

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

Appeal No. 10 /2023/EZ

In the Matter of :

Eastern Coalfield Limited & Anr.

Applicant(s)

-Versus-

Union of India & Ors.

Respondent(s)

I N D E X

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2.	Copy of Public Notices dated 28.10.2015 and 21.04.2016 issued by CGWA inviting online applications.	R-1	178
3.	Copy of the NGT order dated 15.04.2015.	R-2	179 to 180
4.	Copy of the pumping data obtained from the unit and the site-inspection Report.	R-3	181 to 188

Through :

Place ; Kolkata

Date : 04/05/23

*Ashok Prasad*  
(Ashok Prasad)  
Advocate,

162

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH,  
AT KOLKATA

*Appeal* No. 10/2023/EZ

**IN THE MATTER OF :**

EASTERN COALFIELD LIMITED & ANR.

... APPELLANT(S)

**VERSUS**

UNION OF INDIA & ORS.

...RESPONDENTS(S)

**COUNTER AFFIDAVIT / REPLY FOR AND ON BEHALF OF THE  
RESPONDENT NOS. 1, 2 and 3**

**MOST RESPECTFULLY SHOWETH:**

I, RAJEEV RANJAN SHUKLA Son of Late R. N. Shukla aged about 50 Years, employed / appointed as the Head of Office, in Central Ground Water Board, MER, Patna, functioning / officiating as Head of Office at Patna, do hereby solemnly affirm and declare as under:-

1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly authorized and competent to swear this affidavit on behalf of CGWB, MER, Patna, in the above matter.
2. That I have read and understood the original appeal and have been advised to traverse by way of this Counter Affidavit as reply thereto.

That have and except those which are matter of record and those which are specifically admitted hereto the contents of the appeal that have not been specifically admitted hereunder or are a matter of record be deemed denied.



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4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

**PRELIMINARY SUBMISSIONS:**

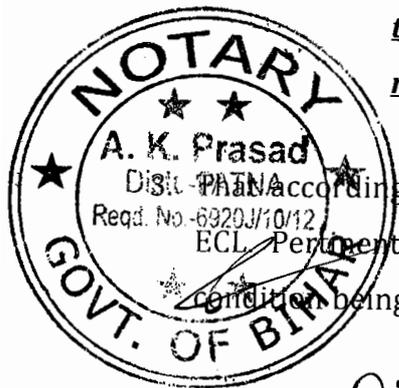
1. An application for the grant of No Objection Certificate for ground water withdrawal was received from Eastern Coalfields Limited, Mugma Area in respect of Hariajam Colliery, wherein the unit had mentioned ground water quantum as 1100 m<sup>3</sup> /day without any mention of the abstracted ground water on account of dewatering mining seepage.
2. During the processing of the NOC Application, a letter no. ECL/GM/MA/AMPCD/2021/131(C) dated 15.03.2021 (**Annexure O of the Appeal at pg.103**), was received from the applicant vide email dated 15.03.2021, stating that:-

*"The seepage details of last 03(three) years are as follows:*

<b>Seepage Details</b>						
<b>FY 2018-19</b>			<b>FY 2019-20</b>		<b>FY 2020-21</b>	
	<b>M3/day</b>	<b>M3/yr.</b>	<b>M3/day</b>	<b>M3/yr.</b>	<b>M3/day</b>	<b>M3/yr.</b>
<b>UG</b>	2.09	763.43	<b>2.92</b>	<b>1068.8</b>	2.50	916.12

*This is to inform that the water discharge details of Hariajam Colliery in the application was given as 1100 m<sup>3</sup>/day which is the anticipated peak capacity which the mine can ever reach during the life of the mine. **However, your attention is requested on the peak seepage capacity that the mine has reached in the last three years from UG is 2.92 m<sup>3</sup>/day & 1068.80 m<sup>3</sup>/year.***

***It is requested to kindly charge the NOCAP fee on the basis of maximum seepage the mine has ever reached (highlighted in the table above).** But maximum seepage is 2.92 m<sup>3</sup>/day & 1068.8 m<sup>3</sup>/year and NOC has been given on maximum seepage.*

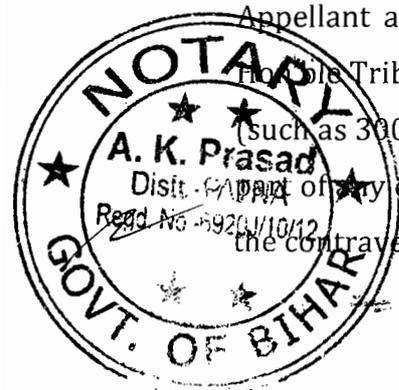


Accordingly, the NOC was approved as per the above information provided by deponent to mention that post grant of NOC, Clause - 1, of the mandatory condition being installation of temper proof digital water flow meter with telemetry of

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all the abstraction structure shall be mandatory for NOC seekers whereas, any compliance certificate with the endorsement of this respondent (NOC Granter) within a stipulated period of 30 days has been contravened and thus is conditional subject to the contents of Clause - 29, failing which, penalty/EC/ cancellation of NOC shall be imposed, pursuant to the instant case. Subsequently, as per CGWA Guidelines dated 24.09.2020 (**Annexure A of the Appeal at pg.34**), abstraction charges were sought from ECL on the basis of the reduced quantum vide email dated 22.03.2021. It is submitted that ECL did not bother to bring to the notice of the Authority when charges were communicated to be paid on the basis of reduced quantum or when NOC was issued for the reduced quantum. **ECL was completely silent until the site inspection of extraction of ground water was conducted by CGWB, MER.**

4. A show cause notice dated 13.10.2021 was issued to Hariajam Colliery for misleading the Authority by providing false information regarding the quantum of ground water extraction/dewatering. In the reply of Show Cause Notice received from ECL (**Annexure T of the Appeal at pg. 112**), it was clearly mentioned that vide letter no. ECL/GM/MA/AMPCD/2021/131(C) dated 15.03.2021, "*the mine management has submitted the peak dewatering details i.e. 1100 m<sup>3</sup>/day and mine seepage details i.e. 2.92 m<sup>3</sup>/day for consideration and requested to charge on the basis of seepage details.*"
5. It is submitted that **misleading, irrelevant and repetitive facts** have been presented before the Hon'ble Tribunal in the Appeal, thereby raising questions on the credibility of submissions and as a deliberate attempt to divert the attention of Hon'ble court from the main issue. Nevertheless it is not forthcoming in the appeal as to the suppression of the material particulars at the time of seeking NOC thus rendering the NOC invalid on account of contravention of Clause - 29 of the NOC and the same has not been dealt in appeal accordingly.
6. It is submitted that many of the submissions depict the casual approach of the Appellant as the figures related to quantum of ground water submitted before the Hon'ble Tribunal are incorrect. There are wrong figures mentioned at number of places (such as 300 m<sup>3</sup>/day and 99.6 cum/ day at Para 26 and 29 of the Appeal, which are not part of any document or correspondence in respect of Hariajam Colliery and therefore the contravention by the appellant does not have any leg to stand.



