

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IA no. of 2023

Original Application No. 154 2023/EZ

Old ORIGINAL APPLICATION NO. 110 (The) OF 2012



In the matter:

Threat to life arising out of coal mining
in South Garo Hills District

Versus

State of Meghalaya & Others

... Respondents

And

In the matter of:-

Goldstone Cements Limited

..Applicant/Proposed Respondent

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Dated: 11.10.2023

Bipasha Jaiswal

Filed by

Bipasha Jaiswal, Advocate for Goldstone Cements Limited

For Goldstone Cements Limited

Sanjib Kumar Mitra
Authorised Signatory

11 OCT 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IA no. of 2023
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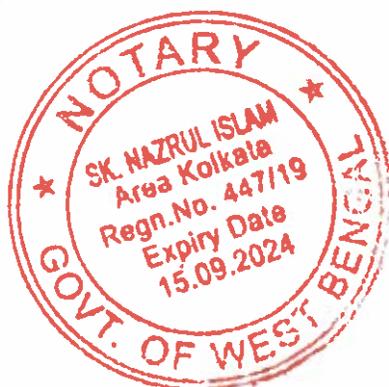
In the matter of:-

Goldstone Cements Limited

..Applicant/Proposed Respondent

Synopsis

The applicant herein is filing the present application seeking directions for intervention and to be added as a party respondent in the present original application.



For Goldstone Cements Limited

Sanjib Kumar Mitra
Authorized Signatory

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

IA No. of 2023/EZ

OA No. 154/ of 2023/EZ

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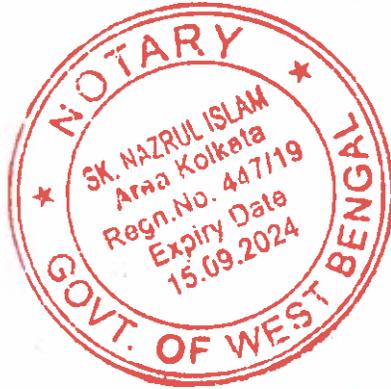
... Respondents

And

In the matter of:-

Goldstone Cements Limited, having its
registered office at Village, Musiang
Lamare (Old), Khliehriat, East Jaintia
Hills, Meghalaya-793200 and Corporate
Office at Room No. 1908, 19th Floor,
Tower 1, Plot, G2, P.S. Srijan Corporate
Park, GP Block, Sector V, Bidhannagar,
Pin-700091, West Bengal

.. .. Applicant/Proposed Respondent



APPLICATION SEEKING IMPLEADMENT OF GOLDSTONE CEMENTS LTD.

MOST RESPECTFULLY SHOWETH:

1. The address of the applicant is as given above. The address of applicant for service of notice of this application is Olisa Chamber, 4B Council House, Kolkata, Room No. 4C.
2. The addresses of the respondents are given in the memo of parties above for service of notice of the application.

For Goldstone Cements Limited

Sanjib Kumar Mitra
Authorized Signatory

3. The present application is filed seeking the permission of this Hon'ble Tribunal to implead the Applicant, namely, Goldstone Cements Limited ("GCL"), in the present proceedings as a added respondent.

A. FACTS OF THE CASE:

1. The present Impleadment Application is being filed pursuant to the directions of the Hon'ble Supreme Court in the Judgment dated 02.05.2023 in Civil Appeal No. 3820 of 2020 titled *Star Cement Ltd. & Others v. State of Meghalaya & Others* along with Civil Appeal No. 2726-2727 of 2021 titled *Goldstone Cements Limited v. State of Meghalaya & Others*, wherein the Hon'ble Supreme Court directed as follows,

"[...]we would have to restore the proceedings in relation to the appellants back to the file of the NGT, at the stage, at which they stood prior to the passing of the impugned judgment dated 17 January 2020. Consequently, and to facilitate the above exercise, we set aside the impugned judgment dated 17 January 2020 in relation to its applicability to the Appellants before this Court and direct that:

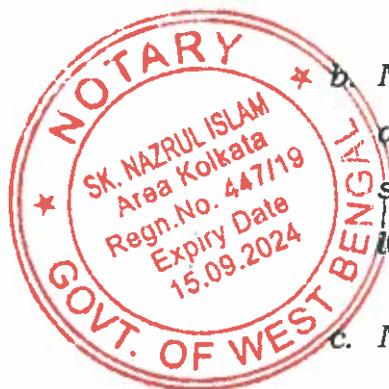
- a. *The Appellants shall submit their responses to the interim reports of the Committee appointed by NGT within a period of four weeks;*
- b. *NGT shall furnish to the Appellants an opportunity of being heard, after which it shall proceed to pass orders after dealing with the suggestions and objections of the Appellants in accordance with law;*
- c. *NGT shall take a final decision in three months; and*
- d. *The Appellants would be at liberty to apply to the NGT for inspection of records, including the underlying documents which were submitted by the Committee."*

(Emphasis Supplied)

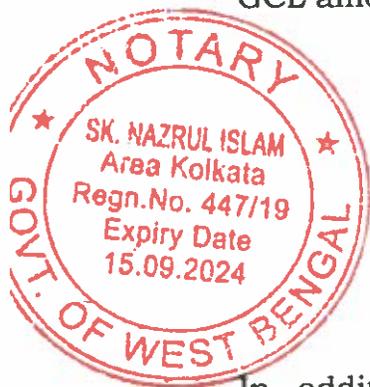
A Copy of the Order passed by the Hon'ble Supreme Court in "*Star Cement v. State of Meghalaya & Ors.*" (Civil Appeal No. 3820/2020) and other connected matters is annexed herewith and marked as ANNEXURE A-1.

