

**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

O. A. No:39 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

**INDEX**

Sl. No.	Particulars	Page No.
1.	Counter Affidavit on Behalf of Respondent No. - 4 Jharkhand State Pollution Control Board.	
2.	Annexure-I: True copy of Board's Ref. No. B-850, dated 02/05/2022.	
3.	Annexure-II: True copy of Board's Ref. No. B-1107, dated 10/06/2022.	

Filed by: -

*See*  
Surendra Kumar  
Advocate

Jharkhand State Pollution Control Board

Authorized under Notaries Act - 1956  
by Govt of  
Jharkhand, Ranchi (India)



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No: 39 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

Counter Affidavit on behalf of Respondent No. - 4  
Jharkhand State Pollution Control Board in  
compliance of order dated 05.05.2022.

I, Yatindra Kumar Das, son of Late K. K. Das,  
presently posted as the Member Secretary, Jharkhand  
State Pollution Control Board, H.E.C, Dhurwa,  
Ranchi, and am duly authorized and here by solemnly  
state and affirm as follows: -

1. That at present, I am working and posted as the  
Member Secretary, Jharkhand State Pollution  
Control Board, H.E.C, Dhurwa, Ranchi and as such,

I am well acquainted with all the facts and  
circumstances of this case.



25/5

Date: 05.05.2022

2. That I have gone through the order dated 05.05.2022 passed by the Hon'ble NGT and has understood the contents therein.

3. That, I am authorized to swear this affidavit on behalf of the Respondent No - 4 Jharkhand State Pollution Control Board (JPSCB). Further it is stated that I have gone through the relevant files and records.

4. That, it is humbly stated and submitted that a Second Show-cause notice for non-submission of Environmental compensation was issued to M/s Piparwar OCP by denying their request to waive of environmental compensation vide Board's Ref. No. B-850, dated 02/05/2022 and the following directions were issued: -

a) to deposit the Environmental Compensation of INR 3,12,46,875.00/- (i.e. Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be



27 JUL 2022

initiated.

b) to submit the status of implementation of Environmental Management Plan of post operational phase within 7 days from issuance of this letter.

c) to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station within 7 days from issuance of this letter.

Photocopy of Board's Ref. No. B-850, dated 02/05/2022 is annexed as **Annexure - I**.

5. That, it is humbly stated and submitted that a Final Show-cause notice for non-submission of Environmental compensation was issued to M/s Piparwar OCP vide Board's Ref. No. B-1107, dated 10/06/2022 and the following directions were issued: -

a) to deposit the Environmental Compensation of INR 3,12,46,875.00/- (i.e. Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only) within 07 days of issuance of this letter, in case of failure to do so



E7 JUL 2022

an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.

b) to submit the status of implementation of Environmental Management Plan of post operational phase within 7 days from issuance of this letter.

c) to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station within 7 days from issuance of this letter.

Photocopy of Board's Ref. No. B-1107, dated 10/06/2022 is annexed as **Annexure - II**.

6. That, it is humbly stated and submitted that no reply has been received by the Board till date. So, the procedure for legal action has been initiated and is under process.

7. The statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.



*Bibek Kumar Sinha*  
NOTARY PUBLIC RANCHI

*Yashvir Kumar Sinha*

DEPONENT

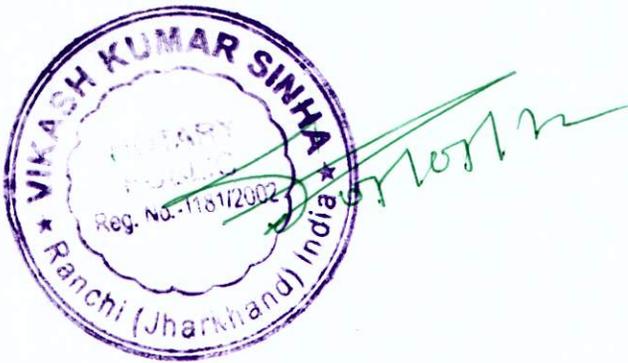
*BK Sinha*  
7/7/22 ASK  
Signature Attested on  
Identification of Lawyer

VERIFICATION:

Verified at Ranchi on this the day of ..... July, 2022 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

*Yashdeep Kumar*

DEPONENT





# झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

A-I

352

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, राँची

दूरभाष : 2400851, 2400852, 2400979 फ़ैक्स : 0651- 2400850 / 138,

Web: [www.jspcb.nic.in](http://www.jspcb.nic.in) (new) [www.jspcb.org\(old\)](http://www.jspcb.org(old))

E-mail: [ranchijspcb@gmail.com](mailto:ranchijspcb@gmail.com)

Ref. No..... B-850

Date..... 02/5/2022

From,

Y. K. Das  
Member Secretary

To,

Project Officer,  
M/s Piparwar OCP,  
At+PO- Dakra,  
Distt- Chatra

Sub: Second show-cause notice for non-submission of Environmental Compensation-reg..