Q 2

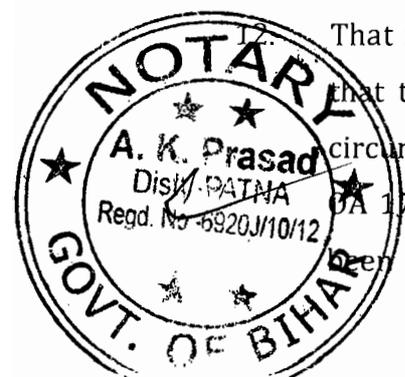
7. The Appellant has misled the Hon'ble Tribunal by submitting in the Appeal that the total ground water withdrawal stated in the application was 300m<sup>3</sup>/day whereas it was 1100 m<sup>3</sup>/day initially submitted in the application, thereby resorting to absence of process of law.
8. It is submitted that ECL requested for the reduction in quantum of ground water from 1100 m<sup>3</sup>/day to 1.31 m<sup>3</sup>/day but actual is 2.92 m<sup>3</sup>/day vide Letter dated 15.03.2021 to evade the payment of charges, which were considerably higher than what they actually paid to obtain the NOC.

In view of the same the said conduct on the part of the ECL has not been explained and the same also contradicts the ground inspection report, which amounts incipient fraudulent intents to cause revenue loss to the public exchequer and as such, such corrupt practice warrants nipping in the bud with the involvement of larger public interest.

**PARA WISE REPLY;**

9. That in reply to the paras I to V are relating to matter of record and hence, do not warrant any reply from this answering respondents.
10. That the contents of Para 1 of the Appeal is a matter of record and need no comments from this answering respondents.
11. That it is submitted that the averments made in para 2 of the Appeal are misconceived and denied. This para depicts incomplete information of the applicant regarding CGWA Guidelines. It is submitted that prior to the notified Guidelines dated 24.09.2020 issued by Ministry of Jal Shakti, ground water was regulated as per the Guidelines issued in 2008, 2012 and 2015. The 2017 draft Guidelines referred by the Appellant were never notified and the same is irrelevant to mention in the present case.

That in reply to averments made in paras 3 to 5 of the Appeal, it is submitted that the said Hon'ble NGT Order holds no relevance in view of the facts and circumstances in the present matter/context. It is clarified that the said matter OA 176/2015 is disposed off and the CGWA Guidelines dated 24.09.2020 have been issued in compliance of NGT Orders and recommendations of the



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Committees in the same matter. It is also pertinent to mention here that no draft guidelines were submitted before the Hon'ble NGT by the committee constituted vide Order dated 11.09.2019.

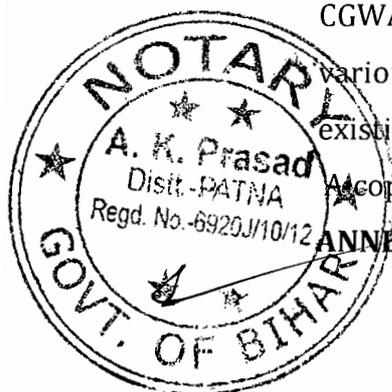
13. That in reply to averments made in para 6 of the Appeal, it is mentioned here that wrong and misleading facts are again being presented by the appellant. CGWA already started online applications for issuance of NOC since 2015. Public Notices dated 28.10.2015 and 21.04.2016 issued by CGWA inviting online applications.

A copy of the public notice dated 28.10.2015, 21.04.2016 is attached herewith and marked as **ANNEXURE R-I**.

14. That the contents of Para 7 of the Appeal is a matter of record and needs no comments from this answering respondents.
15. That with regards to the Para 8 of the Appeal, it is submitted that these are initial facts, and not relevant to the present issue. It is not denied that the firm had applied for NOC through online in an appropriate manner is beginning; vide Application No. 21-4/285/JH/MIN/2018, which contradicts the submissions of the applicant in Para 6 regarding the commencement of online mode. The issue rose when the firm submitted false information in March 2021 **enclosed as Annexed O of the Appeal (Page. 102)**
16. That with regards to the Para 9 of the Appeal, it is submitted that wrong facts are being presented before the Hon'ble Tribunal. It is apparent from **Annexure C of the Appeal (pg. 70)** that the figure for ground water quantum (Avg peak mine water pumping) is 1100 m<sup>3</sup>/day.

It is also submitted that despite Hon'ble NGT's directions that all existing units are required to take NOC since 2015 and public notices issued by CGWA, ECL applied for NOC in 2018. CGWA had issued guidelines in 2015 and various public notices, according to which, apart from new industries, all existing industries were also directed to obtain NOC.

A copy of the NGT order dated 15.04.2015 is enclosed herewith and marked as **ANNEXURE R-2**.

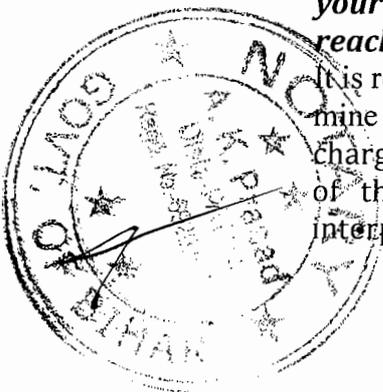


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17. That the contents of Para 10 of the Appeal is a matter of record and needs no comments from this answering respondents.
18. That in reply to averments made in para 11 of the Appeal, it is considered pertinent to first explain Item 14(a) and Item 14(b) of the NOC Application for Mining Projects. Item 14(a) in Mining Applications is the quantum of ground water abstraction by mining unit through Bore well/ Tube well existing outside the mine for the purpose of drinking/ domestic/ other uses. Under Item 14(b), quantum of dewatering from the mine itself is to be filled. The firm had mentioned 1100 m<sup>3</sup>/day under Item 14(a) and left Item 14(b) blank (i.e no quantum filled as dewatering) in the application as is apparent from **Annexure B of the appeal (Page 63)**
19. That in reply to averments made in para 12 of the Appeal (i.e reason by Appellant for leaving Item 14(b) of the application blank) it is mentioned here that considering the experience and reputation of CMPDIL, it is unconvincing that seepage assessment/ quantity was not known to the renowned research institute.
20. That in reply to averments made in para 13 of the Appeal is a matter of record and needs no comments from this answering respondents. Mandatory documents were asked from the firm as part of routine for the processing of the application.
21. That with regards to the Para 14 of the Appeal, it is submitted that no error has been made on the part of CGWA. It is clearly mentioned vide ECL Letter dated 15.03.2021 that:

***"This is to inform that the water discharge details of Hariajam Colliery in the application was given as 1100 m<sup>3</sup>/day which is the anticipated peak capacity which the mine can ever reach during the life of the mine. However, your attention is requested on the peak seepage capacity that the mine has reached in the last three years. from UG is 2.92 m<sup>3</sup>/day & 1068.80 m<sup>3</sup>/year.***

It is requested to kindly charge the NOCAP fee on the basis of maximum seepage the mine has ever reached (highlighted in the table above) Thus, ECL had requested to charge fees on reduced quantum than what was initially submitted (Annexure O of the Appeal at pg.102) which is extremely clear-cut from the literal interpretation of the said letter.

