

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Appeal No: 06 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Union of India & Ors.

Respondents

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Filed by: -

**Surendra Kumar
Advocate**

Jharkhand State Pollution Control Board



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Appeal No: 06 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Union of India & Ors.

Respondents

**Counter Affidavit on behalf of Respondent No. - 4
Jharkhand State Pollution Control Board in
compliance of order dated 23.03.2022.**

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,

Authorised under Notaries Act 1956
& Notaries Rules 1956 by Govt. of
Jharkhand, Ranchi (India)

07 MAY 2022

Ref. No. Date

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07 MAY 2022

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

2. That I have gone through the order dated 23.03.2022 passed by the Hon'ble NGT, EZB, Kolkata and has understood the contents therein.
3. That, I have been authorized to swear this affidavit on behalf of the Respondent No - 4 Jharkhand State Pollution Control Board (JPSCB) by the competent authority. Further it is stated that I have gone through the relevant files and records.
4. That, it is humbly stated and submitted that the amount of Environmental Compensation of Rs. 1,35,00,000.00/- (One Crore & Thirty Five Lakhs Only) has been submitted in respect of Amrapali OCP of M/s Central Coalfields Limited vide Letter No. CCL/HoD(E&F)/2022/127 dated 23.02.2022 in the form of Demand Draft bearing no. '960479' dated 23.02.2022.

Photocopy of Letter No.
CCL/HoD(E&F)/2022/127 dated
23.02.2022 and Demand Draft



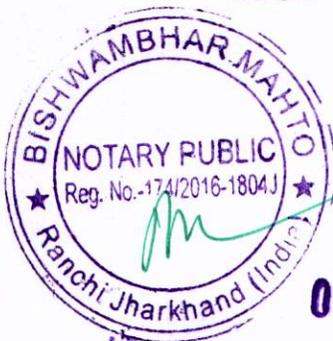
07 MAY 2022

bearing no. '960479' dated
23.02.2022 are annexed as
Annexure - I.

5. That, it is humbly stated and submitted that in light of the committee's observations a direction under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 was issued to M/s Amrapali Project vide Board's Ref. No. B-851, dated 02/05/2022 and the following directions have been issued: -

- a) to submit the detailed timeline for complying all the above-mentioned deficiencies found during inspection i.e. construction of railway siding, CHP and silo within 7 days from issuance of this letter.
- b) 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-851, dated 02/05/2022
is annexed as **Annexure - II.**



07 MAY 2022

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

Yatt... (handwritten signature)

DEPONENT

VERIFICATION:

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

Yatt... (handwritten signature)

DEPONENT

*Signature of Lawyer
7/5/2022
BTL/884/20*

Signature Attested and Identification of Lawyer

Amant 07/05/22
NOTARY PUBLIC, RANCHI

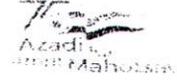


07 MAY 2022

Ammeasure-I



CENTRAL COALFIELDS LIMITED
(Govt. of India Undertaking)
A Miniratna Cat-I Company
Darbhanga House, Ranchi-834001



पत्रांक: CCL/HoD(E&F)/2022/127

दिनांक: 23.02.2022

To,
The Member Secretary
✓ Jharkhand State pollution Control Board
H.E.C, Dhurwa, Ranchi-834004
Jharkhand

Sub: Submission of Demand Draft of Rs. 1,35,00,000.00/- (Rupees One Crore & Thirty-Five Lakhs only) towards Environmental Compensation in respect of Amrapali OCP of M/s Central Coalfields Limited

Ref: Direction issued vide Ref No: B-209 Dated: 25.01.2022 towards Environmental Compensation in respect of Amrapali OCP

Respected Sir,

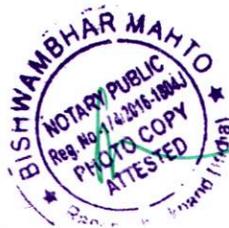
A direction under section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 was issued to Amrapali OCP of M/s Central Coalfields Limited to deposit Rs. 1,35,00,000.00/- (Rupees One Crore & Thirty-Five Lakhs only) towards Environmental Compensation within 30 days of referenced letter.

In compliance with the said direction, we are hereby depositing a demand draft of Rs. 1,35,00,000.00/- (Rupees One Crore & Thirty-Five Lakhs only) towards Environmental Compensation in respect of Amrapali OCP of M/s Central Coalfields Limited.

