

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI**

IN

ORIGINAL APPLICATION NO. 236 OF 2022

IN THE MATTER OF:

In re: News report published in the Newspaper named Indian Express, Daily News Paper dated : 4th February, 2022, Kolkata, Late City Edition titled "Non compliance of EC conditions by Kulda coal mine, Odisha & Tamnar Therman Plant, Chattisgarh"

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**Affidavit On Behalf of Ministry of Environment, Forest and
Climate Change**

IT IS MOST RESPECTFULLY SHOWETH:

I, Dr Timir Haran Mahato, S/o Shri P.C Mahato, aged about 47 years, working as Scientist 'D', at Integrated Regional Office, Bhubaneswar of the Ministry of Environment, Forest and Climate Change ('MoEFCC', for short), do hereby solemnly affirm and state as follows:

1. That the above mentioned case being O.A. No. 236 OF 2022 (PB) was initiated on basis of a media report to the fact that there is violation of environmental norms , particularly the EC conditions for operation of Kulda Coal Mine, Odisha and the violations taking place in the course of transportation of coal from Kulda to Tamnar in 200 dumpers of 21

B.K.
B.K. NAYAK
NOTARY
CUTTACK TOWN

Timir Haran Mahato

tonne capacity, requiring 400 daily trips or a truck passing every 3-4 minutes, round the clock, through 14 villages with a combined population of over 15,000 as per census 2011 & Tamnar Thermal Plant, Chhattisgarh.

2. That the Hon'ble National Green Tribunal , Principal Bench , New Delhi constituted a Joint Committee in O.A. Number 236/2022 vide its order dated 30.03.2022 to ascertain the facts relating to violations of the environmental norms in transportation of coal from Kulda Coal Mine in Odisha to Tamnar in Chhattisgarh and Ministry of Environment, Forest and Climate Change was the nodal agency for coordination and compliance.
3. That the Joint Committee Report was submitted to the Hon'ble NGT , Principal Bench which was accepted by Hon'ble NGT and further direction in the matter was issued vide order dated 15.07.2022 to conduct meeting of Chief Secretaries of Chhattisgarh and Odisha to formulate an action plan in the matter. In compliance of Hon'ble NGT direction meeting was held on 16.08.2022 at 4.00 pm under the Chairmanship of Chief Secretary, Odisha and the copy of the action taken report is attached herewith as **Annexure A 1**


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NOTARY
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4. In view of the facts stated above, the Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit and proper in the given circumstances of the instant case.
5. The answering Respondent craves liberty to file additional information, if any, till pendente lite.

Timis Karan Mehat

DEPONENT

बैज्ञानिक डी/SCIENTIST "D"
भारत सरकार/Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
भुवनेश्वर/Bhubaneswar

VERIFICATION

I, the aforementioned Deponent do hereby declare on this 29th day of Nov 22 at Cuttack that the contents of the affidavit are true to my knowledge and belief and nothing material has been concealed therefrom.

The deponent being identified by Self Adv./Clerk swears on oath & solemnly affirms before me on dt: 09/11/2022 that the facts stated above are true to his/her knowledge.

M/Ankur-09/11/2022
Notary for Cuttack Town
Govt. of Odisha

Timis Karan Mehat

DEPONENT

बैज्ञानिक डी/SCIENTIST "D"
भारत सरकार/Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
भुवनेश्वर/Bhubaneswar

**ACTION TAKEN REPORT OF THE JOINT COMMITTEE
CONSTITUTED UNDER THE DIRECTION OF HON'BLE NGT IN
THE OA NO.236/2022**

Hon'ble National Green Tribunal , Principal Bench , New Delhi has constituted a Joint Committee in O.A. Number 236/2022 vide its order dated 30.03.2022 to ascertain the facts relating to violations of the environmental norms in transportation of coal from Kulda Coal Mine in Odisha to Tamnar in Chhattisgarh. In this regard, a field inspection was conducted by Joint Committee comprising the members as under on 27.05.2022 in and around the alleged site and road used for transportation, to verify the facts of the matter of media report regarding allegation of violation of environment norms (particularly the EC conditions) for operations of Kulda Coal Mine, Odisha & Tamnar Thermal Plant, Chhattisgarh.