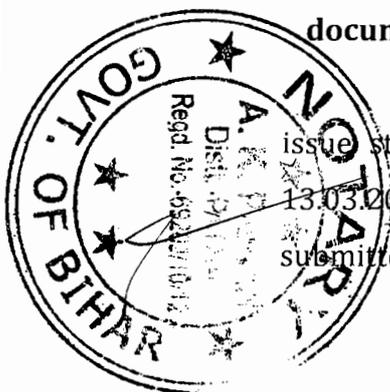


*Q2*

They had submitted the peak dewatering details i.e. 1100 m<sup>3</sup>/day and mine seepage details i.e. 2.92 m<sup>3</sup>/day for consideration and requested to charge on the basis of seepage details.

22. That with regards to the Para 15 of the Appeal, it is submitted that the information / submissions given by a reputed organization, such as the ECL, subsequent to submission of NOC application, were considered to be true by CGWA. However, CGWA observed the vast difference in mine seepage quantum forwarded by the Regional Office and the details submitted by ECL vide email dated 15.03.2021 and comments were sought from the Regional Office. And whereas vide email dated 15.03.2021, it was informed by the Regional Office that the matter was discussed with the concerned authorities and the application may be processed as per the ground water dewatering quantum stated by ECL, Mugma Area vide email dated 15.03.2021 (which was 2.92 m<sup>3</sup>/day as against the initially applied quantum of 1100 m<sup>3</sup>/day).
23. That the contents of paras 16 are relating to matter of record and hence, do not warrant any reply from this answering respondents.
24. That in reply to the paras 17 to 23 are relating to matter of record and hence, do not warrant any reply from this answering respondents.
25. That with regards to the para 24 of the Appeal it is submitted that CGWA never communicated verbally, as is apparent from the communications of CGWA presented by the Appellant.
26. That with regards to para 25 to 27 of the Appeal, it is submitted that **wrong and misleading facts and figures** are submitted by the appellant. **There is no mention of ground water quantum of 300m<sup>3</sup>/day neither in any document nor in any correspondences between CGWA and ECL.**

It is clarified that the process was going on smoothly and the main issue starts from the communications received from ECL vide letter dated 13.03.2021 wherein mine seepage data for the years 2018, 2019 and 2020 were submitted and then vide letter dated 15.03.2021, **it was clearly requested to**



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charge the fees on the basis of maximum seepage the mine has ever reached, that is 2.92 m<sup>3</sup>/day & 1068.8 m<sup>3</sup>/year.

As submitted earlier in the reply to Para 14, it is clearly mentioned vide ECL Letter dated 15.03.2021 that:

**However, your attention is requested on the peak seepage capacity that the mine has reached in the last three years from UG is 2.92 m<sup>3</sup>/day & 1068.80 m<sup>3</sup>/year. It is requested to kindly charge the NOCAP fee on the basis of maximum seepage the mine has ever reached (highlighted in the table above)**

The fees is being levied on dewatering and abstraction from tube wells for other purposes as per CGWA Guidelines dated 24.09.2020.

27. That with regards to para 28 of the Appeal, it is submitted that **on account of the submissions by a reputed organization and considering them to be true, the NOC application was processed by CGWA accordingly on the basis of the request for significant reduction of the quantum of dewatering.**

The charges were sought from ECL on the basis of the reduced quantum vide email dated 22.03.2021, and if it was wrong in the Appellant's view, instead of bringing it to the notice of this Office, ECL chose to pay the reduced charges instantly.

Annexed email dated 22.03.2021 (**Annexure Q of Appeal at pg. 105**)

28. That with regards to para 29 of the Appeal, as submitted earlier, there was no misunderstanding and the NOC was processed as per the facts and figures provided by ECL.

**It is a wrong factual submission that requirement of groundwater was 1100 meter cu/day for Hariajam Colliery.**

It is denied that "it was left for the authorities if they so desired to work out the exact requirement of groundwater and make an inspection of the mine and modifying the No Objection Certificate accordingly" as it is the duty of the project proponent to submit correct factual information before CGWA. Also, there is no such request from the Firm to this effect.

The online application form for NOC submitted by the Unit is placed at Annexure of the appeal ( Page 63.)



29. That the averments made in para 30 of the Appeal, are relating to matter of record. However, after obtaining the NOC, ECL did not bring to the notice of CGWA about the alleged "error" committed.

30. That in reply to averments made in para 31 of the Appeal it is again submitted that NOC was issued on the basis of information provided by ECL. It is clearly mentioned vide Letter dated 15.03.2021 that:

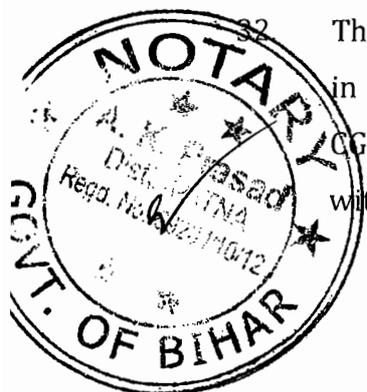
***"This is to inform that the water discharge details of Hariajam Colliery in the application was given as 1100 m<sup>3</sup>/day which is the anticipated peak capacity which the mine can ever reach during the life of the mine.***

***However, your attention is requested on the peak seepage capacity that the mine has reached in the last three year. from UG is 2.92 m<sup>3</sup>/day & 1068.80 m<sup>3</sup>/year. It is requested to kindly charge the NOCAP fee on the basis of maximum seepage the mine has ever reached (highlighted in the table above)***

31. That in reply to averments made in para 32 & 33 of the Appeal it is submitted that CGWA observed vast difference in mine seepage quantum forwarded by the Regional Office and the details submitted by ECL. Thereafter, a site-inspection was carried out by Regional Director, CGWB, MER, Patna which highlighted that initial quantum for which permission was asked for was close to actual dewatering requirement i.e. 1100 m<sup>3</sup>/day. **It is also submitted that during the site-inspection conducted after the issuance of NOC, it was observed that no digital water flow meter was installed by the unit, which is a violation of Hon'ble NGT Orders, CGWA Guidelines as well as NOC conditions.** No log-book was maintained by ECL and the pumping data was provided by ECL only. Upon finding the misrepresentation of facts, a show cause notice dated 13.10.2021 was issued to Hariajam Colliery for providing explanation.

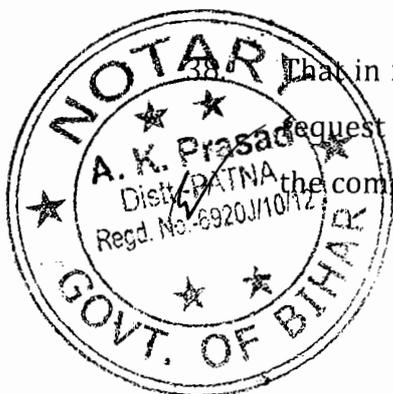
A copy of the pumping data obtained from the unit and the site-inspection Report is annexed as **ANNEXURE R-3.**

32. That in reply to averments made in para 34 of the Appeal, the same submission in reply to para 28 is submitted. ECL did not bother to bring to the notice of CGWA when charges were asked on the basis of reduced quantum or when NOC with reduced quantum was issued.



