. 665 OF 2021
IN
SUO MOTU WRIT PETITION (C) NO. 3 OF 2020

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

WITH

MISCELLANEOUS APPLICATION NO.29 OF 2022
IN
MISCELLANEOUS APPLICATION NO. 665 OF 2021
IN
SUO MOTU WRIT PETITION (C) NO. 3 OF 2020

Order

1. In March, 2020, this Court took Suo Motu cognizance of the difficulties that might be faced by the litigants in filing petitions/ applications/ suits/ appeals/ all other quasi proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State) due to the outbreak of the COVID-19 pandemic.

2. On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders. On 08.03.2021, the order dated 23.03.2020 was brought to an end, permitting the relaxation of period of limitation between 15.03.2020 and 14.03.2021. While doing so, it was made clear that the period of limitation would start from 15.03.2021.
3. Thereafter, due to a second surge in COVID-19 cases, the Supreme Court Advocates on Record Association (SCAORA) intervened in the *Suo Motu* proceedings by filing Miscellaneous Application No. 665 of 2021 seeking restoration of the order dated 23.03.2020 relaxing limitation. The aforesaid Miscellaneous Application No.665 of 2021 was disposed of by this Court *vide* Order dated 23.09.2021, wherein this Court extended the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f 15.03.2020 till 02.10.2021.
4. The present Miscellaneous Application has been filed by the Supreme Court Advocates-on-Record Association in the context of the spread of the new variant of the COVID-19 and the drastic surge in the number of COVID cases across the country.

Considering the prevailing conditions, the applicants are seeking the following:

- i. allow the present application by restoring the order dated 23.03.2020 passed by this Hon'ble Court in *Suo Motu Writ Petition (C) NO. 3 of 2020* ; and
 - ii. allow the present application by restoring the order dated 27.04.2021 passed by this Hon'ble Court in *M.A. no. 665 of 2021 in *Suo Motu Writ Petition (C) NO. 3 of 2020**; and
 - iii. pass such other order or orders as this Hon'ble Court may deem fit and proper.
5. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the *M.A. No. 21 of 2022* with the following directions:
 - I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

- II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.
- III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.
- IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

- 6. As prayed for by learned Senior Counsel, M.A. No. 29 of 2022 is dismissed as withdrawn.

.....CJI.
(N.V. RAMANA)

.....J.
(L. NAGESWARA RAO)

.....J.
(SURYA KANT)

New Delhi
January 10, 2022

ITEM NO.301 Court 1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.21/2022 in MA 665/2021 in SMW(C)
No.3/2020

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

(FOR ADMISSION and IA No.1935/2022-APPLICATION UNDER SECTION LV
RULE 6 OF THE SUPREME COURT RULES, 2013)

WITH

MA 29/2022 in MA 665/2021 in SMW(C) No. 3/2020 (PIL-W)

(FOR ADMISSION and IA No.3161/2022-APPLICATION UNDER SECTION LV
RULE 6 OF THE SUPREME COURT RULES, 2013 and IA No.3444/2022-
APPLICATION FOR PERMISSION)

Date : 10-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Shivaji M. Jadhav, Adv.
Ms. Manoj K. Mishra, Adv.
Dr. Joseph Aristotle S., Adv.
Ms. Diksha Rai, Adv.
Mr. Nikhil Jain, Adv.
Mr. Atulesh Kumar, Adv.
Dr. Aman M. Hingorani, Adv.
Ms. Anzu Varkey, Adv.
Mr. Aljo Joseph, Adv.
Mr. Sachin Sharma, Adv.
Mr. Varinder K. Sharma, Adv.
Mr. Abhinav Ramkrishna, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Himanshu Chaubey, AOR
Mr. Prem Dave, Adv.
Mr. Raghav Agrawal, Adv.
Mr. Toshiv Goyal, Adv.

For Respondent(s)

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, SG

Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Arvind Kumar Sharma, AOR

Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.

Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

Ms. Sunieta Ojha, AOR

Mr. P. I. Jose, AOR
Mr. Jenis V. Frensis, Adv.
Mr. Prashant K. Sharma, Adv.

Ms. Anindita Mitra, AOR

Mr. Sahil Tagotra, AOR
Mr. Subhro Mukherjee, Adv.