Whereas, Environmental Clearance (EC) was granted for "Piparwar Opencast Coal Mine Project (from 6.5 MTPA to 10 MTPA) of M/s Central Coalfields Limited located in villages Mangardaha Benti, Kichto, Bahera, Kanuada, Rajdhar, Kalyanpur, Karo and Bijain in Tehsil Tandwa District- Chatra Jharkhand" over an ML area of 1120.25 Ha by MoEF, GoI vide F. No. J-11015/186/2007-IA-II(M), dated 11.06.2007.

Whereas, Modification of Environmental Clearance was granted for "Introduction of peak production capacity of 11.5 MTPA in the Environmental Clearance granted to Piparwar OCP (10 MTPA )nominal) of M/s Central Coalfields Ltd. Located in Piparwar Area, Distt- Chatra, Jharkhand" over an ML area of 1120.25 Ha by MoEF vide F. No. J-11015/240/2011-IA.II(M), dated 28.02.2012.

Whereas, Environmental Clearance was granted for "Expansion, under 7 (ii) of EIA Notification 2006, of Piparwar Opencast Project (Normative capacity 10 MTPA to 12.50 MTPA and Peak capacity 11.5 MTPA to 14.375 MTPA in an mL area 1120.25; Latitude 23 deg 42 min 38 sec N to 23 deg 44 min 45 sec N & Longitude 85 deg 01 min 34 sec N to 85 deg 03 min 15 sec E of M/s Central Coalfields Ltd., Distt- Chatra, Jharkhand" by MoEF vide F. No. J-11015/76/2013-IA.II (M) dated 20.05.2014.

Whereas, No Objection Certificate (NOC) was granted to "M/s Piparwar Open Cast Mine and Washery Project, CCL, Village- Piparwar, PO- Bachra, Distt- Chatra for expansion of Open Cast Coal Mines for production of Coal at plot no. mentioned in notification of Govt. of India SO-761 dated 17.02.1982, Mauza- Kichto, Magardaha, Benti and Bahera, PO- Bachra, Distt- Chatra over Total lease area-1120.25 Ha and Coal production (After Expansion)-10.0 MTY by the Board vide ref. no. 263, dated 29.01.2007.

Whereas, the Consent to Operate (CTO) was granted to Piparwar OCP, vide Board's Ref. No. JSPCB/HO/RNC/CTO-6847966/2020/714 dated 26.03.2020 for the production of Raw Coal- 10 MTPA for the period upto 10.06.2020.

Whereas, an original application no. 39/2020/EZ Sanjay Chauhan Vs. Central Coalfields Limited & Ors. (Piparwar Open Cast Coal Mining Project) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata alleging non-compliance of the conditions of Environmental Clearances (EC) dated 11.06.2007, 28.02.2012 and 20.05.2014 by the Central Coalfields Ltd. For Piparwar Opencast Coal mine located in Chatra District, Jharkhand issued by the Ministry of Environment, Forest and Climate Change (MoEF and CC). The first hearing which was held on 22.06.2020. In which the Hon'ble Tribunal constituted a committee comprising of the following:

- The Regional Office, MoEF & CC, Ranchi;
- The Regional Office, CPCB, Regional Office, Kolkata;
- The Jharkhand State Pollution Control Board (State PCB) and,
- Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF and CC.



675/DKC/00/MC

The committee was directed to inspect the project in question, verify on the factual aspects set out by the Applicant in the application and submit a report.

351

Whereas, the Committee has visited the site (Piparwar Open Cast Project) on 02-09-2020 and submitted its report (Copy of Committee's Report already shared).

Whereas, in light of the Committee's report a show-cause notice was issued to the unit vide Board's ref. no. B-1991 Ranchi, dated 14.12.2020 for the non-compliance observed during the site inspection which is as follows:

- (i) Railway Siding has not been constructed till date. Whereas, you had been directed to construct the same by June' 2014 through the EC granted dated 20.05.2014;
- (ii) The arrangement of coal dust suppression and run off collection at the currently used railway siding (Bachra) was found poor;
- (iii) Management of storm water drains and high level of pollutants in effluent from workshop was not found upto the mark;
- (iv) Transportation of coal is being done through road which is violation of EC;
- (v) The arrangement for containing and treating the run off water from the coal yard were inadequate;
- (vi) Catch drain around the coal yard has not been developed;
- (vii) In the Piparwar/Rajdhar siding, the arrangements at the siding sis not confirm to the 2015 PCB guidelines for railway sidings.
- (viii) Road transport of coal was resulting in much spillage on the road and consequent air and water pollution.
- (ix) The truck transporters have dumped debris on to the river to create a temporary crossing in complete violation of Rules regarding river protection.
- (x) The trucks are operating without any tarpaulin covering on the coal;
- (xi) In the Bachra railway siding, the platform was piled with a thick layer of coal dust, which eventually gets washed off on to the tracks and elsewhere; following observations were also found:
  - Catch drain has not been provided to catch the runoff and settling tank to remove the coal dust;
  - Screen has not been provided around the siding;
  - Three tier plantation has not been developed outside the walls to act as wind barrier;
  - A Primary school is there which is next to Bachra siding; the dust pollutants directly endanger the health of the school children.