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33. That in reply to averments made in para 35 of the Appeal, it is extremely clear-cut from the literal interpretation of the letter dated 15.03.2021 that ECL wanted their application to be processed on the basis of reduced quantum than what was initially submitted.
34. That in reply to averments made in para 36 of the Appeal, it appeared that ECL requested for the reduction in quantum to evade payment of actual charges, which were considerably higher than what they actually paid eventually for obtaining NOC, and an explanation was sought from ECL.
35. That in reply to averments made in para 37 and 38 of the Appeal, again it is submitted that erroneous information is being presented by ECL. It was 1100 m<sup>3</sup>/day, which is more than 425 times than the data provided by the Appellant and the letter dated 15.03.2021 speaks itself.
36. That in reply to averments made in para 39 of the Appeal, it is submitted that the charges were sought from ECL on the basis of the reduced quantum vide email dated 22.03.2021, and instead of bringing it to the notice of this Office, ECL chose to pay the reduced charges instantly.
37. That in reply to averments made in para 40 to 43 of the Appeal, it is submitted that serving of Show Cause Notice was a valid step taken by answering respondent after satisfying itself that ECL had misled the authority. NOC was processed on the basis of the revised data and request provided by ECL. It is also submitted that through the letter dated 15.03.2021 wherein it was requested to process the application taking into account the revised quantum, ECL purposely tried to mislead CGWA by suppression of facts. Show Cause Notice was itself an opportunity provided to ECL which is placed at **Annexure T of the Appeal at pg. 111**, which clearly states the mismatch between the dewatering volume.



38. That in reply to averments made in para 44 of the Appeal, it is submitted that a request for reconsideration was received by ECL and the same was denied by the competent authority as the replies were found unsatisfactory.

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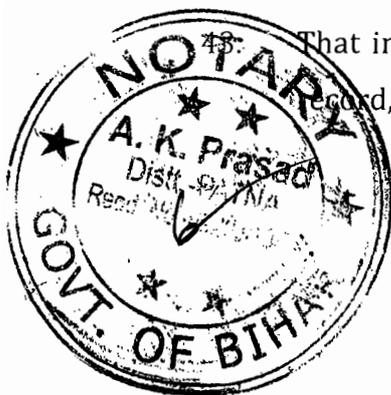
39. That in reply to averments made in para 45 of the Appeal, it is submitted that since, the NOC was issued for a reduced quantum, the extraction of ground water for the remaining quantum without any permission from the competent authority is considered illegal.

It has been clearly stated that "Environmental Compensation" has been imposed on extraction of water without any authority and it has been calculated as per CGWA Guidelines dated 24.09.2020 notified by Ministry of Jal Shakti.

Hon'ble National Green Tribunal, Principal Bench, New Delhi in numerous Orders has emphasized on the levying of Environmental Compensation for illegal extraction of ground water on the defaulting units. Violation of provisions of environmental norms and operating without requisite permissions is viewed seriously and dealt strictly by the Hon'ble NGT. It is to bring to your notice that where commercial activities were carried without obtaining statutory permissions / consent / clearance / NOC, Courts have determined, in some matters, compensation by fixing certain percentage of cost of projects.

40. That in reply to averments made in para 46 of the Appeal, it is submitted that this contention is ambiguous and the Appellant may substantiate the same.
41. That in reply to averments made in para 47 of the Appeal, it is submitted that **the Appellant under this para is admitting that NOC so issued was validly done. The NOC was issued on the basis of false information provided by ECL.**
42. That in reply to averments made in para 48 of the Appeal, it is again submitted that CPMDIL is the premier research institute in the field of mining, and the process of determination of the quantity of groundwater withdrawal and mining seepage quantum is expected to be known by them.

43. That in reply to averments made in para 49 & 50 of the Appeal are matter of record, hence no comment.



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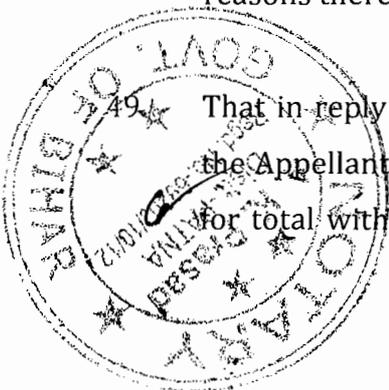
44. That in reply to averments made in para 51 & 52 of the Appeal, it is submitted that a Personal Hearing with the officials from ECL was held at the CGWA office, Jamnagar House on 10.10.2022 at 3.00 PM in compliance with the Order dated 11.07.2022 of Hon'ble NGT/EZ wherein no new fact / submission was put forward by the official from ECL.
45. That under para 53 of the Appeal, Appellant has presented a fact, and the same is known to the scientists of CGWA who are well versed in the field of hydrogeology. Entire quantum of water accumulating in, and pumped out from mines is taken as dewatering quantum.
46. That in reply to averments made in para 54 of the Appeal, it is submitted that the letter dated 15.03.2021 clearly interprets that the appellant wanted the NOC issued on the basis of reduced quantum.
47. That in reply to averments made in para 55 of the Appeal, it is submitted that site Inspection was jointly conducted by representatives from CGWB and the authorized representative from the mining unit.

**The Environmental Compensation has been assessed by CGWA talking into account the information related to ground water quantum as submitted by ECL in hydro geological report prepared by CMPDI and not on the basis of quantum that was found during the inspection. It may however be mentioned that the two figures are close, when compared to reduced quantum, which is drastically lower.**

**A copy of the inspection is annexed herewith and marked as Annexure R-3.**

48. That in reply to averments made in para 56 of the Appeal, it is submitted that the Speaking Order dated 28.11.2022 is comprehensive enough to explain the reasons thereof.

49. That in reply to averments made in para 57 of the Appeal, it is submitted that the Appellant under this para has admitted that "the demand so made was only for total withdrawal of 2.92 meter cu/day" and hence, the total withdrawal of



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1100 m<sup>3</sup>/day as provided in the Application should not have been considered by CGWA. However, the same has been later found to be falsely presented.

50. That in reply to averments made in para 58 to 62 of the Appeal, it is submitted that the so-called 'demands' were queries raised by CGWA as a part of scrutinizing mandatory documents to be submitted for the issuance of NOC. All applicants are expected to be responsible and error lies on the part of the applicant irrespective of the kind of application.

The ground water withdrawal of 300 meter cu/day is wrongly presented in Para 59 of the Appeal.