Mr. Amit Sharma, AOR

Mr. Sameer Parekh, Adv.
Mr. Kshatrashal Raj, Adv.
Ms. Tanya Chaudhry, Adv.
Ms. Pratyusha Priyadarshini, Adv.
Ms. Nitika Pandey, Adv.
For M/s.Parekh & Co., AOR

M/S. VKC Law Offices, AOR

Mr. Vinod Sharma, AOR

Mr. Mukesh K. Giri, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

Ms. Pratibha Jain, AOR

Sh. Soumya Chakraborty, Sr. Adv.
Mr. Sanjai Kumar Pathak, AOR
Ms. Shashi Pathak, Adv.

Mr. Divyakant Lahoti, AOR
Mr. Parikshit Ahuja, Adv.
Ms. Praveena Bisht, Adv.
Ms. Madhur Jhavar, Adv.
Ms. Vindhya Mehra, Adv.
Mr. Kartik Lahoti, Adv.
Mr. Rahul Maheshwari, Adv.
Ms. Shivangi Malhotra, Adv.

Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.
Mr. Aditya Narayan Das, Adv.

Ms. Binu Tamta, Adv.
Mr. Dhruv Tamta, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Ms. Pragya Barsaiyan, Adv.
Mr. Akash Singh, Adv.

Ms. Taruna Ardhendumauli Prasad, AOR

Mr. Sibho Sankar Mishra, AOR
Mr. Niranjana Sahu, Adv.

Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Bar, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

M.A. No.21 of 2022 is disposed of and M.A. No.29/2022 is dismissed as withdrawn, in terms of the signed Order.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed Order is placed on the file)



Tiger CONNECTING
POPULATIONS
FOR LONG-TERM
CONSERVATION



Citation

Q. Qureshi, S. Saini, P. Basu, R. Gopal, R. Raza, Y. Jhala, 2014.
Connecting Tiger Populations for Long-term Conservation.
National Tiger Conservation Authority & Wildlife Institute of India,
Dehradun. TR2014-02.

GURU GHASI DAS-PALAMAU-LAWALONG

Sanjay TR and Guru Ghasi Das NP are a contiguous forest patch, this patch continuous further as Tamoringla WLS. From Tamoringla WLS two forested arms project eastwards and serve as corridors to connect with Palamau TR. This entire area is rich in minerals specially coal. Utmost care needs to be taken to ensure that the corridor value of these habitats is not compromised while granting permissions for mineral extraction. This habitat holds great potential for recovering tiger populations as currently they have low density of tigers but with management inputs and connection with Bandhavgarh source they can be revived. Sanjay has started showing recovery of tiger populations after being declared tiger reserve.

Guru Ghasidas-Palamau-Lawalong

Habitat size	18759 Km ²
Source Population	Palamau
Size of Source	6-13
Protected Areas	Guru Ghasidas NP Tamoringla WLS Semarsot WLS Palamau Mahauaduar WLS Lawalong WLS
Corridors	Guru Ghasidas - Tamoringla Tamoringla-Palamau-Semarsot WLS Palamau-Lawalong WLS

