

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO198 OF 2024(WZ)

News item Titled "Coal Over Conservation .. Applicant

Versus

Principle Chief Conservator of Forest.

& others ... Respondents

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Pune

Date: 24/04/2024

  
Advocate for Respondent No.4

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL, BENCH AT PUNE**

**Original Application No. 198/2024**

IN THE MATTER OF NEWS ITEM TITLED "COAL OVER  
CONSERVATION: STATE WILDLIFE BOARD OKAYS MINING  
IN CHANDRAPUR TIGER CORRIDOR" PUBLISHED IN THE  
TIMES OF INDIA ON 27/08/2024

**Reply on Behalf of Respondent No. 4 to the Original Application  
on Affidavit**

I, Sanjay Waman Pawar, aged 48 years, Occupation:  
Government Service as Sub-Divisional Officer and Sub-Divisional  
Magistrate, Chandrapur, on behalf of Respondent No. 4 – Collector and  
District Magistrate, Chandrapur, do hereby take oath and state as under:

1. The present Original Application No. 198/2024 has been  
admitted suo moto by the Honorable Tribunal based on an article  
published in the Times of India, Chandrapur. The article specifically  
comments that the State Government has sent a recommendation to the  
Ministry of Environment, Forest and Climate Change for diverting  
80.77 hectares of reserve forest land for the renewal of mining in  
Compartment Nos. 404 and 401 of Chandrapur Forest Division. It is  
submitted that, as per the notification dated 4 August 1979 of the



*Sanjay*

Ministry of Energy (Department of Coal), the Central Government, under Sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), gave notice of its intention to acquire land and rights to mine, quarry, bore, dig, search for, work, and carry away minerals in the locality specified in Schedules A and B of the said notification. Pursuant to the gazette, the land was acquired for coal mining activities. Subsequently, an area of 80.77 hectares of forest land was diverted for the Durgapur Open Cast Project in District Chandrapur, Maharashtra, as per the letter dated 8 November 2005.

2. It is respectfully submitted that, as per the letter dated 10 November 2017, a public hearing was conducted on 13 October 2009 under the chairmanship of the Additional Collector, Chandrapur, and the project received environmental clearance from the Ministry vide letter dated 16 March 2012. It is further submitted that the environmental clearance was duly granted for the project. The minutes of public meeting is annexed herewith as annexure R 4-1 for ready perusal of this Hon'ble Tribunal.

3. It is respectfully submitted that the role of the answering Respondent is limited to conducting a public hearing and heard the objections, if any, with regard to the said project. As stated above, an




environmental public hearing for the project was conducted on 13 October 2009, with representatives from the Department of Environment, the Pollution Control Board, and the project proponent prominently present. Thereafter, environmental clearance was accorded by the Ministry of Environment and Forests vide letter dated 16 March 2012. It is relevant to state that the answering Respondent conducted the public hearing in accordance with the Government Notification dated 14 September 2006, which prescribes the Standard Operating Procedure (SOP) by the Ministry of Environment and Forests.

4. In view of the foregoing submissions, it is clear that the limited role assigned to the answering Respondent was to hear and forward the public objections before the final proposal. This duty was duly performed as stated above.

Hence, this reply on affidavit.

**Date:** 24/04/2025

I know and identify  
the deponent. *[Signature]*  
24.4.25  
(Adv. S. Venugopal)

*[Signature]*  
**Deponent/Respondent No. 4**  
Sub Divisional Officer  
Chandrapur



VERIFICATION

I, Sanjay Waman Pawar, aged 48 years, Occupation: Government Service as Sub-Divisional Officer and Sub-Divisional Magistrate, Chandrapur, authorized by Respondent No. 4 – Collector and District Magistrate, Chandrapur, do hereby verify that the above solemn affirmation is true to my personal knowledge and belief. Hence, verified and signed on this 24th day of April 2025.