Whereas, in response to the show-cause notice you had submitted your compliance report vide PO(Ashok)/Piparwar/Env./Show-cause/2020/dated 30.12.2020.

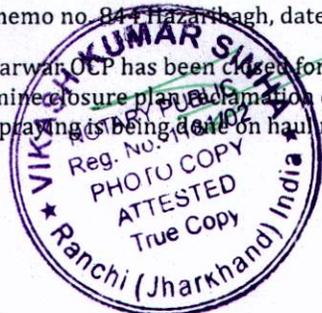
Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was directed to submit verification report specifically in the light of the reply submitted by the unit vide Board's ref. no. N-B-14 dated 04.01.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was directed to submit verification report specifically in the light of the reply submitted by the unit vide Board's ref. no. B-14, dated 04.01.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was again requested to submit the current compliance status report vide Board's ref. no. B-1145, Ranchi dated 16.08.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh has submitted the inspection report vide his memo no. 84/Hazaribagh, dated 19.08.2021. The observations of which is as follows:

1. M/s Piparwar OCP has been closed forever;
2. As per mine closure plan, reclamation of mine is being done.
3. Water spraying is being done on haul road and dust prone on reclamation area.



676/DKC/00/MC

4. Tree plantation have been done on reclamation area.

350

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was again directed to submit the Inspection Report with clear recommendation with regard to each & every observation made by the committee vide Board's Ref. No. B-2261, Ranchi, dated 23.12.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh has submitted the Inspection Report in respect of the query raised in the Hon'ble NGT, EZ Benchi in the OA No. 39/2020 (EZ) order dated 08.12.2021 against the M/s Piparwar OCP vide his memo no. 04 dated 03.01.2022. The observations of which are as follows:

Sl. No.	Query raised in the NGT order on 08.12.2021	Compliance
1	Coal transport to the Bachra Siding by the road (a distance of 8 km) continued for 5.5 years beyond the date provided in the Environmental Clearance of 2014.	--
2	So far as the status of Piparwar/Rajdhar Siding is concerned, the committee has noted that the arrangements at the sidings where front loaders were being deployed did not conform to the Central Pollution Control Board's 2015 Guidelines for railway sidings, namely there is no screen, no green belt, no arrangements (drains, settling or settling tanks) for containing the runoff of contaminated water.	Mobile Water Sprinklers is being used for dust suppression at Piparwar Siding. Wind Screen has been constructed at Piparwar Siding. Photographs attached. PM 10 analyzer has been installed. Settling tank has been constructed.
3	The committee has also noted that the trucks were operating without tarpaulin cover on the coal.	
4	The coal mining in the coal yard is still being transported. The committee has recommended that the project proponent should implement the conditions of Mine Closure Plan as per rules and take all maintenance and environmentally protective actions.	Road for coal transportation from Ashok OCP to Railway Siding passes through Piparwar OCP because of it being the shortest route and it also helps in avoiding public road. Mine Closure Plan is being implemented in Piparwar OCP. Backfilling, Land Scrapping, Reclamation & tree plantation has been done. 276 Ha of degraded mine land has been reclaimed with plantation over it.

Moreover, in light of the above facts it has also been recommended to take action for not constructing Railway Siding, within the scheduled time mentioned in the EC granted in 2014.

Whereas, the competent authority has ordered to calculate the Environmental Compensation against your unit as per the Report of the CPCB In house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund. The detail of calculation of Environmental Compensation is detailed as below:

**Nature of violation** – Discharges in violation of consent conditions, mainly prescribed standards/consent limits.

**Basis to levy the Environmental Compensation** – Pollution Index

The environmental compensation is based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC – Environmental Compensation



677/DKC/00/MC

348

PI – Pollution Index of Industrial Sector  
N – Number of days of violation took place  
R – A factor in rupees for EC  
S – Factor of scale of operation  
LF – Location Factor

Now in this case,

PI is to be taken as 75 as the industry belongs to Green category (as per CPCB's guidelines.)

N is to be taken as 1111 days from 01.07.2014 to 15.07.2017.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Small Scale Unit as per Notification No. - S.O. 1702(E).—dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the total population of Ramgarh town is 1 million (District Census Handbook, Ramgarh of 2011).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 75 \times 250 \times 1.5 \times 1 \\ &= \text{INR } 28,125.00 \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00/- So the total Environmental compensation for 1111 days comes out to be **INR 3,12,46,875.00/-** (i.e. **Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only**).

Whereas, earlier vide Board's order vide ref. no. B-208, dated 25.01.2022, you were directed to submit the above mentioned within 30 days amount of environmental compensation.