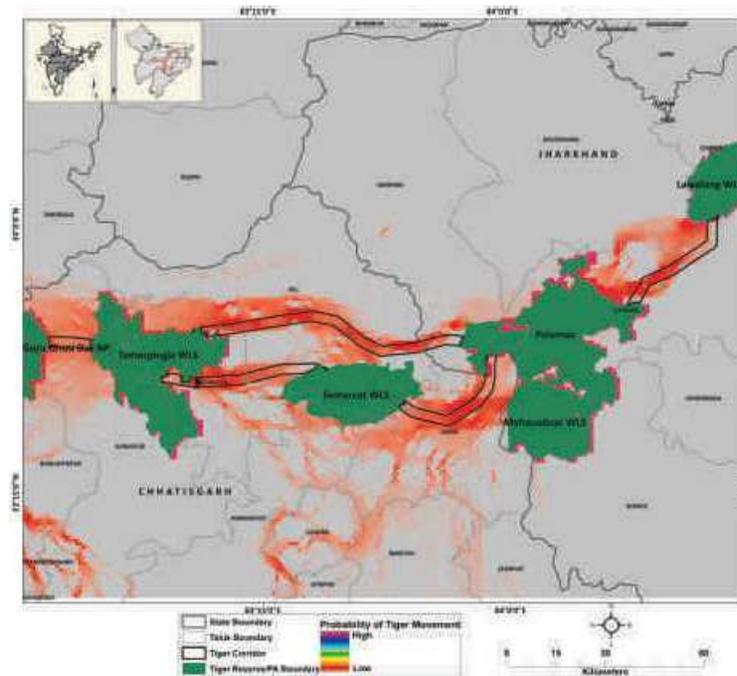
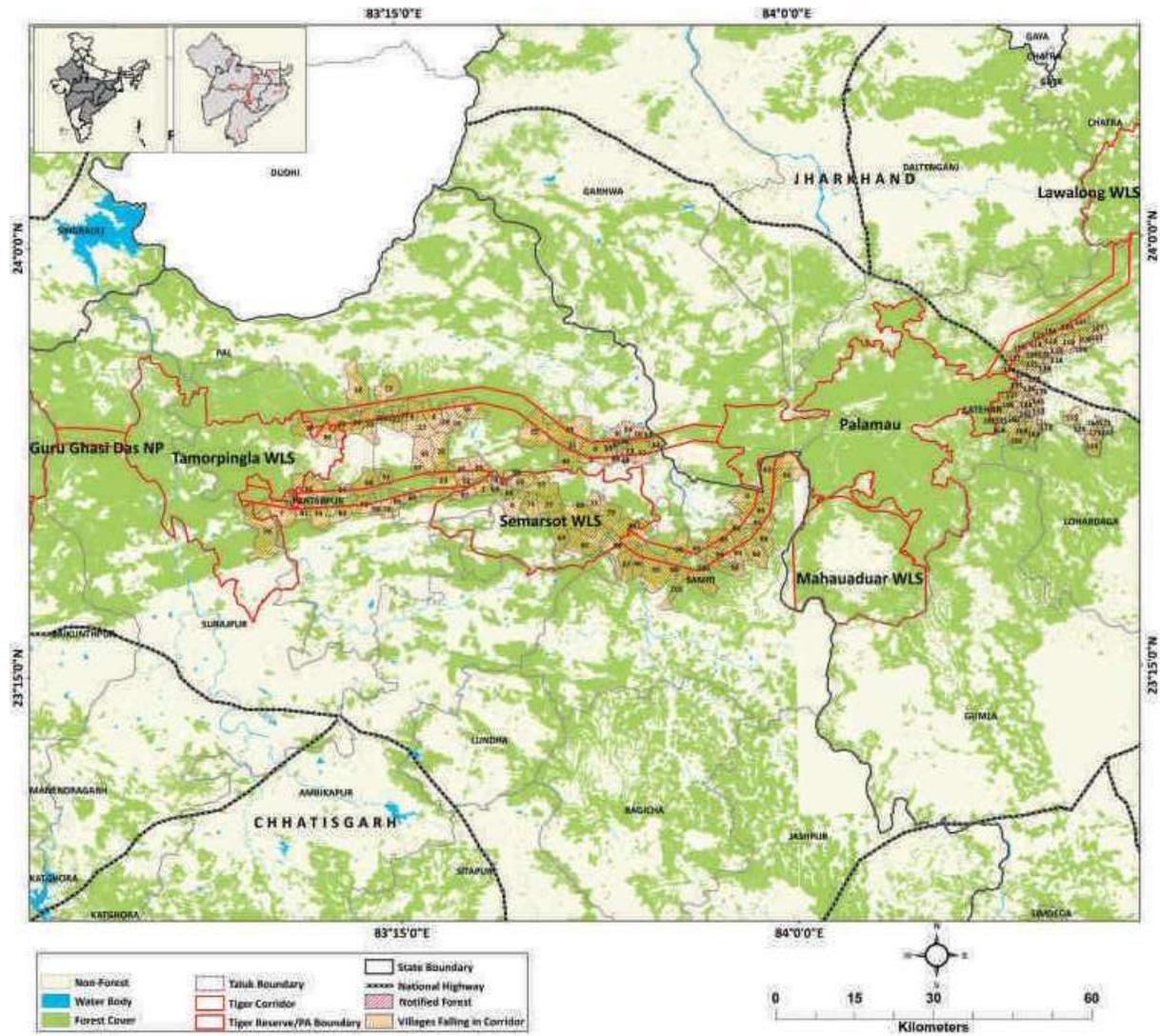


Figure 2.15

Potential habitat connectivity for tiger movement between Bandhavgarh-Sanjay-Dubri-Guru Ghasi Das as depicted by CIRCUITSCAPE model