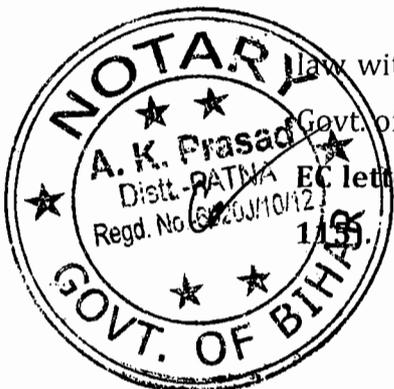
51. That in reply to averments made in para 63 to 66 of the Appeal, it is submitted that answering respondents already given reply in earlier paragraphs. The NOC has been cancelled on account of false and misleading information provided by the Appellant. The NOC is not for the quantum actually extracted/dewatered by ECL, hence, it is an illegal abstraction and the NOC is not valid.

52. That in reply to averments made in para 67 to 72 of the Appeal, it is submitted that a reputed organization such as ECL is expected to abide by the laws of this land. Any unit can extract ground water / carry out dewatering after duly complying with the legal course as framed by the Government of India. ECL may be directed to pay the Environmental Compensation for extracting ground water without a valid NOC in the interest of justice and to set a deterrent for other units, both government and private.

53. That in reply to averments made in para 73 to 77 of the Appeal, it is submitted that CGWA shall take action on any unit irrespective of its ownership whether government or private, engaged in illegal ground water withdrawal or abstracting ground water without a valid NOC.

Environmental Compensation and Penalty has been imposed as per law with the guidelines issued as per notification by the Ministry of Jal Shakti, Govt. of India dated 24.09.2020.

EC letter dated 29/12/2021 is annexed as Annexure U of the Appeal (pg.



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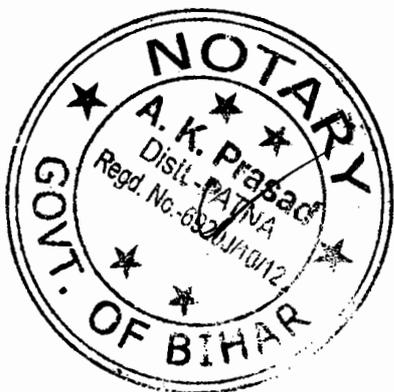
It is submitted that CGWA is acting solely on the basis of law / guidelines as well as NGT's directions on imposing Environmental Compensation wherever damage is caused to the environment or units operate without valid NOC. Environmental Compensation and Penalty has been imposed as per law. The appellant has been made aware of the relevant provisions through the communications. The CGWA Order dated 28.11.2022 has been issued after due deliberations and process and the same should be deemed to be valid.

**Prayer**

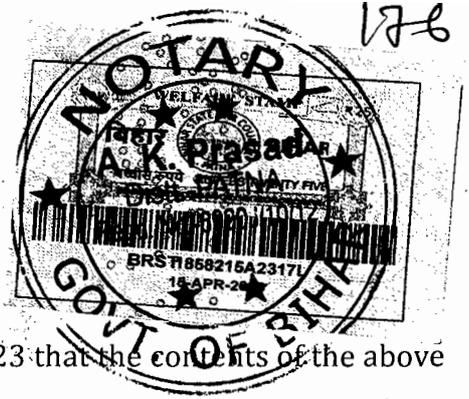
In view of the memorandum of appeal and annexures appended to it in corroboration of the contention, it is apparent on the face of pleadings that there is a variance in between the factual aspect pleaded and annexures allegedly corroborating the same. It is the settled principal that in the case of variance in between evidence and pleading, the pleading is liable to be rejected and not to be taken on record.

Hence it is prayed with all humility that the instant appeal being a frivolous one may kindly be rejected and dismissed with cost for the ends of justice.

*R*



VERIFICATION:



Verified at Patna, on this the <sup>17th</sup> 1st day of April, 2023 that the contents of the above Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.

Shri/Smt. Rajeev Ranjan Shukla  
Who is identified by B. K. Sinha  
Advocate/Representative, solemnly  
affirm & declare before me.

A. K. Prasad  
A. K. Prasad, Advocate

NOTARY, Reg. No. 6920J/10/2012

Rajeev Ranjan Shukla

DEPONENT

कार्यालय प्रमुख  
केन्द्रीय भुमि जल बोर्ड  
मध्य-पूर्वी क्षेत्र, पटना

Identified by me

Advocate

Sl. No. 639 Date 01/05/2023



I identify the signature/L. I. who  
has signed in my presence

B. K. Sinha  
18/04/2023

177

SCC



YL 0000556349

**GOVERNMENT OF BIHAR  
e-Court Fee**



DATE & TIME : 15-APR-2023 11:18:59  
 NAMES OF THE ACC/ REGISTERED USER : THE BIHAR STATE COOPERATIVE BANK LIMITED  
 LOCATION : CIVIL COURT PATNA  
 e-COURT RECEIPT NO : BRCT0619B2370L882  
 e-COURT FEE AMOUNT : ₹ 95  
 (Rupees Ninety-Five Only)



BRCT0619B2370L882

Statutory Alert : The authenticity of this e-Court fee receipt should be verified at [www.shcilestam.p.com](http://www.shcilestam.p.com). Any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy please inform the Competent Authority. This receipt is valid only after verification & locking by the Court Official.

Ameyur R-1 178

NORTHERN INDIA PATRIKA

ALLAHABAD, FRIDAY, APRIL 29, 2016

**CENTRAL GROUND WATER AUTHORITY  
MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT  
AND GANGA REJUVENATION**

**PUBLIC NOTICE**

The Hon'ble National Green Tribunal (NGT), New Delhi, in order dated 15.4.2015 followed by order dated 23.4.2015, order dated 09.07.2015 and judgment dated 11.01.2016 issued directions (for detailed directions please refer to website <http://cgwa-noc.gov.in> or <http://cgwb.gov.in> or website of Hon'ble NGT) to ensure that all existing, new and expansion Industries/projects extracting ground water should obtain permission from Central Ground Water Authority subject to law in force.

All the industrial units/Infrastructure projects whether existing or new or under expansion, using ground water are directed to submit their applications with due recommendation of State Pollution Control Board along with ground water quality analysis report, rain water harvesting proposal, flow charts of water balance, details of water supply from other sources and in accordance with the CGWA guidelines placed on the website of CGWB. The Industries/Projects also are directed to submit their applications online. For any further details/clarifications the ground water users are advised to contact the nearest office of the CGWB. Non-compliance of directions of Hon'ble NGT will warrant closure of industries, operation or process or stoppage of supply of electricity or water or any other service, in addition to imposition of costs by Hon'ble NGT for violation of directions.

davp 45104/11/0002/1617

CHAIRMAN  
Dt. 21.04.2016

THE ECHO OF INDIA-PORT BLAIR  
Saturday-November 14, 2015

**CENTRAL GROUND WATER AUTHORITY  
MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT  
AND GANGA REJUVENATION  
PUBLIC NOTICE**

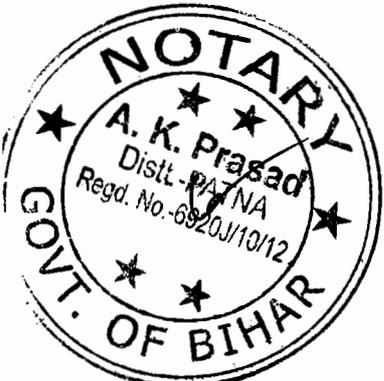
The Hon'ble National Green Tribunal, New Delhi, in order dated 15.4.2015 followed by order dated 23.4.2015 and order dated 09.07.2015 issued directions (for detailed directions please refer to website <http://cgwa-noc.gov.in> or <http://cgwb.gov.in>) to ensure that all existing, new and expansion Industries/projects extracting ground water should obtain permission from Central Ground Water Authority subject to law in force.