Whereas, the unit vide its ref. no. PO-Ashok OCP/ JSPCB/Env. Compensation/2021-22/914 dated 16.03.2022 in which following has been mentioned:

- (a) Central Coalfields Limited (CCL) is engaged in coal mining and sale of coal both from opencast and underground mines in the State of Jharkhand. It is involved in mining of coal for various core-sectors of the country such as Power, Steels industries etc.
- (b) Piparwar OCP is an old closed mine of CCL which has stopped coal production since 11.06.2020 as life of the mine was upto 10.06.2020 as per the Environmental Clearance.
- (c) The Environmental Clearance (EC) was granted to the project on 29.10.1993 for a capacity of 6.5 MTPA. Subsequently, an expansion EC of capacity 10 MTPA (Nominal) in an ML area of 1120.25 Ha was granted on 11.06.2007. The EC was further expanded on 20.05.2014 wherein the nominal capacity of the mines was 12.50 MTPA and the Peak Capacity was 14.375 MTPA in an ML area of 1120.25 Ha vide no. J-11015/76/2013- IA.II(M) dated 20.05.2014.
- (d) In accordance with the Environment Clearance, the project has been granted Consent to Establish (CTE) vide ref. no. 263, dated 29.01.2007.
- (e) The last CTO of the project was also issued vide ref. no. JSPCB/HO/RNC/CTO-6847966/2020/714 dated 26.03.2020 which was valid upto 10.06.2020 for a capacity of 10 MTPA after which the mine stopped production.
- (f) Regional Officer, JSPCB, Regional Office, Hazaribagh has also submitted his inspection report vide ref. no. 04 dated 03.01.2022. The status and action taken report is enclosed at Annexure-I.
- (g) The observation of Regional Officer related to construction of Railway Siding, transportation of coal and other related issues like arrangement at the sidings, provision of wind screen etc wherein due action has already been taken by the project. Overall, the compliance of statutory conditions is satisfactory and improving continually.

VIKAS  
NOTARY PUBLIC  
Reg. No. 118102  
PHOTO COPY  
ATTESTED  
True Copy  
Ranchi (Jharkhand) India

*[Handwritten signature]*

678/DKC/00/MC

(h) Further, the Regional Officer, JSPCB, Regional Office, Hazaribagh in his inspection report vide memo no. 844 Hazaribagh, dated 19.08.2021 has made certain observations in respect of Piparwar OCP which is also part of the order of the Member Secretary, JSPCB, Ranchi vide no. B-208, dated 25.01.2022:

1. M/s Piparwar OCP has been closed forever.
2. As per the Mine Closure Plan reclamation is being done.
3. Water spraying is being done on the haul road and on the dust prone reclamation area.
4. Tree plantation have been done on reclamation area.

(i) Regular monitoring of air quality, noise & surface water quality is also being undertaken fortnightly at Piparwar OCP. The latest monitoring reports are enclosed at Annexure-II. It can be seen that the environment monitoring data were found within prescribed limits except few aberrations which can be attributed to the specific local conditions during the day of sampling. The brief summary of air quality monitoring is given below for kind perusal.

(j) Regular reclamation in the project is being carried out. Biological reclamation of the technically reclaimed areas is being done with collaboration of the State Forest Department, Govt. of Jharkhand. The details of reclamation in the project is given as below:

Sl. No.	Reclamation Details	Area (Ha)
1	Leasehold area	1120.25
2	Quarry Area	540.00
3	Back Filled Area	310.00
4	Technically Reclaimed Area	290.00
5	Technically Reclaimed Area %	53.70 %
6	Biologically Reclaimed Area	278.00
7	Biologically Reclaimed Area%	51.48 %

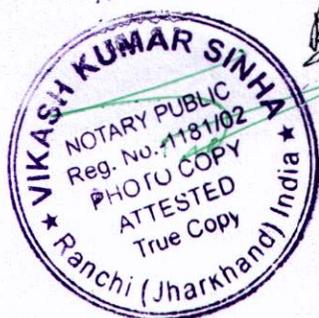
Till date 6.93 Lakh saplings have been planted over an area of 278 Ha. Of reclaimed land in Piparwar OCP. Afforestation on reclaimed area is carried out by State Forest Department, Govt. of Jharkhand, Details of reclamation undertaken in last 5 years is as under:

Sl. No.	Year	Area(Ha.)	No. of Saplings Planted
1	2016-17	3	7500
2	2017-18	10	25000
3	2018-19	10	25000
4	2019-20	4	10000
5	2020-21	6	15000

Piparwar OCP has developed an eco-park namely Kayakalp Vatika over 1.5 Ha. Of the reclaimed land.