Figure 2.16:

Least Cost Pathway corridor for Tiger movement between Guru Ghasi Das-Palamau-Lawalong overlaid with village map (the village numbers are referenced in Table 2.4)

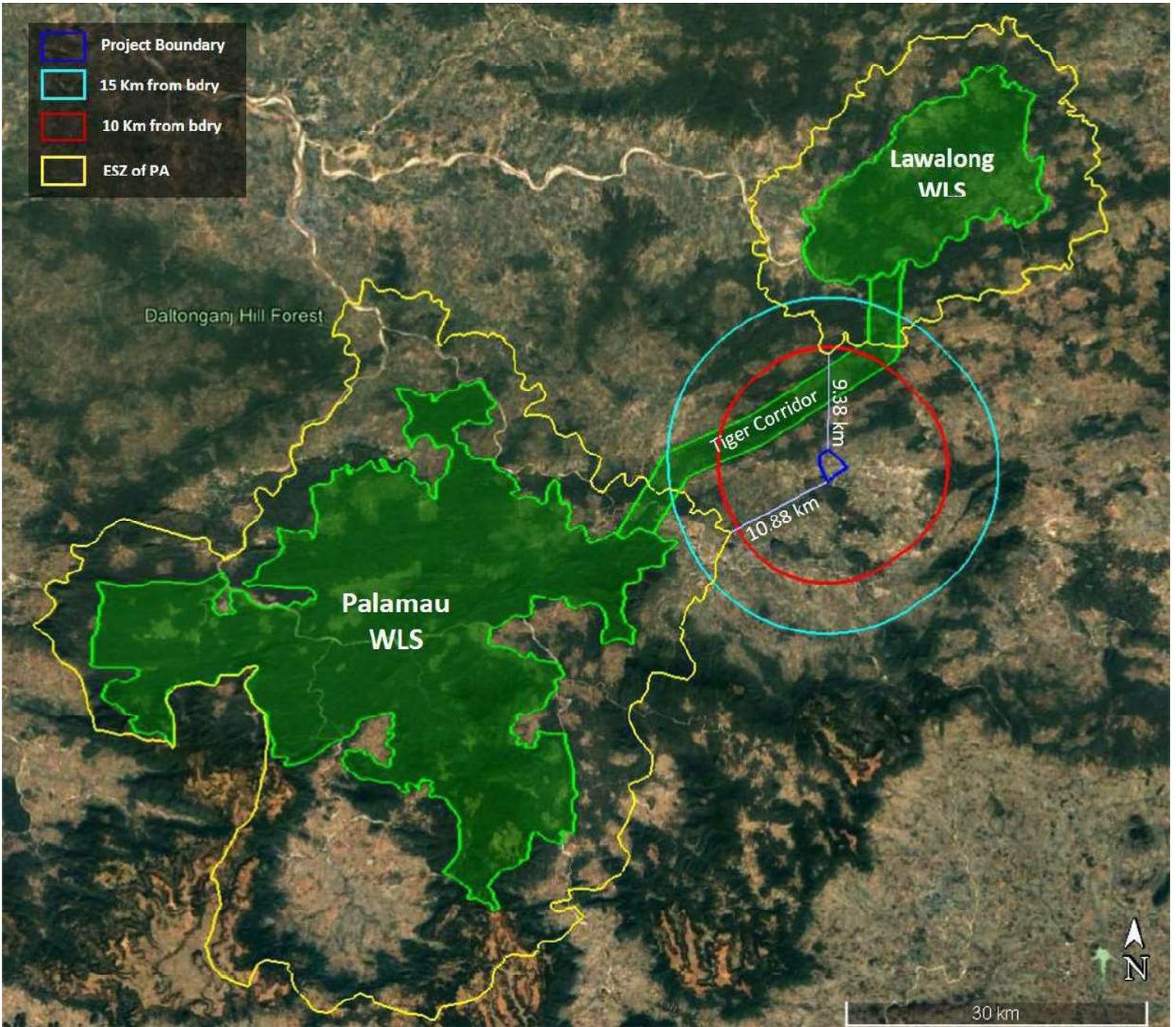




भारतीय वन्यजीव संस्थान
Wildlife Institute of India

The paper used in printing of this report is chlorine free. We ensure that the pulp used in the manufacture of paper is derived from environmentally certified forest.

Annexure A-30



km

t.c.