1. Dr. R. P. Mishra, Scientist D, Central Pollution Control Board, Bhopal
2. Mr. Toufic Aslam, Scientist 'B', Central Pollution Control Board, Kolkata
3. Dr. S. K. Verma, Regional Officer, Chhattisgarh State Pollution Control Board, Raigarh
4. Er. H.K. Nayak, Regional Officer, SPCB, Odisha, Jharsuguda
5. Shri M. R. Prasad, Scientist-C, MoEF&CC, IRO, Bhubaneswar
6. Smt Victoria Ekka, Tahsildar, Hemgir, Sundargarh

The Joint Committee Report was submitted to the Hon'ble NGT , Principal Bench which was accepted by Hon'ble NGT and further direction in the matter was issued vide order dated 15.07.2022 to conduct meeting of Chief Secretaries of Chhattisgarh and Odisha to formulate an action plan in the matter. In compliance of Hon'ble NGT direction meeting was held on 16.08.2022 at 4.00 pm under the Chairmanship of Chief Secretary, Odisha. The meeting was attended by Chief Secretary, Chhattisgarh, Addl. Chief Secretary, Forest, Environment & Climate Change, Govt. of Odisha, Dy. Director General of Forest (Central), Integrated Regional Office MoEF&CC, Bhubaneswar, Member Secretary, CPCB, Member Secretary, SPCB, Odisha, Collector Sundargarh, District Magistrate

Raigarh, Jangjir-Champa, CMD of M/s MCL and representatives of different project proponent along with the members of joint committee.

The Salient points of the discussion is as under-

- *The Chief Secretary, Odisha, emphasized that the road in issue needs to be properly completed at the earliest in accordance with the Hon'ble NGT's order.*
- *The Chief Secretary of Odisha asked the District Magistrate of Sundargarh to find an alternate road so that without any hindrance the road can be completed at the earliest. The District Magistrate, Sundargarh said that he has already identified an alternative road but that needs construction and maintenance. The CMD of MCL assured to take the required actions to make the alternate road motorable (approximately 15 kilometers) at the earliest.*
- *The Chief Secretaries of Odisha and Chhattisgarh agreed on the formation of a Joint monitoring committees for both states presided by the Concerned District Magistrate with representatives from the SPCB, MCL, and other user agencies.*
- *The Chief Secretary, Odisha, insisted upon transportation of coal through conveyer belts and rail. According to the MCL representative, transporting coal by rail is more expensive, hence most project proponents choose the road in the e-auction.*
- *The Member Secretary CPCB, said as the villagers may have suffered from ailments as a result of the pollution from the transportation of coal, the project's proponents are liable to pay the costs associated with study and mitigation measures.*
- *The Chief Secretary, Chhattisgarh insisted upon sharing of responsibility of the construction of the road to the project proponents as it is a part of the order of the Hon'ble NGT and the project proponents agreed to share the cost of the construction of the roads.*
- *The Chief Secretary, Odisha directed the concerned officials and Project Proponents to comply with the decisions taken in the meeting as per the order of Hon'ble NGT.*

The Minutes of the meeting is annexed herewith as **Annexure A1/1**.



Dr. R. P. Mishra
Scientist 'D', CPCB, Bhopal



Mr. Toufic Aslam.
Scientist B, CPCB, Kolkata



Shri Ankur Sahu
Regional Officer, CSPCB, Raigarh



Smt Victoria Ekka.
Tahsildar, Hemgir, Sundargarh



Er. H.K. Nayak
Regional Officer, OSPCB, Jharsuguda



Shri T.H. Mahato
Scientist-D, MoEF&CC, IRO, BBSR

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STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII

Bhubaneswar – 751 012, INDIA

IND-I- Con-6849

No. 15459 /

Date: 25.08.2022

E-mail / Speed Post

To

The Deputy Director General of Forest (Central),
 Integrated Regional Office,
 Ministry of Environment, Forest and Climate Change, Govt. of India,
 A/3, Chandrasekharpur, Bhubaneswar-751023
 E-mail: roez.bsr-mef@nic.in

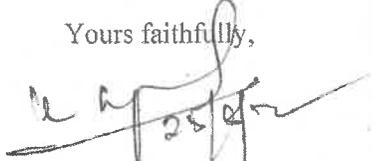
Sub: Minutes of the Meeting held on 16.08.2022 at 04.00 PM as per the Order of Hon'ble NGT, in the matter of OA No.236/2022 dated 15.07.2022.

Sir/Madam,

With reference to the above, please find enclosed herewith the approved Minutes of the Meeting held on 16.08.2022 jointly by the Chief Secretaries of Odisha and Chhatisgarh with Project Proponent and Members of the Joint Committee constituted by Hon'ble NGT in the above OA No.236/2022 dated 15.07.2022 for kind information and circulation among all concerned for necessary action.

Yours faithfully,

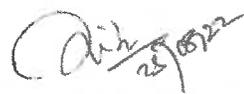
Encl: As above.


 MEMBER SECRETARY

Memo No. 15460 / / Date: 25.08.2022 /

Copy forwarded to the Sr. Law Officer (L-II), SPC Board, Bhubaneswar for information and necessary action.

Encl: As above.


 CHIEF ENV. ENGINEER(M)

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**MINUTES OF THE MEETING HELD ON 16.08.2022 AT 4.00 PM AS PER THE ORDER OF
HON'BLE NGT, IN THE MATTER OF OA NO.236/2022 DATED 15.07.2022**

As per the order of Hon'ble NGT Kolkata, a joint meeting was held under the Chairmanship of Chief Secretary, Odisha.