(k) In addition, Central Coalfields Limited also spend huge amount of money for CSR activities apart from providing employment to Project Affected Persons. The CSR activities include drinking water supply by construction of deep bore, handpumps, wells and providing water purifiers in schools, construction of toilets distribution of sports items, health equipment to differently abled persons in the nearby villages. The contribution towards District Mineral Foundation Trust, Cess and CSR expenditure of the area is given below:

Payment Head	2019-20	2020-21	2021-22 (Upto Sept.)
District Mineral Foundation Trust (in CR.)	269.73	314.38	150.79
Cess Payment (in Cr.)	669.45	631.47	296.54
CSR (in Cr.)	1.25	1.35	0.96



347

Whereas, your reply confirm that you are not conversant to environmental loss and not serious to the compliance of the Board's direction. Hence, in the light of the above fact your reply does not sound reasonable and so, your request is denied.

Now, therefore, in view of the above your representation is hereby rejected as it was established that there was non-compliance of the CTO conditions in past. Henceforth, by exercising the powers conferred under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 (A) Of the Air (Prevention and Control of Pollution) Act, 1981; the following directions are being issued:

- (a) to deposit the Environmental Compensation of INR 3,12,46,875.00/- (i.e. Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.
- (b) to submit the status of implementation of Environmental Management Plan of post operational phase within 7 days from issuance of this letter.
- (c) to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station within 7 days from issuance of this letter.

In case unit fails to comply the above directions, JSPCB will be constrained to initiate proceedings/legal action against M/s Piparwar Opencast Coal Mining Project as per law.

This issues with the approval of competent authority.

Memo No..... B-850 .....

Copy to: The Regional Officer, JSPCB, Regional Office-cum-Laboratory, Hazaribagh for information and necessary action.

Sd/-  
(Y. K. Das)  
Member Secretary  
Ranchi, dated. 02/05/2022

(Y. K. Das)  
Member Secretary





## झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, राँची

दूरभाष : 2400851, 2400852, 2400979 फ़ैक्स : 0651- 2400850 / 138,

Web: [www.jspcb.nic.in](http://www.jspcb.nic.in) (new) [www.jspcb.org\(old\)](http://www.jspcb.org(old))

E-mail: [ranchiispcb@gmail.com](mailto:ranchiispcb@gmail.com)

A-II

Ref. No. A-1107

Ranchi, dated 10/6/2022

From,

Y. K. Das  
Member Secretary

To,

Project Officer,  
M/s Piparwar OCP,  
At+PO- Dakra,  
Distt- Chatra

**Sub: Final show-cause notice for non-submission of Environmental Compensation-reg.**

Whereas, Environmental Clearance (EC) was granted for "Piparwar Opencast Coal Mine Project (from 6.5 MTPA to 10 MTPA) of M/s Central Coalfields Limited located in villages Mangardaha Benti, Kichto, Bahera, Kanuada, Rajdhar, Kalyanpur, Karo and Bijain in Tehsil Tandwa District- Chatra Jharkhand" over an ML area of 1120.25 Ha by MoEF, GoI vide F. No. J-11015/186/2007-IA-II(M), dated 11.06.2007.

Whereas, Modification of Environmental Clearance was granted for "Introduction of peak production capacity of 11.5 MTPA in the Environmental Clearance granted to Piparwar OCP (10 MTPA )nominal) of M/s Central Coalfields Ltd. Located in Piparwar Area, Distt- Chatra, Jharkhand" over an ML area of 1120.25 Ha by MoEF vide F. No. J-11015/240/2011-IA.II(M), dated 28.02.2012.

Whereas, Environmental Clearance was granted for "Expansion, under 7 (ii) of EIA Notification 2006, of Piparwar Opencast Project (Normative capacity 10 MTPA to 12.50 MTPA and Peak capacity 11.5 MTPA to 14.375 MTPA in an mL area 1120.25; Latitude 23 deg 42 min 38 sec N to 23 deg 44 min 45 sec N & Longitude 85 deg 01 min 34 sec N to 85 deg 03 min 15 sec E of M/s Central Coalfields Ltd., Distt- Chatra, Jharkhand" by MoEF vide F. No. J-11015/76/2013-IA.II (M) dated 20.05.2014.

Whereas, No Objection Certificate (NOC) was granted to "M/s Piparwar Open Cast Mine and Washery Project, CCL, Village- Piparwar, PO- Bachra, Distt- Chatra for expansion of Open Cast Coal Mines for production of Coal at plot no. mentioned in notification of Govt. of India SO-761 dated 17.02.1982, Mauza- Kichto, Magardaha, Benti and Bahera, PO- Bachra, Distt- Chatra over Total lease area-1120.25 Ha and Coal production (After Expansion)-10.0 MTY by the Board vide ref. no. 263, dated 29.01.2007.

Whereas, the Consent to Operate (CTO) was granted to Piparwar OCP, vide Board's Ref. No. JSPCB/HO/RNC/CTO-6847966/2020/714 dated 26.03.2020 for the production of Raw Coal- 10 MTPA for the period upto 10.06.2020.

