

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No: 28 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

INDEX

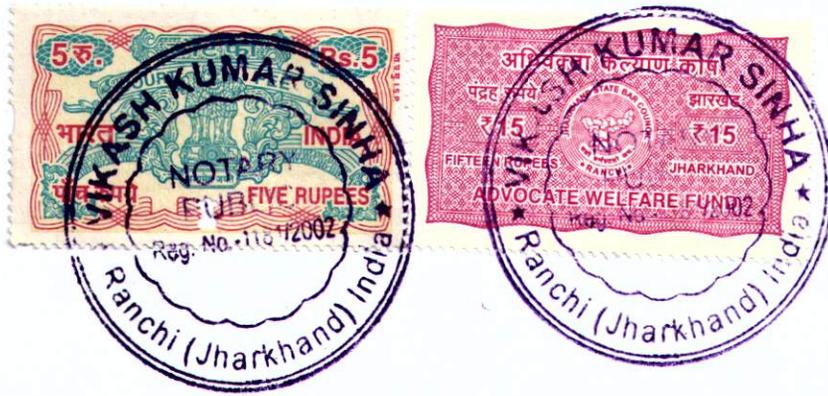
Sl. No.	Particulars	Page No.
1.	Counter Affidavit on Behalf of Respondent No. - 4 Jharkhand State Pollution Control Board.	
2.	Annexure-I: True copy of Board's Ref. No. B-851, dated 02/05/2022.	
	Annexure-II: True copy of Board's Ref. No. B-1108, dated 10/06/2022.	

Filed by: -



Surendra Kumar  
Advocate

Jharkhand State Pollution Control Board



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O. A. No: 28 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.



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 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 were 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

07 JUL 2022



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 - I**.

5. That, it is humbly stated and submitted that a Final show-cause notice for non-compliance as reported by the committee constituted by the Hon'ble NGT, EZB, Kolkata was issued to M/s Amrapali OCP vide Board's Ref. No. B-1108, dated 10/06/2022 and the following directions were 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.

In case unit fails to comply the above directions, JSPCB will be constrained to



07 JUL 2022

initiate proceedings/legal action against defaulting officials M/s Amrapali Opencast Coal Mining Project as per law.

Photocopy of Board's Ref. No. B-1108, 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 revocation of CTO issued to the Unit and issuing Direction for Closure is under process.

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

*Yoti of the same*

DEPONENT

**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.

*Yoti of the same*

DEPONENT

*BSK*  
7/7/22  
Signature Attested on Identification of Lawyer



*07/07/22*  
Notary Public

7 JUL 2022



# 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: [ranchijspcb@gmail.com](mailto:ranchijspcb@gmail.com)

A-I

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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.

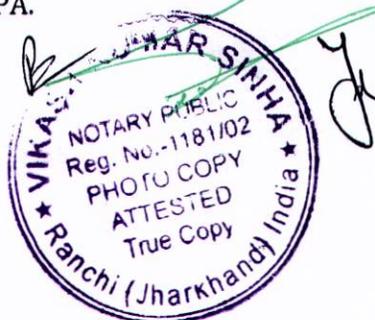
Ref.: The Board's letter vide ref. no. B-209, dated 25.01.2022.

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 Chatra (Jharkhand)" by MoEF and CC vide F. No. J-11015/109/2003-IA-II(M), dated 20.03.2020.

Whereas, Environmental Clearance was granted for "Expansion of Amrapali Opencast Coal Mine from 14.4 MTPA to 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:

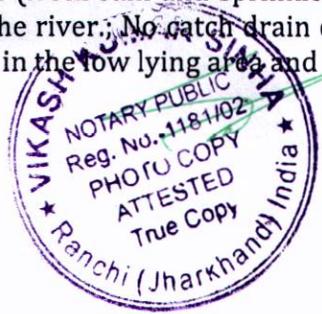
1. The Regional Office, MoEF & CC, Ranchi;
2. The Regional Office, CPCB, Regional Office, Kolkata;
3. The Jharkhand State Pollution Control Board (State PCB) and,
4. Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF and CC.