This is being submitted for further necessary action please.

Enclosure as above:

- 1) Demand Draft No: 960479 Dated: 23.02.2022 for Rs. 1,35,00,000.00/-



Yours faithfully
K. Pathy
23/2/2022
GM (Env & Forest),
Central Coalfields Limited.

Copy for kind information to:

- 1) Regional Officer, JSPCB Regional Office Hazaribagh
- 2) D(T/P&P), CCL
- 3) Ts to CMD, CCL

भारतीय स्टेट बैंक
State Bank of India RANCHI
A/c Payee

मांगड्राफ्ट
DEMAND DRAFT

Key: WODCIV
Sr. No: 754223

2 3 0 2 2 0 2 2
D D M M Y Y Y Y

DE No: 10400
06510-236065

या उनके आदेश पर
OR ORDER

मांगे जानेपर MEMBER SECRETARY, JHARKHAND STATE POLLUTION CONTROL*****

ON DEMAND PAY
One Crore Thirty Five Lakh Only

PEES

अदा करें ₹ 13500000.00

000528960479
Name of Applicant

Key: WODCIV Sr. No: 754223
CENTRAL COALFIELDS LTD

AMOUNT BELOW 13500001(0/8)

मूल्य प्राप्त / VALUE RECEIVED

भारतीय स्टेट बैंक
STATE BANK OF INDIA
अदाकर्ता शाखा / DRAWEE BRANCH: RANCHI
कोड क्र. / CODE No: 00167

प्रधिकृत इनामदाता
AUTHORISED SIGNATORY

शाखा प्रबंधक
BRANCH MANAGER

₹ 1.50,000/- एवं अधिक के लिखत में अधिकारियों द्वारा हस्ताक्षरित होने पर ही वैध है।
INSTRUMENTS FOR ₹ 1.50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS

S. R. Singh Sardar

SS
PF NO

यह ड्राफ्ट मुद्रित होने पर ही वैध
ONLY IF COMPUTER PRINTED

केवल 3 महीने के लिए वैध
VALID FOR 3 MONTHS ONLY

960479 000002000: 000528 20446

BISHWAMBHAR MAHTO
NOTARY PUBLIC
Reg. No. - 14/2016-1304J
PHOTO COPY
ATTESTED
Ranchi, Jharkhand (India)



झारखण्ड राज्य प्रदूषण नियंत्रण पषद

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, राँची

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

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

E-mail: ranchijspcb@gmail.com

(Signature)
Ammesure-II

Ref. No... B-851

Ranchi, dated... 02/5/2022

From,

Y. K. Das
Member Secretary

To,

The Project Officer
M/s Amrapali OCP
At- Tandwa,
Distt- Chatra

Sub: Direction under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981-reg.

Ref.: The Board's letter vide ref. no. B-209, dated 25.01.2022.

Whereas, Environmental Clearance (EC) was granted to "Amrapali Opencast Coal mining project of M/s Central Coalfields Limited located in part of village- Khumarang Khurd, Khumarang Kalan, Ursu, Binglat, Honhe, Tehsil Pachra Block on the east and Koed block on the west, District- Chatra, Jharkhand" over an ML area of 1426.08 Ha with envisaged rated capacity of mine 12 MTY by MoEF, GoI vide F. No. J-11015/109/2003-IA.II(M), dated 03.01.2006.

Whereas, Environmental Clearance was granted under clause 7 (ii) of EIA Notification, 2006 for "Amrapali Opencast Coal Mine from 12 MTPA to 14.4 MTPA (Peak) in an ML area of 619.87 Ha of M/s Central Coalfields Limited located in District Chtra (Jharkhand)" by MoEF and CC vide F. No. J-11015/109/2003-IA-II(M), dated 20.03.2020.

dl
Whereas, Environmental Clearance was granted for "Expansion of Amrapali Opencast Coal Mine from 14.4 MTP ro 20.16 MTPA (Peak) in an ML area of 619.87 Ha of M/s Central Coalfields Limited located in District Chatra (Jharkhand)" by MoEF & CC vide F. No. J-11015/109/2003-IA(M) dated 10.05.2021.