Whereas, an original application no. 39/2020/EZ Sanjay Chauhan Vs. Central Coalfields Limited & Ors. (Piparwar Open Cast Coal Mining Project) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata alleging non-compliance of the conditions of Environmental Clearances (EC) dated 11.06.2007, 28.02.2012 and 20.05.2014 by the Central Coalfields Ltd. For Piparwar Opencast Coal mine located in Chatra District, Jharkhand issued by the Ministry of Environment, Forest and Climate Change (MoEF and CC). The first hearing which was held on 22.06.2020. In which the Hon'ble Tribunal constituted a committee comprising of the following:

- The Regional Office, MoEF & CC, Ranchi;
- The Regional Office, CPCB, Regional Office, Kolkata;
- The Jharkhand State Pollution Control Board (State PCB) and,
- Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF and CC.

The committee was directed to inspect the project in question, verify on the factual aspects set out by the Applicant in the application and submit a report.



741/DKC/OO/MC

Whereas, the Committee has visited the site (Piparwar Open Cast Project) on 02-09-2020 and submitted its report (Copy of Committee's Report already shared).

Whereas, in light of the Committee's report a show-cause notice was issued to the unit vide Board's ref. no. B-1991 Ranchi, dated 14.12.2020 for the non-compliance observed during the site inspection which is as follows:

- (i) Railway Siding has not been constructed till date. Whereas, you had been directed to construct the same by June' 2014 through the EC granted dated 20.05.2014;
- (ii) The arrangement of coal dust suppression and run off collection at the currently used railway siding (Bachra) was found poor;
- (iii) Management of storm water drains and high level of pollutants in effluent from workshop was not found upto the mark;
- (iv) Transportation of coal is being done through road which is violation of EC;
- (v) The arrangement for containing and treating the run off water from the coal yard were inadequate;
- (vi) Catch drain around the coal yard has not been developed;
- (vii) In the Piparwar/Rajdhar siding, the arrangements at the siding sis not confirm to the 2015 PCB guidelines for railway sidings.
- (viii) Road transport of coal was resulting in much spillage on the road and consequent air and water pollution.
- (ix) The truck transporters have dumped debris on to the river to create a temporary crossing in complete violation of Rules regarding river protection.
- (x) The trucks are operating without any tarpaulin covering on the coal;
- (xi) In the Bachra railway siding, the platform was piled with a thick layer of coal dust, which eventually gets washed off on to the tracks and elsewhere; following observations were also found:
  - Catch drain has not been provided to catch the runoff and settling tank to remove the coal dust;
  - Screen has not been provided around the siding;
  - Three tier plantation has not been developed outside the walls to act as wind barrier;
  - A Primary school is there which is next to Bachra siding; the dust pollutants directly endanger the health of the school children.

Whereas, in response to the show-cause notice you had submitted your compliance report vide PO(Ashok)/Piparwar/Env./Show-cause/2020/dated 30.12.2020.

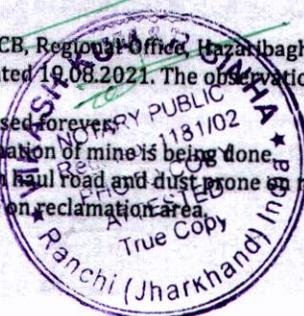
Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was directed to submit verification report specifically in the light of the reply submitted by the unit vide Board's ref. no. N-B-14 dated 04.01.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was directed to submit verification report specifically in the light of the reply submitted by the unit vide Board's ref. no. B-14, dated 04.01.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was again requested to submit the current compliance status report vide Board's ref. no. B-1145, Ranchi dated 16.08.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh has submitted the inspection report vide his memo no. 844 Hazaribagh, dated 19.08.2021. The observations of which is as follows:

1. M/s Piparwar OCP has been closed forever.
2. As per mine closure plan reclamation of mine is being done.
3. Water spraying is being done on haul road and dust prone on reclamation area.
4. Tree plantation have been done on reclamation area.



Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was again directed to submit the Inspection Report with clear recommendation with regard to each & every observation made by the committee vide Board's Ref. No. B-2261, Ranchi, dated 23.12.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh has submitted the Inspection Report in respect of the query raised in the Hon'ble NGT, EZ Benchi in the OA No. 39/2020 (EZ) order dated 08.12.2021 against the M/s Piparwar OCP vide his memo no. 04 dated 03.01.2022. The observations of which are as follows:

Sl. No.	Query raised in the NGT order on 08.12.2021	Compliance
1	Coal transport to the Bachra Siding by the road (a distance of 8 km) continued for 5.5 years beyond the date provided in the Environmental Clearance of 2014.	--
2	So far as the status of Piparwar/Rajdhar Siding is concerned, the committee has noted that the arrangements at the siding where front loaders were being deployed did not conform to the Central Pollution Control Board's 2015 Guidelines for railway sidings, namely there is no screen, no green belt, no arrangements (drains, settling or settling tanks) for containing the runoff of contaminated water.	Mobile Water Sprinklers is being used for dust suppression at Piparwar Siding. Wind Screen has been constructed at Piparwar Siding. Photographs attached. PM 10 analyzer has been installed. Settling tank has been constructed.
3	The committee has also noted that the trucks were operating without tarpaulin cover on the coal.	
4	The coal mining in the coal yard is still being transported. The committee has recommended that the project proponent should implement the conditions of Mine Closure Plan as per rules and take all maintenance and environmentally protective actions.	Road for coal transportation from Ashok OCP to Railway Siding passess through Piparwar OCP because of it being the shortest route and it also helps in avoiding public road. Mine Closure Plan is being implemented in Piparwar OCP. Backfilling, Land Scrapping, Reclamation & tree plantation has been done. 276 Ha of degraded mine land has been reclaimed with plantation over it.

Moreover, in light of the above facts it has also been recommended to take action for not constructing Railway Siding, within the scheduled time mentioned in the EC granted in 2014.

Whereas, the competent authority has ordered to calculate the Environmental Compensation against your unit as per the Report of the CPCB In house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund. The detail of calculation of Environmental Compensation is detailed as below:

**Nature of violation** – Discharges in violation of consent conditions, mainly prescribed standards/consent limits.  
**Basis to levy the Environmental Compensation** – Pollution Index



743/DKC/00/MC

The environmental compensation is based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC – Environmental Compensation  
PI – Pollution Index of Industrial Sector  
N – Number of days of violation took place  
R – A factor in rupees for EC  
S – Factor of scale of operation  
LF – Location Factor

Now in this case,

PI is to be taken as 75 as the industry belongs to Green category (as per CPCB's guidelines.)

N is to be taken as 1111 days from 01.07.2014 to 15.07.2017.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Small Scale Unit as per Notification No. - S.O. 1702(E).—dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the total population of Ramgarh town is 1 million (District Census Handbook, Ramgarh of 2011).

Therefore,

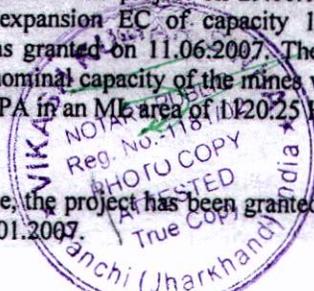
$$\begin{aligned} EC \text{ (Per day)} &= PI \times R \times S \times LF \\ &= 75 \times 250 \times 1.5 \times 1 \\ &= \text{INR } 28,125.00 \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00/- So the total Environmental compensation for 1111 days comes out to be INR 3,12,46,875.00/- (i.e. Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only).

Whereas, earlier vide Board's order vide ref. no. B-208, dated 25.01.2022, you were directed to submit the above mentioned within 30 days amount of environmental compensation.

Whereas, the unit vide its ref. no. PO-Ashok OCP/ JSPCB/Env. Compensation/2021-22/914 dated 16.03.2022 in which following has been mentioned:

- (a) Central Coalfields Limited (CCL) is engaged in coal mining and sale of coal both from opencast and underground mines in the State of Jharkhand. It is involved in mining of coal for various core-sectors of the country such as Power, Steels industries etc.
- (b) Piparwar OCP is an old closed mine of CCL which has stopped coal production since 11.06.2020 as life of the mine was upto 10.06.2020 as per the Environmental Clearance.
- (c) The Environmental Clearance (EC) was granted to the project on 29.10.1993 for a capacity of 6.5 MTPA. Subsequently, an expansion EC of capacity 10 MTPA (Nominal) in an ML area of 1120.25 Ha was granted on 11.06.2007. The EC was further expanded on 20.05.2014 wherein the nominal capacity of the mines was 12.50 MTPA and the Peak Capacity was 14.375 MTPA in an ML area of 1120.25 Ha vide no. J-11015/76/2013- 1A.II(M) dated 20.05.2014.
- (d) In accordance with the Environment Clearance, the project has been granted Consent to Establish (CTE) vide ref. no. 263, dated 29.01.2007.