Notarial Regr.  
Entry No. 1654  
Date. 24 April 2025

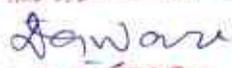
Date: 24/04/2025

  
Respondent No. 4  
Sub Divisional Officer  
Chandrapur

I know and identify the deponent.



with depute me on this 24<sup>th</sup> day of April 2025  
of Shri / Smt. Sanjay Pawar  
W/o. D/o. Waman Pawar  
residence of S.D.O Chandrapur  
who is personally known me & who has been identified by Shri Self Teh Dist Chandrapur  
whose signature has appeared here to

  
T. D. DAWARE  
Advocate & NOTARY (Govt. of India)  
Regd. No. 16024 Chandrapur (M.S.)



**MINUTES OF ENVIRONMENTAL PUBLIC HEARING OF M/S DURGAPUR EXTENSION (DEEP) OPEN CAST WCL CHANDRAPUR. MAHARASHTRA, FOR DEEPENING OF THE EXISTING DURGAPUR EXT. OPENCAST PROJECT BY INCREASE IN THE EXISTING LAND AREA FROM 1354.64 HA TO 1645.82 HA. AS WELL AS ENHANCING THE APPROVED PRODUCTION CAPACITY OF 2.3 MTY TO 3.0 MTY. HELD AT OFFICERS CLUB, WCL PADMAPUR / DURGAPUR COLONY, SHAKTINAGAR, OFFICE,, DISTT-CHANDRAPUR.MAHARASHTRA ON 30/10/2009 AT 12.00 HOURS.**

The Environmental public hearing of Of M/S Durgapur Extension (Deep) Open Cast WCL Chandrapur. Maharashtra, for Deepening of the Existing Durgapur Ext. Opencast Project by Increase in the Existing Land Area from 1354.64 Ha To 1645.82 Ha. as Well as Enhancing the Approved Production Capacity of 2.3 Mty to 3.0 Mty. Under the Chairmanship of Additional Collector, Chandrapur. Regional Officer, Chandrapur, representative of Maharashtra Pollution Control Board act as a Member of Public Hearing Panel and also as a convener of the public hearing.

**General background**

M/S Durgapur Extension Open Cast WCL Chandrapur. Maharashtra Has Accorded Environmental Clearance By MOEF ON Dt 30/03/2007 For The Production Capacity OF 2.30 MTPA. The present proposal is for Deepening Of The Existing Durgapur Ext. Opencast Project by Increase In the Existing Land Area From 1354.64 Ha To 1645.82 Ha as well as enhancing the approved Production Capacity Of 2.3 Mty To 3.0 Mty .M/S Durgapur Extension (Deep) Open Cast WCL Chandrapur. Maharashtra has obtained TOR from MOEF vide letter dated 12<sup>th</sup> June 2008 to undertake detailed EIA and accordingly submitted EIA/EMP to conduct public hearing to obtain Environmental Clearance

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PURPOSE & PROCEDURE :

Shri M.D.Bhiwapurkar Field Officer started the proceeding of public hearing with the permission of Chairman. He welcomed the chairman of the public hearing panel and the public present. He explained purpose of conducting environmental public hearing. He also explained the necessity to conduct public hearing as per Government Notification No. S.O. 318(e) dated 10 Th April 1997 & amendment dated 14 Sept. 2006 & the procedure followed by the Maharashtra Pollution Control Board as per the said notification to conduct public hearing. As required Maharashtra Pollution Control Board had issued a public notice in daily Hitavada on 28/09/2009 & 27/09/2009, daily Loksatta,, local news paper in English & Marathi for conducting public hearing on 30/10/2009 at 12.00 hrs at Officers Club,WCL Padmapur/Durgapur Colony,Shaktinagar, office, Distt-Chandrapur. The copies of public notice are enclosed as **Annexure - I.**

The copies of Executive summery & EIA containing salient features of the said project in English & Marathi were made available at Department of Environment, Government of Maharashtra, Mumbai, Head Office of Maharashtra Pollution Control Board, Sion, Mumbai, Regional Office of Maharashtra Pollution Control Board at Nagpur, Office of the Chief Executive Officer, Zilla Parisad, Chandrapur. District Industries Centre & Office of the Collector, Chandrapur & local Grampanchayat office to appraise the public about the said project. As per the public notice published in these newspapers, written objections were called in the office of Maharashtra Pollution Control Board, and this office has received one written objections on the project which are enclosed as **Anne-III.**

The public hearing panel was constituted vide Office order No. E-77 of 2009 issued vide letter no. BO/PO (P&P)/PH/B-6977, dated 22/10/2009. Copy of the same is enclosed herewith as **Annexure II**

Following were the panel members for the public hearing.

