

From,

Dr. T.N. Singh,
Regional Officer,
U.P. Pollution Control Board,
Sonbhadra.

Ref. No. G1002523/O.A.No. 512/2022/2022

Date: 17/12/2022

To,

Hon'ble NGT, Principal Bench,
New Delhi.

Sub:- Regarding objection raised by the nominee of the NCL Singrauli in the joint committee report constituted in O.A. No. 512/2022 Shri Sanjay Kushwaha Vs. State of U.P.

Sir,

Please refer the above noted case which is listed on 21.12.2022. In compliance of the order dated 30.08.2022, a factual and Action Taken Report has to be submitted by the joint committee constituted by Hon'ble Tribunal after verifying the factual position of the grievance of the applicant.

It is most respectfully submitted that the joint committee report was sent to nominee of the Chairman-cum-Managing Director, Northern Coalfields Ltd. (NCL), Khadia, the member Shri Amarnath Pandey, General Manager (Environment and Forest), NCL, Singrauli. He raised some objection in writing and has been requested to incorporate some observation and recommendation in the joint committee report. State PCB nominee and nominee of District Magistrate, Sonbhadra have signed on the said joint committee report but third member has returned report without signature. The letter send by PCB and the objection raised by the member is being annexed as Annexure 1 & 2 respectively with joint committee report.

Yours Sincerely,

(Dr. T.N. Singh)

Regional Officer
Sonbhadra

Report of Committee Constituted by Hon'ble NGT in the matter of O.A. No. 512/2022 Shri Sanjay Kushawaha Vs State of U.P.

Hon'ble NGT in the matter O.A. No. 512/2022 Shri Sanjay Kushawaha Vs. State of U.P. vide order dated 30.08.2022 directed the following:-

3. "Accordingly, we constitute a Joint Committee comprising of representative of Chairman-cum-Managing Director, Northern Coalfields Limited (NCL), Khadia, State PCB and District Magistrate, Sonbhadra and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:- (i) the Project Proponent to enable it to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations in the same and file its response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and (ii) State PCB and District Magistrate, Sonbhadra to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee. The report be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 21.12.2022....."

Accordingly, the following members have been nominated by the concerned departments for the said committee:-

- **Shri Sahdev Kumar Mishra, ADM (F/R), Sonbhadra as nominee of District Administrative, Sonbhadra.**
- **Shri Amarnath Pandey, General Manager (Environment and Forest), NCL Singrauli as nominee of Chairman-Cum-Managing Director Northern Coal Fields Limited (NCL) Khadia.**
- **Dr. T.N. Singh, Regional Officer, U.P. Pollution Control Board, Sonbhadra.**



The nominated committee members have conducted field visit on 15.10.2022 to review the factual position in the matter. The factual status of the concerned of the site is as follows:-

1. There is a Earthen Path starting from Coal Yard No. 05 (Over Time Office) to Old CHP Junction near coal yard no. 01 via work shop back side corner and weigh Barrier no 03 to back side of the workshop and barrier no. 02 within NCL, Khadia boundary for transportation of Coal for weighing at weighing bridge installed for the purpose. The length of the Earthen Path is approximately 6.61 KM as reported by the NCL representative.
2. At time of inspection, it was found that the total road length has not been paved for movement of heavy vehicles.
3. Being a earthen road, huge dust is emitted during the transportation of the heavy vehicles.
4. During the visit, it was noticed that water sprinkling arrangement through tankers has been provided to suppress the dust.
5. The complainant Mr. Sanjay Kushwaha was present during the inspection at site and he has reported that the water sprinklers has been done deployed for today only due to the scheduled visit of the committee.
6. It was noticed that the house of Mr. Sanjay Kushwaha is approximately 10 meters from the Earthen road and it was reported that the road is kachha and due to movement of heavy vehicles road dust arising from the movement of the vehicles is affecting the health of resident near the movement area of the vehicles. The representative of NCL Kahdia reported that the earthen path shall be paved and concrete road shall be constructed for movement of the vehicles. The construction of concrete Road has been started.
7. The committee visited the starting point of the concrete pavement point and noticed that, the construction of Pucca pavement has been stated. The reported completion period is within 03 months.
8. There is no mechanism to oversee the management of dust arising out of vehicles and sprinkling of water at particular road site and accordingly it was directed to install a PTZ camera for monitoring of the affected sites for regular water sprinkling and construction of CC road.
9. The complainant Shri Sanjay Kushwaha suggested that green belt should be developed across the pavement as a hurdle of the dust emitted from the vehicular movement and continuous water sprinkling upto completion of CC road so that, it may not affect the health of the family residing near the vehicular movement path
10. The NCL representative supported the complainant and assured the complainant that within stipulated time period approximately January 2023, the Earthen Road shall be made CC road and regular water sprinkling shall be done up to completion of road and green belt shall be developed between the road and the complainant house across the whole Road length.