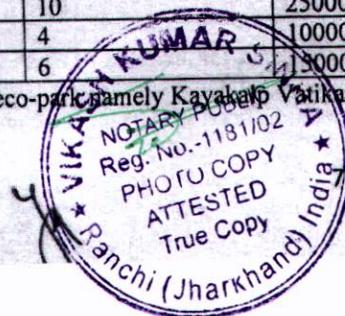
- (e) The last CTO of the project was also issued vide ref. no. JSPCB/HO/RNC/CTO-6847966/2020/714 dated 26.03.2020 which was valid upto 10.06.2020 for a capacity of 10 MTPA after which the mine stopped production.
- (f) Regional Officer, JSPCB, Regional Office, Hazaribagh has also submitted his inspection report vide ref. no. 04 dated 03.01.2022. The status and action taken report is enclosed at Annexure-I.
- (g) The observation of Regional Officer related to construction of Railway Siding, transportation of coal and other related issues like arrangement at the sidings, provision of wind screen etc wherein due action has already been taken by the project. Overall, the compliance of statutory conditions is satisfactory and improving continually.
- (h) Further, the Regional Officer, JSPCB, Regional Office, Hazaribagh in his inspection report vide memo no. 844 Hazaribagh, dated 19.08.2021 has made certain observations in respect of Piparwar OCP which is also part of the order of the Member Secretary, JSPCB, Ranchi vide no. B-208, dated 25.01.2022:
1. M/s Piparwar OCP has been closed forever.
  2. As per the Mine Closure Plan reclamation is being done.
  3. Water spraying is being done on the haul road and on the dust prone reclamation area.
  4. Tree plantation have been done on reclamation area.
- (i) Regular monitoring of air quality, noise & surface water quality is also being undertaken fortnightly at Piparwar OCP. The latest monitoring reports are enclosed at Annexure-II. It can be seen that the environment monitoring data were found within prescribed limits except few aberrations which can be attributed to the specific local conditions during the day of sampling. The brief summary of air quality monitoring is given below for kind perusal.
- (j) Regular reclamation in the project is being carried out. Biological reclamation of the technically reclaimed areas is being done with collaboration of the State Forest Department, Govt. of Jharkhand. The details of reclamation in the project is given as below:

Sl. No.	Reclamation Details	Area (Ha)
1	Leasehold area	1120.25
2	Quarry Area	540.00
3	Back Filled Area	310.00
4	Technically Reclaimed Area	290.00
5	Technically Reclaimed Area %	53.70 %
6	Biologically Reclaimed Area	278.00
7	Biologically Reclaimed Area%	51.48 %

Till date 6.93 Lakh saplings have been planted over an area of 278 Ha. Of reclaimed land in Piparwar OCP. Afforestation on reclaimed area is carried out by State Forest Department, Govt. of Jharkhand, Details of reclamation undertaken in last 5 years is as under:

Sl. No.	Year	Area(Ha.)	No. of Saplings Planted
1	2016-17	3	7500
2	2017-18	10	25000
3	2018-19	10	25000
4	2019-20	4	10000
5	2020-21	6	15000

Piparwar OCP has developed an eco-park namely Kayakalp Vatika over 1.5 Ha. Of the reclaimed land.



745/DKC/00/MC

- (k) In addition, Central Coalfields Limited also spend huge amount of money for CSR activities apart from providing employment to Project Affected Persons. The CSR activities include drinking water supply by construction of deep bore, handpumps, wells and providing water purifiers in schools, construction of toilets distribution of sports items, health equipment to differently abled persons in the nearby villages. The contribution towards District Mineral Foundation Trust, Cess and CSR expenditure of the area is given below:

Payment Head	2019-20	2020-21	2021-22 (Upto Sept.)
District Mineral Foundation Trust (in CR.)	269.73	314.38	150.79
Cess Payment (in Cr.)	669.45	631.47	296.54
CSR (in Cr.)	1.25	1.35	0.96

Whereas, your reply confirm that you are not conversant to environmental loss and not serious to the compliance of the Board's direction. Hence, in the light of the above fact your reply does not sound reasonable and so, your request is denied.

Whereas, earlier vide Board's letter no. B-850, dated 02.05.2022 second show-cause alongwith the following directions was issued:

- to deposit the Environmental Compensation of INR 3,12,46,875.00/- (i.e. Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.
- to submit the status of implementation of Environmental Management Plan of post operational phase within 7 days from issuance of this letter.
- to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station within 7 days from issuance of this letter.

Whereas, neither any environmental compensation has been submitted not any reply has been received.

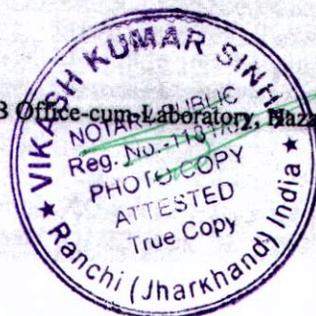
Now, therefore, in view of the above and by exercising the powers vested under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 you are directed to comply the following within 7 days of the receipt of this intimation failing which Consent to Operate may be revoked and legal action will be initiated against the unit:

- to deposit the Environmental Compensation of INR 3,12,46,875.00/- (i.e. Rupees Three Crores Twelve Lakhs Forty Six Thousand Eight Hundred Seventy Five only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.
- to submit the status of implementation of Environmental Management Plan of post operational phase within 7 days from issuance of this letter.
- to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station within 7 days from issuance of this letter.

This issues with the approval of competent authority.

Memo No. B-1107

Copy to: The Regional Officer, JSPCB Office-cum-Laboratory, Hazaribagh for information and necessary action.



Sd/-  
(Y. K. Das)  
Member Secretary  
Ranchi, dated. 10/6/2022

(Y. K. Das)