1. Additional Collector, Chandrapur

Chairman

2. Regional Officer, M.P.C.B, Nagpur

Member

3. Sub Regional Officer, M. P. C. Board, Chandrapur

Convener.

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119. With the permission of Chairman, Shri D. Bhiwapurkar, F.O had requested Project Proponent to give power point presentation about the expansion project. Accordingly, the representative of Project Proponent Shri Jamkar, Representative of CMPDI, had commenced PowerPoint presentation of salient features of the proposed project and the proposed steps to be taken by Project Proponent to protect environment.

Project Proponent informed that the present proposal is for Deepening of the Existing Durgapur Ext. Opencast Project by increase in the existing Land Area from 1354.64 Ha. To 1645.82 Ha. as well as Enhancing the approved Production Capacity of 2.3 MTY to 3.0 MTY. He informed that the environment clearance for existing project i.e. for the production of Coal 2.3Million T/Annum was accorded on 30/03/2007. The environmental statement for the year 2008-09 for existing project is already submitted to M.P.C.Board. He has shown location Map & Location Plan of existing as well as expansion project. Project

Proponent further informed that EIA Study for air environment has been carried out through ambient air quality survey at different location in the study area. The existing quality of AAQM was found with in CPCB Norms. Water quality was monitored at different location of the existing mine. The water quality was observed to be satisfactory. Noise levels were measured at different locations considering the activity. The noise levels measured were well below the norms. He has informed that provisions has been made for social development work such as drinking water supply, Temple construction, Road development, School building construction and training session to the unemployed youths of the affected villages.

Thereafter Shri A.N.Katole Field Officer had requested public to raise questions either orally or in written form. Accordingly Written objections were submitted by Shri Swanand Soni, Srushti Paryawaran Mandal, Nagpur, Shri Dixit, Paryawaran Mitra Sanstha, Chandrapur, Shri, Suresh Chopane, Green Planet Society, Shri. Vasanta Duryodhan, Agriculturist & Sarpanch, Village-Sinala, Tq- Chandrapur. (ANNEX-IV). Following questions were raised and answers given by the Project Proponent & concerns

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**Shri Shri Swanad Soni, Srushti Paryawaran Mandal, Nagpur.**

He had shown displeasure for neither giving Soft copies of EIA no Xerox copies in spite of his repeated demands. He said that the EIA was available at MPCBoard Office for study purpose only. He further objected carrying comprehensive EIA as the project is in the vicinity of TATR (Andhari Tiger Reserve). He objected that some data of the EIA was taken of the year 2004. He has shown displeasure about the steep slope of Over Burden just like mountains.

Regional officer, MPCBoard has expressed his regret's for delay in conduction of proceeding of public hearing as Additional Collector Chandrapur was pre-occupied in meeting. He replied that the EIA and executive summaries were kept open for study at MPCB Office for general public and some Organizations such as Green Planet Society had studied the EIA at MPCB Office. He further informed that the public hearing was conducted as per the notification of MOEF 14 September 2006 as notices were given in local news paper well in advance i.e. one month before the date of public hearing.

**Shri Suresh Chopane, President Green planet society.** He also showed displeasure for not giving copies of EIA Report.

He questioned about authenticity of EIA report as it has not commented about endangered species. He objected the statement of EIA like These Core & Buffer Zone are Free from Ecologically Sensitive and Biologically Rich Area/Habitant. He questioned about statement of tree plantation-by planting the trees of Mango, Gulmohar, Nilgiri etc. as the bio diversity of dense forest cannot be achieved by sapling of local Variety of trees. He further objected about the commencement of Blasting activity up to 100 db (A) as this limit will affect wildlife existing in near by forest. Finally, he has tendered his stern opposition for this expansion project as it will create rehabilitation & social problems of affected villages.