All the industrial units/ Infrastructure projects whether existing or new or under expansion, using ground water are directed to submit their applications on line along with ground water quality analysis report, rain water harvesting proposal, flow charts of water balance, details of water supply from other sources and in accordance with the CGWA guidelines placed on the website of CGWB. For any further details/ clarifications the ground water users are advised to contact the nearest office of the CGWB.

davp 45104/ 11/ 0002/ 1516

CHAIRMAN  
Dt. 28.10.2015

Ry



The Echo of India, Port Blair  
14-11-2015

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 204/2014, Original Application No. 205/2014,  
Original Application No. 206/2014, Original Application No. 218/2014,  
Original Application No. 219/2014, Original Application No. 220/2014,  
Original Application No. 331/2014, Original Application No. 332/2014,  
Original Application No. 333/2014, Original Application No. 334/2014,  
Original Application No. 335/2014, Original Application No. 336/2014,  
Original Application No. 337/2014, Original Application No. 338/2014,  
Original Application No. 339/2014, Original Application No. 341/2014 &  
Original Application No. 35 of 2015

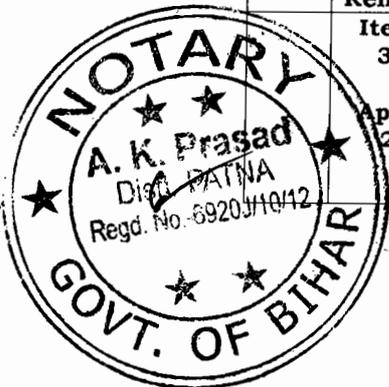
**IN THE MATTER OF:**

**Krishan Kant Singh Vs. M/s Deoria Paper Ltd., Hata Road Narainpur  
Deoria  
And other connected matters**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

**Present:** Original Applicant: Mr. Rahul Choudhary, Adv., Ms. Maneka Kaur,  
Adv. & Ms. Pallavi Talware, Advs.  
Applicant: Dr. Yash Pal Singh & Mr. Antima B. Waz, Adv.  
Applicant: Mr. Shailesh Singh for (O.A. No. 35/2015)  
Respondent No. 1: Ms. Savitri Pandey & Ms. Azma Parveen, Adv.  
Respondent No. 1: Mr. Yash Pal Singh with Mr. A.A. Aron, Adv.  
for (O.A. No. 35/2015)  
Respondent No. 3: Mr. Marimuthu P. & Mr. M.K. Ravi, Adv.  
Respondent No. 4: Mr. Marimuthu P & Mr. M.K. Ravi, Adv.  
Respondent No. 5: Mr. S.A. Zaidi & Mr. Gulnaz Parveen, Adv.  
  
Mr. H.P. Sharma, & Mr. Ajay Sharma, & Dr.  
Yash Pal Singh, Adv. (O.A. No. 220 of  
2014)  
Mr. Antima Bazaz, (O.A. No. 205 of 2014)  
Mr. B.V. Niren, Adv. (CGWA)  
Mr. Motish K. Singh with Mr. Amit Negi, Adv.  
(O. A. No. 219 of 2014)  
Mr. Pradeep Misra, Mr. Daleep Kr. Dhayani &  
Mr. Suraj Singh, Adv. for (UPPCB)  
Mr. Mukesh Verma, Adv. for CPCB  
Mr. Avi Tandon, Adv. for Shree Bhawani Paper  
Mills  
Mr. Rajul Shrivastav, Adv. for MPPCB  
Mr. A.A. Aron, Adv. for Garg Duplex, Dev Priya  
Fibre, Dev Priya Product, Dev Priya Paper, Dev  
Priya Industries, Anand Duplex and Anand  
Triplex

Date and Remarks	Orders of the Tribunal
Item No. 38-54  April 15, 2015	Kanpur Electricity Supply Company is directed to provide domestic electric supply upon fixation of separate



*Ry*

meter in accordance with law subject to payment of appropriate prescribed charges and upon application made by the Noticee. After hearing the Learned Counsel appearing for parties we direct Central Ground Water Authority that it shall be obligatory upon it to ensure that any person operating tubewell or any means to extract groundwater should obtain its permission and should operate the same subject to law in force, even if such unit is existing unit or the unit is still to be established.

We direct U.P. Pollution Control Board to ensure that electro-magnetic flow meters are fixed in all these units to show their water consumption as well as discharge of effluents of these units. Working of these meters and maintenance of records in that behalf shall be regularly supervised by the U.P. Pollution Control Board.

The recommendation/action proposed to be taken by the Board shall be placed before the Tribunal prior to its implementation.

List all these matter on 16<sup>th</sup> April, 2015.

.....,CP  
(Swatanter Kumar)

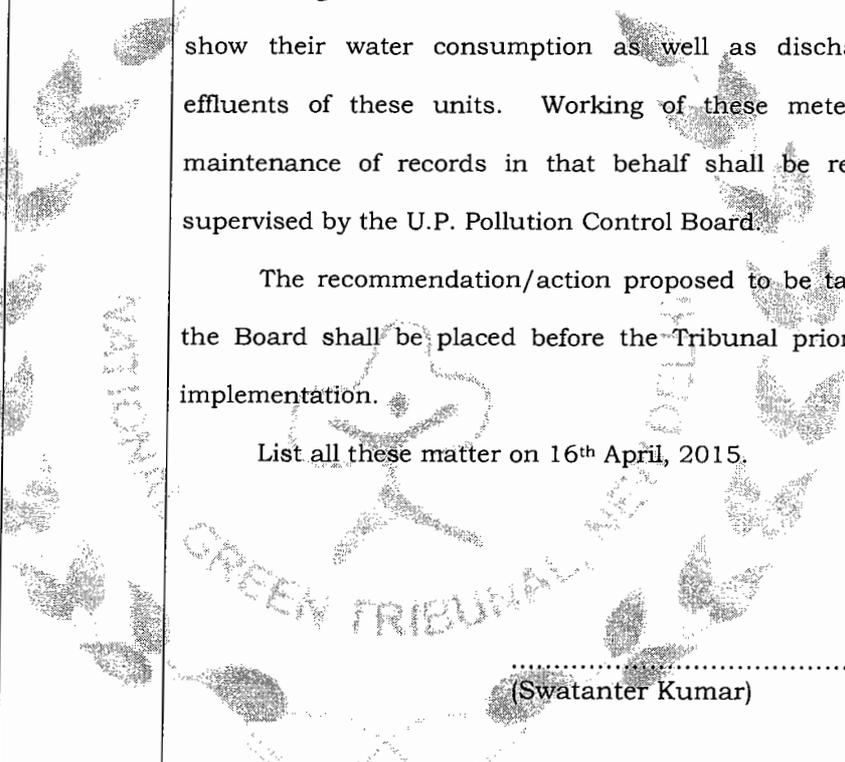
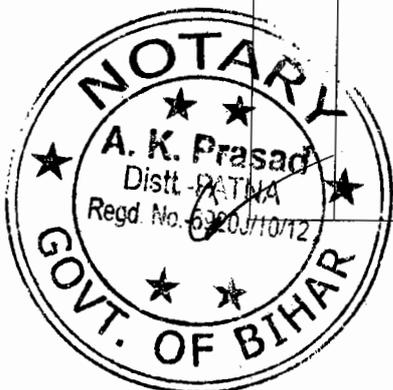
.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Prof. A.R. Yousuf)