Recommendations:

1. It may be concluded that, NCL has not taken care of the responsibility to provide fresh Air as a fundamental right of the citizen and accordingly liable to pay appropriate Environmental Compensation which need to be calculated as per existing mechanism (if any) developed for the purpose.
2. The Earthen Road should be converted into CC road along with necessary green belt as proposed within reported time frame.
3. The committee directed the NCL representative for continuous sprinkling of water to suppress the dust during movement of vehicle and should be monitored in daily basis.
4. Water sprinkling should be done regularly to suppress the dust.
5. PTZ camera should be installed in the affected area and it should be connected with CPCB/UPPCB server for monitoring.


17/12/2022

(Dr. T.N. Singh)

**Regional Officer,
U.P. Pollution Control Board,
Sonbhadra**



(Shri Amarnath Pandey),

**General Manager
(Environment and Forest),
NCL Singrauli**


17/12/2022

(Shri Sahdev Kumar Mishra)

**ADM (F/R),
Sonbhadra**

G/002576/01110-512/2022

15/12/2022

सेवा में,

श्री अमरनाथ पाण्डेय,
महाप्रबन्धक,
वन एवं पर्यावरण,
एन0सी0एल0 खड़िया प्रोजेक्ट,
सिंगरौली।

विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित याचिका संख्या-512/2022 श्री संजय कुशवाहा बनाम उ0प्र0 राज्य के सम्बन्ध में।

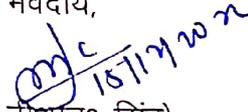
महोदय,

कृपया उपरोक्त विषयक मा0 राष्ट्रीय हरित अधिकरण में पारित आदेश दिनांक 30.08.2022 के अनुपालन में उक्त प्रकरण की स्थलीय जाँच हेतु आपको चेयरमैन-कम-मैनेजिंग डायरेक्टर नार्दर्न कोलफिल्ड्स (एन0सी0एल0) लिमिटेड सिंगरौली द्वारा नामित किया गया था। राज्य बोर्ड के नामित अधिकारी डॉ0 टी0एन0 सिंह, क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र तथा जिलाधिकारी, सोनभद्र के नामित प्रतिनिधि अपर जिलाधिकारी (वि0/रा0) हैं।

उक्त गठित समिति द्वारा प्रकरण की जाँच दिनांक 15.10.2022 को की गयी थी तथा जाँच आख्या आपको पूर्व में वाट्सअप के माध्यम से सहमति की दशा में हस्ताक्षर हेतु प्रेषित की गयी थी। उक्त जाँच आख्या पर अभी तक आपके हस्ताक्षर नहीं हुये हैं। तत्सम्बन्ध में आपसे दूरभाष पर वार्ता की गयी थी, जिसमें आप द्वारा अवगत कराया गया था कि जाँच रिपोर्ट में अंकित तथ्यों से हम सहमत नहीं हैं। आपके हस्ताक्षरित रिपोर्ट प्राप्त न होने के अभाव में मा0 राष्ट्रीय हरित अधिकरण में रिपोर्ट भेजने में विलम्ब हो रहा है। सदस्य सचिव महोदय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ द्वारा स्वीकृत संयुक्त जाँच आख्या के किसी विन्दु पर असहमति के विन्दुओं को अंकित करते हुये हस्ताक्षरित रिपोर्ट प्राप्त होने के उपरान्त ही माननीय एन0जी0टी0 में प्रेषित किया जाना सम्भव होगा क्योंकि मा0 राष्ट्रीय हरित अधिकरण में प्रकरण दिनांक 21.12.2022 को सुनवाई हेतु नियत है।