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He informed that the air, water **121** quality of nearby villages is affected due to existing mine & Cracks were observed at nearby houses due to blasting activity. Local villages were deprived of roads & drinking water due to depletion of water table. He objected that EIA report was not made available at local grampanchayat office. He objected that the advertise of public hearing was given in English Paper Hitavada & Marathi Loksatta, however local villagers are not accessible of these two news papers.

Shri A.C Roy, HOD Environment WCL.Replied that the mine are already in operation since last many years & this is only a small expansion. He further submitted that the pollution is bound to happen due to excavation of Coal but WCL is achieving the norms of CPCB & State pollution control Board in respect of Air Water & Noise. He informed that the massive green belt was developed by WCL & it will enhance the greenbelt in future. He informed that land acquisition will be done with the help of remote sensing centre to get appropriate data of land acquisition.

Shri Balu Chandekar interrupted that WCL is not giving any land for water supply project to local villagers as all the nearby land is already acquired by WCL and the locals are deprived of safe water.

Shri Shinde, Nodal Officer Environment WCL replied that the WCL is not a private body for finalizing matters in a day. The appropriate proposals will be sending to CMD WCL for further approval. He replied that 90% coal is going to Maharashtra for power generation and Durgapur & Padmapur mine is supplying coal to CSTPS for coal supply.

Shri Gangadhar, Sinhala Village,

He enquired that whether grampanchayat office received intimation of this public hearing. He further questioned that whether it is expansion project or new project. He further informed that all the information given in the presentation by project proponent was misleading.

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Thereafter Sarpanch has shown & mentioned that the copies of advertisement well as letter of intimation of Public hearing are being received well stipulated time.

**Shri Balu Chandekar interrupted** that the copy of EIA was not enclosed with the on 28 /09 /2009 & 27/09/2009at intimation letter.

**Shri Ratnaparkhi, Member, Grampanchayat, Sinhala, Village.**

He informed that the most affected village of existing and proposed mine was village Sinhala. He briefed about the existing environmental problems such as lowering of water table, Blasting problems, degradation of village road reduction in the yield of agricultural crops such as Soybeans, Cotton, Wheat etc. and appealed to WCL to sort out their problems before doing expansion project.

**Shri Yash Kumar, WCL Manager of Durgapur Mine** informed that he had personally visited the village Sinhala for the inspection work of Water supply along with local body representative and shown willingness to help local villagers.

**Shri Ratnaparkhi, Member, Grampanchayat, Sinhala, Village.**

He again demanded the tarring of road, employment to land affected person, Rehabilitation of villages within 10 KM Radius of Chandrapur, assurance of plot & monetary compensation to affected villagers and assured to support the project if all the demands are accepted.

**WCL Representative Shri Sinha** briefed about existing R&R policy of Coal India Ltd., He also informed that CIL Policy is better than Coal India Policy and informed that land acquisition will be done as per the policy of Coal India Ltd.

**Shri Dudhpachare Green Planet Society:**

He raised the environmental problems of affected villages due to existing mines such as depletion of ground water table. He informed that copies of EIA & TOR were not given. EIA report was silent about bio diversity, Remote sensing maps and location maps. He expressed disclosure regarding statement of WCL tree plantation by planting trees like Gulmohar & Mango as such varieties of

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trees can't replace with Bio-diversity of dense forest. He objected the statement of EIA like These Core & Buffer Zone are Free from Ecologically Sensitive and Biologically Rich Area/Habitant.

Copy of EIA was made available to Shri Dudhpachare during the Public Hearing on his strong request by MPCB Officials.

**Shri Prabhune, Ground Water, Survey, Scientist, WCL.**

He informed that WCL is conducting ground water monitoring of well to check the depletion of ground water four times in a year. He informed that the level of water table was down in June - 2009. The underground water table depletion is due to low percentage of rainfall.

Local villagers were aggrieved due to the statement of WCL Shri Prabhune, Ground Water, Survey, Scientist, and WCL.