(1) Chief Secretary, Chhatisgarh, (2) Addl. Chief Secretary, Forest, Environment & Climate Change, Govt. of Odisha, (3) Dy. Director General of Forest (Central), Regional Office, MoEF&CC, Bhubaneswar, (4) Member Secretary, Central Pollution Control Board, (5) Member Secretary, SPCB, Odisha, (6) Collector Sundargarh, (7) District Magistrate Raigarh and Jangjir-Champa, (8) CMD, M/s MCL and (9) representatives of different project proponents along with the members of joint committee were present in the meeting.

At the outset, Dy. Director General of Forest (Central), Regional Office, MoEF&CC, Bhubaneswar welcomed all the participants and delivered a brief power point presentation highlighting the recommendation of the joint committee and the order of the Hon'ble NGT dated 15.07.2022.

The Chief Secretary, Odisha, initiated the discussion highlighting the order of the Hon'ble NGT. He reiterated that as per the order of the Hon'ble NGT, the road in question need to be properly constructed at the earliest and the work near the villages should be done on priority basis. The Chief Secretary, Odisha asked the District Magistrate, Sundargarh to find an alternative road so that without disturbance the road can be completed at the earliest. The District Magistrate, Sundargarh, who was available through VC, said that he has already identified an alternative road, but, that road needs construction and maintenance. The Chief Secretary, Odisha asked the CMD, MCL, present in the meeting through VC, to make that alternative road motorable so that vehicles can run in that road. The CMD, MCL, assured to take necessary steps to make that alternative road (about 15 kms) motorable at the earliest. The Chief Secretary, Odisha, said that the road from Bankibahal to Taparia is in Odisha. He wanted to know the condition of the road in Chhattisgarh. The Chief Secretary, Chhattisgarh, said that they are in the process of construction of the road. The total length of the road is 19 kms, out of which in 5 kms, work has already been started and for the rest 14 kms, an estimate has already been prepared. He also

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insisted that as per the Hon'ble NGT order, there is clear cut direction that the "polluters should pay", so the cost of the construction of the roads should be shared with Project Proponents using the road.

The Chief Secretary, Odisha, highlighted on formation of a Joint Monitoring Committee presided by the District Magistrate with representative from SPCB, MCL and other user agencies. He also requested Chief Secretary, Chhattisgarh to have such a monitoring committee for State of Chhattisgarh. The Chief Secretary, Chhattisgarh, agreed upon for monitoring committee presided by the Collector.

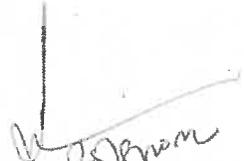
The Chief Secretary, Odisha, expressed his concern over transportation of coal through road. He insisted upon transportation of coal through conveyer belts and rail. He said that in the EC, there are conditions to transport coals through conveyer system and rail. He wanted to know regarding the status of construction of conveyer belts from the project proponents. The representative from Jindal Power said that though there is a condition for construction of conveyer belt, but for non-confirmation of source they are not able to construct the conveyer belt. The Chief Secretary, Odisha directed Jindal Power to prepare an action plan for conveyer system of transportation from M/s MCL within 3-4 months. The representative from Jindal Power agreed to prepare the action plan. The Chief Secretary, Odisha also directed MCL to provide necessary help to Jindal Power in preparation of the action plan. The Chief Secretary, Odisha, wanted to know that why coal is being transported by road, not by rail. The representative from the MCL said that transfer of coal by rail are costlier, so most of the project proponents opt for road in e-auction. The Chief Secretary, Odisha said that this point should be taken into consideration while doing e-auction. The representative from DB Power said that their plant is connected through rail. But if MCL can provide coal to the nearest rail siding then transportation through road can be minimized. The Member Secretary, Central Pollution Control Board said that because of pollution by transportation of coal, people might have suffered from ailments. A study should be conducted and accordingly mitigation measures should be done to cure as well as to prevent such disorders of the villagers. The project proponents should pay the cost for the study as well as expenditure required. The Chief Secretary, Chhattisgarh insisted upon sharing of responsibility of the construction of the road to the project proponents. He said that it is a part of the order of the Hon'ble NGT.

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The Chief Secretary, Odisha wanted to know the view of the project proponents. The project proponents agreed to share the cost of the construction of the roads. The Chief Secretary, Odisha, requested State Pollution Control Board, Chhatisgarh to make a list of such roads and to give it to IRO, MoEF&CC, Bhubaneswar/Raipur. The Chief Secretary, Chhattisgarh, wanted to know from Collector, Raigarh regarding any grievance of villagers in Chhatisgarh due to transportation of coal. The Collector, Jangjir-Champa said that no such grievances have been reported till now. The Chief Secretary, Odisha directed the concerned officials and Project Proponents to comply with the decisions taken in the meeting as per the order of Hon'ble NGT.

The meeting was ended with thanks to the Chair.


CHIEF SECRETARY,
GOVT. OF ODISHA