.....,EM  
(B.S. Sajwan)

*Handwritten signature/initials*



Annexure-R-3 181

## ईस्टर्न कोलफील्ड्स लिमिटेड

(कोल इंडिया लिमिटेड का एक अंग)

अभिर्ता का कार्यालय, हरियाजम कोलियरी, मुग्मा क्षेत्र

पत्रालय - निरसा जिला- धनबाद, झारखंड - 828205

फ.प.स. U10101WB1975GOI30295

ईमेल: hariajamcolliery@gmail.com



## Eastern Coalfields Limited

(A Subsidiary of Coal India Limited)

Office of the Agent, Hariajam Colliery, Mugma Area

Post: Nirsha, Dist.: Dhanbad, Jharkhand - 828205

CIN: U10101WB1975GOI30295

ईमेल: hariajamcolliery@gmail.com

संदर्भ सं.: इ०सी०एल०/अभि०/हरियाजाम/2021/ 11 41

दिनांक: 21-07-2021

22

To,  
The Environment Officer,  
Mugma Area.

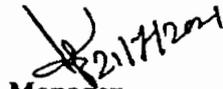
**Subject : Data sought by Central Ground water Authority (CGWA) after inspection of mines of Mugma Area on 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> July, 2021 in respect of Hariajam Colliery.**

Dear Sir/Madam,

Please find enclosed herewith the details of Data sought by Central Ground water Authority (CGWA) after inspection of mines of Mugma Area on 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> July, 2021 in respect of Hariajam Colliery.

This is for your kind information and necessary action please.

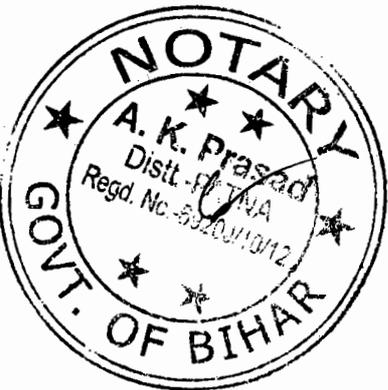
Yours faithfully,

  
Manager,  
Hariajam Colliery

Copy to :-

1. Addl. G.M., Mugma Area
2. Safety Officer, Hariajam Colliery
3. Surveyor, Hariajam Colliery





Data to be Furnished by ECL, Mugma area- for Hariajam Colliery:

- 1. Catchment area of each mining location- 30 Ha
- 2. Monthly rainfall data of the area for last three years (2018, 2019 and 2020) Available at area level
- 3. Daily pumping record of each mine as per the following format (2018, 2019 and 2020)

Name of Mine	Capacity of Pump	Rated Discharge (LPS)	Date	Pumping Hours
Hariajam UG	500 GPM	25 LPS	2020	10 hrs/day (monsoon months)
Hariajam UG	500 GPM	25 LPS	2020	3 hrs/day (9 months)

Note: (same data for previous yrs also).

- 4. Excavated Mining area of each open cast mine with map.- Not applicable since it is an UG mine.
- 5. Geological cross sections of Mugma Area.- Attached for Hariajam Colliery
- 6. Number of coal seams, vertical thickness of each coal seam along with general dip and strike for each mining location proposed to be mined in next 2 (two) years.- Attached
- 7. Reduced level of each mining area (Ground Level), bottom of present mining bed and deepest mined surface.- Attached
- 8. Depth to Water level data of the monitoring well for the month of May, August and November for years 2018, 2019 and 2020 as per the following format- Data available with CMPDL, to be provided by at area level.

Sr. No	Observation Well Name	Longitude	Latitude	Reduced Level (AMSL)	Depth to Water level (mBGL)

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MANAGER  
HARIAJAM COLLIERY  
MUGMA AREA

Data to be furnished by ECL, Mugma Area – for Hariajam Colliery:

1. Catchment area of each mining location – 30 Ha.
2. Monthly rainfall data of the area for last three years (2018, 2019 and 2020) – Available of area level.
3. Daily pumping record of each mine as per the following format (2018, 2019 and 2020).

Nature of Mine	Capacity of Pump	Rated discharge (LPS)	Date	Pumping Hours.
Hariajam UG	500 GPM	251 PS	2020	10 Hrs/day (Monsoon months)
Hariajam UG	500 GPM	251 PS	2020	3 hrs/day (9 months)

Note : (same data for previous yrs also).

4. Excavated Mining area of each open cast mine with map :- Not applicable since it is an UG mine.
5. Geological cross sections of Mugma Area – Attached for Hariajam Colliery.
6. Number of coal seams, vertical thickness of each coal scam along with general dip and strike for each mining location proposed to be mined in next 2 (two) years – Attached.
7. Reduced level of each mining area (Ground level) bottom of present mining bed and deepest mined surface – Attached
8. Depth to Water level data of the monitoring well for the month of May, August and November for years 2018, 2019 and 2020 as per the following format – Data available with CMPDL to be provided by at area level.

Sr. No.	Observation Well Name	Longitude	Latitude	Reduced Level (AMSL)	Depth to Water level (mBGL)

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MUGMA AREA  
HARIAJAM COLLIERY

As per bore hole No. RMU - 1 (CMPDIL)