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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*[Handwritten signature]*

- 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.

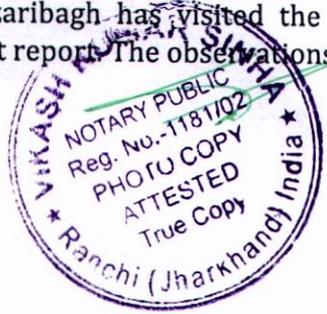
Moreover, in light of the above facts it has also been recommended to take action for not constructing Railway Siding, Silo & CHP which is given in EC conditions.

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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- (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.

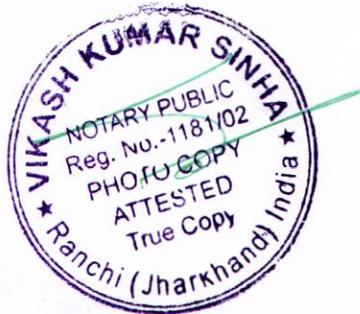
This issues with the approval of competent authority.

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



A-II



## 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: [ranchijspcb@gmail.com](mailto:ranchijspcb@gmail.com)

Ref. No. B-1108

Ranchi, dated 10/6/2022

From,

Y. K. Das  
Member Secretary

To,

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

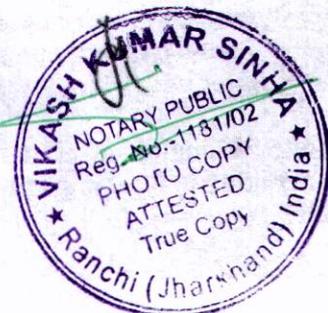
**Sub: Final show-cause notice for non- compliance as reported by the committee constituted by the Hon'ble NGT, EZB, Kolkata - reg.**

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, Gol vide F. No. J-11015/109/2003-IA.II(M), dated 03.01.2006.

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754/DKC/00/MC

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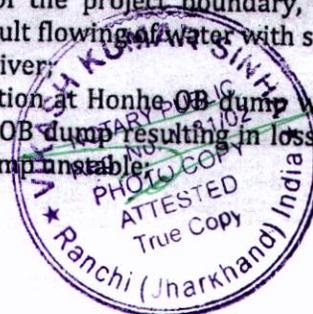
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4. Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF and CC.

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.

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- 4- No measures have been taken to prevent the surface runoff;
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- 8- The weigh bridge area is situated 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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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.

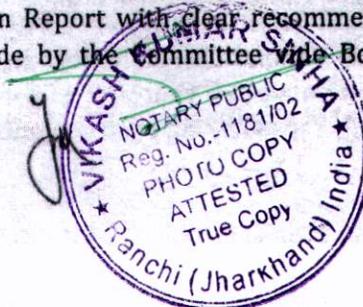
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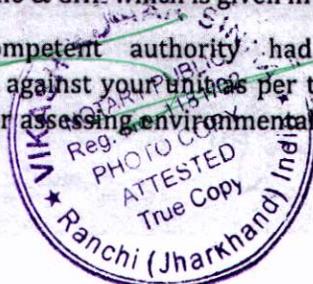
756/DKC/00/MC

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:

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.

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:

- (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.

Whereas, in view of the above, your representation was rejected as it was established that there was non-compliance of CTO conditions in past. Henceforth, 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 the Board vide letter no. B-851, dated 02.05.2022 has issued the following directions:

- i. 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.
- ii. 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.

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 a last show-cause is being issued to your unit to submit the following:

- i. 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.
- ii. 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 defaulting officials M/s Amrapali Opencast Coal

758/DKC/00/MC



Mining Project as per law.

This issues with the approval of competent authority.

Memo No. B-1108

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

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

(Y. K. Das)  
Member Secretary