For Goldstone Cements Limited

Sanjiv Kumar Jitka
 Authorised Signatory



2. The above Civil Appeal(s) were filed by the Applicant, along with other power and cement producers operating in the State of Meghalaya. In Civil Appeal No. 2726-2727 of 2021, the Applicant challenged the Orders dated 17.01.2020 and 15.03.2021 passed by the Hon'ble National Green Tribunal, New Delhi in the captioned proceedings [O.A. No.110(THC)/2012] whereby the Hon'ble Tribunal (i) accepted all recommendations made, in the 5th Interim Report dated 02.12.2019, by the Monitoring Committee constituted under the directions of this Hon'ble Tribunal ("Committee") and (ii) consequently directed proceedings to be initiated against the cement and power plants, including GCL, under Mines & Minerals (Regulation and Development) Act, 1957 and other Environmental laws.
3. In the 5th Interim Report, the Committee erroneously found the Applicant, along with other power/cement plants, to have utilised illegally mined coal. In view of the above, the Committee recommended that the National Green Tribunal realize royalty, GST/VAT and contribution to MEPRF from GCL amounting to Rs. 42.200/- Crores.



Royalty	Rs. 18.260 Crores
MEPRF	Rs. 13.120 Crores
GST/VAT	Rs. 10.821 Crores
TOTAL:	Rs. 42.200 Crores

In addition, the Committee also recommended that an amount of Rs.400/MT of coal to be utilized by GCL herein (and other plants) on or after the date of the order shall be directed to be deposited in the MEPRF.

Accordingly, the Director of Mineral Resources, Meghalaya, Shillong issued a demand notice to GCL, directing it to make the payment of the aforesaid amounts as per the 5th Interim Report. This demand notice was followed up by subsequent demand notices issued by various statutory authorities.

4. On 14.05.2021, the Applicant, being aggrieved, filed Civil Appeal No. 2726-2727 of 2021 titled *Goldstone Cements Limited v. State of Meghalaya & Others*, before the Hon'ble Supreme Court, assailing the Order dated 17.01.2020 and the Order dated 15.03.2021 passed by the Hon'ble National Green Tribunal, New Delhi in the captioned matter.
5. On 14.07.2021, the Hon'ble Supreme Court issued notice in the aforesaid appeal and tagged it with the main matter namely, Civil Appeal No.3820 of

For Goldstone Cements Limited

Sanjit Kumar Jitka
Authorised Signatory

2020 titled *Star Cement Ltd. & Others v. State of Meghalaya & Others*. A Copy of the Order dated 14.07.2021 passed by the Hon'ble Supreme Court in Civil Appeal No.2726-2727 /2021 titled "*Goldstone Cements Limited & Others v. State of Meghalaya & Others*" is annexed hereto and marked as ANNEXURE A-2.

6. On 02.05.2023, the Hon'ble Supreme Court disposed of the abovementioned Appeals filed by the Applicant and other Power/Cement Plants in Meghalaya and directed the Appellants therein, including GCL, to file their response to the interim reports of the Committee before the Hon'ble National Green Tribunal. In light of the same, the Applicant has preferred the present Application.

7. The Applicant is a Cement Manufacturing Company having an integrated cement plant of 1700 TPD of Clinker, 2615 TPD of Cement and a Coal based Captive Power Plant of 10 MW at Musiang Lamare (Old), in East Jaintia Hills District, Meghalaya. GCL's Project was conceived in 2008 and commenced commercial operation from FY 2016-17. The present case relates to the use of coal in the Power Plant of the Applicant.

8. The Applicant, by way of the 5th Interim Report, has been fastened with a huge penalty/compensation. The Applicant is thus a necessary and proper party to the present proceeding and would be required to be heard before any Order is passed in the matter.

Hence, in view of the above said facts and circumstances it would be in the interest of justice, fair play and equity that the Applicant may be allowed to be impleaded in the present Original Application.

10. There is no alternative or efficacious remedy available to the Applicant.

11. The Petitioner has not approached the Hon'ble Supreme Court of India or any other Court/Tribunal for reliefs pertaining to the self same cause of action.

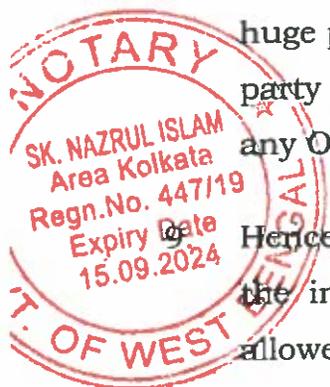
12. If the reliefs as prayed for herein are not granted, the petitioner will suffer irreparable loss and injury.

13. The balance of convenience is in favour of order being passed as prayed for.

14. Unless order as prayed for herein is made, the applicant will suffer irreparable loss and injury.

For Goldstone Cements Limited

Sanjit Kumar Dutta
Authorised Signatory



15. This application is bonafide and made in the interest of justice.
16. That the Applicants begs to move this application on, inter alia, the following amongst other:

B. G R O U N D S

- I. FOR THAT on 02.05.2023, the Hon'ble Supreme Court disposed of the abovementioned Appeals filed by the Applicant and other Power/Cement Plants in Meghalaya and directed the Appellants therein, including GCL, to file their response to the interim reports of the Committee before the Hon'ble National Green Tribunal. In light of the same, the Applicant has preferred the present Application.
- II. FOR THAT the Applicant is a Cement Manufacturing Company having an integrated cement plant of 1700 TPD of Clinker, 2615 TPD of Cement and a Coal based Captive Power Plant of 10 MW at Musiang Lamare (Old), Khliehriat, East Jaintia Hills, Meghalaya. applicant's Project was conceived in 2008 and commenced commercial operation from FY 2016-17. The present case relates to the use of coal in the Power Plant of the Applicant.
- III. FOR THAT the Applicant, by way of the 5th Interim Report, has been fastened with a huge penalty/compensation. The Applicant is thus a necessary and proper party to the present proceeding and would be required to be heard before any Order is passed in the matter.
- IV. FOR THAT in view of the above said facts and circumstances it would be in the interest of justice, fair play and equity that the Applicant may be allowed to be impleaded in the present Original Application.