Whereas the first Consent to Establish (CTE) was granted to the unit vide ref. no. 3502, dated 09.06.2003 again vide ref. no. JSPCB/HO/RNC/CTE-7811934/2021/7, dated 08.01.2021 for the mining of Coal- 14.4 MTPA and again vide ref. no. JSPCB/HO/RNC/CTE-10408025/2022/65, dated 15.02.2022 for the mining of Coal- 20.16 MTPA.



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Whereas, the last Consent to Operate (CTO) was granted to the unit vide ref. no. JSPCB/HO/RNC/CTO-12185133/2022/230, dated 02.03.2022 for the mining of coal- 20.16 MTPA for the period upto 31.12.2022.

Whereas, an original application no. 28/2020/EZ Sanjay Chauhan Vs. Central Coalfields Limited & Ors. (Amrapali Opencast Coal Mining Case) 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 19.05.2009 granted by the Ministry of Environment, Forest and Climate Change (MoEF and CC) in favour of the Central Coalfields Ltd. For the Amrapali opencast Coal Mine situated in Karanpura region of Jharkhand State. The first hearing which was held on 11.05.2020. In which the Hon'ble Tribunal constituted a committee comprising of the following:

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

The committee was directed to visit the project in question, verify on the factual aspects and submit a report.

Whereas, the committee has visited the site (Amrapali Open Cast Project) on 01.09.2021 and submitted its report.

Whereas, in light of the Committee's report a show-cause notice was issued to the unit vide Board's ref. no. B-1992 Ranchi, dated 14.12.2020 for the non-compliance observed during the site inspection which is as follows:

- 1- No Railway siding and CHP has been constructed till date. Whereas, you had been directed to construct the same as per EC granted dated 03.01.2006; thereby coal is being transported through road to Shivpur railway siding which causes coal dust to be flowing off the road into forest areas and agricultural fields, nallahs and ponds;
- 2- The Shivpur railway siding does not comply with the CPCB's 2015 guidelines for environmental management of railway siding; the water sprinkling in railway siding is done through bore well which do not have CGWA clearance;
- 3- Development of green belt in and around the mine site was found completely inadequate;
- 4- No measures have been taken to prevent the surface runoff;
- 5- Retaining wall constructed around Honhe OB dump and Binglat OB dump has not been constructed in proper manner; gaps have been left and the wall was found very weak; which may result flowing of silt to outside area/low lying area;
- 6- Catch drain and siltation pond has also been constructed around the Honhe OB dump but at one place, it was found that flow from the catch drain was directed out of the project boundary, without any sedimentation tank, which may result flowing of water with silt to low lying area and ultimately to the nearby river;
- 7- Road construction at Honhe OB dump was done using material excavated from material OB dump resulting in loss of grass cover and rendering the slope of the dump unstable;
- 8- The weigh bridge area is situated in located at higher elevation from which runoff (from rain and sprinklers) will end up in low lying areas and eventually into the river.; No catch drain or walls around this area and water carrying coal flows in the low lying area and ultimately to river BArki;



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- 9- Regular monitoring of ground water level and quality is not being carried out by establishing a network of existing wells and constructing new piezometers;

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Whereas, in response to the show-cause notice you had submitted your compliance report vide their ref. no. PO/Amrapali/EC(NGT)/Compliance/2020-21/2544 dated 29.12.2020.

Whereas the Regional Officer, JSPCB Regional Office, Hazaribagh was directed to submit a verification report specifically in the light of the reply submitted by the unit vide Board's ref. no. B-04, dated 01.01.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was again directed to submit the current compliance status report vide Board's Ref. NO. B-1146, Ranchi, dated 16.08.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh has submitted the Inspection Report vide his memo no. 843 Hazaribagh dated 19.08.2021. The observations of which is as follows:

1. Construction of CHP and Railway Siding-
For the construction of coal silo and CHP work has been awarded to M/s L & T Limited and for the railway siding work has been awarded to RITES, time bar is for 2 years.
2. Presently coal is sent to M/s Shivpur Railway Siding approx. 6 kms. Away by covered trucks/hyvas. Water Spraying is being done on transport route.
3. Toe wall has been constructed around the OB dump at Binglat 1 km length at North-West side of OB dump. Extended toe wall of 450 meters has been under construction and settling pit 2 nos. constructed to settle the dusts of the runoff. Garland drain about 2 km length has been constructed around Honhe dump and settling pit has been constructed at the end.
4. Tree plantation has been done on reclaimed land from beginning to monsoon 2021. Total 90,000 trees has been planted.
5. Water spraying on haul roads is being done by tankers regularly.
6. PM 10 analyzer has ben installed for the monitoring of pollutants in Ambient Air. CAAQMS system at project office is under progress.
7. Roof top rain water is collected in rain water harvesting pit.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh was again directed to submit the Inspection Report with clear recommendation with regard to each and every observation made by the Committee vide Board's Ref. No. B-2272, Ranchi, dated 27.12.2021.