**Shri N.B.Wati, Chairman of public hearing panel, interrupted and directed WCL authorities to streamline water supply to affected villages & to check ground water table once again.**

**Shri Deepak Dixit,,Paryawaran Mitra Bahuuddeshiya Sanstha.**

He informed that the written objection is already submitted to convener of public hearing panel. He informed that Copies of EIA was not received at grampanchayat office hence it was violation of MOEF guidelines. He further requested to co-operate local NGO for the betterment of environment. He claimed that the EIA submitted by WCL was incorrect & requested to cancel public hearing & requested to draft fresh EIA report. He informed that WCL has violated norms of Safety Zone and started the mining work in a sector No.4 without obtaining environment clearance.

**Shri Jamkar,CMPDI,** informed that EIA report has been prepared as per TOR received from MOEF. He further informed that the base line data in respect of flora & fauna ,Socio-economic conditions etc. were taken from the previous years.

Sub-Area Manager WCL, informed that the mining work in the sector no.5 was going on, not in sector No.4 as alleged by Shri Dixit, however mining work in sector No.5 was in progress.

Shri Waman Shankar Sahu, Navegaon. He Stated that he was holding the agriculture land at village Navegaon. He further informed that the yield of crops had been reduced due to mining. He demanded the construction of Pond for agricultural purpose & this file regarding in this matter was pending with CMD WCL & got canceled, hence mislead the villagers. He informed that the major dug well of village Navegaon went dry due to mining activity & there were no water available for drinking & agriculture. He further demanded for compensation to WCL authority.

Shri Tapase, NGO.

He informed that coal is essential fuel for Thermal Power plant, & all the CSTPS is depend on WCL Coal to generate electricity. All the villagers should support to such coal mining activity.

Shri Narendra Soni,, Nagpur.

He mentioned about irregularity done by WCL regarding dumping of Over Burden as WCL is not following the norms of 28 degree of OB Dump.

Shri Nathu Ganpatrao Telang, Surpanch, Sinhala,

He informed that he has three sons & only two got employment from WCL. He also questioned about distance of mine from village & informed that his village is only 105 meters away from mine. He further expressed dissatisfaction about working of WCL authority.

Shri Ratnaparkhi, Sinhala.

He informed about the occurrence of flood in past at village sinhala. He further informed that entire village was submerged under the flood; due to this villagers had to face losses such as crop damages even some live stock got killed due to flood. He further highlighted the environmental problems of blasting & water table depletion & distance of village from mining area dust emissions in

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near by vicinity. He further stated that he needs clarification in R & R Policy of WCL.

**Shri Yash Kumar, WCL Manager.**

He informed that due to continuous heavy rain flood occurred at village Sinhala & WCL had extended the help by giving food packets to the affected persons.

**Shri Dubey, WCL.**

He further briefed about existing policy of coal India ltd regarding land acquisition & employment policy.

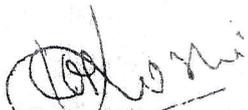
**Shri Bandubhau Raipure, Dy.Surpanch, Mashala.**

He informed that notice was not received one month before time regarding Public Hearing. He showed dissatisfaction over drinking water scarcity due to mining activity & 48 houses demolished due to Over Burden coming very close to village. He further informed that WCL has not done any thing for the building of demolished houses.

Reply was not given since this question is of repetitive nature.

Chairman informed the audience that all the proceedings are noted and report will be submitted to the Government.

Thereafter, **Shri Anand Katole, field officer, M. P. C. Board** delivered the vote of thanks to the Chairman, Members and the audience participated in the Public hearing Finally, Chairman declared that Environmental Public hearing of this project is over.

  
(P. M. Joshi)

Regional Officer, MPCB,  
Member & Convener of Panel

  
(N. B. Wati)

Additional Collector Chandrapur & Chairman  
Public Hearing Panel

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BEFORE THE NATIONAL GREEN  
TRIBUNAL, WESTERN ZONE, PUNE

Original Application No.198 of 2024

In the matter of :

News item titled "Coal Over Conservation raise  
... Applicant

Versus

Principle Chief Conservator of Forests.

& others

Respondents

**Reply Affidavit of Respondent No.4**

DATED 24<sup>th</sup> April,2025

D.M.GUPTE

ADVOCATE FOR RESPONDENT  
NO.4

3,LAXMAN APARTMENT

25/26, OLD TOPKHAHANA,

S'NAGAR, PUNE – 411 005

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