C. L I M I T A T I O N :

- I. That there has been no delay in preferring this application and the present application is not barred by the Laws of Limitation. The present Petition is thus well within time and is not barred by limitation.

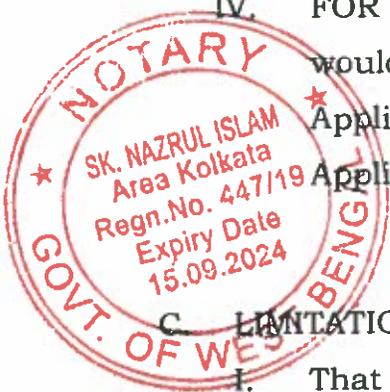
D. P R A Y E R

In the circumstances aforesaid your petitioner prays that Your Lordships may graciously be pleased to pass the following orders:

For Goldstone Cements Limited

Sanjit Kumar Dutta

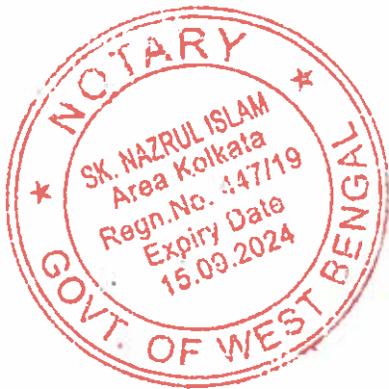
Authorised Signatory



- A. Allow the present Application, and implead Goldstone Cements Limited in the present Original Application; and
- B. Pass any other or further orders as may be necessary in the interests of justice.

And your petitioner, as in duty bound, shall ever pray.

Bipasha Jaiswal



For Goldstone Cements Limited

Sanjib Kumar Mitra
Authorised Signatory

VERIFICATION

Verified at Kolkata by the Deponent named Sanjib Kumar Mitra, son of Late Mrinal Kanti Mitra, aged about 54 years, by faith Hindu, by occupation service working for gain at Goldstone Cements Limited, 19th Floor, Tower 1, PS Srijan Corporate Park Salt Lake City, Sector 5, Block GP-G2, Kolkata- 700091 on this the th day of October, 2023 and I do hereby verify that all the facts mentioned in the affidavit are true to my Knowledge and no part thereof is false and nothing material has been concealed there from.

For Goldstone Cements Limited

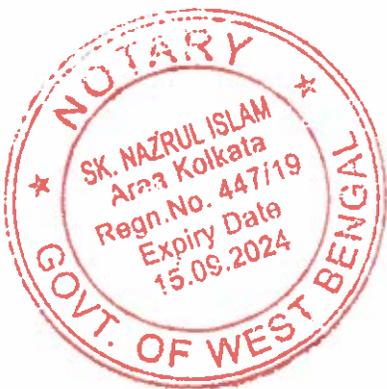
Sanjib Kumar Mitra

DEPONENT's Signatory

Dated: 11 / 10 / 2023

Place: Kolkata

*Identified by me
Bipasha Jaiswal*





Affidavit

I, Sanjib Kumar Mitra, son of Late Mrinal Kanti Mitra, aged about 54 years, by occupation-Service, Authorised Signatory of the proposed Respondent namely Goldstone Cements Limited, Registered Office at Village, Musiang Lamare (Old), Khliehriat, District, East Jaintia Hills, Meghalaya-793200 and Corporate Office, Kolkata at Room No. 1908, 19th Floor, Tower 1, Plot, G2, P.S. Srijan Corporate Park, GP Block, Sector V. Bidhannagar, Pin-700091, West Bengal, do hereby solemnly affirm and state as follows.

1. That the deponent herein. I am the authorised signatory of the Applicant herein. I am well conversant with the facts of the accompanying the present Application and is competent to swear the present affidavit.
2. That the accompanying application may be read as part and parcel of the present affidavit as the contents of the same have not been repeated herein to avoid repetition.
3. That the documents filed with the present affidavit are true replica of their respective originals.
4. The statements made in paragraphs 1 to 5 of the foregoing petition are true to my knowledge and those contained in paragraph nos. 6 are matters of record and information derived from record, which are believed to be true and correct and the rest thereof including the prayer portion are my respectful submissions before this Hon'ble Tribunal.