Whereas, the Regional Officer, JSPCB, Regional Office, Hazaribagh has submitted the Inspection Report vide his memo no. 10, dated 07.01.2022. The observations of which is as follows:



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Sl. No.	Observation regarding non-compliance	Present Status
1	Non-construction of Coal Handling Plant (CHP), Silo and Railway Siding.	Unit has given the work order to M/s Larsen & Turbo Ltd. For construction of Silo and Coal Handling Plant and for construction of Railway Siding to M/s RITES Ltd. Work is under progress.
2	Non-construction of Toe wall, catch drain and settling pit around OB dump.	Toe wall, Garland drain and settling pit has been constructed around the OB dump.
3	Insufficient tree plantation and green belt.	Total 89234 saplings has been planted in different location in Amrapali Project during the period from 2015 to 2021.
4	Contaminated run-off flowing into Barki River/Dundhmatia Nalla.	Toe wall, Garland rain and settling pit has been constructed around the OB dump.
5	Spontaneous combustion in coal dump.	Fire fighting arrangement as well as speedy disposal of coal sent to the party.
6	Inadequate water sprinklers for controlling fugitive emission.	Water spraying on haul road and on the rout of Railway siding is being done by the movable tankers and 40 nos. fixed water sprinklers. Water is taken from rainwater harvesting pond constructed within the lease hold area. Unit has obtained the permission for withdrawing ground water 4220 m3/d for sprinkling and other purpose. Unit has 5 tankers of 28 KL, 03 Tankers 12 KL, 10 Tankers 20 KL, 03 Tankers 12 KL, 03 Tankers 8 KL, 01 Tankers 18 KL, 01 Tankers 15 KL.

Moreover, in light of the above facts it has also been recommended to take action for not constructing Railway Siding, Silo & CHP which is given in EC conditions.

Whereas, the competent authority had ordered to calculate the Environmental Compensation against your unit as per the Report of the CPCB In-hose committee on Methodology for assessing environmental compensation and action plan to utilize the fund.

Whereas, the compensation amount was calculated as Rs. INR 1,35,00,000.00 (i.e. Rupees One Crore Thirty Five Lacs only vide Board ref. no. B-209, dated 25.01.2022.

Whereas, unit has submitted the environmental compensation amount to the Board vide unit's letter no. CCL/HoD(E&F)/2022/127, dated 23.02.2022 vide State Bank of India Demand Draft bearing no. 960479 dated 23.02.2022.

Whereas, the committee comprising of Dr. G.P. Singh, Scientist 'D', CPCB Eastern Regional Directorate, Kolkata and Sri A. K. Yadav, Regional Officer, JSPCB, Regional Office, Hazaribagh has visited the site on 03-04 Feb'2022 and submitted the fresh assessment report. The observations found during inspection are as follows:



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- (15)
- (i) Neither conveyor system nor any silos are installed so far.
 - (ii) 100 % of coal is still being transported through road using dumpers.
 - (iii) Conventional mining using drilling, blasting is used for overburden as well as the coal which reportedly cannot be mined out using surface miners (it accounts for around 1 % of total coal as reported).
 - (iv) Work order for Amrapali OCP, siding of CCL was awarded in the year 2017 but still it is not completed.
 - (v) The work order for Coal Handling Plant (CHP) has been awarded to M/s Larsen and Toubro Limited on 31.12.2020.

Whereas, it is to mention that the construction of Railway siding, Silo and CHP has not been completed yet.

Now, therefore, 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:

- (g) to submit the detailed timeline for complying all the above-mentioned deficiencies found during inspection i.e construction of railway siding, CHP and silo within 7 days from issuance of this letter.
- (h) 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 concerned officials of M/s Amrapali Opencast Coal Mining Project as per law.

This issues with the approval of competent authority.

Memo No... B-851.....

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

Sd/-

(Y. K. Das)

Member Secretary

Ranchi, dated. 02/5/2022

(Y. K. Das)

Member Secretary



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