SEAM	AVG. THICKNESS OF COAL SEAM (M)	PARTING (M)	STATUS	REMARKS DIRECTION
G.P. SEAM (B-IV)	7.0 - 9.36	55.51 (From surface to G.P. Seam)	Partly developed and depillared. At present working district with SDL in 5&6 No. Incline through and partly G.P Seam quarried out at present filled up with ash.	S 22°-10' E 1 IN 6.50 (RATE OF DIP)
S.P. TOP SEAM	1.88	32.41	Partly developed. At present sealed off.	S 24°-56' W 1 IN 6.30
S.P. MIDDLE SEAM	2.45	13.66	Partly developed and depillared at present water logged. Below 23 No. level, R:L = 60.03 m and 03(three) Nos. submersible pump still running for fast dewatering.	DIRECTION S 24°-56' W RATE OF DIP 1 IN 6.30
S.P. BOTTOM SEAM	1.41	13.56	Partly developed and at present sealed off.	S 24°-56' W 1 IN 6.30
LOCAL (L-I) SEAM	2.84	8.16	L-I, L-II Virgin Seam.	
LOCAL (L-II) SEAM	2.40	3.39		
B.P. SEAM (B-III) <i>Water logged below 4th No level R.L = 31.270M</i>	14.35 - 17.15	33.16	Partly developed. At present working district with SDL in 27&28 No. incline through and partly B.P. Seam quarried out. Full of water logged. Water = 107.12 crores gallon.	DIRECTION S 18°-0' W RATE OF DIP 1 IN 5.40
KALIMATI SEAM (B-II)	6.45 - 7.19		Partly developed. At present water logged, worked by Badjna Colliery in the leasehold area of Harijam Colliery and East Side partly developed and depillared with stowing and partly quarried out. Full of water logged. Water = 85.41 crores gallons.	DIRECTION S 29°-30' W RATE OF DIP 1 IN 6.0 M
METADIH SEAM	2.24	13.86	Virgin Seam	
BADJNA SEAM (B-I)	7.76	105.31	Partly developed and depillared. At present water logged. (Abandoned) One Horizontal pump still running for domestic use purpose.	DIRECTION S 27°-00' - W RATE OF DIP 1 IN 6.50 M



*M201*  
21/7/21  
SURVEYOR

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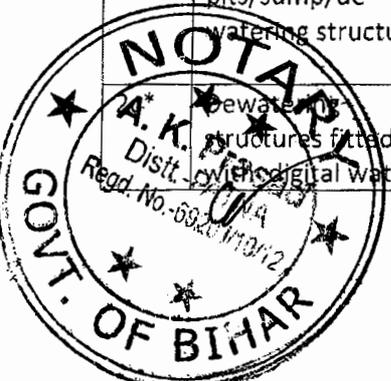
*21/7/2011*  
MANAGER



**SITE INSPECTION FOR VERIFICATION OF COMPLIANCE OF CONDITIONS OF NOC BY INDUSTRIES/  
INFRASTRUCTURE/ MINING PROJECTS**

1. Name of industry/infrastructure/ mining project : Harijiam Colliery
2. Village/ Block/ District/State: Nirsa/Nirsa/Dhanbad/Jharkhand
3. No. & Date of issuance of NOC: CGWA/NOC/MIN/ORIG/2021/1416  
Dated 23/3/21
4. Date of latest renewal (if any): NA
5. Validity of NOC (Years): 2 years
6. Date of site inspection : 8/7/21
7. Monitoring of compliance of conditions laid down in the NOC:

S.No.	Conditions as per NOC	Compliance status observed	Remarks
1a	Quantum of ground water withdrawal through abstraction structure (TW/BW/DW) _____ m <sup>3</sup> /day	Quantum withdrawn by the firm (Check log book) _____ m <sup>3</sup> /day	NA
1b	No. of DW/TWs/BWs ____/____/____	No. of DW/ TWs/BWs constructed ____/____/____	NA
1c	Wells fitted with digital water flow meter	All wells to be fitted with flow meters Check at site	NA
1d	Functional status of flow meter	All flow meters should be functional Are all flow meters in working condition?	Yes/ No NA
2a*	Quantum of Dewatering of Groundwater _____ m <sup>3</sup> /day	Quantum of dewatering withdrawn by the firm (Check log book) _____ m <sup>3</sup> /day	Monsoon → 900.00 (92 days) Non monsoon → 270.00 (273 days)
2b*	No. of Mine pits/sump/dewatering structure _____	No. of Mine pits/sump/dewatering structure constructed _____	1
	All Dewatering structures fitted with digital water	All Dewatering structures to Check at site	NO



*(Signature)*

	flow meter	be fitted with digital water flow meters			
3	Submission of data on GW extraction/ dewatering to CGWA	GW extraction/ dewatering data to be submitted to CGWA	Whether ground water extraction/ dewatering data submitted to CGWA	Yes/ No. Month up to which data submitted: _____	
4a	No. of piezometers to be constructed	_____	No. of piezometers constructed (Check monthly water level data )	_____ (Attach photograph)	
4b	a) No. of piezometers to be fitted with AWLR/DWLR b) No. of piezometers to be fitted with telemetry	a) _____ b) _____	a) No. of piezometers fitted with AWLR/DWLR b) No. of piezometers fitted with telemetry	a) _____ b) _____	
4c	Submission of water level data to CGWA	Monthly WL data to be submitted to CGWA	Whether monthly water level data submitted to Regional Office	Yes/ No	
5	Monitoring of GW quality	GW quality to be monitored	Whether quality data submitted to Regional Office	Yes/ No Year upto which data submitted: _____	
6a	No. of wells to be monitored around the mining area	Both in core and buffer zone	No. of wells monitored around the industry	_____	
6b	Submission of water level data of core and buffer zone	Pre- and post - monsoon data	Whether water level data of wells monitored submitted to Regional Office	Yes/ No	
7a	Annual quantum of water to be harvested/ recharged	_____ m <sup>3</sup> /annum	Quantum of water harvesting/ recharge as implemented by the firm	_____ m <sup>3</sup> /annum	
			No. and type of Recharge structures		



*(Handwritten signature)*

			implemented inside the premises (Attach photographs)		
			Whether structures are maintained properly	Yes/ No	
7c			No. and type of structures implemented outside the premises (Attach photographs)		
			Locations of structures		
			Whether All the structures are maintained properly	Yes/ No	
8	Recycling/ reuse of water		Check at site the STP/ETP installed (Attach photographs)	Yes/ No	
9*	Water from dewatering in mining/ infrastructure projects to be put to gainful use		Activity for which water from dewatering project is being used		

\*Applicable for Mining/Infrastructural dewatering projects only.

Name & signature of Project proponent  
/Representative of the firm

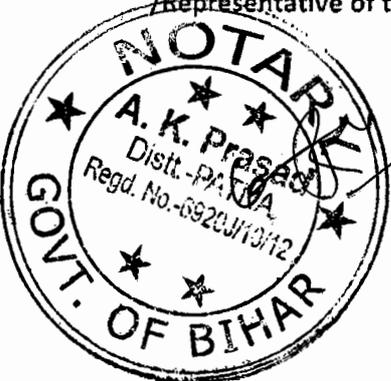
Name & signature of Inspecting  
officer from Regional Office

*@kumar*  
1/9/21

(A.K. Sinha)  
Sc-B

*Anand Kumar Agrawal*  
01/9/21

Anand Kumar Agrawal  
Regional Director  
Central Ground Water Board  
Department of Water Resources, RD & GR  
Govt. of India



- 8. Status of Compliance of NOC Conditions: Fully / Partially / Non-Compliance
- 9. Valid reasons for non-compliance, if any :
- 10. Whether action is to be initiated against the industry? : Yes / No
- 11. Details of Action Taken at the level of Regional Director :
- 12. Date of issuing Show Cause Notice:
- 13. Follow – up actions taken/ recommended, if any:

Recommendation of Regional Director

: Recommended for renewal (Yes/No)

Name & Signature of Regional Director