Identified by me &
Prepared in my office

For Goldstone Cements Limited

Sanjib Kumar Mitra
Authorised Signatory

Deponent

Bipasha Jaiswal
Advocate
R/3374/2022
Before me

Solemnly Affirmed and
Declared before me U/S 139
CFC, U/S 297 (C) CrPC

SK Nazrul Islam
Notary

11 OCT 2023

SK Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 3280 of 2020

Star Cement Limited & Ors

.... Appellant(s)

Versus

State of Meghalaya & Ors

....Respondent(s)

WITH

Civil Appeal No 4144 of 2020

Civil Appeal No 2302 of 2021

Civil Appeal No 2355 of 2021

Civil Appeal Nos 2726-2727 of 2021

Civil Appeal Nos 4991-4992 of 2021

Civil Appeal No 781 of 2022

Civil Appeal No 3528 of 2022

Civil Appeal No 4962 of 2022

*True copy
Bipasha Saha*

Signature Not Verified
Digitally signed by
Sangay Kumari
Date: 2023.05.08
16:52:03 IST
Reason: —



ORDER

- 1 This batch of appeals arises from a judgment of the National Green Tribunal¹ dated 17 January 2020.
- 2 In 2012, the Gauhati High Court registered a public interest litigation *suo motu* on the basis of a news item in the month of July, stating that several labourers were trapped inside a coal mine resulting in large scale deaths. The proceedings before the Gauhati High Court were transferred to the NGT and were numbered as Original Application No 110 (THC)/2012.
- 3 In the meantime, in 2014, All Dimasa Students Union Dima Hasao District Committee instituted Original Application No 73 of 2014 before the Principal Bench of the NGT making serious allegations against 'rat-hole' mining operations which were being carried out in Jaintia Hills of the State of Meghalaya without regulation under the law.
- 4 The NGT issued an order on 17 April 2014 directing the State of Meghalaya to ensure the cessation of rat-hole mining forthwith and of the illegal transportation of coal.
- 5 During the pendency of the proceedings, a Committee was constituted on 9 June 2014 to quantify the coal that had already been extracted before the ban and to assess its location and value. The Committee was also to prescribe the mode of transportation. This was followed by subsequent orders of the NGT. On 31 August 2018, the NGT constituted a Committee chaired by a former Judge of the

1 "NGT"

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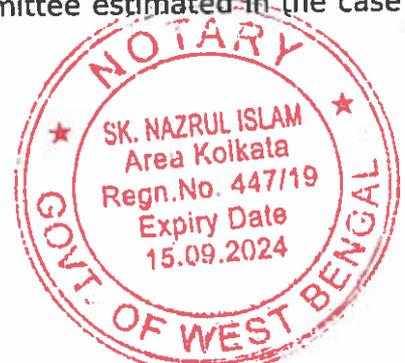


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Gauhati High Court to look into the restoration of the environment and rehabilitation of the victims. The Committee was also to supervise issues pertaining to receivership / custodianship of the already extracted coal, including environmental issues arising out of storage and remedial steps. The Committee furnished a report on 2 January 2019, which was considered by the NGT in an order dated 4 January 2019.

- 6 The order also took note of another tragic incident which had taken place on 13 December 2018, despite the earlier ban by the NGT.
- 7 From the impugned order of the NGT, it emerges that the Committee had submitted three reports on 2 January 2019, 31 March 2019 and 2 August 2019, which were dealt with by the NGT in its orders dated 4 January 2019, 11 April 2019 and 22 August 2019. The Committee thereafter submitted reports dated 31 August 2019, 2 December 2019 and 3 December 2019. The gist of these reports was set out by the NGT. The Committee, in the course of its fifth interim report dated 2 December 2019, arrived at the conclusion that there was a huge gap in the quantity of coal required to produce the reported quantity of clinker and/or power and the coal reported to have been purchased from legal sources by the cement manufacturing plants and thermal power plants in the State of Meghalaya for which an audit was completed by the Committee. The Committee estimated the year-wise quantity of the coal required to produce the reported quantities of clinker and/or power, the coal actually purchased from legal sources and the gap between them for 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19. Having carried out this exercise, the Committee estimated in the case of nine industrial units:

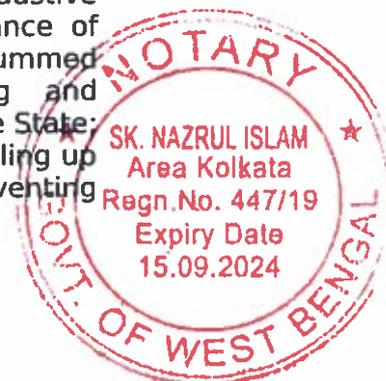
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- (i) The quantity of illegal coal used in metric tonnes;
- (ii) The royalty payable;
- (iii) The contribution required to be made to the Environmental Protection and Restoration Fund; and
- (iv) GST/VAT payable.

The Committee submitted its sixth interim report dated 3 December 2019 to deal with the objections raised by the State of Meghalaya.

8 From the impugned order of the NGT, it emerges that the proceedings before the NGT came up for hearing on 9 January 2020 and the impugned order was uploaded on the website on 17 January 2020. After setting out the gist of the reports, the NGT dealt with the objections which were filed by the State of Meghalaya to the reports submitted by the Committee on 31 August 2019 and 3 December 2019. After rejecting the objections of the State of Meghalaya, the NGT proceeded to issue its directions, accepting all the recommendations of the Committee in the fourth interim report dated 31 August 2019, fifth interim report dated 2 December 2019 and sixth interim report dated 3 December 2019. The directions which have been issued by the NGT are summarized thereafter in paragraph 23, which is extracted below:

"23. Without in any manner meaning to dilute the exhaustive recommendations of the Committee, the substance of the recommendations of the Committee can be summed up to include monitoring of illegal raising and transportation of coal by the Chief Secretary of the State; steps for punitive measures for illegal mining — filling up gaps in the regulatory regime; action for preventing