उक्त के परिप्रेक्ष्य में आपसे अनुरोध है कि जाँच आख्या पर अविलम्ब हस्ताक्षर करते हुए इस कार्यालय के ई-मेल rosombhadra@uppcb.in पर अविलम्ब प्रेषित करने का कष्ट करें, जिससे कि हस्ताक्षरित आख्या मा0 राष्ट्रीय हरित अधिकरण में तत्काल ई-मेल के माध्यम से प्रेषित की जा सके।

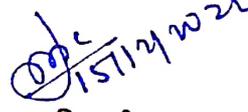
भवदीय,


15/12/2022
(डॉ0 टी0एन0 सिंह)
क्षेत्रीय अधिकारी
१८

पू0सं0 एवं दिनांक उपरोक्तानुसार।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित:-

1. जिलाधिकारी महोदय, सोनभद्र को सादर सूचनार्थ प्रेषित।
2. चेयरमैन-कम-मैनेजिंग डायरेक्टर, नार्दर्न कोलफिल्ड्स (एन0सी0एल0) लि0, सिंगरौली।
3. मुख्य पर्यावरण अधिकारी (वृत्त-2), उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।
4. प्रभारी विधि अनुभाग, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।


15/12/2022
क्षेत्रीय अधिकारी
१८

नॉर्दर्न कोलफील्ड्स लिमिटेड
(मिनिरातना कंपनी)
(कोल इण्डिया लिमिटेड की अनुषंगी कंपनी)



Northern Coalfields Limited
(A Miniratna Company)
(A subsidiary of Coal India Limited)

पर्यावरण विभाग / Environment Department



CIN- U10102MP1985GOI003160

An ISO: 9001, ISO: 1401 & OHSAS: 18001 Certified Company

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Phone: 07805- 266565, (FAX) 266565

email: gmenv.ncl@coalindia.in

website : www.nclcil.in

Ref: No: NCL/SGR/ENV2022/ 9906

Date: 16/12/2022

To,
The Regional Officer,
U.P. Pollution Control Board,
H.No. 162, Uttar Mohal, Robertsganj,
Sonbhadra (U.P.)

Subject: - Regarding report of committee constituted by Hon'ble NGT in the matter of O.A. No. 512/2022 Shri Sanjay Kushawaha Vs State of U.P.

Ref: Your office's letter regarding subject matter vide ref no. G002510/OANO-512/2022 dtd 15.12.2022 received through email dtd 16.12.2022

Dear Sir,

In connection with above subject and the draft report in the matter of OA No. 512/2022 (Sanjay Kushwaha vs State of Uttar Pradesh) under reference, the undersigned has genuine reservations/disagreement on the following points:

- Observation no. 3:-** It was observed that water sprinkling was being done at the inspection and it was apprised by Khadia Project, NCL that the sprinkling is a regular activity and hence chances of dust emission during transportation are minimized.
- Recommendation no. 1:-** Based on the observation and discussion with complainant, it is evident that the root cause of the issue raised is due to earthen road. However, as mentioned in the report itself, the construction of CC road is already in progress and Khadia Project is taking all the necessary steps to minimize pollution. Hence, there is no ground for the recommendation of Environmental Compensation.

In view of the above, it is requested to kindly incorporate the said observations and recommendations of the undersigned in the draft report.

Yours faithfully

GM (Environment & Forests)
NCL, Singrauli

Copy for kind information to:
Director (T/P&P), NCL

Copy to:
TS to CMD, NCL