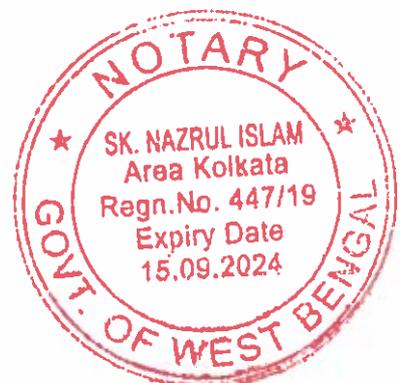


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minimizing and mitigating environment pollution by acidic water from coal depots; electronic recording of movement of coal including by way of GPS and RFID Tags and having a central server for the purpose; inspection of wings of BSF and vigilance department; establishing and supervising check posts and weigh bridges; utilization of the compensation amount for legitimate purposes in terms of the recommendations in the report; continuing Prof. A.K. Singh, nominee, IIT-ISM, Dhanbad as member of the Committee; monitoring of sourcing of illegally mined coal by cement manufacturing/thermal power plants for enforcement of mining law, including punitive and remedial actions for sourcing of illegally mined material, as found by the Committee; conducting necessary audit; study of land use and land cover analysis; drilling of bore holes in Khlihirt-Sutnga area in East Jaintia Hill District; preparation of geological report and feasibility report for scientific coal mining; compiling information about location of dumps of coal; finalizing mode and manner of handling of coal and its disposal including e-auction; transfer of coal to Coal India Limited; monitoring of illegal export of coal to Bangladesh by an independent agency; adopting satellite surveillance systems; action by the State PCB for enforcement of environmental norms; verification of claims of victims and disbursement of payments to them in the manner suggested by the Committee; implementing action plan prepared by the Committee by the State PCB etc. Compliance of all the recommendations may need to be closely monitored by the Committee."

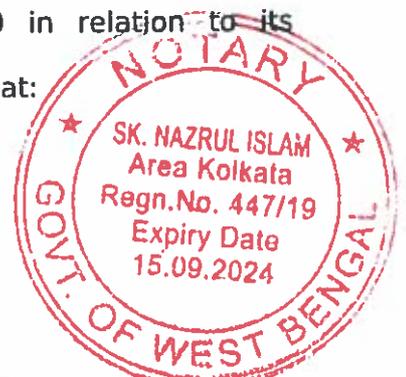
- 9 None of the appellants were parties to the proceedings before the NGT. It is common ground that the appellants were called upon to submit information to the Committee appointed by the NGT. According to the appellants, the fifth interim report dated 2 December 2019 was uploaded on 8 January 2020 at 1655 hours, following which a hearing took place on 9 January 2020. Neither were the appellants impleaded as parties to the proceedings nor was any notice issued to them to submit objections to the interim reports which were filed before the NGT. Eventually, the NGT, as noted earlier, accepted the recommendations of the Committee.

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- 10 Section 19(1) of the National Green Tribunal Act 2010 provides that the NGT shall not be bound by the procedure laid down by the Code of Civil Procedure 1908, but shall be guided by the principles of natural justice. The National Green Tribunal (Practices and Procedures) Rules 2011 provide in Rule 15 for service of notice and processes and in Rule 16 for the filing of replies and other documents by respondents.
- 11 The appellants were not parties before the NGT and did not have the opportunity to deal with the contents of the reports of the Committee appointed by it. The NGT had assigned a fact finding and recommendatory role to the Committee. The ultimate decision on the reports of the Committee had to be taken by the NGT, which could only be arrived at after considering the submissions of the parties, who would be directly affected by the findings of the Committee if they were to be accepted by the NGT.
- 12 Reading the impugned order of the NGT, we do not find any independent application of mind. The Committee, which was chaired by a former Judge of the High Court, had in the view of the NGT, carried out a copious exercise. But that would not obviate the need for the NGT to arrive at its own independent findings after furnishing the parties, who would be directly affected, an opportunity of being heard. The NGT having not done so, we would have to restore the proceedings in relation to the appellants back to the file of the NGT, at the stage, at which they stood prior to the passing of the impugned judgment dated 17 January 2020. Consequently, and to facilitate the above exercise, we set aside the impugned judgment dated 17 January 2020 in relation to its applicability to the appellants before this Court and direct that:

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- (i) The appellants shall submit their responses to the interim reports of the Committee appointed by NGT within a period of four weeks;
- (ii) NGT shall furnish to the appellants an opportunity of being heard, after which it shall proceed to pass orders after dealing with the suggestions and objections of the appellants in accordance with law;
- (iii) NGT shall take a final decision in three months; and
- (iv) The appellants would be at liberty to apply to the NGT for inspection of records, including the underlying documents which were submitted by the Committee.
- 13 The appeals shall accordingly stand disposed of.
- 14 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

New Delhi;
May 02, 2023
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ITEM NO.11

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).3280/2020

STAR CEMENT LIMITED & ORS.

Appellant(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(WITH IA No. 101983/2020 - APPLICATION FOR PERMISSION, IA No. 119002/2022 - CLARIFICATION/DIRECTION, IA No. 87559/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 101998/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 87560/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 87558/2020 - STAY APPLICATION)

WITH

C.A. No. 4144/2020 (XVII)

(WITH IA No. 120345/2020 - EX-PARTE STAY, IA No. 120344/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 2302/2021 (XVII)

(WITH IA No. 69802/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 69801/2021 - STAY APPLICATION)

C.A. No. 2355/2021 (XVII)

(WITH IA No. 72268/2021 - EX-PARTE STAY, IA No. 72271/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 72270/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 72274/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES)

C.A. No. 2726-2727/2021 (XVII)

(WITH IA No. 76856/2021 - EX-PARTE STAY, IA No. 76860/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 76858/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 4991-4992/2021 (XVII)

(WITH IA No.91889/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.91888/2021-EX-PARTE STAY and IA No.91887/2021-PERMISSION TO FILE APPEAL)

C.A. No. 781/2022 (XVII)

(WITH IA No.3537/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3536/2022-STAY APPLICATION and IA No.3534/2022-

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PERMISSION TO FILE APPEAL)**C.A. No. 3528/2022 (XVII)****(WITH IA No.60554/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60553/2022-EX-PARTE STAY and IA No.60555/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.60552/2022-PERMISSION TO FILE SLP)****C.A. No. 4962/2022 (XVII)****(WITH IA No. 85588/2022 - STAY APPLICATION)****Special Leave Petition (Civil) Diary No(s). 22753/2022 (XIV)****(FOR ADMISSION and I.R. and IA No.123797/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.123795/2022-PERMISSION TO FILE SLP, IA No. 187837/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)****Date : 02-05-2023 These matters were called on for hearing today.****CORAM :****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE J.B. PARDIWALA****For Appellant(s)****Mr. Shyam Divan, Sr. Adv.
Mr. Udayaditya Banerjee, AOR
Mr. Sudipto Sircar, Adv.
Ms. Shreya Bhojnagarwala, Adv.****Mr. Pinaki Misra, Sr. Adv.
Mrs. Vanita Bhargava, Adv.
Mr. Ajay Bhargava, Adv.
Mr. Shantanu Chaturvedi, Adv.
Ms. Prerna Singh, Adv.
M/S. Khaitan & Co., AOR****Mr. Dhruv Mehta, Sr. Adv.
Mr. Nawneet Vibhaw, Adv.
Mr. Himanshu Pabreja, Adv.
Mr. S. S. Shroff, AOR****Mr. Huzefa A Ahmadi, Sr. Adv.
Mr. E. C. Agrawala, AOR****Dr. Ashok Saraf, Sr. Adv.
Mr. Kaushik Choudhury, AOR****Mr. Manpreet Singh Lamba, Adv.
Mr. Pulkit Agarwal, AOR
Mr. Sanampreet Singh, Adv.**TC
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Mr. Shivani Sharma, Adv.
 Mr. Ashutosh Kumar, Adv.
 Mr. Palav Agarwal, Adv.
 Mr. Aditya Mishra, Adv.

For Respondent(s) Mr. Avijit Mani Tripathi, AOR

Mr. Saurabh Mishra, AOR
 Mr. Nirbhaya Tewari, Adv.
 Mr. Rakesh Chander, Adv.
 Mr. Abhishek Pandey, Adv.
 Ms. Priya Kaushik, Adv.

Mr. Avneesh Arputham, AOR
 Ms. Anuradha Arputham, Adv.

Ms. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemia Chang, Adv.
 Mr. Prang Newmai, Adv.

Ms. Richa Kapoor, AOR
 Mr. Kunal Anand, Adv.
 Ms. Tusharika Sharma, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

- 1 The appeals are disposed of in terms of the signed order.
- 2 Pending application, if any, stands disposed of.



Special Leave Petition (Civil) Diary No 22753 of 2022

- 3 In view of the order which has been delivered in the batch of appeals² listed together with the Special Leave Petition, Mr Shyam Divan, senior counsel, seeks the permission of the Court to withdraw the Special Leave Petition so as to pursue appropriate remedies before the High Court.

- 2 Civil Appeal No 3280 of 2020 etc.

TC
 B

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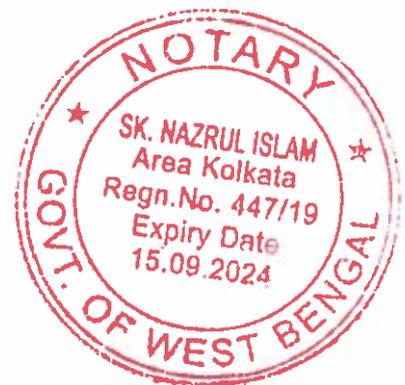
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- 4 The application for permission to file the Special Leave Petition and the Special Leave Petition are dismissed as withdrawn.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)



TC
B

ITEM NO.2

Court 6 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s).11606/2021

(Arising out of impugned final judgment and order dated 17-01-2020 in OA No.110/2012 15-03-2021 in OA No.110/2012 passed by the National Green Tribunal)

GOLDSTONE CEMENTS LIMITED

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.76858/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.76856/2021-EX-PARTE STAY and IA No.76860/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.76855/2021 - PERMISSION TO FILE APPEAL)

Date : 14-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Mahesh Agarwal Adv.
 Mr. Rohan Talwar Adv.
 Mr. E.C.Agrawala, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file appeal is granted.

Issue notice.

Tag with C.A.No.3280 of 2020.

(B.Parvathi)
Court Master



(Beena Jolly)
Court Master

Signature Not Verified
Digitally signed by
BALA PARVATHI
Date: 2024.07.14
17:44:52:18
Reason: —

TL
By



Goldstone Cements Limited

CIN:U26940ML2007PLC008298

www.blacktigerscement.com

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CERTIFIED TO BE TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF GOLDSTONE CEMENTS LIMITED HELD AT ITS CORPORATE OFFICE OF THE COMPANY SITUATED AT ROOM NO.-1908, 19TH FLOOR, TOWER-1, PLOT-G2, P.S. SRIJAN CORPORATE PARK, GP BLOCK, SECTOR-V, BIDHANNAGAR-700 091, WEST BENGAL. ON MONDAY, THE 30TH DAY OF JANUARY, 2023 AT 2:30 P.M. WHICH WAS CONCLUDED AT 3:05 P.M.

To Grant Special Power of Attorney:

In continuation to the earlier resolution passed in the connection with C.A.No.- 002726-002727/2021 of Goldstone Cements Limited Vs The State of Meghalaya in the Supreme Court of India, the Chairman of the meeting informed the Board of Directors that in case the ongoing matter is transferred to any other Court or Tribunal including National Green Tribunal (NGT) or any other regulatory authority after the Supreme Court judgement, then to do and execute and sign all the necessary papers and documents and acts and deeds in connection with the matter of our company Goldstone Cements Limited before tribunal and other regulatory authorities if any and to do all other acts which are necessary or incidental for the proper conduct of the case in the name of the Company, it is necessary to authorize someone on behalf of the company to do such acts and deeds. The board discussed the matter in detail and passed the following resolution,

"RESOLVED THAT, Mr. Vishal Jain, Managing Director of the Company be and is hereby authorized to execute on behalf of the company, a Power of Attorney in favour of Mr. Sanjib Kumar Mitra, Chief Financial Officer ("The Attorney") granting full power and authorities on behalf of the Company to execute decree/orders etc and to sign Vakalatnama, affidavits, reply/response and other papers relating to case of the company before the National Green Tribunal (NGT) and other regulatory authorities if any and also authorised the attorney to appoint/engage Advocate/s or Solicitor/s whenever the said attorney shall think fit and proper to do so and to discharge and/or terminate his or their appointment and to do all other acts which are necessary or incidental for the proper conduct of the aforesaid case.

"RESOLVED FURTHER THAT, any work carried out by the Attorney in relation to the purposes mentioned above shall be valid and binding upon the Company."

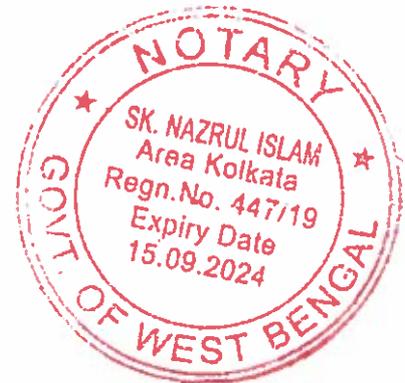
"FURTHER RESOLVED THAT the power so granted to the Attorney under the foregoing resolution may be revoked, for cause or without cause, by a resolution by Board or by a written order of Mr. Vishal Jain, Managing Director of the Company at any time in the future."

"RESOLVED LASTLY THAT, any one Director or Company Secretary of the Company be and is hereby severally authorized to do all such acts and deeds and things as may be necessary to give effect to the foregoing resolutions."

Certified True Copy
For Goldstone Cements Limited
Goldstone Cements Ltd.

Avishek Jain
Director

Avishek Jain
Director
DIN: 01383018



REGISTERED OFFICE
Village Moosiang Lamare (old)
Khliehriat, East Jaintia Hills,
Meghalaya-793200

SALES & MARKETING OFFICE
5A, 5th Floor, Shine Tower, 57
Sati Jaymati Road Arya Chowk, Rehabori,
Guwahati, Assam -781008
Ph. No. +91-361-2607071/72

CORPORATE OFFICE
PS Srijan Corporate Park, Block GP-G2, Tower-1,
Unit No.1908 & 1909, 19th Floor, Salt Lake,
Sector -V, Kolkata, (W.B) -700091
Ph.No: +91-33-40916900



পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

AP 266854



SPECIAL POWER OF ATTORNEY

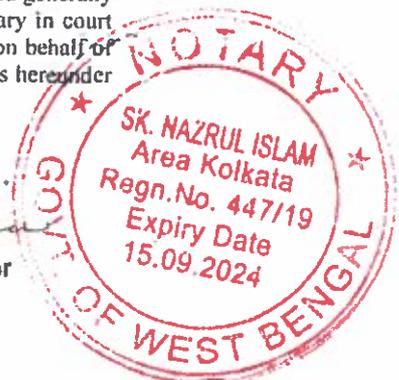
BY THIS POWER OF ATTORNEY, We, M/s Goldstone Cements Limited, a Company incorporated under the Companies Act, 1956 having its registered office at Village, Musiang Lamare (Old), Khliehriat, District, East Jaintia Hills, Meghalaya-793200 do hereby nominate, constitute and appoint Mr. Sanjib Kumar Mitra, Son of Late Mrinal Kanti Mitra, aged around 54 years. Presently residing at ID/1, Prince Gulam Mohammad Shah Road, Golf Green Circus Avenue, Kolkata-700 095 as attorney for the company, in the name of the company and on behalf of the company to do or execute and perform all or any of the following acts, deeds and things:

1. To Prosecute and conduct the case of Goldstone Cements Limited before the National Green Tribunal (NGT) and other regulatory authority if any, and to do all other acts which are necessary or incidental for the proper conduct of the aforesaid case in the name of the company. In particular, I authorise the aforesaid attorney to sign Vakalatnama, affidavits, reply/response and other papers relating to the said case, give statement on oath, filing of papers and executing decree/order etc.
2. To appoint/engage Advocate/s or Solicitor/s whenever the said attorney shall think fit and proper to do so and to discharge and/or terminate his or their appointment and generally to do all such acts, deeds and things as are expedient, incidental or necessary in court cases as our said attorney shall think fit and proper as fully and effectually on behalf of our company notwithstanding no express power or authority in that behalf is hereunder provided.

Goldstone Cements Ltd.

Vijay Jain
Managing Director

RK
REKHA TEWARI
NOTARY
Regn. No. 10244/13
C.M.A.S. Court
Kolkata - 700001



29 MAY 2023

3. To do all the acts, deeds and things as may be prescribed, from time to time, with the above authorities, for and on the behalf of the company.

4. This specific power of attorney shall automatically cease to exist upon the resignation/ retirement/ termination of Mr. Sanjib Kumar Mitra's service with/ the Company or its Group Company or if he is being transferred to some other project.

AND we, the said M/s Goldstone Cements Limited, do hereby agree and undertake to ratify and confirm whatsoever our said Attorney shall lawfully do or cause to be done in relation to aforesaid matter.

IN WITNESS WHEREOF the said M/s Goldstone Cements Limited and Mr. Sanjib Kumar Mitra hereunto set and subscribed their respective hands and sealed on 27th Day of May, 2023.

Signed, sealed and delivered by Mr. Vishal Jain, Managing Director of the Company pursuant to the Resolution passed at the meeting of the Board of Directors held on 30th January, 2023.

For Goldstone Cements Limited
Goldstone Cements Ltd.

Vishal Jain
Managing Director
Name: Vishal Jain
DIN: 00481162

Witness:

- 1. *Aadesh Aggarwal*
- 2. *Dipika Singhania*

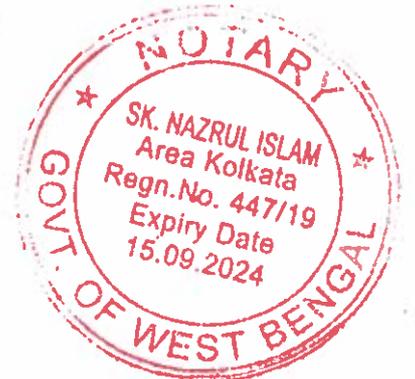
Sanjib Kumar Mitra
Accepted

P.C. SHAW
Advocate

REKHA TEWARI
NOTARY
Regn. No.- 10288/13
C.M.M.'s Court
Kolkata - 700 001

ATTESTED SIGNATURE ONLY
BEFORE ME ON IDENTIFICATION
REKHA TEWARI
NOTARY

29 MAY 2023





আধার

ভারত সরকার
 Unique Identification Authority of India
 Government of India

ভূমিকাভুক্তির আই ডি / Enrollment No.. 1040/21211/00238

To
 সর্দার কুমার মিত্র
 SANJIB KUMAR MITRA
 10/1 PRINCE GOLAM MOHAMMAD SHAH ROAD
 Golf Green
 Golf Green
 Circus Avenue Kolkata
 West Bengal 700095
 9883101266

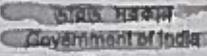
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আপনার আধার সংখ্যা / Your Aadhaar No. :
5933 7096 5583

আধার - সাধারণ মানুষের অধিকার



আধার
 Government of India

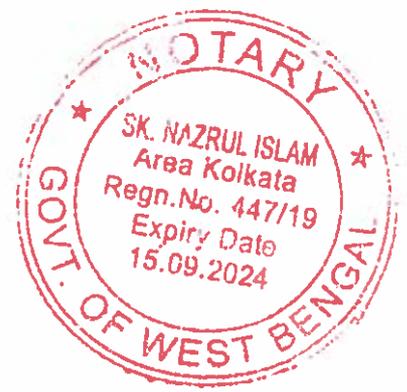

 সর্দার কুমার মিত্র
 SANJIB KUMAR MITRA
 পিতা : মুনাল কান্তি মিত্র
 Father: Munal Kanti Mitra
 জন্মতারিখ / DOB : 09/12/1988
 পুরুষ / Male



5933 7096 5583

আধার - সাধারণ মানুষের অধিকার

Sanjib Kumar Mitra



VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IA no. of 2023

Original Application No. 154 2023/EZ
Old ORIGINAL APPLICATION NO. 110 (Thc) OF 2012

For Goldstone Cements Limited
Sanjib Kumar Mitra
Authorised Signatory

In the matter:

Threat to life arising out of coal mining
in South Garo Hills District

Versus

State of Meghalaya & Others

... Respondents

And

In the matter of:-

Goldstone Cements Limited

..Applicant/Proposed Respondent

KNOW ALL MEN by these presents that I/We, Goldstone Cements Limited through Mr. Sanjib Kumar Mitra, Authorised Signatory of the above named proposed respondent, do hereby in our name and our behalf has been authorized to appoint Bipasha Jaiswal, Advocate as our true and lawful Pleader/Advocate & Attorneys to appear and act for me/us in the matter noted above to file suit, written statement, conduct suit, appeal from original suit, order etc., And for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter depositing in or withdrawing money from, filing or taking out of appear, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty to file fresh suit, sending properties released from attachment, filing execution or miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us out of Court withdrawing custody and other fees and doing on my/our behalf other acts, in the above matter as are necessary and proper.

I/We hereby agreeing to ratify and confirm all acts so done by the said advocate or attorneys as my/our own acts and as if done by me/us to all intents and purposes.

Received and accepted by me

Date: 11.10.2023

Senha Singh Bipasha Jaiswal

Senha Singh (F/2754/2592/2019) &
Bipasha Jaiswal F/3374/2022,
Advocate, High Court, Calcutta
Olisa Chamber, 4B Council House Street,
Room No. 4C, Kolkata - 700 001
M: 7003860753;
Email id: bipashajaiswal1999@gmail.com
Email : advsnehasinghh@gmail.com